

## AGENDA

Agenda Meeting of the Southern Pines Town Council  
June 8, 2016, 7:00 PM, C. Michael Haney Community Room, Southern Pines  
Police Department  
450 West Pennsylvania Avenue

1. Manager's Comments
2. Architectural Reviews

A. AR-07-16 Commercial Accessory Structure- Temporary Modular Classroom Addition: 320 N. Ashe Street; Petitioner, Sandhills Classical Christian School.

3. Public Hearings

A. Continuation of CU-01-16 Conditional Use Permit: Major Subdivision Application for a Multi-Family Residential Development to include 288 Apartments; Petitioner, Caviness & Cates Building and Development Company

B. CU-02-16 Conditional Use Permit: Major Subdivision Application for a Single-Family Attached (Townhomes) Development; Petitioner, Goneau Construction

C. Voluntary Annexation AX-01-16, 3975 Youngs Road

D. Right of Way Abandonment of portions of N. Mechanic Street & W. Rhode Island Avenue

E. Fiscal Year 2016-2017 Budget Presentation and Hearing  
- Adoption of the Ordinance and Setting of the Tax rate

4. 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 April 25, 2016, Agenda Meeting Minutes of May 4, 2016 and Regular Business Meeting Minutes of May 10, 2016 as written.

B. Capital Project Fund Ordinances

- Amending the CPF Unpaved Streets - \$92,500
- Amending the CPF Downtown Park - \$150,000
- Amending the CPF Storm Water Improvements - \$100,000
- Amending the CPF Water & Sewer Improvements - \$900,000
- Creation of Recreation Improvements - \$80,000
- Creation of Sidewalks – Phase II - \$150,000

C. Budget Amendments

<u>Department</u>	<u>Line Item</u>	<u>Code</u>	<u>Increase</u>
General Fund	Fund Balance Appropriations	10-397-1000	\$ 12,000.00
Legislation	Special Appropriations	10-410-6300	\$ 12,000.00
General Fund	Miscellaneous Revenue	10-335-0000	\$ 20,060.00
Building & Grounds	Building & Grounds	10-640-1500	\$ 20,060.00

**D.** Code of Ordinance Amendments

- Amendment to Chapter 50, Water and Sewer Use, Appendix: Rates, Fees and Charges

**E.** Updated Tree Ordinance

**F.** Contract Renewal - Operating Water Treatment Plant

**G.** Board Appointments

- Planning Board
- Historic District

**H.** Pool Park Performance Stage Rental Fees

**I.** Train House Repairs

**J.** Audit Contract Approval

**K.** Awarding of Service Weapons

**5. Miscellaneous**

## **Agenda Item**

**To:** Reagan Parsons, Town Manager

**Via:** Bart Nuckols, Planning Director

**From:** Chris Kennedy, Senior Planner

**Subject:** AR-07-16 Commercial Accessory Structure- Temporary Modular Classroom Addition; 320 N. Ashe Street; Petitioner, Sandhills Classical Christian School

**Date:** June 14, 2016

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### **AR-07-16 Commercial Accessory Structure- Temporary Modular Classroom Addition; 320 N. Ashe Street; Petitioner, Sandhills Classical Christian School**

On behalf of the petitioner Sandhills Classical Christian School, Sandhills Classical Christian School Board Secretary Mr. Tom Martin has submitted an application requesting Architectural Review approval for a commercial accessory structure to be located on the St. Anthony of Padua Catholic Church property for the purposes of a temporary modular classroom. St. Anthony of Padua Catholic Church is located at 320 N. Ashe Street. Currently the Sandhills Classical Christian School leases space from the church for their school. The proposed project includes one (1) pre-manufactured modular structure to be located behind the existing building. The proposed modular structure will be 1,296 square feet (24' x 54'). The property is identified by the following: PIN: 858106480846 (PARID: 00039295). Per the Moore County Tax records, the property owner(s) are listed as St. Anthony's Catholic Church.

#### **Staff Comments:**

- The subject property is a 1.807 acre site.
- The property is zoned RS-1 (Residential Single-Family - 1).
- The proposed modular structure will include 1,296 square feet (24' x 54').
- Per the UDO, Architectural Compliance Permits for commercial additions and new construction up to 3,499 square feet are reviewed by Planning Department staff and commercial projects exceeding 3,500 square feet are reviewed by the Town Council.
  - In instances where the petitioner requests the waivers allowed by the UDO relative to the Architectural Compliance Permit or when the proposed project is located on property owned by the Town, staff elects to forward the application to the Town Council for approval of the Architectural Compliance Permit regardless of the square footage of the structure.
- The proposed project must comply with the standards of Section 4.10 Commercial Building Design Standards as set forth in the UDO.
- Per Section 4.10.4 (C) Building Materials: The exterior finish of building walls shall be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete

masonry, cast stone and stucco may be used for accents, provided that they cover no more than twenty (20) percent of the exterior walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows. The permit issuing authority may approve:

- 1. The use of alternative building materials that establish an equivalent appearance and have equal or greater durability.
- 2. Alternative materials satisfying minimum building code standards on walls that are screened and not visible from any public street, walkway, or residential zoning district.
  - The petitioner is asking that the Town Council waive the requirements for an 80% brick façade as the building is intended to be temporary and portable should it need to be removed in the future.
- The petitioner contends that the screening of the modular structure by both existing buildings and existing vegetation in conjunction with the temporariness of the structure should be grounds for approval of the modular structure despite the lack of compliance with UDO Section 4.10.4(C). If the application is approved the petitioner also anticipates the inclusion of a sunset provision applied to the approval.
  - Per the petitioner's narrative the structure is to be removed prior to June 2018 and as soon as June 2017.

**Attachments:**

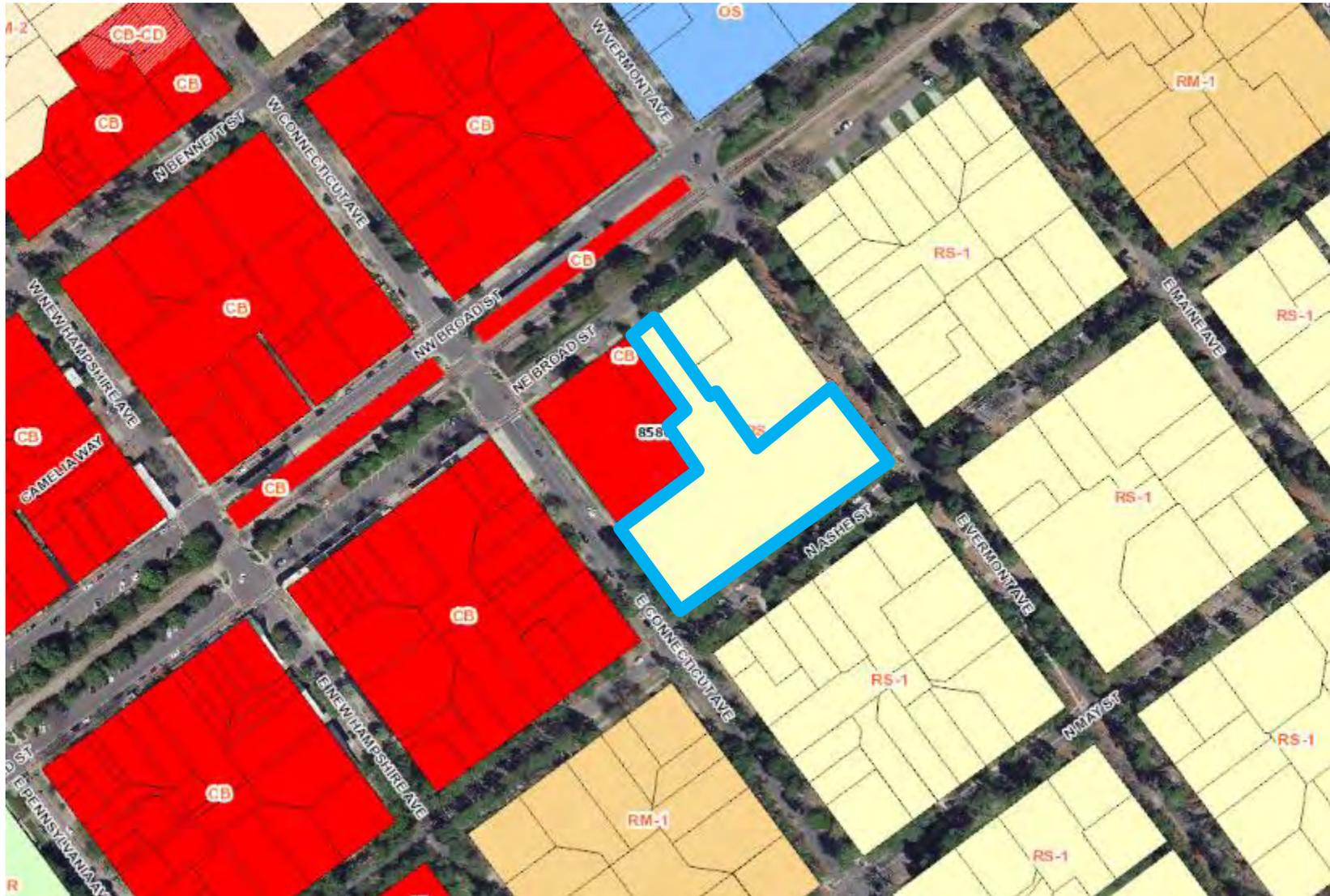
- GIS Aerial Vicinity Maps
- AR Application
- Narrative
- Proposed Structure
- Site Plan
- Existing Conditions

**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-07-16 Temporary Modular Classroom Addition 320 N. Ashe Street

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# AR-07-16 Temporary Modular Classroom Addition 320 N. Ashe Street

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RECEIVED  
MAY 20 2016

APPLICATION FOR SOUTHERN PINES TOWN COUNCIL  
ARCHITECTURAL REVIEW

BY: Cow

Date Received: 5/20/16

Case: AR-0716

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: SANDHILLS CLASSICAL CHRISTIAN SCHOOL  
TEMPORARY MODULAR CLASSROOM
- 2. Project Street Address: 320 N. ASHE ST.
- 3. PIN # 858106480846 LRK 00039295
- 4. Type of Commercial Building (i.e. retail, office, etc.): CHURCH SCHOOL
- 5. Square footage of Project: 1296 SQUARE FEET (24'x54')

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.

\* SANDHILLS CLASSICAL CHRISTIAN SCHOOL

Name of Petitioner: TOM MARTIN Signature: Tom Martin  
Please Print SCCS BOARD SECRETARY

Mailing Address of Petitioner: 378 WEST PENNSYLVANIA AVE., S.P.  
Please Print

E-Mail of Petitioner: SATOMANDLAURIE@AOL.COM  
Please Print

Phone Number of Petitioner: (210) 421-7162  
(Area Code)

Name of legal owner of Property Owner ST. ANTHONY OF PADUA CATHOLIC CHURCH, INC.  
(If different from Petitioner) Please Print

Mailing Address of Legal Property Owner 320 N. ASHE ST, SOUTHERN PINES, NC  
(If different from Petitioner) Please Print

Phone Number of Legal Property Owner JOHN LAWSON (work #) 910 603-8704  
(If different from Petitioner) Please Print

Form updated July 16, 2014

\* SEE ATTACHED FOR NAMES AND ADDRESSES OF THE SANDHILLS CLASSICAL CHRISTIAN SCHOOL BOARD OF DIRECTORS.

## Board Members: Addresses

**From:** SCCS Office <office@sandhillscs.org>

**To:** satomandlaurie <satomandlaurie@aol.com>

**Date:** Mon, May 16, 2016 11:41 am

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1. Trudy Engebretson: 2 Scott Lane, PH, NC 28374
2. William Fields: 515 N. Fulton Street, Raeford, NC 28376
3. Brian Clodfelter: 136 Swaringen Dr, West End, NC 27376
4. Ted Thomas: 390 Pine Vista Dr, PH, NC 28374
5. Tom Martin: 34 Shadow Ln., Whispering Pines, NC 28327

Jennifer Stroud  
Office Manager  
Sandhills Classical Christian School  
387 W. Pennsylvania Ave/PO Box 2600  
Southern Pines, NC 28387  
910.695.1874  
[www.sandhillscs.org](http://www.sandhillscs.org)

## Request Narrative

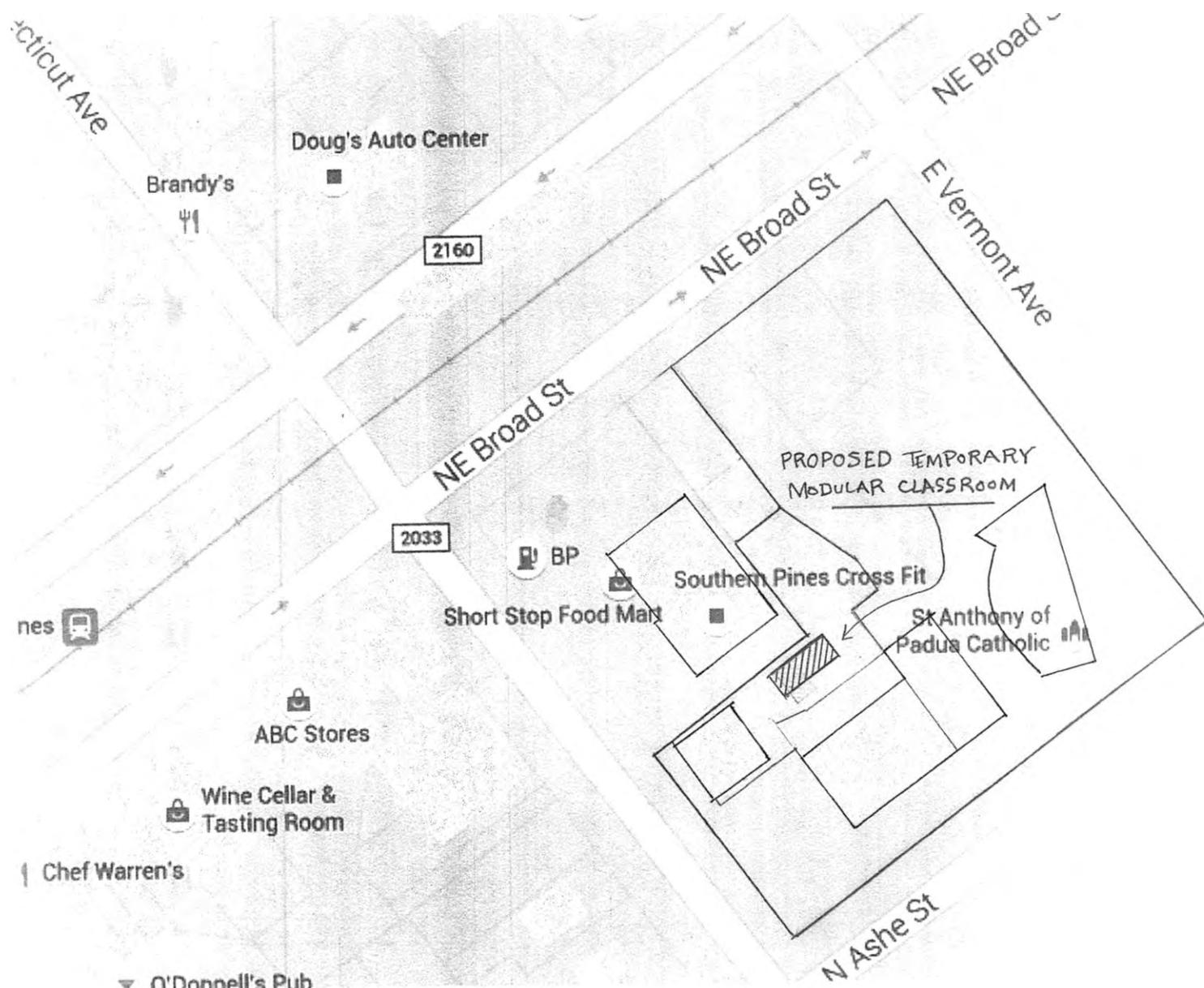
**Sandhills Classical Christian School (SCCS) request permission to place a temporary modular classroom on the church/school property of Saint Anthony of Padua Catholic Church, located at 320 North Ashe St., Southern Pines. The subject modular classroom would measure 24'x54' and contains approximately 1,296 square feet of floor space which provides two classrooms.**

**We recognize that the architectural character of these types of modular classrooms does not comply the Southern Pines architectural regulations. However, the specific location of the classroom on the site is shielded from public view by other buildings and existing mature landscaping. It would be easily accessible to Fire Department vehicles from the parking lot. It will only be used Monday through Friday when there is normally not any parking congestion on site or adjacent to the site. It is temporary and it will be removed before June of 2018. If all goes well with our master plan, it will be removed by June of 2017.**

**SCCS is currently in a purchase agreement for a large parcel of land in Whispering Pines on Ray's Bridge Road behind Food Lion on HWY 22. We have submitted preliminary site plans to Whispering Pines as part of a conditional zone change. That process has passed meetings with neighbors and the Planning Commission. The Town Council has received the Planning Commission's positive recommendation and scheduled it for public hearing at its June meeting. If all goes well, we plan to complete the purchase of the site and move our upper grades from the Saint Anthony campus to a complex of approximately 10,000 square feet of classrooms. That would end our need for the modular classroom and our lease with Saint Anthony of Padua Catholic Church by June 2017. The next phase would be to develop additional classroom space to accommodate the moving of our lower grades from our current lease at 378 West Pennsylvania Avenue.**

**We hope SCCS has a good reputation in Southern Pines. Our student body represent over 40 different churches in the area and they have enjoyed participating in community events such as the Southern Pines Springfest; the Christmas Parade; the local Rotarian Interact Program; The local Boy Scout Troop (3 of our students have achieved the rank of eagle scout); our Taste of Southern Pines Program; our Cotillion at Fred Astaire Dance Studio; our music program with Baxter Clement and our gym class with the local Cross-Fit gym.**

**The public demand for classical Christian education has grown significantly in the past few years and we desperately need this requested temporary classroom to meet this need in Moore County. Thank you for your consideration.**

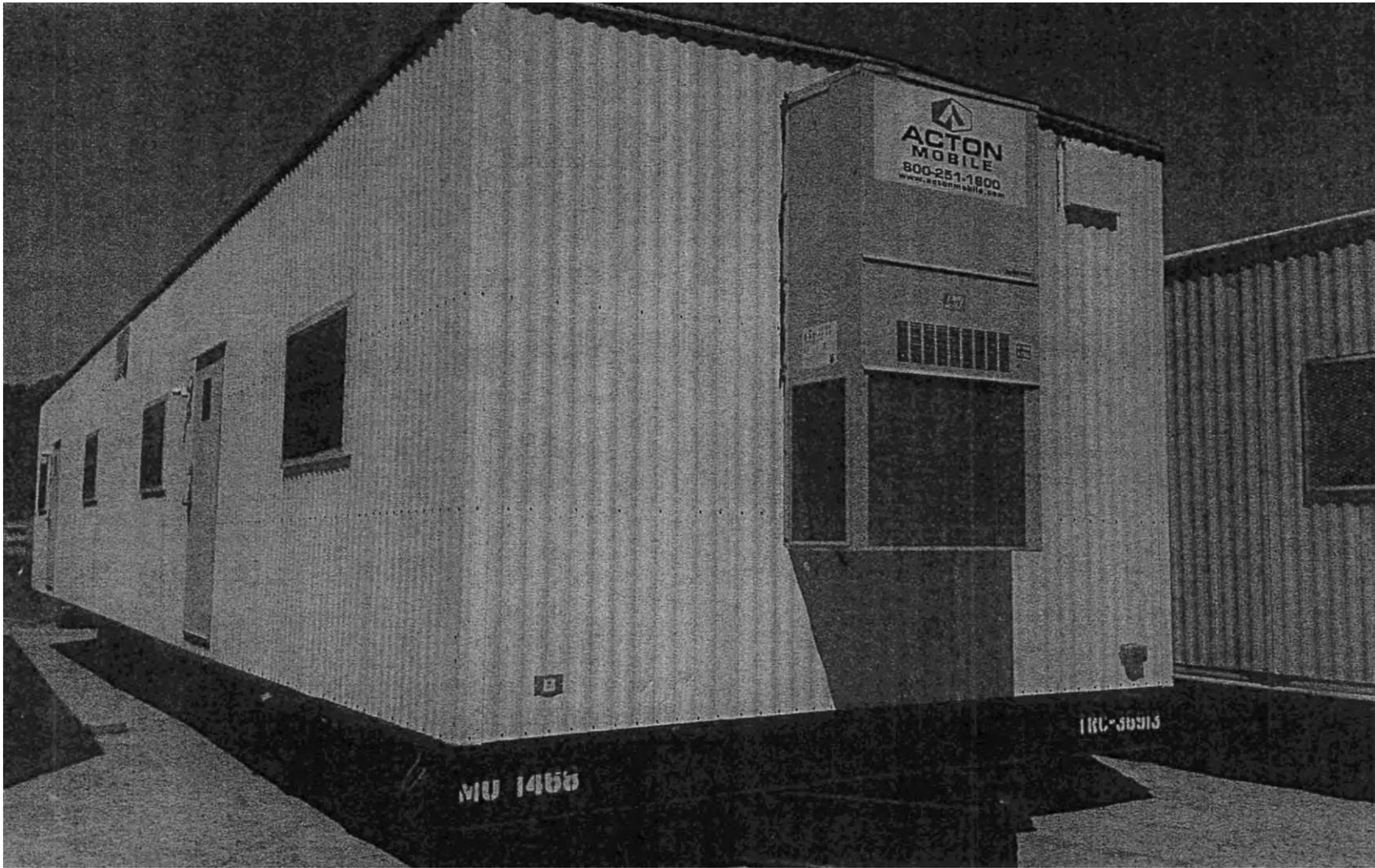




AR-07-16

2016 June Town Council

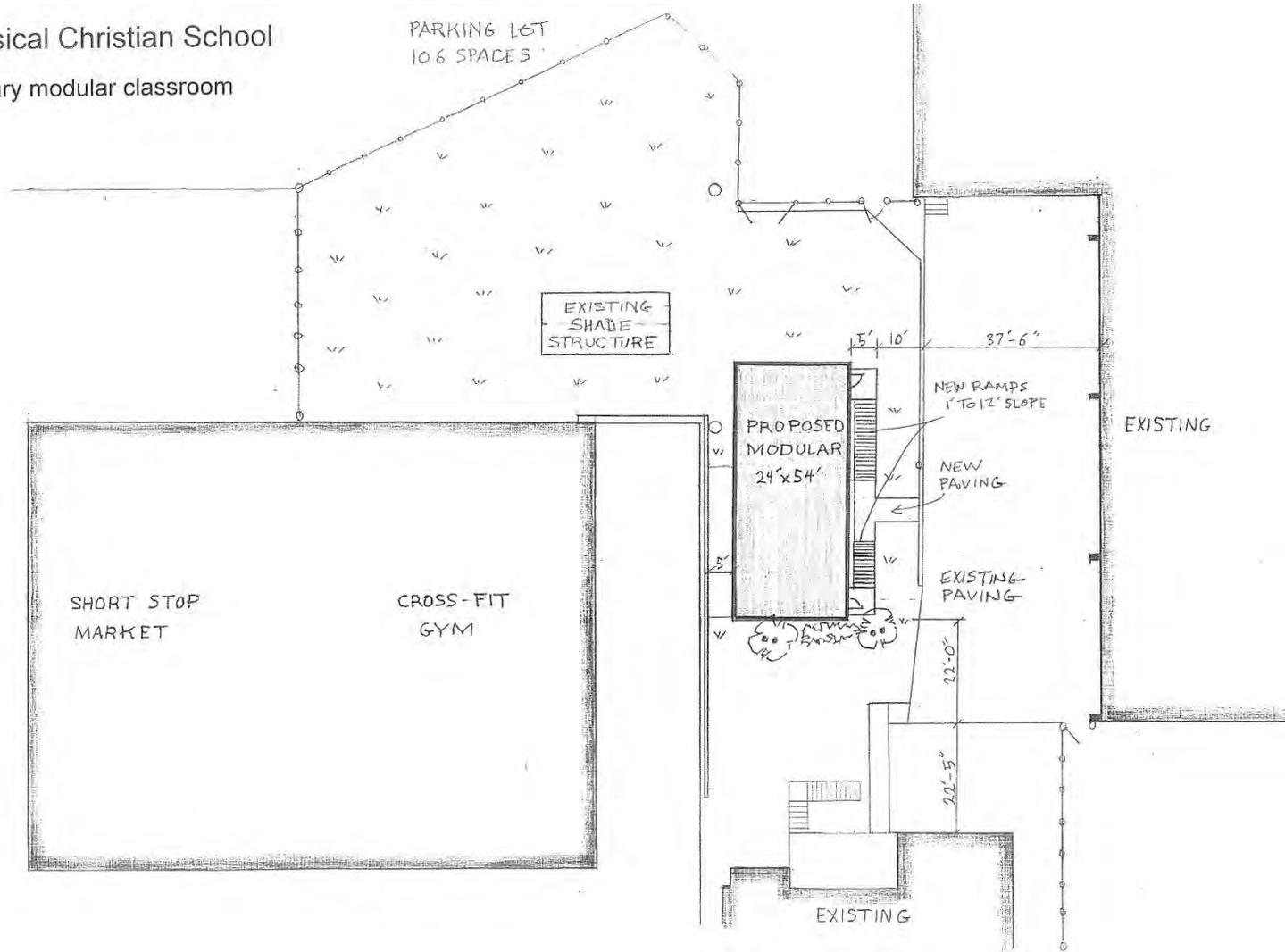
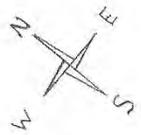
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Sandhills Classical Christian School

Proposed temporary modular classroom

SCALE 1" = 20'



**Existing Conditions – View from Ashe Street**



**Existing Conditions – View from Parking Lot Facing the Proposed Area**



**Existing Conditions – View from Parking Lot Facing Existing School Classrooms**



AR-07-16

2016 June Town Council

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## **Agenda Item**

**To:** Reagan Parsons, Town Manager

**Via:** Bart Nuckols, Planning Director

**From:** Chris Kennedy, Senior Planner

**Subject:** CU-01-16 Conditional Use Permit: Major Subdivision Application for a Multi-Family Residential Development to include 288 Apartments; Petitioner, Caviness & Cates Building and Development Company

**Date:** June 14, 2016

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### **CU-01-16 Conditional Use Permit: Major Subdivision Application for a Multi-Family Residential Development to include 288 Apartments; Petitioner, Caviness & Cates Building and Development Company**

On behalf of the petitioner Caviness & Cates Building and Development Company, Mr. Bob Koontz of Koontz Jones Design is requesting a development project that will require a Conditional Use Permit application for a multi-family residential development off of US Highway 1 North and NE Service Road. Per Section 4.10.8 of the Unified Development Ordinance, no multi-family development may include more than ten (10) dwelling units except pursuant to a Planned Development or Conditional Use Permit (CUP) approval. The proposed development consists of an apartment project to include two-hundred eighty-eight (288) dwelling units, thereby the proposal will require a CUP. The subject property is comprised of approximately 25.59 acres in the OS (Office Services) and RM-2 (Residential Multi-Family 2) zoning classifications. The property is identified by the following: PIN: 858214321933 (PARID: 00039174); PIN: 858217214672 (PARID: 00032830); and, PIN: 858217213440 (PARID: 00032829). Per the Moore County Tax records, the property owner(s) are listed as MLC Automotive LLC and the Town of Southern Pines.

### **Town Council Hearing - May 23, 2016 (May 2016 Town Council Work Session):**

At the May 23, 2016 Town Council Work Session, the Town Council continued the quasi-judicial public hearing and received evidence from those in attendance regarding Conditional Use Permit application CU-01-16. The Planning Department staff opened the public hearing with the staff report. The hearing proceeded with presentations and the submittal of evidence from the public. The petitioner was available to answer questions but no formal presentation was provided. After all presentations were completed, the Town Council discussed some potential conditions and concerns related to the proposed project. The Town Council then decided to continue the public hearing to the June 14, 2016 Regular Business Meeting of the Town Council.

**Town Council Hearing - May 10, 2016 (May 2016 Regular Business Meeting of the Town Council):**

At the May 10, 2016 Regular Business Meeting of the Town Council, the Town Council held a quasi-judicial public hearing and received evidence from those in attendance regarding Conditional Use Permit application CU-01-16. The Planning Department staff opened the public hearing with the staff report. The hearing proceeded with presentations and the submittal of evidence from the petitioner and other persons for and against the project. After all presentations were completed, the Town Council decided to continue the public hearing to the Town Council Work Session on May 23, 2016 to further discuss the application with the understanding that the public hearing for application CU-01-16 would be continued again to the June 14, 2016 Regular Business Meeting of the Town Council.

**Planning Board Recommendation:**

At the April 21, 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-01-16. The Planning Board voted on a recommendation for the Preliminary Plat and then voted on a recommendation for the CU-01-16 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 (5-0) 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 (5-0) 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 (5-0) 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 (5-0) 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 (5-0) 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 (5-0) 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 (5-0) 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 (5-0) to recommend approval of CU-01-16 with no conditions.

**Analysis:**

The majority of the subject property is identified as “Commercial” with a small portion identified as “Residential” in the *Comprehensive Long Range Plan* Future Land Use Map. Per the *Comprehensive Long Range Plan 2015-16 Update*:

- **Commercial:** The Commercial designation applies to all land dedicated to retail, professional office, or other primarily non-residential, commercial use. It includes the downtown portions along Broad Street and Pennsylvania Avenue, the regional commercial corridor on US Highway 15-501 and all commercial land in between. Higher density residential may be incorporated into mixed-use developments within areas designated for this future land use category.
- **Residential:** This designation 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 to up to twelve units per acre in places that are clearly more urban. Elementary schools, civic uses, parks, and neighborhood scale commercial services may be authorized through the rezoning process without amending the Future Land Use Map.

**Staff Comments:**

- RLUAC (Regional Land Use Advisory Commission) provided the following comments on the application:
  - The parcel is identified as IMPORTANT TO CONSERVE on the Joint Land Use Study maps since it is identified as “highly suitable” for both Natural Area (7 out of 9 points) and Forest (6 out of 9 points).
  - [The project] is not affected by any identified military impacts.
- The US Fish & Wildlife Service provided the following comments:
  - With the likelihood that the parcel contains red-cockaded woodpecker clusters, the developer is encouraged to request a US Fish and Wildlife Service survey of the site before any mature pine trees are removed. A link to the survey protocol for the red-cockaded woodpecker recovery plan can be accessed by linking onto the following:  
[http://www.fws.gov/rcwrecovery/files/RecoveryPlan/survey\\_protocol.pdf](http://www.fws.gov/rcwrecovery/files/RecoveryPlan/survey_protocol.pdf).
- The subject property is comprised of 25.59 acres and is located within the corporate limits of the Town of Southern Pines.
  - The subject property consists of 22.85 acres of OS zoned property and 2.74 acres of RM-2 zoned property.
- Multi-Family land uses are classified under LBCS 1151 in UDO Exhibit 3-15 Table of Authorized Land Uses. LBCS 1151 is listed a “ZC” in the OS and RM-2 zoning classifications.
  - The “ZC” designation denotes that LBCS 1151 is a permitted land use in the OS and RM-2 zoning districts but once the land use reaches a certain threshold or intensity, greater than ten (10) dwelling units in this case, a Conditional Use Permit is triggered.
- The adjoining properties are zoned RM-2 to the East, South, and West. The property across US Highway 1 is zoned RS-1 and FRR.
- The approved density for the OS zoning district is calculated by factoring 10,000 square feet of land area for the first dwelling unit and an additional 3,600 square feet of land area for each additional dwelling unit. The OS zoning district permits approximately thirteen (10-12) dwelling units per acre.

- The approved density for the RM-2 zoning district is calculated by factoring 10,000 square feet of land area for the first dwelling unit and then 6,000 square feet of land area for each additional dwelling unit. The RM-2 zoning district permits approximately five-to-seven (5-7) dwelling units per acre.
- Per UDO Section 3.5.11, the OS zoning classification is designed to accommodate office and service uses as well as medium-density residential uses. The major objectives of the district are to:
  1. Encourage land uses that buffer residential districts from intensive non-residential uses and arterial streets;
  2. Provide aesthetic controls and dimensional requirements to ensure compatible office and service development with surrounding residential uses;
  3. Encourage a mixture of medium-density residential uses with offices and services; and,
  4. Allow for single-family dwellings in business corridors to be used for business or residential purposes.
- Per UDO Section 3.5.7, the RM-2 zoning classification is established as a district in which to allow primarily single-family and multi-family residences at a moderate-density (approximately 5-7 dwelling units per acre) in areas served by adequate public water and sewer systems. The regulations of this district are intended to:
  1. Encourage single-family and multi-family residences; and,
  2. Encourage new residential development that is compatible with that in the existing neighborhoods.
- The property is within the Urban Transition Highway Corridor Overlay; which shall be developed with a balance of residential, recreational, and commercial uses. These sections are best suited for providing a balance of naturalized and manmade conditions. The visual quality of these sections depends on quality site planning, landscaping, and preservation of natural features.
- The Highway Corridor Overlay standards are set forth in UDO Section 3.6.5 and UDO Exhibit 3-13.
- The Urban Transition Highway Corridor Overlay (UT-HCO), shall extend 400' from the edge of the right-of-way and run parallel to the right-of-way.
- The setbacks for the UT-HCO are as follows:
  - Building Setback: 75.0';
  - Parking Area Setback: 50.0';
  - Landscape Buffer: 50.0';
  - Buffer from Residential Zones: 50.0';
  - Buffer from Non-Residential Zones: 25.0'
- Other Urban Transition Highway Corridor Overlay standards include:
  - Maximum Building Height: 35.0';
  - Maximum Built upon Surface: 65.0%;
  - Maximum Building Footprint: 30.0%;
  - Highway Yard Parking Maximum: 40.0% of total spaces;
  - Maximum Parking: 5 spaces/1000 square feet of building area
- Per UDO Exhibit 4-1, the setbacks for the OS zoning classification are as follows:
  - Front: 35.0'; Side: 15.0'; Exterior Side: 15.0'; Rear: 15.0'
- Per UDO Exhibit 4-1, the setbacks for the RM-2 zoning classification are as follows:

- Front: 25.0’; Side: 10.0’; Exterior Side: 15.0’; Rear: 30.0’
- The entirety of the property is within the Little River #2 Intake (LR#2) Watershed and is therefore subject to Watershed Protection Overlay District and the standards set forth in UDO Section 3.6.8.
- This project may be required to obtain a Watershed Protection Permit from the Town Council due to its location within the high quality 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.
  - The development is proposed at 48.9% impervious.
- Nearly half of the property is within the study area of the Downtown Neighborhood Development Plan as specified in the Comprehensive Long Range Plan, however the subject property is not within the boundaries of the Downtown Transition Overlay.
- As part of the requests under CU-01-16 the petitioner is also seeking to abandon/vacate portions of right-of-way adjacent to the proposed project. The proposed site plan reflects an approval of the abandonment; the acreage and subsequent land to be amassed into the subject property should an approval be granted is shown in the proposed site plans. Staff advises the Town Council to withhold judgement on the proposed right-of-way abandonment until the requests under CU-01-16 are resolved, resulting in either an approval or a denial. Should application CU-01-16 receive a denial, staff would recommend to the Town Council that the request for right-of-way abandonment also be denied.
  - The petitioner has submitted a request to abandon the one and one-half (1.5) block portion of N. Mechanic Street extending from the eastern boundary of the intersection with W. Maine Avenue and N. Mechanic Street to the termination of N. Mechanic Street at the NE Service Road. The request also includes the proposed abandonment of W. Rhode Island Avenue extending from the northern boundary of the intersection of W. Rhode Island Avenue and N. Mechanic Street extending to the termination of W. Rhode Island Avenue at the NE Service Road. Both portions included in the request are unopened sections of right-of-way.
  - The entirety of N. Mechanic Street between NE Service Road and W. Rhode Island Avenue and W. Rhode Island between N. Mechanic Street and NE Service Road 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 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.

- 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:

- The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;*
- 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;*
- Adequate public facilities shall be provided as set forth herein;*
- The proposed use shall not impede the orderly Development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;*
- The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare; and,*
- 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.*

- Per Section 4.10.8 a multi-family development must comply with the following development standards:

4.10.8 *Multi-Family Development Standards*

(B) *Applicability*

- (1) *The following Development standards shall apply to all Multi-Family structures in the Morganton Road Overlay district and Multi-Family Developments of ten (10) or more Dwelling Units in any zoning district in which such Dwelling Units are allowed.*

- (2) *No Multi-Family Development may include more than ten (10) Dwelling Units, except pursuant to a Planned Development or Conditional Use Permit approval.*
- (3) *The Development standards in this section may be modified pursuant to a PD or Conditional Use Permit approval.*
- (4) *In the RM-1 and RM-2 districts, no Multi-Family Residence may be located within two hundred (200) feet of the closest point of any other Multi-Family Residence, unless both structures are part of an integrated complex that includes no more than ten (10) Dwelling Units.*

**(C) Building Setbacks, Orientation and Lot Standards**

- (1) *Buildings shall be set back a minimum of ten (10) feet and a maximum of fifteen (15) feet from sidewalks public walkways or street right-of-way. Setbacks may be greater than fifteen (15) feet if the intervening distance consists of common open space.*
- (2) *The minimum spacing between the sides of Multi-Family Residential structures shall be twenty (20) feet.*
- (3) *Where practical, Dwellings should be located to face each other across common landscaped space with buildings no closer than (30) feet.*

**(D) Building Design. Multi-Family Developments shall:**

- (1) *Include variations in heights, color, setback, rooflines, trim, and building sizes to create visual diversity between structures;*
- (2) *Group buildings in clusters;*
- (3) *Articulate façades by including projections of at least five (5) feet at least once every fifty (50) feet along the façade,*
- (4) *Locate windows to provide easy surveillance of open spaces and walkways, without placing such windows within direct alignment with windows of adjacent structures;*
- (5) *Units above grade level should have access to private balconies of usable dimensions no smaller than ten (10) feet by six (6) feet;*
- (6) *Create areas for foundation planting by keeping hard surfaces away from front façades;*
- (7) *Design entrances to.*
  - (a) *Provide private entrances at grade level and adjacent to private open space to the greatest extent possible. Unless otherwise approved by the Town Council, no more than four (4) Dwelling Units shall share a common entrance.*
  - (b) *Avoid aligning doors to separate Dwelling Units with each other unless screening is provided. However, entrances should be visible from the sidewalk or public walkway and other Dwelling Units, when practical.*
  - (c) *Provide porches or roofed overhangs over building entrances.*
  - (d) *Set back buildings or entries so that the entry paths extend at least ten (10) feet from sidewalk or public circulation walkway. These entry areas should be designed to provide semi-public gardens around the front entryways. Do not provide access to apartments via long-shared access galleries.*
- (8) *Provide a private garden, yard, patio or balcony for every Dwelling Unit.*
- (9) *The private open space of all Dwelling Units shall be visually and functionally accessible from inside the Dwelling.*
- (10) *Provide screening for yards where private activities are likely to occur and to delimit private from common open space.*

**(E) Pedestrian Improvements**

- (1) *Provide continuous walkways through the project and connecting Dwellings to and through common open space.*
- (2) *Minimize walkways that provide direct opportunities to cut through the project by strategically locating fences, low walls and planting areas within the site and near site entry points.*
- (3) *Provide storage space for strollers, bicycles, and so forth, close to the main entries of Dwellings or groups of Dwellings.*

**(F) Parking**

- (1) *Provide parking in small Lots that are designed and located to ensure that most parked vehicles are visible from one (1) or more Dwellings.*
- (2) *To the greatest extent practicable, parking shall not separate Dwelling Units from common open space.*

**(G) Open Space**

- (1) *Common usable open space shall comprise ten (10) percent of the total project area.*
- (2) *Open spaces shall be configured so that the ratio of building height to open space width is in the range of 1:3 or greater. Ratios as tight as 1:2 may be approved if landscaping effectively screens buildings from each other.*
- (3) *Common open space shall be configured in square or nearly square areas with sides of at least one hundred (100) feet.*
- (4) *To the greatest extent practicable, Dwelling Units shall have access to common open space without having to cross a street.*
- (5) *Play Areas*
  - (a) *Play areas for young children should be physically separated from potential traffic hazards.*
  - (b) *Provide a variety of hard-surfaces areas in the form pathways that are least five (5) feet wide and small areas off the circulation system for various children's activities.*
- (6) *For Developments with more than twenty (20) Dwellings, provide on-site; well-equipped and challenging play areas for school age children within a five (5) minute walk from each Dwelling Unit.*
  - (a) *Provide places for school age children to sit.*
  - (b) *Where possible include a space for ball games on site (minimum 80 feet x 40 feet).*
- (7) *Provide retaining walls that can also be used for casual seating.*
- (8) *Where cluster Dwellings are included in a project, ensure some uniqueness for each cluster. Vary the design (size, dimensions, grading, planting, site furniture and play equipment) of the common open spaces of each cluster.*
- (9) *The number of Dwelling Units grouped around common and open space should range between twenty (20) to one hundred (100) dwelling units.*

**Attachments:**

- Watershed Protection Permit (WP-01-16)
- TOSP Existing & Proposed Sidewalks
- TOSP Right-of-Way Information
- 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-01-16
2. Deny CU-01-16; OR
3. Approve CU-01-16 with the following additional conditions...

**APPLICATION FOR THE  
TOWN OF SOUTHERN PINES TOWN COUNCIL  
WATERSHED PROTECTION PERMIT**

Date Received: 3/21/2016

Case: WP- 01-16

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

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

1. Name of Project: US 1 PROPERTY
2. Project Street Address: US 1 IN SOUTHERN PINES
3. PIN # 858217213440, 858217214672 LRK 06039174, 00032830, 00032829
4. Watershed: LITTLE RIVER (INTAKE NO. 2) WS-11-BW
5. Type of Commercial Building (i.e. retail, office, etc.): MULTI-FAMILY RESIDENTIAL

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

Name of Petitioner: Christopher Cates Signature:   
Please Print

Mailing Address of Petitioner: 639 EXECUTIVE PLACE, SUITE 400 - FAYETTEVILLE, NC 28305  
Please Print

E-Mail of Petitioner: chris@caubusinessandcates.com  
Please Print

Phone Number of Petitioner: (910) 850-8833  
(Area Code)

Name of legal owner of Property Owner  
(If different from Petitioner) MLC AUTOMOTIVE, LLC  
Please Print

Mailing Address of legal Property Owner  
(If different from Petitioner) PO BOX 40110, RALEIGH, NC 27629  
Please Print

Phone number of legal Property Owner  
(If different from Petitioner) (919) 876-5432  
(Area Code)

Form updated December 13, 2013



## Right-of-Way Information

Road Name	From	To	R-O-W	Width	PCR	Sidewalk	Curb/Gutter	Ditch/Swale
N Saylor St	Pennsylvania Ave	W New Hampshire Ave	80'	27'	82	Partial on W side	Partial on E/W	
N Saylor St	W New Hampshire Ave	W Connecticut Ave	80'	25'	88	None		Yes E/W
N Saylor St	W Connecticut Ave	W Vermont Ave	80'	30'	65	Partial on W side	Partial on E/W	
N Saylor St	W Vermont Ave	W Maine Ave	80'	30'	90	None		Partial on W
N Saylor St	W Maine Ave	W Rhode Island Ave	80'	20'	90	None		Yes on E/W
N Saylor St	W Rhode Island Ave	W New Jersey Ave	80'	23'	85	None		Yes on E/W
N Saylor St	W New Jersey Ave	W Delaware Ave	80'	20'	85	None		Yes on W/par E
N Saylor St	W Delaware Ave	Skye Dr	80'	33'	100	Yes E side	Yes on E/W	
N Saylor St	Skye Dr	Crestview Rd	80'	33'	100	Yes E side	Yes on E/W	
W Rhode Island Ave	Dead End	N Hale St	80'	19'	98	None		Yes on N/S
W Rhode Island Ave	N Hale St	N Saylor St	80'	19'	100	None		Yes on N/S
W Rhode Island Ave	N Saylor St	N Leak St	80'	19'	90	None		Yes on N/S
W Rhode Island Ave	N Leak St	N Page St	80'	21'	92	None		Yes on N/S
W Rhode Island Ave	N Page St	N Bennett St	80'	21'	90	None		Yes on N/S
W Maine Ave	Dead End	N Hale St	80'	20'	88	None		Yes on N/S
W Maine Ave	N Hale St	N Saylor St	80'	32'	92	None	Yes on N/S	
W Maine Ave	N Saylor St	N Leak St	80'	32'	78	None	Yes on N/S	
W Maine Ave	N Leak St	N Page St	80'	20'	72	None		Yes on N/S
W Maine Ave	N Page St	N Bennett St	80'	20'	92	None		Yes on N/S

N Hale St	W New Jersey Ave	W Rhode Island Ave	80'	20'	92	None		Yes on E/W
N Hale St	W Rhode Island Ave	W Maine Ave	80'	20'	92	None		Yes on E/W
N Hale St	W Maine Ave	W Vermont Ave	80'	18'	Dirt	None	None	None
N Hale St	W Vermont Ave	W Connecticut Ave	80'	18'	Dirt	None		Yes on E/W
W Connecticut Ave	NE Service Rd	N Hale St	80'	20'	92	None		Yes on N/S
W Connecticut Ave	N Hale St	N Saylor St	80'	20'	86	None		Yes on N/S
W Connecticut Ave	N Saylor St	N Leak St	80'	20'	86	None		Yes on N/S
W Connecticut Ave	N Leak St	N Page St	80'	21'	95	None		Yes on N/S
W Connecticut Ave	N Page St	N Bennett St	80'	26'	78	None		Yes on N/S



## **SOUTHERN PINES CONDITIONAL USE PERMIT**

**Request:** Major Subdivision

**Petitioner:** Caviness & Cates Building and Development Company

**Location:** Off of US Highway 1 North and NE Service Road

**Case Number:** CU-01-16    **PIN:** 858214321933

**April 25, 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 IMPORTANT TO CONSERVE on the Joint Land Use Study maps since it is identified as “highly suitable” for both Natural Area (7 out of 9 points) and Forest (6 out of 9 points).
- It is not affected by any identified military impacts.

With the likelihood that the parcel contains red-cockaded woodpecker clusters, the developer is encouraged to request a US Fish and Wildlife Service survey of the site before any mature pine trees are removed. A link to the survey protocol for the red-cockaded woodpecker recovery plan can be accessed by linking onto the following website: [http://www.fws.gov/rcwrecovery/files/RecoveryPlan/survey\\_protocol.pdf](http://www.fws.gov/rcwrecovery/files/RecoveryPlan/survey_protocol.pdf).

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

April 21, 2016

7:00 pm

Douglass Community Center  
1185 W. Pennsylvania Avenue

## DECISION OF THE BOARD

**Petitioner: Caviness & Cates Building and Development Company**

**Case Number: CU-01-16**

The meeting was called to order with five (5) members present and the Chairman declared that a quorum was present. The petitioner, Caviness & Cates Building and Development Company appeared before the Board through its agent, Mr. Bob Koontz of Koontz Jones Design. The oath was administered to the witnesses prior to their testimony.

### Matter at Issue:

**CU-01-16 Conditional Use Permit: Major Subdivision Application for a Multi-Family Residential Development to include 288 Apartments; Petitioner, Caviness & Cates Building and Development Company**

On behalf of the petitioner Caviness & Cates Building and Development Company, Mr. Bob Koontz of Koontz Jones Design is requesting a development project that will require a Conditional Use Permit application for a multi-family residential development off of US Highway 1 North and NE Service Road. Per Section 4.10.8 of the Unified Development Ordinance, no multi-family development may include more than ten (10) dwelling units except pursuant to a Planned Development or Conditional Use Permit (CUP) approval. The proposed development consists of an apartment project to include two-hundred eighty-eight (288) dwelling units, thereby the proposal will require a CUP. The subject property is comprised of approximately 25.59 acres in the OS (Office Services) and RM-2 (Residential Multi-Family 2) zoning classifications. The property is identified by the following: PIN: 858214321933 (PARID: 00039174); PIN: 858217214672 (PARID: 00032830); and, PIN: 858217213440 (PARID: 00032829). Per the Moore County Tax records, the property owner(s) are listed as MLC Automotive LLC and the Town of Southern Pines.

**Mr. Bob Koontz**, presented the case for the approval of Conditional Use Permit CU-01-16. Mr. Koontz submitted into evidence the following items: a preliminary plat; a PowerPoint presentation for the Planning Board, four (4) exhibits each comprised of a written response stating the project's compatibility with an individual set of criteria listed in the Town's adopted plans and ordinances,

a neighborhood meeting report, and a Traffic Impact Analysis (TIA). Mr. Koontz presented the PowerPoint presentation, introduced the exhibits, and addressed the questions from the Planning Board and the public present at the public hearing.

**Mr. Travis Fluitt**, transportation engineer with Kimley-Horn & Associates, presented the findings of the Traffic Impact Analysis (TIA) submitted by the petitioner. Mr. Fluitt addressed the questions from the Planning Board and the public present at the public hearing with respect to traffic concerns and the TIA document.

**Ms. Kathy Anderson**, Vice President of the Bank of North Carolina, provided a representation of the rental rates, tenant intake criteria, and characteristics of the project relative to the financial sector. Ms. Anderson addressed the questions from the Planning Board and the public present at the public hearing related financial and tenant intake concerns.

**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;**  
The proposed project is consistent with the goals and objectives of the Comprehensive Long Range Plan (CLRP) as the project incorporates many of the goals and objectives of the CLRP and establishes a development pattern that is in keeping with the context of the surrounding neighborhood and downtown Southern Pines. The development pattern is in harmony with the surrounding neighborhood and meets the land use goals defined by the CLRP as specified in Exhibit A in the petitioner's submittal. Further, the project provides recreational amenities and ties into existing streets and public utilities.
3. **The proposed subdivision complies with the UDO and applicable state and federal regulations;**  
The proposed preliminary plat complies with the UDO standards and restrictions and the proposed total density is less than the maximum number of residential dwelling units permitted on the property based on the underlying zoning categories. The request also complies with all 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 with the UDO standards and restrictions for the OS and RM-2 zoning districts. The OS zoning classification permits office and service land uses as well as residential land uses at a density of 10-12 dwelling units per acre. The RM-

2 zoning classification permits single-family and multi-family residences at a density of 5-7 dwelling units per acre. The surrounding neighborhood is a residential neighborhood zoned as RM-2 which include both single-family, single-family attached, and multi-family residential projects. Site access is provided from the NE Service Road and from W. Rhode Island Avenue. The improvement of the proposed accesses should provide adequate vehicular circulation for all types of vehicles including emergency and waste removal vehicles. Proposed access and circulation patterns in this fringe area along US Highway 1 allow for connectivity to the existing grid framework characteristic of the surrounding neighborhood and downtown Southern Pines.

**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 and will not be detrimental to the adjacent properties as the project complies with the approved density as well as the buffer requirements set forth in the UDO.

**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. Roadway connections and improvements will be made at the right-of-way on West Rhode Island Avenue and the current US Highway 1 access location. All streets and parking areas within the development will be gated and private. Parks, open spaces, trails, sidewalks and other amenities will be provided by the developer for the residents.

**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 5-0, the Planning Board voted to recommend to the Town Council that the proposed *Preliminary Plat* is consistent with those documents that constitute the officially adopted land development plan and other applicable plans.

By a vote of 5-0, the Planning Board voted to recommend to the Town Council the approval of the *Preliminary Plat* with no conditions.

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**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;**

The property is currently zoned OS and RM-2. Residential land uses are permitted under the OS zoning classification at a density of 10-12 dwelling units per acre and the RM-2 zoning classification at a density of 5-7 dwelling units per acre. This density would allow for 294 residential units to be developed on the site; the proposed plan includes 288 total multi-family residential dwelling units therefore the proposed conditional use complies with the UDO density regulations. The proposed development also complies with all regulations of the OS and RM-2 zoning classifications, the supplemental use regulations for multi-family residential units per UDO Section 4.10.8, and the standards and restrictions for the Urban Transition Highway Corridor Overlay.

**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 proposed conditional use will be designed to meet the standards for multi-family development described in Section 4.10.8 *Multi-Family Development Standards* and be designed to meet the existing character of the properties in the surrounding neighborhood and other homes in the vicinity. Dimensional standards and restrictions set forth in the UDO to protect the use and enjoyment of adjacent property are included into the design. UDO standards relative to heights, setbacks, landscaping, buffers and the like will all be met.

**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. Parks, open spaces, trails, sidewalks and amenities for the residents are provided in the design by the developer.

**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 is an infill project along the US Highway 1 corridor in proximity to downtown Southern Pines. The topography in this area separates the proposed project from the remaining residential property in the vicinity and provides a natural buffer. The proposed project provides a transitional area between US Highway 1 and the residential development on the grid of downtown Southern Pines and should not impede the development of surrounding properties. The surrounding neighborhood provides an eclectic group of housing types and property values. The proposed project should not diminish or impair the property values of the existing 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;**

The proposed project will provide an infill development that will comply with UDO and CLRP standards. The CLRP and the UDO are documents that seek to advance the public health, safety, and general welfare of the public with policies, standards and restrictions. As a result, if the proposed project conforms to those policies, standards, and restrictions, the use should not be detrimental to or endanger the public health, safety, comfort, or general welfare of the surrounding neighborhood and the public at large.

**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.**

This project incorporates many of the goals and objectives of the CLRP and establishes a development pattern that fits within the context of the surrounding neighborhood and downtown Southern Pines. As set forth as a goal of the CLRP, the provision of residential units, especially those that enhance the diversity of residential dwelling unit composition in the downtown areas should be viewed as a positive impact. Development, in general, typically brings externalities that some may perceive as an adverse impact. However, the proposed development seeks to further the goals and objectives of the CLRP, conforms to UDO requirements, and brings in more residents will work, seek entertainment, and shop in downtown Southern Pines. Therefore, the public interest and welfare supporting the proposed project is sufficient to outweigh and individual interests that may be adversely affected.

**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 5-0, 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 5-0, the Planning Board voted to recommend to the Town Council the approval of the *Conditional Use Permit* with no conditions.

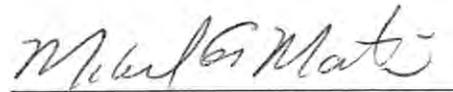
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**Decision of the Board:**

The requests under application CU-01-16 for Preliminary Plat Approval and Conditional Use Permit Approval were recommended for approval to the Town Council with no conditions.

This is the 21<sup>st</sup> day of April, 2016.

FOR THE PLANNING BOARD:



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

Caviness & Cates Building and Development Company  
Koontz Jones Design

## Agenda Item

**To:** Planning Board

**Via:** Bart Nuckols, Planning Director

**From:** Chris Kennedy, Senior Planner

**Subject:** CU-01-16 Conditional Use Permit: Major Subdivision Application for a Multi-Family Residential Development to include 288 Apartments; Petitioner, Caviness & Cates Building and Development Company

**Date:** April 21, 2016

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### **CU-01-16 Conditional Use Permit: Major Subdivision Application for a Multi-Family Residential Development to include 288 Apartments; Petitioner, Caviness & Cates Building and Development Company**

On behalf of the petitioner Caviness & Cates Building and Development Company, Mr. Bob Koontz of Koontz Jones Design is requesting a development project that will require a Conditional Use Permit application for a multi-family residential development off of US Highway 1 North and NE Service Road. Per Section 4.10.8 of the Unified Development Ordinance, no multi-family development may include more than ten (10) dwelling units except pursuant to a Planned Development or Conditional Use Permit (CUP) approval. The proposed development consists of an apartment project to include two-hundred eighty-eight (288) dwelling units, thereby the proposal will require a CUP. The subject property is comprised of approximately 25.59 acres in the OS (Office Services) and RM-2 (Residential Multi-Family 2) zoning classifications. The property is identified by the following: PIN: 858214321933 (PARID: 00039174); PIN: 858217214672 (PARID: 00032830); and, PIN: 858217213440 (PARID: 00032829). Per the Moore County Tax records, the property owner(s) are listed as MLC Automotive LLC and the Town of Southern Pines.

#### **Analysis:**

The majority of the subject property is identified as “Commercial” with a small portion identified as “Residential” in the *Comprehensive Long Range Plan* Future Land Use Map. Per the *Comprehensive Long Range Plan 2015-16 Update*:

- **Commercial:** The Commercial designation applies to all land dedicated to retail, professional office, or other primarily non-residential, commercial use. It includes the downtown portions along Broad Street and Pennsylvania Avenue, the regional commercial corridor on US Highway 15-501 and all commercial land in between. Higher density residential may be incorporated into mixed-use developments within areas designated for this future land use category.
- **Residential:** This designation 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 to up to twelve units per acre in places that are clearly more urban. Elementary schools, civic uses, parks, and neighborhood scale commercial services may be authorized through the rezoning process without amending the Future Land Use Map.

**Staff Comments:**

- The subject property is comprised of 25.59 acres and is located within the corporate limits of the Town of Southern Pines.
  - The subject property consists of 22.85 acres of OS zoned property and 2.74 acres of RM-2 zoned property.
- Multi-Family land uses are classified under LBCS 1151 in UDO Exhibit 3-15 Table of Authorized Land Uses. LBCS 1151 is listed a “ZC” in the OS and RM-2 zoning classifications.
  - The “ZC” designation denotes that LBCS 1151 is a permitted land use in the OS and RM-2 zoning districts but once the land use reaches a certain threshold or intensity, greater than ten (10) dwelling units in this case, a Conditional Use Permit is triggered.
- The adjoining properties are zoned RM-2 to the East, South, and West. The property across US Highway 1 is zoned RS-1 and FRR.
- The approved density for the OS zoning district is calculated by factoring 10,000 square feet of land area for the first dwelling unit and an additional 3,600 square feet of land area for each additional dwelling unit. The OS zoning district permits approximately thirteen (13) dwelling units per acre.
- The approved density for the RM-2 zoning district is calculated by factoring 10,000 square feet of land area for the first dwelling unit and then 6,000 square feet of land area for each additional dwelling unit. The RM-2 zoning district permits approximately five-to-seven (5-7) dwelling units per acre.
- Per UDO Section 3.5.11, the OS zoning classification is designed to accommodate office and service uses as well as medium-density residential uses. The major objectives of the district are to:
  5. Encourage land uses that buffer residential districts from intensive non-residential uses and arterial streets;
  6. Provide aesthetic controls and dimensional requirements to ensure compatible office and service development with surrounding residential uses;
  7. Encourage a mixture of medium-density residential uses with offices and services; and,
  8. Allow for single-family dwellings in business corridors to be used for business or residential purposes.
- Per UDO Section 3.5.7, the RM-2 zoning classification is established as a district in which to allow primarily single-family and multi-family residences at a moderate-density (approximately 5-7 dwelling units per acre) in areas served by adequate public water and sewer systems. The regulations of this district are intended to:
  3. Encourage single-family and multi-family residences; and,
  4. 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

- (10) *The application is consistent with the approved Sketch Plat, if applicable.*
  - (11) *The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;*
  - (12) *The proposed subdivision complies with the UDO and applicable state and federal regulations;*
  - (13) *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;*
  - (14) *The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and*
  - (15) *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:

- (G) *The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;*
  - (H) *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;*
  - (I) *Adequate public facilities shall be provided as set forth herein;*
  - (J) *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;*
  - (K) *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,*
  - (L) *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.*
- Per Section 4.10.8 a multi-family development must comply with the following development standards:

#### 4.10.8 *Multi-Family Development Standards*

##### (H) *Applicability*

- (1) *The following Development standards shall apply to all Multi-Family structures in the Morganton Road Overlay district and Multi-Family Developments of ten (10) or more Dwelling Units in any zoning district in which such Dwelling Units are allowed.*
- (2) *No Multi-Family Development may include more than ten (10) Dwelling Units, except pursuant to a Planned Development or Conditional Use Permit approval.*

- (3) *The Development standards in this section may be modified pursuant to a PD or Conditional Use Permit approval.*
  - (4) *In the RM-1 and RM-2 districts, no Multi-Family Residence may be located within two hundred (200) feet of the closest point of any other Multi-Family Residence, unless both structures are part of an integrated complex that includes no more than ten (10) Dwelling Units.*
- (I) *Building Setbacks, Orientation and Lot Standards*
- (1) *Buildings shall be set back a minimum of ten (10) feet and a maximum of fifteen (15) feet from sidewalks public walkways or street right-of-way. Setbacks may be greater than fifteen (15) feet if the intervening distance consists of common open space.*
  - (2) *The minimum spacing between the sides of Multi-Family Residential structures shall be twenty (20) feet.*
  - (3) *Where practical, Dwellings should be located to face each other across common landscaped space with buildings no closer than (30) feet.*
- (J) *Building Design. Multi-Family Developments shall:*
- (1) *Include variations in heights, color, setback, rooflines, trim, and building sizes to create visual diversity between structures;*
  - (2) *Group buildings in clusters;*
  - (3) *Articulate façades by including projections of at least five (5) feet at least once every fifty (50) feet along the façade,*
  - (4) *Locate windows to provide easy surveillance of open spaces and walkways, without placing such windows within direct alignment with windows of adjacent structures;*
  - (5) *Units above grade level should have access to private balconies of usable dimensions no smaller than ten (10) feet by six (6) feet;*
  - (6) *Create areas for foundation planting by keeping hard surfaces away from front façades;*
  - (7) *Design entrances to.*
    - (a) *Provide private entrances at grade level and adjacent to private open space to the greatest extent possible. Unless otherwise approved by the Town Council, no more than four (4) Dwelling Units shall share a common entrance.*
    - (b) *Avoid aligning doors to separate Dwelling Units with each other unless screening is provided. However, entrances should be visible from the sidewalk or public walkway and other Dwelling Units, when practical.*
    - (c) *Provide porches or roofed overhangs over building entrances.*
    - (d) *Set back buildings or entries so that the entry paths extend at least ten (10) feet from sidewalk or public circulation walkway. These entry areas should be designed to provide semi-public gardens around the front entryways. Do not provide access to apartments via long-shared access galleries.*
  - (8) *Provide a private garden, yard, patio or balcony for every Dwelling Unit.*
  - (9) *The private open space of all Dwelling Units shall be visually and functionally accessible from inside the Dwelling.*
  - (10) *Provide screening for yards where private activities are likely to occur and to delimit private from common open space.*
- (K) *Pedestrian Improvements*
- (1) *Provide continuous walkways through the project and connecting Dwellings to and through common open space.*

- (2) *Minimize walkways that provide direct opportunities to cut through the project by strategically locating fences, low walls and planting areas within the site and near site entry points.*
- (3) *Provide storage space for strollers, bicycles, and so forth, close to the main entries of Dwellings or groups of Dwellings.*

**(L) Parking**

- (1) *Provide parking in small Lots that are designed and located to ensure that most parked vehicles are visible from one (1) or more Dwellings.*
- (2) *To the greatest extent practicable, parking shall not separate Dwelling Units from common open space.*

**(M) Open Space**

- (1) *Common usable open space shall comprise ten (10) percent of the total project area.*
- (2) *Open spaces shall be configured so that the ratio of building height to open space width is in the range of 1:3 or greater. Ratios as tight as 1:2 may be approved if landscaping effectively screens buildings from each other.*
- (3) *Common open space shall be configured in square or nearly square areas with sides of at least one hundred (100) feet.*
- (4) *To the greatest extent practicable, Dwelling Units shall have access to common open space without having to cross a street.*
- (5) *Play Areas*
  - (a) *Play areas for young children should be physically separated from potential traffic hazards.*
  - (b) *Provide a variety of hard-surfaces areas in the form pathways that are least five (5) feet wide and small areas off the circulation system for various children's activities.*
- (6) *For Developments with more than twenty (20) Dwellings, provide on-site; well-equipped and challenging play areas for school age children within a five (5) minute walk from each Dwelling Unit.*
  - (a) *Provide places for school age children to sit.*
  - (b) *Where possible include a space for ball games on site (minimum 80 feet x 40 feet).*
- (7) *Provide retaining walls that can also be used for casual seating.*
- (8) *Where cluster Dwellings are included in a project, ensure some uniqueness for each cluster. Vary the design (size, dimensions, grading, planting, site furniture and play equipment) of the common open spaces of each cluster.*
- (9) *The number of Dwelling Units grouped around common and open space should range between twenty (20) to one hundred (100).*

- *The property is within the Urban Transition Highway Corridor Overlay; which shall be developed with a balance of residential, recreational, and commercial uses. These sections are best suited for providing a balance of naturalized and manmade conditions. The visual quality of these sections depends on quality site planning, landscaping, and preservation of natural features.*
- *The Highway Corridor Overlay standards are set forth in UDO Section 3.6.5 and UDO Exhibit 3-13.*
- *The Urban Transition Highway Corridor Overlay (UT-HCO), shall extend 400' from the edge of the right-of-way and run parallel to the right-of-way.*
- *The setbacks for the UT-HCO are as follows:*

- Building Setback: 75.0’;
- Parking Area Setback: 50.0’;
- Landscape Buffer: 50.0’;
- Buffer from Residential Zones: 50.0’;
- Buffer from Non-Residential Zones: 25.0’
- Other Urban Transition Highway Corridor Overlay standards include:
  - Maximum Building Height: 35.0’;
  - Maximum Built upon Surface: 65.0%;
  - Maximum Building Footprint: 30.0%;
  - Highway Yard Parking Maximum: 40.0% of total spaces;
  - Maximum Parking: 5 spaces/1000 square feet of building area
- Per UDO Exhibit 4-1, the setbacks for the OS zoning classification are as follows:
  - Front: 35.0’; Side: 15.0’; Exterior Side: 15.0’; Rear: 15.0’
- Per UDO Exhibit 4-1, the setbacks for the RM-2 zoning classification are as follows:
  - Front: 25.0’; Side: 10.0’; Exterior Side: 15.0’; Rear: 30.0’
- The entirety of the property is within the Little River #2 Intake (LR#2) Watershed and is therefore subject to Watershed Protection Overlay District and the standards set forth in UDO Section 3.6.8.
- This project may be required to obtain a Watershed Protection Permit from the Town Council due to its location within the high quality 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.
  - The development is proposed at 48.9% impervious.
- Nearly half of the property is within the study area of the Downtown Neighborhood Development Plan as specified in the Comprehensive Long Range Plan, however the subject property is not within the boundaries of the Downtown Transition Overlay.
- As part of the requests under CU-01-16 the petitioner is also seeking to abandon/vacate portions of right-of-way adjacent to the proposed project. The proposed site plan reflects an approval of the abandonment; the acreage and subsequent land to be amassed into the subject property should an approval be granted is shown in the proposed site plans. Staff advises the Town Council to withhold judgement on the proposed right-of-way abandonment until the requests under CU-01-16 are resolved, resulting in either an approval or a denial. Should application CU-01-16 receive a denial, staff would recommend to the Town Council that the request for right-of-way abandonment also be denied.
  - The petitioner has submitted a request to abandon the one and one-half (1.5) block portion of N. Mechanic Street extending from the eastern boundary of the intersection with W. Maine Avenue and N. Mechanic Street to the termination of N. Mechanic Street at the NE Service Road. The request also includes the proposed abandonment of W. Rhode Island Avenue extending from the northern boundary of the intersection of W. Rhode Island Avenue and N. Mechanic Street extending

to the termination of W. Rhode Island Avenue at the NE Service Road. Both portions included in the request are unopened sections of right-of-way.

- The entirety of N. Mechanic Street between NE Service Road and W. Rhode Island Avenue and W. Rhode Island between N. Mechanic Street and NE Service Road 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 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.

**Attachments:**

- GIS Location
  - Application Materials
  - Existing Conditions
  - Proposed Renderings
  - Preliminary Plat
  - Criteria Narratives
  - Watershed Protection Permit Application
  - TDA – Traffic Design Analysis (Draft Results)
  - 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 *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 ....

**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:**

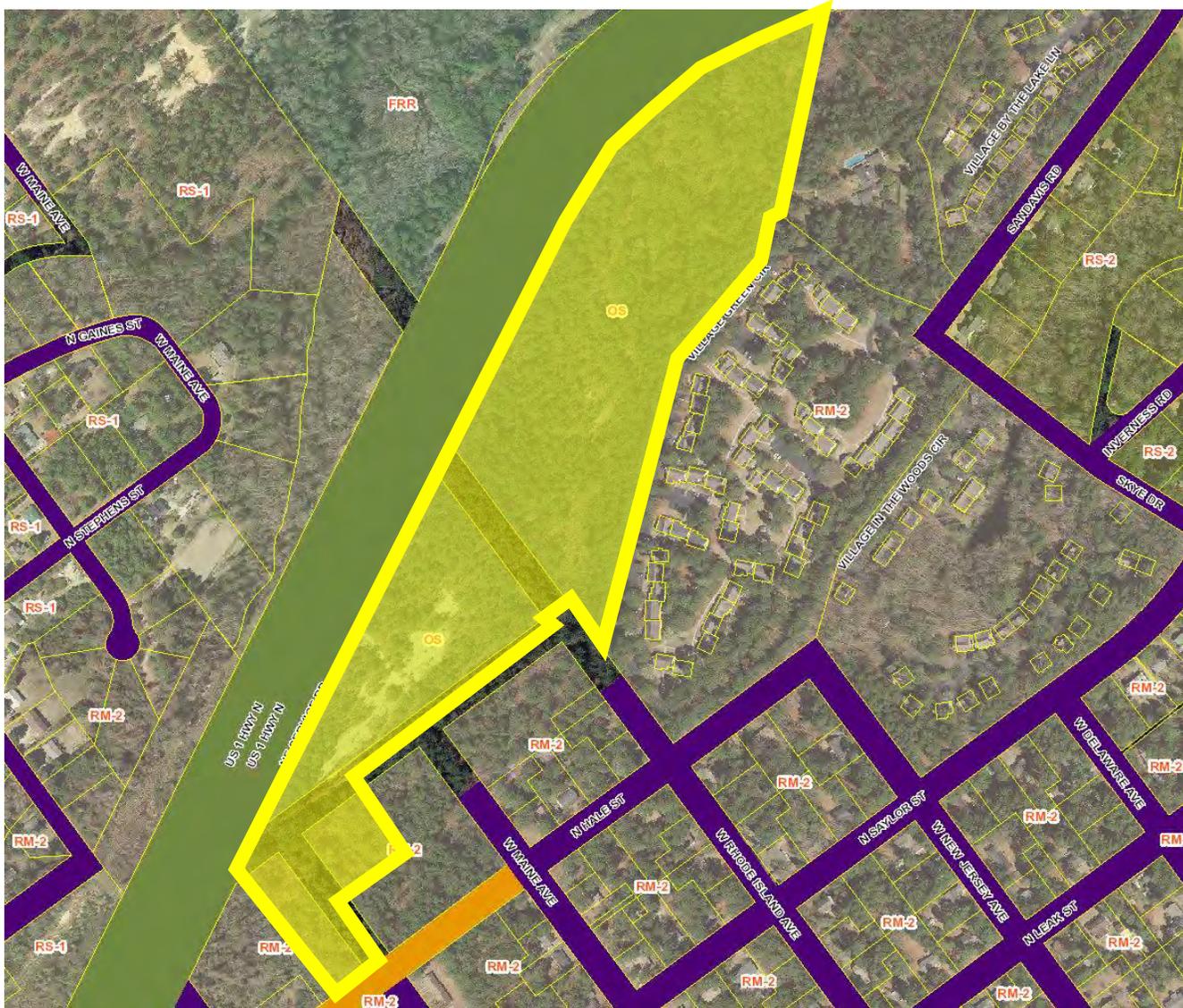
1. The approval of CU-01-16;
2. The denial of CU-01-16; OR
3. The approval of CU-01-16 with the following additional conditions...





# CU-01-16 – Proposed Multi-Family Development Powell Bill Map with Aerials

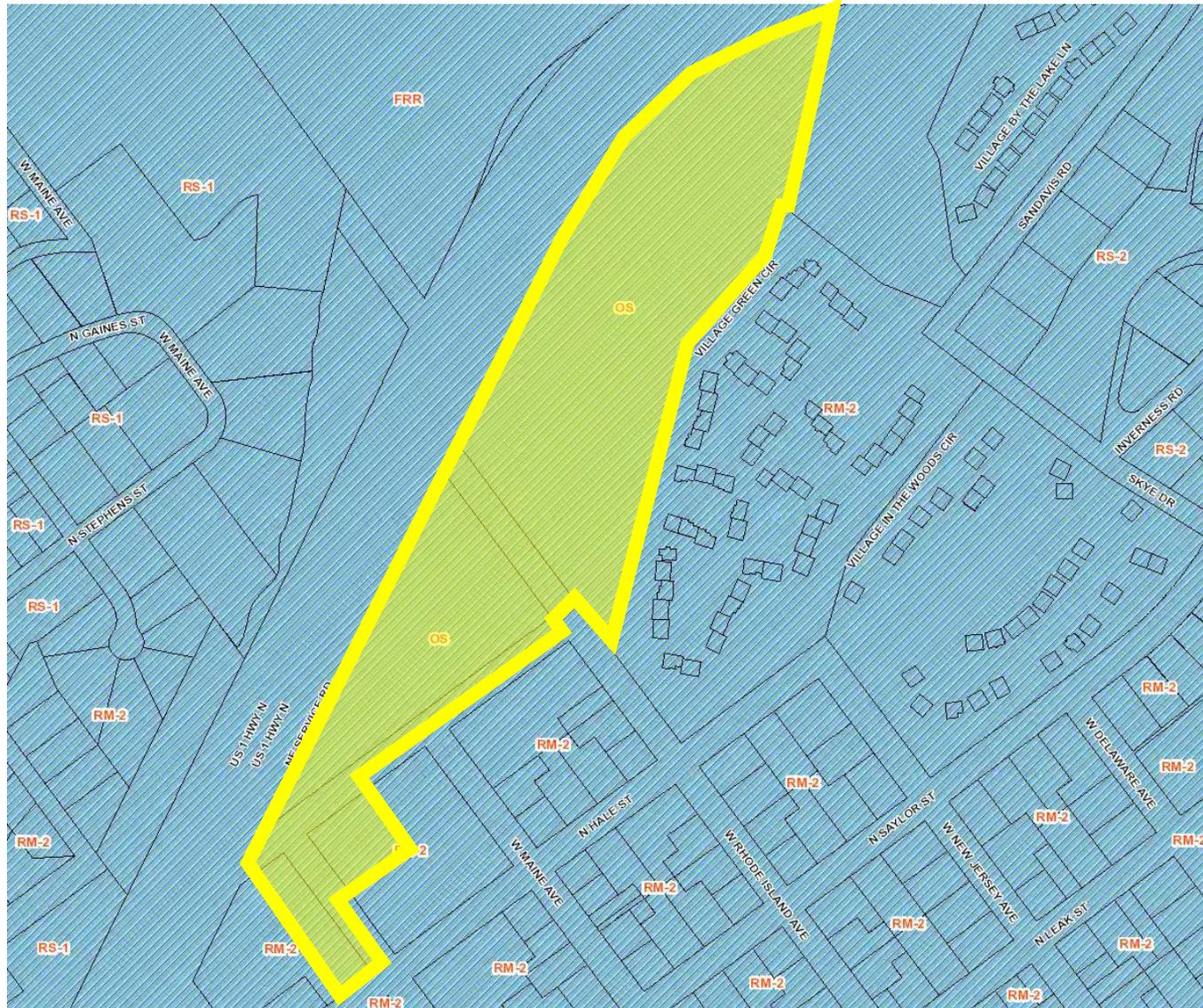
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# CU-01-16 – Proposed Multi-Family Development Watershed Map

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).

merchability 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- 01-16

Date Received: March 21, 2016

**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 US Highway 1 (Street/Avenue), between W. Vermont Ave. (Street Avenue) and W. Rhode Island Ave. (Street/ Avenue. The address is \_\_\_\_\_, also known as LRK # 00039174, 00032830, 00032829 and PIN # 858214321933, 858217214672, 858217213440. It has a frontage of 2600 feet and a depth of +/-530 feet, containing 25.59 acres.

The Conditional Use sought is based on Section(s) 2.20, 2.21, 3.7.1, 4.10.8 of the *Town of Southern Pines Unified Development Ordinance*. The property in question is located in a OS and RM-2 zoning district and is proposed for the following use:

The CUP is requested to develop 288 multi-family units on the property as permitted through a conditional use permit per Section 3.72 and in Exhibit 3-15 - Table of Uses of the Town of Southern Pines UDO.

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 List

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

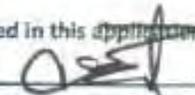
LRK #: \_\_\_\_\_

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: 

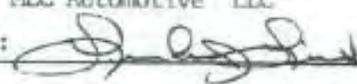
Petitioner's Name: CHRIS CARTER

Petitioner's Mailing Address: Please Print  
639 Executive Place  
Fayetteville, NC 28305

Petitioner's email CHRIS@CARTERS-MLC.COM

Petitioner's Phone # 910 481 0503

Cell# 410 850 8833

Property owner's signature: By:  , Manager

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

Property owner's Mailing Address: Please Print  
MLC Automotive, LLC c/o Linda J. Leith  
5601 Capital Boulevard  
Raleigh, North Carolina 27616

Property owner's email n/a

Property owner's Phone # 919-876-5432

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

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

**US HIGHWAY 1 PROPERTY  
CONDITIONAL USE PERMIT NARRATIVE**

The development of the property described as the US Highway 1 Property in the submitted exhibits is planned to be a new infill community within the existing downtown area of Southern Pines. The 25.59-acre property located off of US Highway 1 and at the end of West Rhode Island Avenue is located in the Office/Service (OS) (22.85 acres) and RM-2 (2.74 acres) zoning districts. The OS zoning is intended to “accommodate office and service uses as well as medium-density residential uses”, which includes multi-family uses, as stated in Section 3.5.11 and in the table of uses in Section 3.7.1 of the Town of Southern Pines Unified Development Ordinance. The RM-2 district accommodates single-family and multi-family residential units. The underlying density on the project would permit up to 294 residential dwelling units on the property.

This conditional use permit application proposes 288 multi-family residential units to be developed on the property. The development will meet the development standards for OS and RM-2 district projects as well as supplementary standards for multi-family development established in the Town’s UDO in Section 4.10.8. Adequate parking will be provided on site to meet UDO standards. The main entrance to the site will be provided at the end of the right-of-way of West Rhode Island Avenue. It is intended that the abandoned right-of-way will be realigned to connect to a NCDOT ingress/egress location along US Highway 1 and become a private street. Streets and parking areas will be built to Town of Southern Pines and NCDOT standards and remain as private streets.

Development will consist of 288 multi-family residential units with many amenities. These amenities will include a swimming pool, clubhouse building, children’s play area, dog park and park spaces. The property falls within a high quality watershed and there is no floodplain or wetland on the property. The overall impervious surface for the property is 48.9%. As a result, a watershed protection application has been submitted to allow for increased impervious surface and would allow up to 70% impervious surface. This site is a residential infill location in the downtown of Southern Pines. Increased impervious surface in infill locations for residential development is consistent with the Towns Comprehensive Long Range Plan (CLRP).

Design elements for the project are described below.

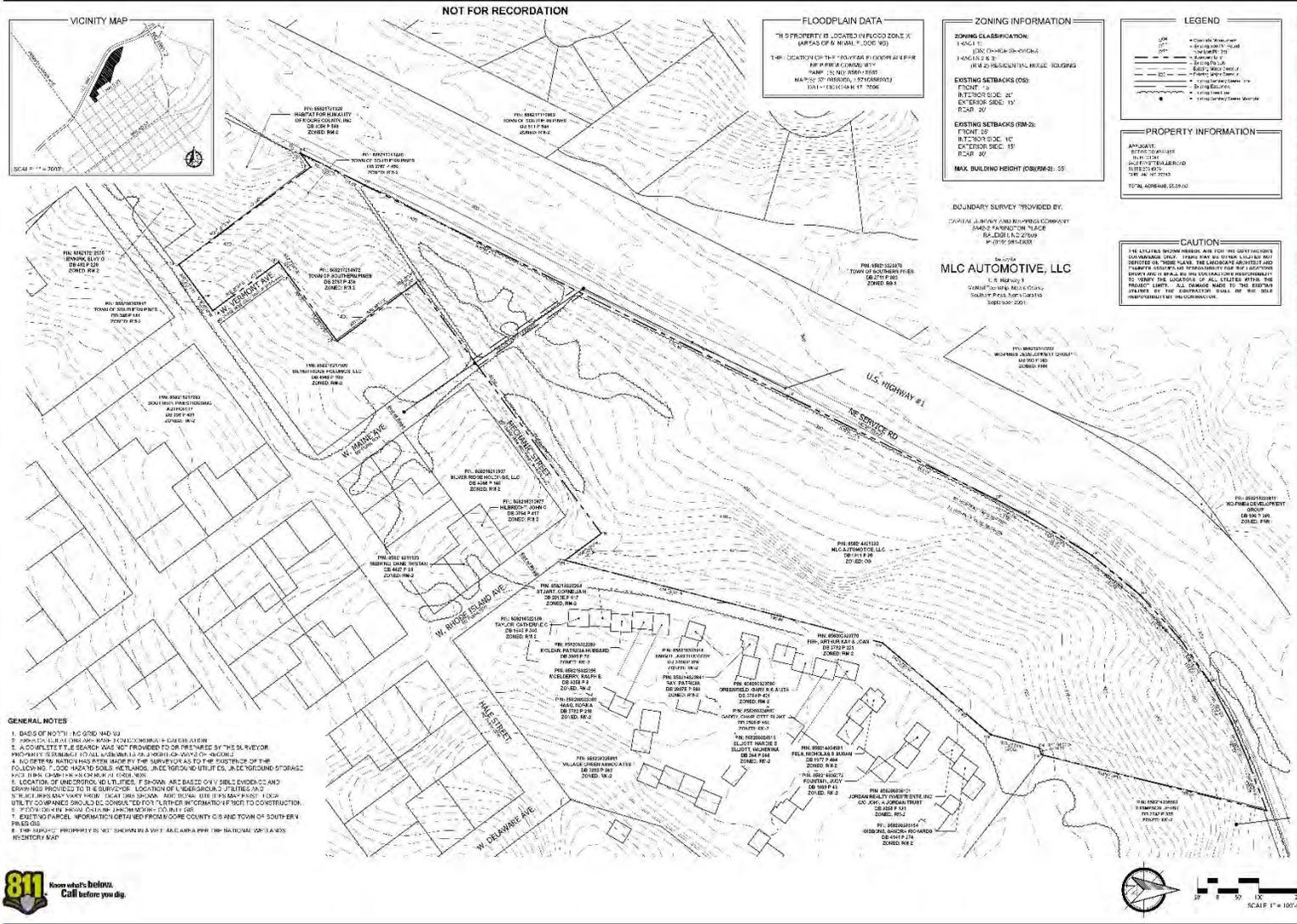
- **Pedestrian Connectivity**
  - Pedestrian connectivity will be provided throughout the community. The pedestrian system will connect to the sidewalks along the newly constructed West Rhode Island Avenue. The property is five (5) blocks from Broad Street and the West Rhode Island Avenue connection is two (2) blocks from sidewalk connections at West Vermont Avenue that lead into downtown.
- **Parking Areas**
  - The multi-family residential buildings will have surface parking at a ratio that meets the UDO standards.



- **Streets and Access**
  - A request to abandon the current West Rhode Island Avenue right-of-way has been made. The right-of-way will be removed and a private roadway extension will provide a connection to US Highway 1 at an existing curb cut location.
  - Access to the multi-family residential development will be provided from two (2) different locations with access from the new West Rhode Island Avenue and from US 1. The property will be gated at both of these entrances. Appropriate emergency access controls will be provided for the development as required by the Town of Southern Pines Fire Marshal.
- **Landscaping**
  - Landscaping will be provided as required by the Town of Southern Pines UDO. Much of the site is currently wooded. Due to the topography of the site, many trees within the property boundary will be removed.
  - Planting buffers and screening will be provided on adjacent property boundaries where necessary and required by the Town's UDO. Effort will be taken to preserve existing trees in the buffer areas of the project where feasible. This trees save area will count toward planting credit as permitted in the UDO.
- **Open Space**
  - Multi-family residential development is required to have 10% open space. The development will provide a minimum of 50% open space. This open space will be located in buffer areas, stormwater features, parks and amenity areas throughout the property.
- **Buffers/Setbacks**
  - Buffers and setbacks will be provided per the requirements of the OS district standards and Highway Corridor Overlay District.
- **Stormwater**
  - Stormwater management best practices will be applied on the site as necessary and required to control stormwater runoff throughout the project. All stormwater will be handled on site in a series of ponds, basins or other devices.
- **Utility Service**
  - 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.
- **Architectural Character**
  - Multi-family residential units will be designed to fit the character of downtown Southern Pines. Design of the project is intended to blend into the surrounding area and add to the surrounding neighborhood. It is also intended that the project will be visually appealing from US Highway 1. Materials are intended to be a mixture of brick and cementitious siding material that will blend with other downtown development.
- **Signage**
  - A subdivision sign will be placed at each entrance to the project joining a major roadway (US1 and West Rhode Island Avenue). These signs will indicate the name of the community. Any additional directional or on site signage for parking area, parks or

amenities will follow the Town of Southern Pines sign ordinance guidelines for size, materials and height.

The descriptions and conditions described above will apply to the entire project as indicated in the Conditional Use Permit plan document.



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

**KOONTZ/ONES Design**  
 LICENSED PROFESSIONAL ARCHITECTURE  
 100 S. MAIN ST., SUITE 100  
 WILSON, NC 27157  
 P. 910.352.1000  
 F. 910.352.1001  
 WWW.KOONTZONESDESIGN.COM

**U.S. 1 PROPERTY**  
 SOUTHERN PINES, NORTH CAROLINA  
 EXISTING CONDITIONS PLAN

**L.L.O.**  
 LICENSED PROFESSIONAL ARCHITECTURE  
 100 S. MAIN ST., SUITE 100  
 WILSON, NC 27157  
 P. 910.352.1000  
 F. 910.352.1001  
 WWW.LLODESIGN.COM





**US 1 PROPERTY**  
**CONCEPTUAL MASTER PLAN**  
 SOUTHERN PINES, NORTH CAROLINA

APRIL 8, 2016

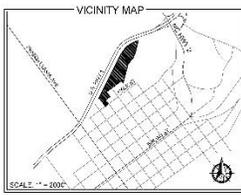
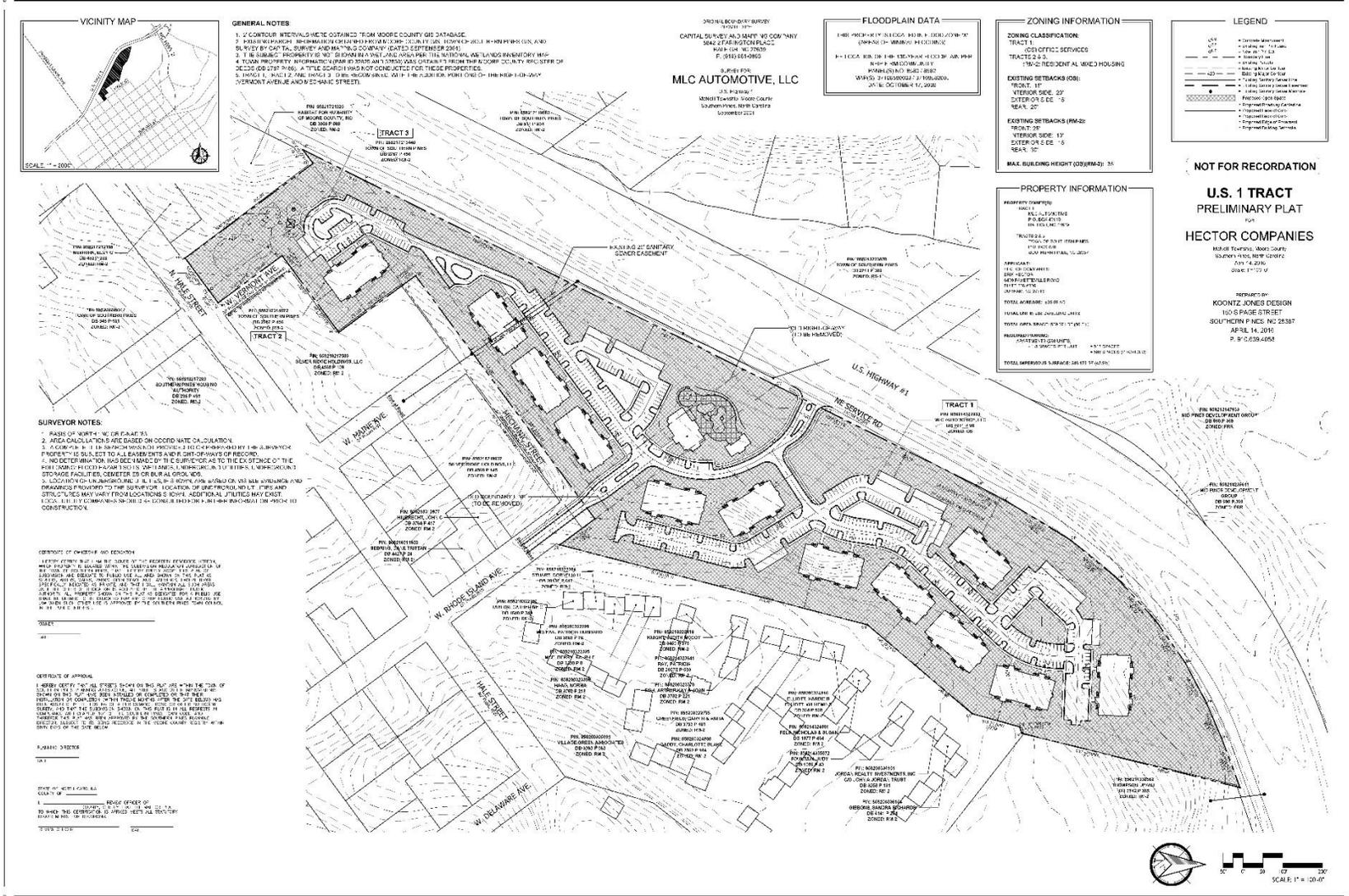


**DEVELOPMENT SUMMARY**

PROPERTY:	± 25.6 ACRES
MULTI-FAMILY APARTMENTS (24 UNITS / BUILDING)	288 UNITS

**KOONTZJONES**Design  
 LAND PLANNING | LANDSCAPE ARCHITECTURE





**GENERAL NOTES**

1. 2' CONTOUR INTERVALS WERE OBTAINED FROM MOORE COUNTY GIS DATABASE.
2. PROPERTY INFORMATION IS BASED ON THE 2016 MOORE COUNTY GIS DATABASE. THE 2016 MOORE COUNTY GIS DATABASE IS THE MOST CURRENT AND ACCURATE SOURCE OF PROPERTY INFORMATION.
3. THE SURVEY PROPERTY IS NOT SHOWN IN ANY PUBLIC RECORDS. THE NATIONAL LAND SURVEYING BOARD'S 2016 PROPERTY INFORMATION MAP IS THE MOST CURRENT SOURCE OF PROPERTY INFORMATION.
4. THE SURVEY PROPERTY IS NOT SHOWN IN ANY PUBLIC RECORDS. THE NATIONAL LAND SURVEYING BOARD'S 2016 PROPERTY INFORMATION MAP IS THE MOST CURRENT SOURCE OF PROPERTY INFORMATION.
5. THE SURVEY PROPERTY IS NOT SHOWN IN ANY PUBLIC RECORDS. THE NATIONAL LAND SURVEYING BOARD'S 2016 PROPERTY INFORMATION MAP IS THE MOST CURRENT SOURCE OF PROPERTY INFORMATION.

39091428-001 SURVEY  
 10/20/17  
 CAPITAL SURVEYS AND PLANNING, LLC  
 3642 STARBUCK PLACE  
 MOORE, NC 28588  
 P. 919.851.0800

SUBJECT FOR:  
**MLC AUTOMOTIVE, LLC**  
 133 Highway  
 MOUNTAIN VIEW, MOORE COUNTY  
 MOORE, NC 28588

**FLOODPLAIN DATA**

1. ALL PROPERTY IS LOCATED WITHIN THE 100-YEAR FLOODPLAIN (ZONE V) OF THE MOORE COUNTY FLOODPLAIN.

2. THE FLOODPLAIN DATA IS BASED ON THE 2016 MOORE COUNTY FLOODPLAIN DATA.

3. THE FLOODPLAIN DATA IS BASED ON THE 2016 MOORE COUNTY FLOODPLAIN DATA.

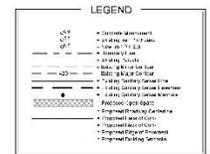
**ZONING INFORMATION**

**ZONING CLASSIFICATION:**  
 TRACT 1  
 RESIDENTIAL SINGLE-FAMILY  
 TRACT 2 & 3  
 RESIDENTIAL SINGLE-FAMILY

**EXISTING SETBACKS (FOOTING):**  
 INTERIOR SIDE: 25'  
 EXTERIOR SIDE: 5'  
 REAR: 25'

**EXISTING SETBACKS (FRONT):**  
 INTERIOR SIDE: 15'  
 EXTERIOR SIDE: 5'  
 REAR: 30'

**MAX. BUILDING HEIGHT (FOOTING):** 35'



**PROPERTY INFORMATION**

**PROPERTY OWNER:**  
 MLC AUTOMOTIVE, LLC  
 133 Highway  
 MOUNTAIN VIEW, MOORE COUNTY  
 MOORE, NC 28588

**APPLICANT:**  
 MLC AUTOMOTIVE, LLC  
 133 Highway  
 MOUNTAIN VIEW, MOORE COUNTY  
 MOORE, NC 28588

**TOTAL AREA:** 100,000 SQ. FT.

**TOTAL AREA OF IMPROVEMENTS:** 50,000 SQ. FT.

**TOTAL AREA OF UNIMPROVED LAND:** 50,000 SQ. FT.

**NOT FOR RECORDATION**

**S.1 TRACT  
 PRELIMINARY PLAT**

**HECTOR COMPANIES**

HECTOR TOWNSHIP, MOORE COUNTY  
 100 SPACE STREET  
 SOUTHERN PINES, NC 28587

APPROVED BY:  
 KOONITZ JONES DESIGN  
 100 SPACE STREET  
 SOUTHERN PINES, NC 28587  
 APRIL 14, 2016  
 P. 919.639.4058

**SURVEYOR NOTES:**

1. RANGES OF NORTH, WEST OR EAST ARE GIVEN.
2. AREA CALCULATIONS ARE BASED ON COORDINATE CALCULATION.
3. A CONTOUR IS THE SURFACE OF A HYPOTHESEAL EARTH SURFACE WHICH IS A MATHEMATICAL REPRESENTATION OF THE SURFACE OF THE EARTH AS DETERMINED BY MEANS OF SURVEYING.
4. NO DETECTION HAS BEEN MADE OF THE SURFACE OF THE EARTH AS DETERMINED BY MEANS OF SURVEYING.
5. THE SURFACE OF THE EARTH IS ASSUMED TO BE A MATHEMATICAL SURFACE.
6. THE SURFACE OF THE EARTH IS ASSUMED TO BE A MATHEMATICAL SURFACE.
7. THE SURFACE OF THE EARTH IS ASSUMED TO BE A MATHEMATICAL SURFACE.
8. THE SURFACE OF THE EARTH IS ASSUMED TO BE A MATHEMATICAL SURFACE.
9. THE SURFACE OF THE EARTH IS ASSUMED TO BE A MATHEMATICAL SURFACE.
10. THE SURFACE OF THE EARTH IS ASSUMED TO BE A MATHEMATICAL SURFACE.

**CONDITIONS OF CONTRACT AND DESIGN:**

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.

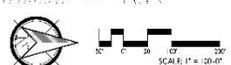
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.

**SCALE:**  
 1" = 100'

**DATE OF APPROVAL:**  
 APRIL 14, 2016

**APPROVED:**  
 [Signature]



## EXHIBIT A

### US Highway 1 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 property is currently zoned OS and would permit office and service uses on the property. Residential uses are also permitted under the OS zoning classification at an RM-1 density. This density would allow for 294 residential units to be developed on the site. Multi-family residential units are permitted at the proposed density are permitted through a Conditional Use Permit for the site. The proposed plan includes 288 total multi-family residential units which complies with the regulations of the zoning district.

The proposed development also complies with all supplemental use regulations for multi-family residential units.

- (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;

All structures will be designed to meet the standards for multi-family development described in Section 5.14 Multi-Family Development Standards. Structures will be designed to meet the existing character of the RM-1 zoned properties in the surrounding neighborhood and other homes in the vicinity. Buildings will meet all UDO standards for building height.

Buffers will be placed along property boundaries that are shared with adjacent properties. Every attempt will be made to maintain existing trees throughout the development. The property falls within a Highway Corridor Overlay District which requires a 75' building setback and a 50' parking area setback from US 1. The 75' buffer area will be planted per the Town of Southern Pines landscape standards. In order to gain additional credit toward the Town's landscape requirements, efforts will be taken to maintain trees in this area as well. All landscaping will meet and/or exceed Town of Southern Pines requirements for landscaping within parking fields.

Appropriate landscaping will be planted along the adjoining property boundaries on the east side of the property. These plantings will meet the Town's landscaping requirements and screen the development from adjoining properties. Landscape materials will selected to match the existing area and maintain a natural appearance for the property that is in keeping with the character of the surrounding neighborhood and Southern Pines community.

On page 2.4 of the Comprehensive Long Range Plan (CLRP) under housing it states "Southern Pines residents recognize the importance and relevance of housing that is diverse, affordable and compatible with the neighborhood in which it is developed." The developer believes that the multi-family residential proposed for this neighborhood offers a variety and diversity of residential products within the community and surrounding neighborhood. The variety in housing options allows residents of Southern Pines to make housing decisions that fit their needs and lifestyle. This community fits into the context of the surrounding neighborhood and provides a buffer and transition of density to townhomes, multi-family and other residential development surrounding the property.

## EXHIBIT A

In addition see the attached Compliance with Comprehensive Long Range Plan Objectives document.

- (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. Parks, open spaces, trails, sidewalks and amenities will be provided by the developer for the residents.

- (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 is an infill project along the US 1 corridor in close proximity to downtown Southern Pines. Surrounding zoning districts, east of US 1, permit higher density and multi-family and townhome development. This project will not impede the development of surrounding properties.

- (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 not be detrimental to or endanger the public health, safety, comfort or general welfare of the surrounding neighborhood or downtown Southern Pines. The development will also meet many of the goals of the CLRP and is permitted as a conditional use within the Town's UDO.

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

This project incorporates many of the goals and objectives of the CLRP and establishes a development pattern that is in context with the surrounding neighborhood and downtown Southern Pines. The development pattern also meets the landuse goals defined by the CLRP and is in harmony with the surrounding neighborhood. Utility infrastructure will be provided for the development and the cost borne by the developer.

Base on the properties proximity to downtown, higher density residential development is appropriate for the area. The greater number of residents will work, seek entertainment and shop in downtown Southern Pines. These additional resident will contribute to the character and vibrancy of the downtown center.

## EXHIBIT B

### US Highway 1 Property Major Subdivision Justification

Below are listed the six (6) criteria required to approve a Major Subdivision 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 incorporates many of the goals and objectives of the CLRP and establishes a development pattern that is in context with the surrounding neighborhood and downtown Southern Pines. The development pattern also meets the landuse goals defined by the CLRP and is in harmony with the surrounding neighborhood. See Exhibit A for CLRP consistency.

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

This major subdivision plan complies with the UDO based on the requests for a Conditional Use Permit (CUP). The project falls below the maximum number of residential units permitted on the property based on the underlying zoning categories. The request also complies with all 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 will be compatible with the surrounding neighborhood. The property is currently zoned as OS and RM-2 districts. OS districts permit office and service uses as well as residential uses at a RM-1 density. RM-2 districts permit single-family and multi-family residences. The surrounding neighborhood is a residential neighborhood zoned as RM-2 (Residential Mixed Housing) and includes several higher density and attached residential units. Access and circulation patterns allow for connected streets as is characteristic of the surrounding neighborhood and downtown Southern Pines.

(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. See description in item (4) above.

(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. Roadway connections will be made at the right-of-way on West Rhode Island Avenue and the current US 1 curb cut location. All streets and parking areas within the development will be gated and private. Parks, open spaces, trails, sidewalks and other amenities will be provided by the developer for the residents.

## EXHIBIT C

### Compliance with Comprehensive Long Range Plan Objectives

Below is a list of Comprehensive Long range Plan (CLRP) objectives that the design of this project incorporates into the proposed development. The item identification at the beginning of each objective refers to the item number as referred to in the CLRP goals.

(P-N.01) Ensure that new neighborhood building and renovation are compatible with the overall scale, architectural, transportation and public-space characteristics of the neighborhood.

The project architectural, site design and neighborhood character fits into the surrounding neighborhood and is intended to blend in to the Southern Pines vernacular. Elements of building design and scale will be comparable with recently-completed regional projects. Transportation improvements are designed into the conceptual plan and are considerate of both vehicular and pedestrian linkages; both serving as neighborhood enhancements.

(P-N.02) Support the development of compatible infill housing in Southern Pines neighborhoods.

This infill project meets the density requirements of the existing OS and RM-2 zoning districts for the property and the proposed use is permitted within the districts. Adjacent properties are single-family residential and multi-family residential developments. Supply for new residential units is limited and demand for proposed multi-family units is present.

(P-N.03) Ensure new neighborhoods and mixed-use centers interconnect with adjoining residential.

The roadway network allows for an additional connection to the overall street pattern and all streets are interconnected with the existing infrastructure. Providing access gates at the property entrances will limit cut through traffic to and from US 1. Sidewalks will be provided throughout the community and connections to surrounding neighborhoods will be provided where available. The conceptual plan reasonably balances site characteristics and existing roadway infrastructure allowing flow of design and use of both existing and proposed centers of development.

(P-N.05) Encourage a wide variety of residential building types in new residential areas, consistent with the Town's existing building vernacular.

The multi-family buildings within the development will be consistent with the Southern Pines vernacular. The buildings will use materials consistent with Southern Pines. The mix of residential unit types is appropriate with the surrounding area. Market parameters dictate standards supporting Town's existing vernacular.

(P-R.01) Acquire, develop and maintain neighborhood parks in new and existing neighborhoods.

The project will provide it's on parks and amenities including open play areas, pool and clubhouse area, shade structure, pocket parks and dog park area as well as internal trails and sidewalks.

(P-C.01) Favor higher-density development within the existing urbanized area over development on the perimeter, limiting sprawl and helping the Town provide affordable services.

## EXHIBIT C

The plan maximizes the permitted density on the property in a downtown infill neighborhood without a change in zoning classification. The site is part of the existing downtown urbanized area and all utility services are readily available for the site. Proposed density and location maximize urban planning objectives by limiting adverse impact and enhancing neighborhood efficiencies and livability. Higher density in close proximity of the vibrant downtown center area of Southern Pines, provides more residents within walking and biking distance of downtown. More people close to downtown will help maintain its vibrancy as the project's residents seek work, entertainment/dining and shopping options close to home.

(P-X.01) Increase roadway interconnectivity throughout Southern Pines, creating an environment conducive to multiple transportation options and coordinating with adjacent jurisdictions as appropriate.

The property provides an interconnected street network with a new connection to US Highway 1. Sidewalks will be added along new roadways and throughout the development. This will help facilitate pedestrian and bicycle travel connecting to downtown.

(P-X.02) Make walking or bicycling a more convenient, safe and economical transportation alternative.

See item (P-X.01) above.

(P-X.08) Create or enhance pedestrian infrastructure downtown and along access routes to adjoining neighborhoods.

See item (P-X.01) above.

(P-V.12) Encourage the use of native plants and those typical of Southern Pines' historic landscapes.

It is intended that the development will maintain plants when appropriate and utilize native plants in all areas of the development.

(P-S.11) Ensure that costs of extending services to new development are generally borne by such development, except where cost-sharing is necessary to facilitate or attain larger community goals as determined by the Town.

All development infrastructure to serve the property (water, sewer, roads) cost will be borne by the developer and dedicated to the Town of Southern Pines. Water, sewer and road infrastructure are all available adjacent to the site.

## EXHIBIT D

### US Highway 1 Property Multifamily Development Standards

Below are listed the six (6) multi-family development standards and their subsections from Section 4.10.8 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) Applicability

- (1) The following Development standards shall apply to all Multi-Family structures in the Morganton Road Overlay district and Multi-Family Developments of ten (10) or more Dwelling Units in any zoning district in which such Dwelling Units are allowed. *These development standards apply to the property as it is more than 10 dwelling units.*
- (2) No Multi-Family Development may include more than ten (10) Dwelling Units, except pursuant to a Planned Development or Conditional Use Permit approval. *This property is seeking a Conditional Use Permit.*
- (3) The Development standards in this section may be modified pursuant to a PD or Conditional Use Permit approval. *The proposed Conditional Use Permit follows these development standards to the greatest extent possible. Any variations are listed below and permitted as part of the Conditional Use Permit.*
- (4) In the RM-1 and RM-2 districts, no Multi-Family Residence may be located within two hundred (200) feet of the closest point of any other Multi-Family Residence, unless both structures are part of an integrated complex that includes no more than ten (10) Dwelling Units. *No multi-family units exist within 200 feet of this property that are not part of another integrated multi-family complex (Village Green).*

#### (B) Building Setbacks, Orientation and Lot Standards

- (1) Buildings shall be set back a minimum of ten (10) feet and a maximum of fifteen (15) feet from sidewalks public walkways or street right-of-way. Setbacks may be greater than fifteen (15) feet if the intervening distance consists of common open space. *All multi-family buildings on the property meet this standard. The clubhouse building is setback beyond 15' to allow for additional landscaping area in front of the building.*
- (2) The minimum spacing between the sides of Multi-Family Residential structures shall be twenty (20) feet. *All buildings exceed 20' in separation.*
- (3) Where practical, Dwellings should be located to face each other across common landscaped space with buildings no closer than (30) feet. *Due to the narrow shape of this site, buildings have been placed in a linear fashion for most of the site. Where possible, buildings were across from each other. Most buildings backup to landscape areas and planted buffers. Where possible planted landscape islands have been provided to break up parking areas and add trees/landscaping.*

#### (C) Building Design. Multi-Family Developments shall:

- (1) Include variations in heights, color, setback, rooflines, trim, and building sizes to create visual diversity between structures; *Proposed architecture will meet these specifications.*
- (2) Group buildings in clusters; *Due to the narrow shape of this site buildings are dispersed in a more linear fashion. Buildings are grouped closely together in an effort to share parking and provide additional open space throughout the site.*
- (3) Articulate façades by including projections of at least five (5) feet at least once every fifty (50) feet along the façade, *Proposed architecture will meet these specifications.*
- (4) Locate windows to provide easy surveillance of open spaces and walkways, without placing such windows within direct alignment with windows of adjacent structures; *Windows are located on all facades of the building and near walkways in order to allow for surveillance.*
- (5) Units above grade level should have access to private balconies of usable dimensions no smaller than ten (10) feet by six (6) feet; *Proposed architecture will meet these specifications.*

## EXHIBIT D

(6) Create areas for foundation planting by keeping hard surfaces away from front façades; Foundation plantings will be provided between the building and hard surfaces. The dimensions of this area are defined by Section 4.10.8 (B)(1). The clubhouse will be setback beyond this requirement to provide additional landscaping area.

(7) Design entrances to:

(a) Provide private entrances at grade level and adjacent to private open space to the greatest extent possible. Unless otherwise approved by the Town Council, no more than four (4) Dwelling Units shall share a common entrance. 12 units are served by each breezeway from the ground level through the use of stairs. Each breezeway serves 4 dwelling units on each level of the building.

(b) Avoid aligning doors to separate Dwelling Units with each other unless screening is provided. However, entrances should be visible from the sidewalk or public walkway and other Dwelling Units, when practical. No entrances are aligned directly with other dwelling units without landscape areas in between the buildings and entrances. All entrances are clearly visible from sidewalks and parking areas.

(c) Provide porches or roofed overhangs over building entrances. Roofed overhangs are provided on all breezeway entrances. These entrances will provide focal elements for the building, while breaking up the front façade of the buildings.

(d) Set back buildings or entries so that the entry paths extend at least ten (10) feet from sidewalk or public circulation walkway. These entry areas should be designed to provide semi-public gardens around the front entryways. Do not provide access to apartments via long-shared access galleries. Entrances are setback as defined by Section 4.10.8 (B)(1). Landscaping is provided in between the sidewalk and building entrance to soften the entrance and create an attractive entrance location.

(8) Provide a private garden, yard, patio or balcony for every Dwelling Unit. All units in the development will have a private outdoor balcony or patio. Ground floor units will have private fenced patios, while upper level units will have private balconies.

(9) The private open space of all Dwelling Units shall be visually and functionally accessible from inside the Dwelling. All units will have windows and view the exterior landscaped areas, amenities and park.

(10) Provide screening for yards where private activities are likely to occur and to delimit private from common open space. Landscaping will be provided in front of all ground floor patios to allow for screening and privacy.

### (D) Pedestrian Improvements

(1) Provide continuous walkways through the project and connecting Dwellings to and through common open space. An interconnected network of walkways and sidewalks provide access throughout the community. All units are connected through pedestrian pathways to the park, clubhouse and amenity areas throughout the property.

(2) Minimize walkways that provide direct opportunities to cut through the project by strategically locating fences, low walls and planting areas within the site and near site entry points. The property is proposed to be a private gated community with limited access gates located at West Rhode Island Avenue and US Highway 1. Pedestrian connections will be made to the streets surrounding the property, however, these locations will be gated and intended of the use of the residents. All amenities within the development will be private.

(3) Provide storage space for strollers, bicycles, and so forth, close to the main entries of Dwellings or groups of Dwellings. Bicycle storage racks will be provided at the clubhouse and at each building.

### (E) Parking

(1) Provide parking in small Lots that are designed and located to ensure that most parked vehicles are visible from one (1) or more Dwellings. Parked vehicles will be visible from each building. Parking areas will be separated and divided by landscaping and parking islands per the Town's UDO.

(2) To the greatest extent practicable, parking shall not separate Dwelling Units from common open space. Due to the narrow shape of this site, dwellings are located facing open space areas where practicable.

### (F) Open Space

(1) Common usable open space shall comprise ten (10) percent of the total project area. The project has in excess of 50% open space.

## EXHIBIT D

(2) Open spaces shall be configured so that the ratio of building height to open space width is in the range of 1:3 or greater. Ratios as tight as 1:2 may be approved if landscaping effectively screens buildings from each other. **The open space areas meet these standards.**

(3) Common open space shall be configured in square or nearly square areas with sides of at least one hundred (100) feet. **Common open space and amenity areas are not configured as square areas as the topography and narrow site area prohibit this configuration. Open space areas are configured to fit the land, work with the topography and work within the plan structure to provide recreation opportunities for the residents of the community. The larger recreation/amenity areas exceed 100 feet on all sides.**

(4) To the greatest extent practicable, Dwelling Units shall have access to common open space without having to cross a street. **No public streets are provided within the development.**

(5) Play Areas

(a) Play areas for young children should be physically separated from potential traffic hazards. **The play area is located at the end of the property in a park area. This will allow for children's safety and separate children from vehicular traffic. The sidewalk system throughout the project will connect to this park area.**

(b) Provide a variety of hard-surfaces areas in the form pathways that are least five (5) feet wide and small areas off the circulation system for various children's activities. **The play area will provide these items.**

(6) For Developments with more than twenty (20) Dwellings, provide on-site; well-equipped and challenging play areas for school age children within a five (5) minute walk from each Dwelling Unit. **A play area will be provided as described above. Due to the linear nature and topography of this site, a flat area located outside of the main vehicular circulation pattern was identified for the playground. This area also has several large trees that will be maintained to create a shaded play area. Access to this area may exceed 5 minutes from the northernmost building. The clubhouse and pool area, however, are within five minutes' walk of all units. Children of all ages will be permitted to utilize these areas as well as the park area.**

(a) Provide places for school age children to sit. **Benches and sitting areas will be provided for children and adults.**

(b) Where possible include a space for ball games on site (minimum 80 feet x 40 feet). **Due to the topography and narrow site a flat area of this size will not be provided. However, the pool and clubhouse will provide a fitness room, theater room, game room and other amenities open to children. This properties proximity to downtown Southern Pines open spaces and parks will permit residents to have ball games if desired.**

(7) Provide retaining walls that can also be used for casual seating. **Retaining walls or site furniture will be used to provide casual seating.**

(8) Where cluster Dwellings are included in a project, ensure some uniqueness for each cluster. Vary the design (size, dimensions, grading, planting, site furniture and play equipment) of the common open spaces of each cluster. **This does not apply to this site.**

(9) The number of Dwelling Units grouped around common and open space should range between twenty (20) to one hundred (100) **Several units are grouped within close proximity of the clubhouse and pool area.**

PIN:858214321933  
PARID:00039174  
NAME:MLC AUTOMOTIVE, LLC  
ADDRESS:PO BOX 40110  
CITY:RALEIGH  
STATE:NC  
ZIP:27629

PIN:858214338562  
PARID:00040949  
NAME:THOMPSON, JEAN L  
ADDRESS:900 SANDAVIS RD  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858200325691  
PARID:00039929  
NAME:VILLAGE GREEN  
ASSOCIATES  
NAME2:OF SOUTHERN PINES  
ADDRESS:VILLAGE GREEN  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858200336196  
PARID:00041184  
NAME:MAIR, ROBERT C  
CO/TRUSTEE &  
NAME2:KENZER-MAIR, AMY B  
CO/TRUSTEE  
ADDRESS:9700 ANDORA AVE  
CITY:CHATSWORTH  
STATE:CA  
ZIP:91311

PIN:858214337130  
PARID:00032439  
NAME:DUFF, ROBIN E  
ADDRESS:58 VILLAGE GREEN  
CIRCLE  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858200336154  
PARID:00032024  
NAME:GIBBONS, SANDRA  
RICHARDS  
ADDRESS:56 VILLAGE GREEN  
CIRCLE  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858200336101  
PARID:00032844  
NAME:JORDAN REALTY  
INVESTMENTS, INC  
NAME2:C/O JOHN A JORDON  
TRUST  
ADDRESS:275 S BENNETT ST  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387-5401

PIN:858214326919  
PARID:00040921  
NAME:CULLEN, DOROTHY B  
ADDRESS:53 VILLAGE GREEN  
CIRCLE  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858214335072  
PARID:00038012  
NAME:FOUNTAIN, JUDY  
ADDRESS:54 VILLAGE GREEN CIR  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858214324981  
PARID:00039417  
NAME:FELS, NICHOLAS & SUSAN  
ADDRESS:4010 28TH PLACE NW  
CITY:WASHINGTON  
STATE:DC  
ZIP:20008-3801

PIN:858214325818  
PARID:00031152  
NAME:EVERITT, MARY K  
ADDRESS:49 VILLAGE GREEN  
CIRCLE  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858214325865  
PARID:00039688  
NAME:WATSON, PAULA L  
ADDRESS:50 VILLAGE GREEN  
CIRCLE  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858200324816  
PARID:00033182  
NAME:ELLIOTT, HARDIE B  
NAME2:ELLIOTT, WILHEMINA  
ADDRESS:C/O PDS TAX SERVICES  
CITY:ARLINGTON  
STATE:TX  
ZIP:76094

PIN:858200324800  
PARID:00037852  
NAME:GADDY, CHARLOTTE BLAKE  
ADDRESS:46 VILLAGE GREEN CIR  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858200323795  
PARID:00032598  
NAME:GREENFIELD, GARY R &  
ANITA  
ADDRESS:105 CANTERBURY RD  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858200323770  
PARID:00035284  
NAME:FISH, ARTHUR K & JOAN  
ADDRESS:44 VILLAGE GREEN  
CIRCLE  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858214324558  
PARID:00033323  
NAME:THOMAS, LOUISE N  
TRUSTEE  
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CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858214324601  
PARID:00033475  
NAME:HILL, SAMMY H & BILLIE  
JOYCE  
ADDRESS:42 VILLAGE GREEN  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858214323641  
PARID:00039760  
NAME:RAY, PATRICIA  
ADDRESS:43 VILLAGE GREEN  
CIRCLE  
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STATE:NC  
ZIP:28387

PIN:858200324403  
PARID:00036137  
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NAME2:MAYOCK, SUSANNE T  
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CITY:WEST CHESTER  
STATE:PA  
ZIP:19380-5719

PIN:858200323456  
PARID:00033434  
NAME:MAYOCK, RICHARD F  
ADDRESS:37 VILLAGE GREEN  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858218323418  
PARID:00036426  
NAME:KNIGHT, JUDITH MCCOY  
ADDRESS:36 VILLAGE GREEN  
CIRCLE  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858200323309  
PARID:00035859  
NAME:HAAG, NORMA  
ADDRESS:35 VILLAGE GREEN  
CIRCLE  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858218322395  
PARID:00035796  
NAME:MCELDERRY, RALPH E  
ADDRESS:34 VILLAGE GREEN  
CIRCLE  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858200322299  
PARID:00036427  
NAME:MCLEAN, PATRICIA  
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ADDRESS:33 VILLAGE GREEN  
CIRCLE  
CITY:SOUTHERN PINES  
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ZIP:28387

PIN:858218322284  
PARID:00039507  
NAME:STUART, CORNELIA H  
ADDRESS:32 VILLAGE GREEN  
CIRCLE  
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STATE:NC  
ZIP:28387-3209

PIN:858218322189  
PARID:00039881  
NAME:TAYLOR, CATHERINE C  
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CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858218323111  
PARID:00032173  
NAME:MALAN, EILEEN C  
ADDRESS:PO DRAWER 2020  
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PIN:858218323069  
PARID:00031885  
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ADDRESS:26 VILLAGE GREEN CIR  
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STATE:NC  
ZIP:28387

PIN:858218219937  
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PIN:858218310977  
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AVE  
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STATE:NC  
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PIN:858218311933  
PARID:00039457  
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STATE:NC  
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PIN:858218217509  
PARID:00036264  
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ADDRESS:PO BOX 870  
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PARID:00036262  
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NAME2:OF MOORE COUNTY, INC  
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CITY:ABERDEEN  
STATE:NC  
ZIP:28315

PIN:858200205917  
PARID:00039148  
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ADDRESS:PO BOX 870  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858217212155  
PARID:00031953  
NAME:NEWKIRK, ELVY O  
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CITY:ROXBURY  
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PIN:858218217283  
PARID:00039150  
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CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

*Traffic Impact Analysis*

# US 1 Residential Development Southern Pines, NC

Prepared for:

Caviness and Cates Building and Development Co.

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**Traffic Impact Analysis  
for  
US 1 Residential Development  
Southern Pines, North Carolina**

**Prepared for:  
Caviness and Cates Building and Development Co.  
Fayetteville, NC**

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**April 2016**



4/20/2016

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**Executive Summary**

The proposed US 1 Residential Development is a project located on the east side of US 1 between Pennsylvania Avenue and Midland Road in Southern Pines, North Carolina. The site is currently vacant. As currently envisioned, the development of the approximately 25-acre property will consist of 288 apartment units. The development is expected to be completed (built-out) in 2017.

This report presents trip generation, distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands. The traffic conditions studied include the existing (2016), future (2026) background, and future (2026) build-out. While the Town’s TIA guidelines reference both 10- and 20-year projections, with the short buildout timeline expected for this project, a 10-year projection time horizon was agreed upon as a part of the scoping of this study. The weekday AM and PM peak hours were studied.

Trips for the entire development were generated as apartments (LUC 220). Table ES-1 shows the trip generation potential of the proposed land use.

<b>Table ES-1 ITE Traffic Generation – Weekday Trips</b>					
<b>Land Use Code</b>	<b>Land Use Density</b>	<b>AM Peak Hour</b>		<b>PM Peak Hour</b>	
		<b>Enter</b>	<b>Exit</b>	<b>Enter</b>	<b>Exit</b>
220	Apartment (288 Units)	29	116	114	62

Due to the ongoing discussion regarding the US 1 Northbound Service Road and whether its existing access to the US 1 Northbound Off-Ramp will remain open in the future, two scenarios were analyzed in the future build-out condition: one in which the US 1 Northbound Service Road access remains open and one in which it is closed. For the purposes of this analysis, all study intersections were evaluated under the assumption of closed access between the US 1 Northbound Service Road and the US 1 Northbound Off-Ramp. This results in the most conservative analysis of the projected traffic throughout the study network. However, a future (2026) build-out analysis was also completed for the intersections of the US 1 Northbound Off-Ramp at US 1 Northbound Service Road and Midland Road at US 1 Northbound Off-Ramps for a scenario in which access remains open at its existing location.

Analysis indicates that all intersections in the study area are expected to operate acceptably with the proposed development in place with the exception of Midland Road at US 1 Northbound Off-Ramps. The northbound approach (US 1 Northbound Off-Ramp) at this

unsignalized intersection is expected to operate with long delays in the year 2026 with or without the proposed development in place. Site traffic is expected to account for less than 5% of the total traffic at this intersection in the AM and PM peak hours. Analysis results are summarized in Table ES-2. The delay reported for the intersections in the study area, all of which are unsignalized, was determined using an average of five SimTraffic simulation runs. Intersections with approaches that have a reported delay greater than 50 seconds are considered to operate at LOS F. These approaches are noted in the summary table below with red text.

<b>Table ES-2 Level-of-Service Summary</b>		
<b>Condition</b>	<b>AM Peak Hour LOS (Delay)</b>	<b>PM Peak Hour LOS (Delay)</b>
<b>Midland Road at US 1 Northbound Ramps</b>		
Existing (2016) Traffic	NB – D (31.0) SB – A (6.4)	NB – E (35.4) SB – A (8.4)
Future (2026) Background Traffic	<b>NB – F (67.1)</b> SB – A (9.4)	<b>NB – F (117.4)</b> SB – A (7.8)
Future (2026) Build-out Traffic (Open Service Road Access Scenario)	<b>NB – F (84.3)</b> SB – A (8.7)	<b>NB – F (163.5)</b> SB – D (26.9)
Future (2026) Build-out Traffic (Closed Service Road Access Scenario)	NB – E (40.5) SB – A (6.2)	<b>NB – F (110.5)</b> SB – A (9.8)
<b>US 1 Northbound Off-Ramp at US 1 Northbound Service Road</b>		
Existing (2016) Traffic	NB – A (3.5)	NB – A (3.1)
Future (2026) Background Traffic	<b>NB – F (58.6)</b>	NB – C (19.0)
Future (2026) Build-out Traffic (Open Service Road Access Scenario)	NB – D (31.0)	<b>NB – F (79.4)</b>
<b>Midland Road at Crestview Road</b>		
Existing (2016) Traffic	NB – A (9.8)	NB – A (9.4)
Future (2026) Background Traffic	NB – A (9.3)	NB – B (12.2)
Future (2026) Build-out Traffic (Closed Service Road Access Scenario)	NB – B (14.8)	NB – C (15.3)
<b>N Saylor Street at Crestview Road</b>		
Existing (2016) Traffic	NB – A (3.2)	NB – A (2.4)
Future (2026) Background Traffic	NB – A (2.8)	NB – A (2.9)
Future (2026) Build-out Traffic (Closed Service Road Access Scenario)	NB – A (4.4)	NB – A (4.0)

ES-2



<b>Table ES-2 (cont.) Level-of-Service Summary</b>		
<b>Condition</b>	<b>AM Peak Hour LOS (Delay)</b>	<b>PM Peak Hour LOS (Delay)</b>
<b>N Saylor Street at W Rhode Island Avenue / Proposed Site Driveway #1</b>		
Existing (2016) Traffic	EB – A (3.7) WB – A (4.9)	EB – A (3.8) WB – A (4.3)
Future (2026) Background Traffic	EB – A (3.8) WB – A (4.3)	EB – A (3.9) WB – A (4.3)
Future (2026) Build-out Traffic (Closed Service Road Access Scenario)	EB – A (4.1) WB – A (4.7)	EB – A (3.8) WB – A (5.5)
<b>N Saylor Street at Vermont Avenue</b>		
Existing (2016) Traffic	EB – A (3.7) WB – A (4.0)	EB – A (4.1) WB – A (4.4)
Future (2026) Background Traffic	EB – A (3.9) WB – A (4.1)	EB – A (4.0) WB – A (3.8)
Future (2026) Build-out Traffic (Closed Service Road Access Scenario)	EB – A (3.9) WB – A (4.3)	EB – A (3.6) WB – A (4.1)
<b>N Saylor Street at W Pennsylvania Avenue</b>		
Existing (2016) Traffic	NB – A (8.6) SB – A (5.2)	NB – A (8.6) SB – A (6.3)
Future (2026) Background Traffic	NB – A (10.0) SB – A (5.7)	NB – B (10.1) SB – A (9.2)
Future (2026) Build-out Traffic (Closed Service Road Access Scenario)	NB – A (8.7) SB – A (7.4)	NB – B (12.2) SB – A (9.1)
<b>W Rhode Island Avenue at N Bennett Street</b>		
Existing (2016) Traffic	EB – A (4.2) WB – A (3.8)	EB – A (4.1) WB – A (3.7)
Future (2026) Background Traffic	EB – A (4.4) WB – A (4.0)	EB – A (3.7) WB – A (4.3)
Future (2026) Build-out Traffic (Closed Service Road Access Scenario)	EB – A (4.7) WB – A (3.9)	EB – A (3.6) WB – A (5.1)
<b>Broad Street at W Rhode Island Avenue</b>		
Existing (2016) Traffic	EB – A (4.2)	EB – A (3.5)
Future (2026) Background Traffic	EB – A (3.9)	EB – A (3.0)
Future (2026) Build-out Traffic (Closed Service Road Access Scenario)	EB – A (4.7)	EB – A (4.4)

<b>Table ES-2 (cont.) Level-of-Service Summary</b>		
<b>Condition</b>	<b>AM Peak Hour LOS (Delay)</b>	<b>PM Peak Hour LOS (Delay)</b>
<b>US 1 Northbound at US 1 Northbound Service Road Access / Proposed Site Driveway #2</b>		
Existing (2016) Traffic	WB – A (1.2)	WB – A (3.4)
Future (2026) Background Traffic	WB – A (3.1)	WB – A (4.7)
Future (2026) Build-out Traffic (Closed Service Road Access Scenario)	WB – A (4.5)	WB – A (6.5)
<b>US 1 Northbound Service Road at US 1 Northbound Service Road Access / Proposed Site Driveway #2</b>		
Existing (2016) Traffic	EB – A (2.5)	EB – A (2.7)
Future (2026) Background Traffic	EB – A (2.5)	EB – A (2.4)
Future (2026) Build-out Traffic (Closed Service Road Access Scenario)	WB – A (4.7) NB – A (4.2)	WB – A (4.5) NB – A (4.1)

The following improvements are recommended to be performed to accommodate projected US 1 Residential Development site traffic based on the capacity analysis presented herein:

*US 1 Northbound Off-Ramp at US 1 Northbound Service Road:*

- Close the US 1 Northbound Service Road at US 1 Northbound Off-Ramp

*Midland Road at US 1 Northbound Ramps:*

- Restripe the US 1 Northbound Off-Ramp, which currently accommodates two-way traffic, to provide an exclusive right-turn lane and shared through/left-turn lane for the northbound approach at this intersection

*US 1 Northbound at US 1 Northbound Service Road Access:*

- Construct an exclusive right-turn lane on US 1 Northbound with 50 feet of full-width storage as well as the appropriate length of deceleration storage and bay taper

*US 1 Northbound Service Road at US 1 Northbound Service Road Access/Proposed Site Driveway #2*

- Operate the eastbound approach (US 1 Northbound Service Road Access) as a free-flow movement so that vehicles will not queue back onto mainline US 1 when attempting to enter the proposed site. This will require that all other movements at this intersection be under STOP control.

**US 1 Northbound Service Road Connection Closure Analysis**

Existing AM and PM peak hour traffic counts along the US 1 Northbound Service Road indicate that closing the two-way connection and access from Midland Road will have minimal impact on traffic patterns in the area. Traffic counts showed as little as one (1)

vehicle using the US 1 Northbound Service Road during the PM peak hour, and no vehicles were observed in the AM peak hour.

Based on the capacity analyses, the potential closure of access to the US 1 Northbound Service Road is expected to result in improved operations for the Midland Road at US 1 Northbound Ramps intersection if the existing pavement along the northbound approach, which currently accommodates two-way traffic, is restriped as an exclusive right-turn lane and shared through/left-turn lane. The proposed closure would provide improved traffic operations with or without the proposed development being in place. However, given that the proposed development is expected to create additional traffic demand for the service road and the connection from Midland Road, it is recommended that the closure be completed to accommodate this development.

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

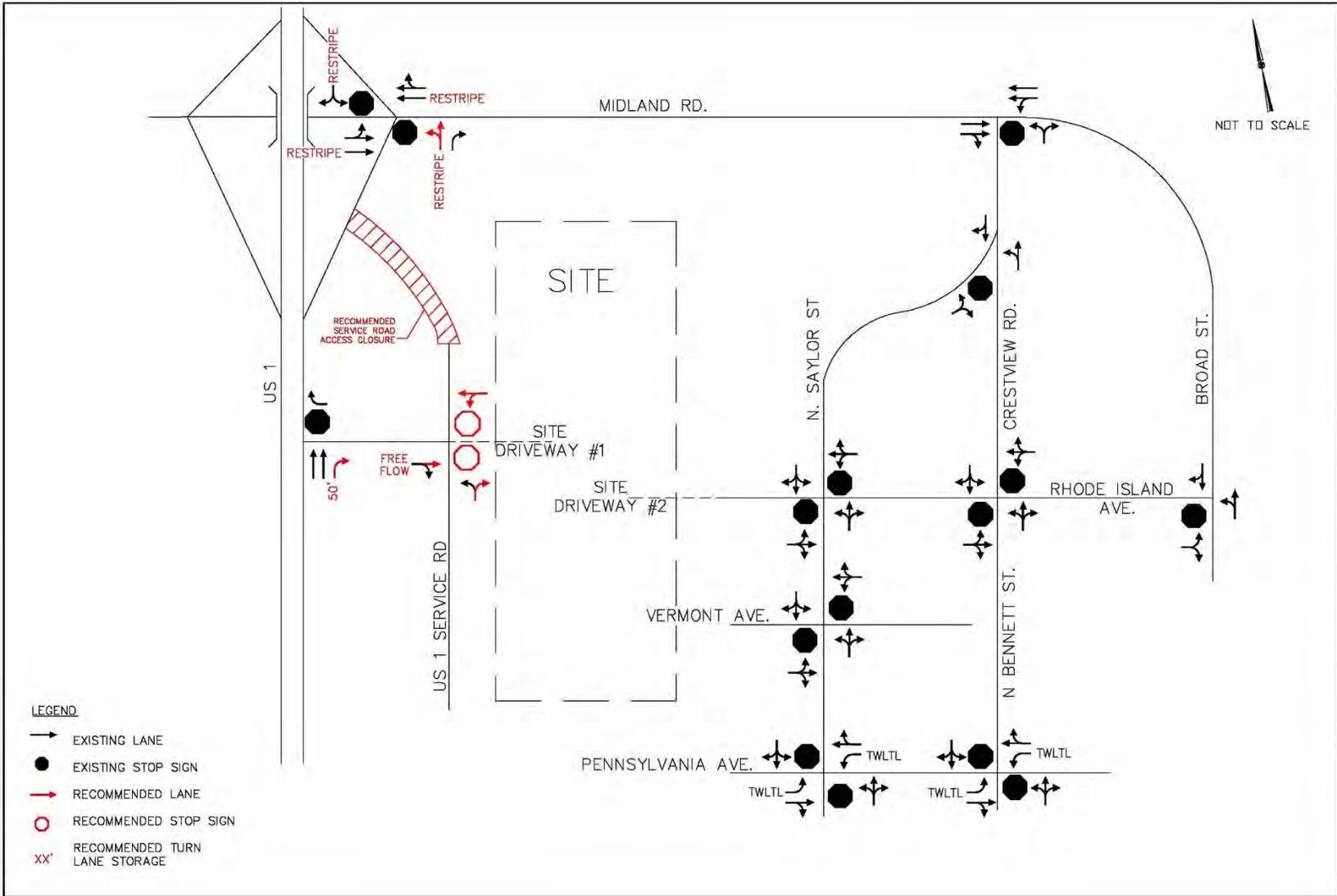


FIGURE ES-1

RECOMMENDED LANEAGE

US 1 RESIDENTIAL DEVELOPMENT  
SOUTHERN PINES, NC



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## 1.0 Introduction

The proposed US 1 Residential Development is a project located on the east side of US 1 between Pennsylvania Avenue and Midland Road in Southern Pines, North Carolina. The site is currently vacant. As currently envisioned, the development of the approximately 25-acre property will consist of 288 apartment units. The development is expected to be completed (built-out) in 2017.

This report presents trip generation, distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands. The traffic conditions studied include the existing (2016), future (2026) background, and future (2026) build-out. While the Town's TIA guidelines reference both 10- and 20-year projections, with the short buildout timeline expected for this project, a 10-year projection time horizon was agreed upon as a part of the scoping of this study. The weekday AM and PM peak hours were studied.

Due to the ongoing discussion regarding the US 1 Northbound Service Road and whether its existing access to the US 1 Northbound Off-Ramp will remain open in the future, two scenarios were analyzed in the future build-out condition: one in which the US 1 Northbound Service Road access remains open and one in which it is closed. For the purposes of this analysis, all study intersections were evaluated under the assumption of closed access between the US 1 Northbound Service Road and the US 1 Northbound Off-Ramp. This results in the most conservative analysis of the projected traffic throughout the study network. However, a future (2026) build-out analysis was completed for the intersections of the US 1 Northbound Off-Ramp at US 1 Northbound Service Road and Midland Road at US 1 Northbound Off-Ramps for a scenario in which access remains open at its existing location.

North Carolina Department of Transportation (NCDOT) and Town of Southern Pines staff were consulted to obtain background information and to ascertain the elements covered in this traffic impact analysis (TIA).

## 2.0 Inventory

### 2.1 Study Area

The study area for this TIA consists of the following intersections:

- Midland Road at US 1 Northbound Ramps
- US 1 Northbound Off-Ramp at US 1 Northbound Service Road
- Midland Road at Crestview Road
- N Saylor Street at Crestview Road
- N Saylor Street at W Rhode Island Avenue / Proposed Site Driveway #1
- N Saylor Street at W Vermont Avenue
- N Saylor Street at W Pennsylvania Avenue
- W Rhode Island Avenue at N Bennett Street
- Broad Street at W Rhode Island Avenue
- US 1 Northbound at US 1 Northbound Service Road Access
- US 1 Northbound Service Road at US 1 Northbound Service Road Access/Proposed Site Driveway #2

Figure 1 shows the site location, and Figure 2 shows the site plan.

### 2.2 Existing Conditions

The surrounding land uses are primarily residential. Roadways in the study area include US 1, Midland Road (NC 2), Pennsylvania Avenue, Broad Street, Crestview Road, Saylor Street, Rhode Island Avenue, Vermont Avenue, Bennett Street. The existing roadway laneage in the study area is shown in Figure 3.

US 1 is a 4-lane divided highway with a posted speed limit of 55 mph near the study area. The reported 2013 average daily traffic (ADT) volume was approximately 19,000 vehicles per day (vpd) south of Midland Road.

Midland Road is a 4-lane divided roadway with a posted speed limit of 35 mph east of US 1. The reported 2013 ADT volume was approximately 4,900 vpd east of US 1.

Pennsylvania Avenue is a 3-lane roadway with a center two-way left-turn lane (TWLTL) and a posted speed limit of 35 mph. The estimated ADT volume near the study area is approximately 8,500 vpd.

Broad Street is a 2-lane roadway with a posted speed limit of 25 mph near the study area. The estimated ADT volume is approximately 5,500 vpd.

Crestview Road, Saylor Street, Rhode Island Avenue, Vermont Avenue, and Bennett Street are all 2-lane roadways with estimated ADT volumes below 1,000 vpd.



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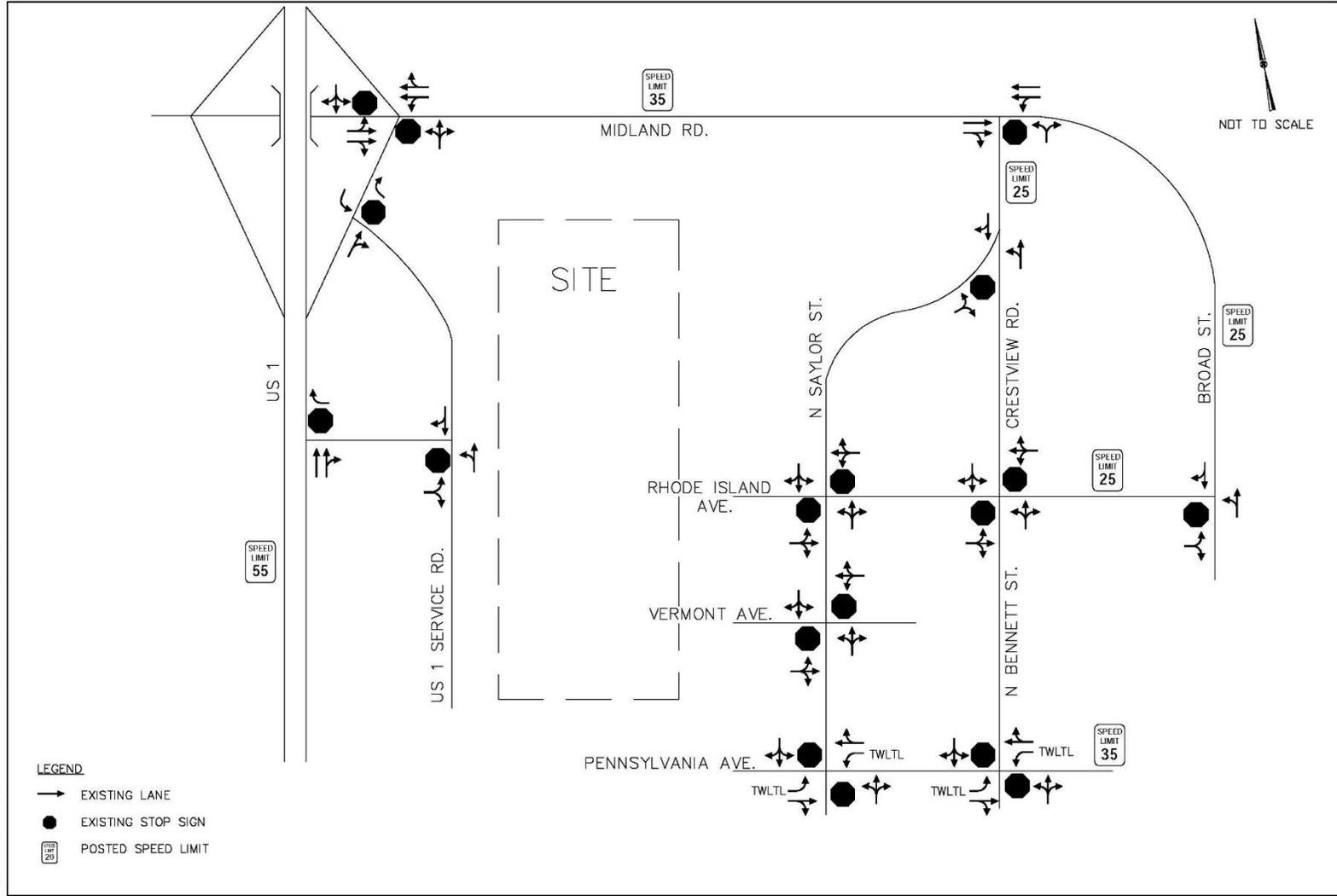
US 1  
RESIDENTIAL DEVELOPMENT  
SOUTHERN PINES, NC

SITE LOCATION

FIGURE  
1

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US 1 RESIDENTIAL DEVELOPMENT  
SOUTHERN PINES, NC

EXISTING LANEAGE

FIGURE  
3

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### 3.0 Traffic Generation

The traffic generation potential of the proposed development was determined using the traffic generation rates published in *Trip Generation* (Institute of Transportation Engineers, 9<sup>th</sup> Edition, 2012). Trips for the entire development were generated as apartments (LUC 220). Table 3.1 summarizes the estimated traffic generation potential of the site during a typical weekday.

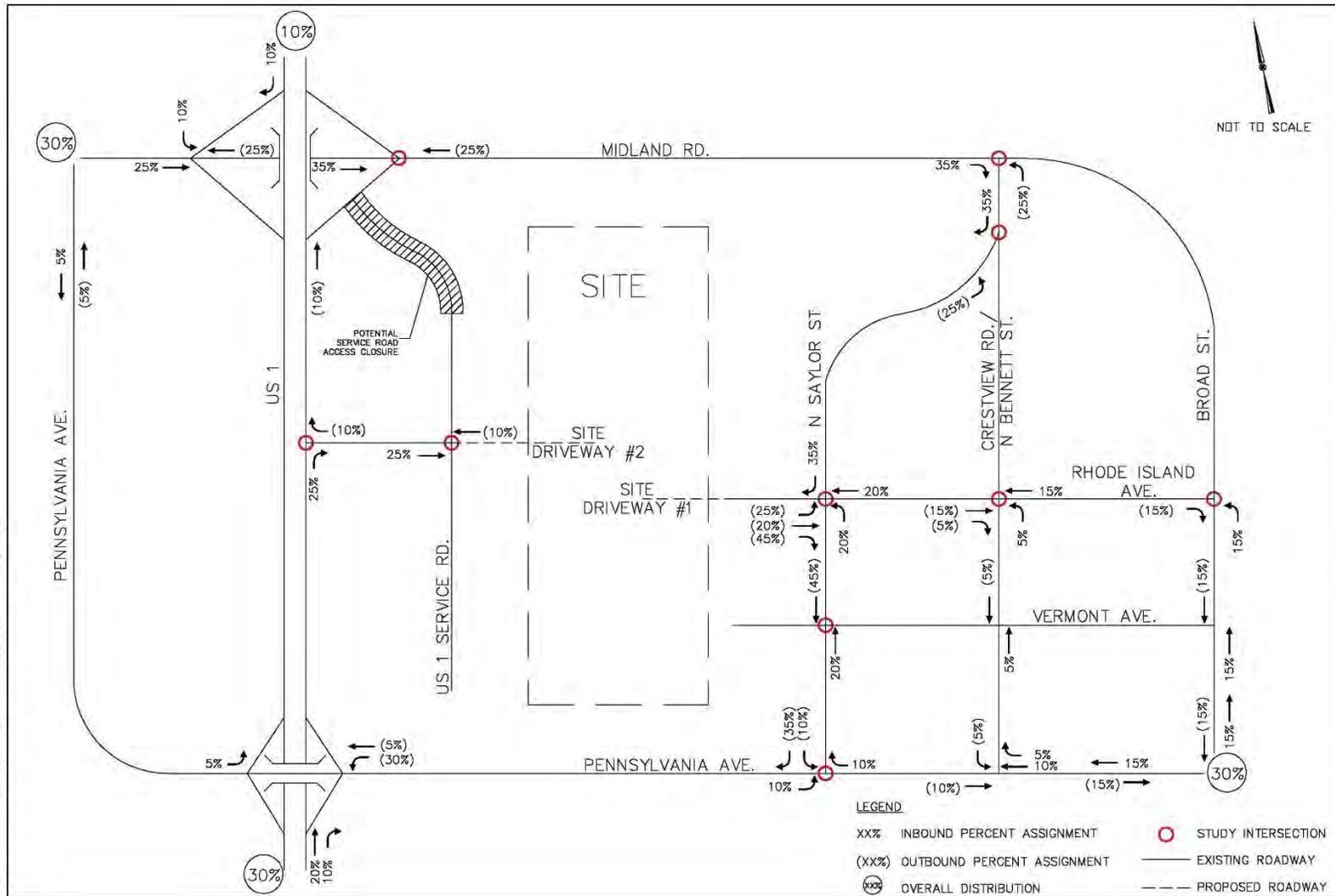
Land Use Code	Land Use Density	AM Peak Hour		PM Peak Hour	
		Enter	Exit	Enter	Exit
220	Apartment (288 Units)	29	116	114	62

#### 4.0 Site Traffic Distribution

The proposed generated trips were assigned to the surrounding roadway network based on existing traffic patterns and existing and projected land use densities in the study area. The estimated directional distribution is as follows:

- 30% to/from downtown Southern Pines
- 30% to/from Pinehurst along Midland Road and W Pennsylvania Avenue
- 30% to/from the south along US 1
- 10% to/from the north along US 1

Figure 4 shows the site traffic distribution and percent assignment for the analysis scenario in which the US 1 Northbound Service Road access near Midland Road is closed. Figure 5 shows the site traffic distribution and percent assignment for the analysis scenario in which the US 1 Northbound Service Road access remains open near Midland Road.



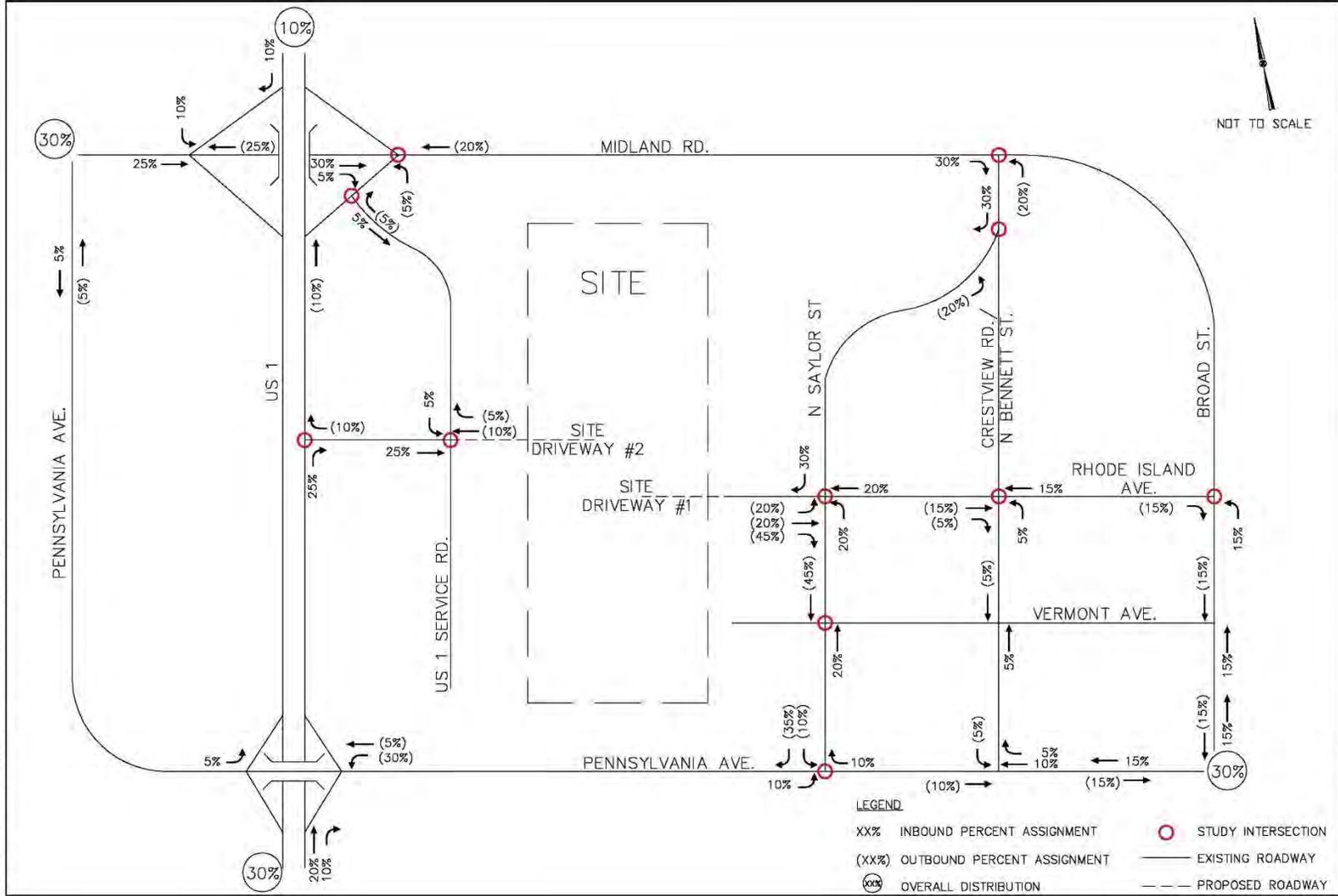
**Kimley Horn**

US 1 RESIDENTIAL DEVELOPMENT  
SOUTHERN PINES, NC

SITE TRAFFIC DISTRIBUTION –  
CLOSED SERVICE ROAD RAMP  
CONNECTION SCENARIO

FIGURE 4

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US 1 RESIDENTIAL DEVELOPMENT - SOUTHERN PINES, NC  
 SITE TRAFFIC DISTRIBUTION - OPEN SERVICE ROAD RAMP CONNECTION SCENARIO  
 FIGURE 5



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## 5.0 Projected Traffic Volumes

### 5.1 Existing Traffic

AM peak hour (7:00 to 9:00 AM) and PM peak hour (4:00 to 6:00 PM) turning movement counts were performed at the following intersections:

▪ Midland Road at US 1 Northbound Ramps	May 12, 2015
▪ Midland Road at Crestview Road	April 5, 2016
▪ N Saylor Street at Crestview Road	April 5, 2016
▪ N Saylor Street at W Rhode Island Avenue	April 5, 2016
▪ N Saylor Street at W Vermont Avenue	April 5, 2016
▪ N Saylor Street at W Pennsylvania Avenue	April 5, 2016
▪ W Rhode Island Avenue at N Bennett Street	April 5, 2016
▪ Broad Street at W Rhode Island Avenue	April 5, 2016
▪ US 1 Northbound Service Road at US 1 Northbound Service Road Access	April 5, 2016

Additionally, a 24-hour tube count was conducted along US 1 Northbound, just south of the US 1 Northbound Service Road Access, on April 5, 2016.

The existing AM and PM peak hour traffic volumes at the study intersections are shown in Figures 6 and 7, respectively, and the traffic count data are included in the Appendix. Existing peak hour factors (PHF) were used in the analysis when available. Otherwise, a PHF of 0.90 was used.

### 5.2 Historic Growth Traffic

Based on historic ADT volumes in the area, the existing volumes were grown at an annual growth rate of 1.5% through the 2026 horizon year. This is consistent with the growth rate assumed in the area as a part of the Midland Road Corridor Study traffic analyses.

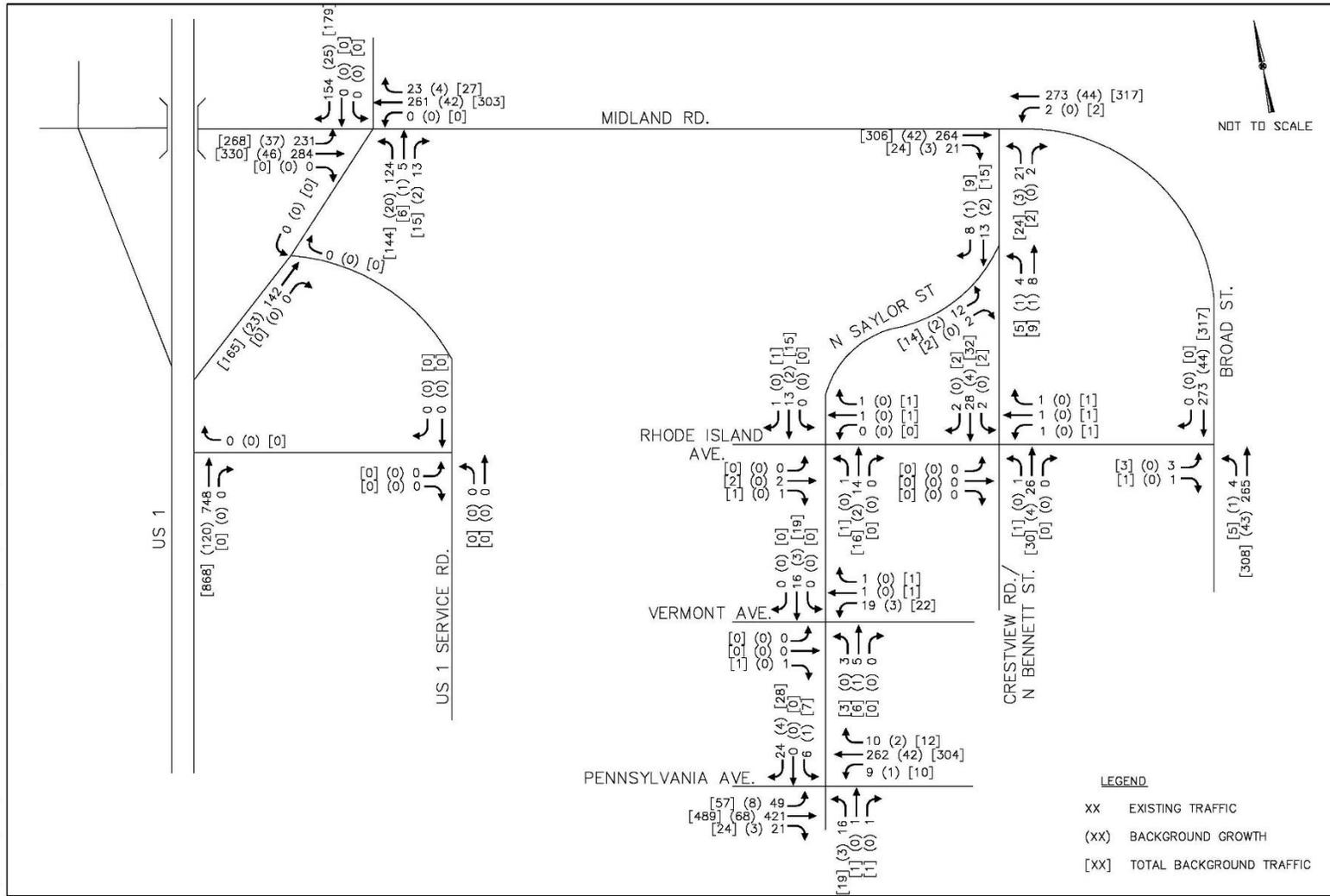
### 5.3 Site Traffic

The proposed site traffic was generated and assigned to the adjacent roadway network according to the distribution discussed previously in Section 4.0. The site traffic volumes for the AM and PM peak hours for the scenario in which the US 1 Northbound Service Road access is closed are shown in Figures 8 and 9, respectively. The site traffic volumes for the AM and PM peak hours for the scenario in which the US 1 Northbound Service Road access remains open are shown in Figures 10 and 11, respectively.

### 5.4 Projected Build-Out Traffic

To estimate the projected build-out peak hour traffic volumes, site-generated traffic volumes were added to the background traffic volumes. Figures 8 and 9 reflect the projected build-out traffic volumes for the AM and PM peak hours, respectively, for the scenario in which the US 1 Northbound Service Road access is closed. Figures 10 and 11 reflect the projected build-out traffic

volumes for the AM and PM peak hours, respectively, for the scenario in which the US 1 Northbound Service Road access remains open.



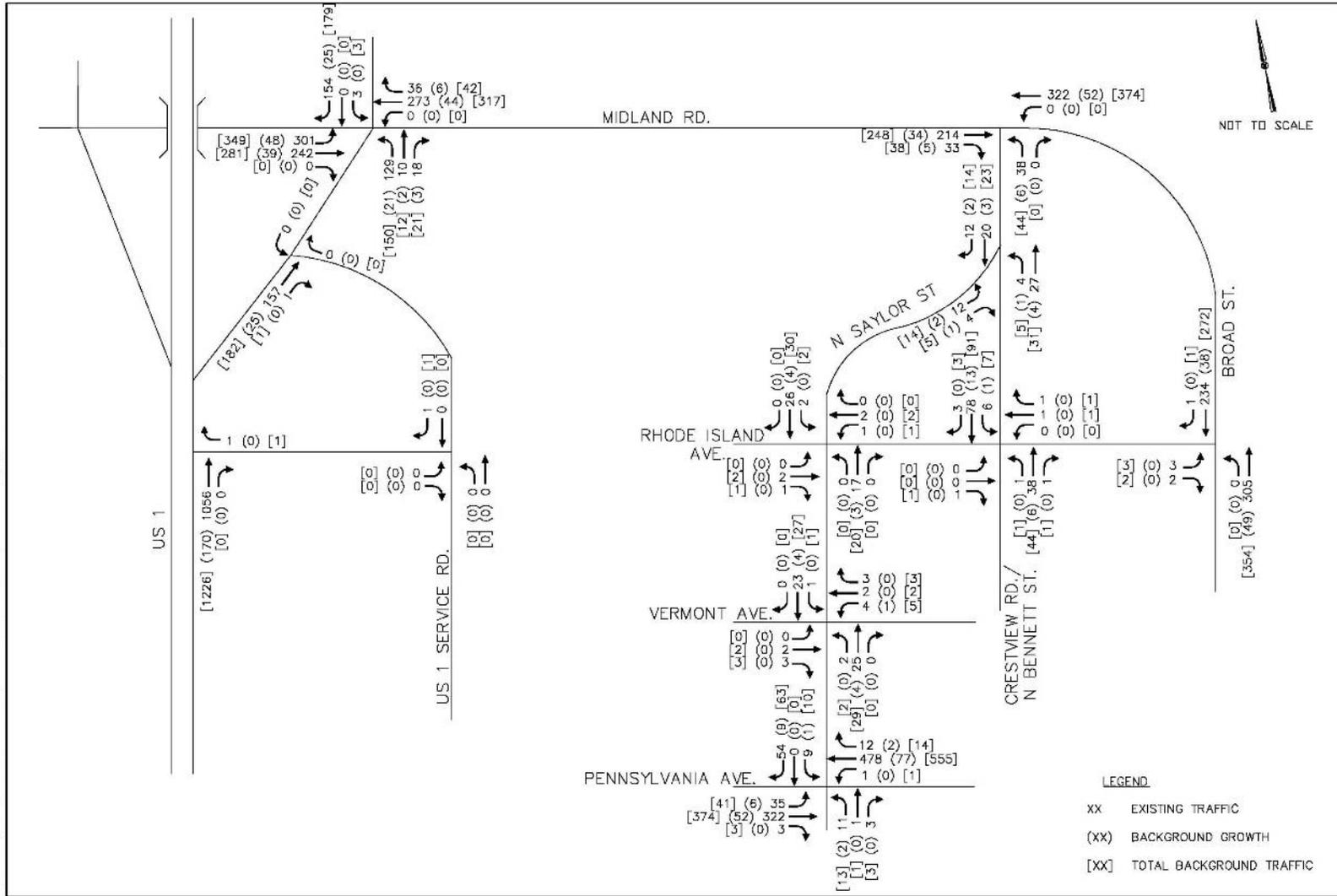
**Kimley»Horn**

US 1 RESIDENTIAL DEVELOPMENT  
SOUTHERN PINES, NC

EXISTING AND PROJECTED  
(2026) BACKGROUND AM PEAK  
HOUR TRAFFIC VOLUMES

FIGURE  
6

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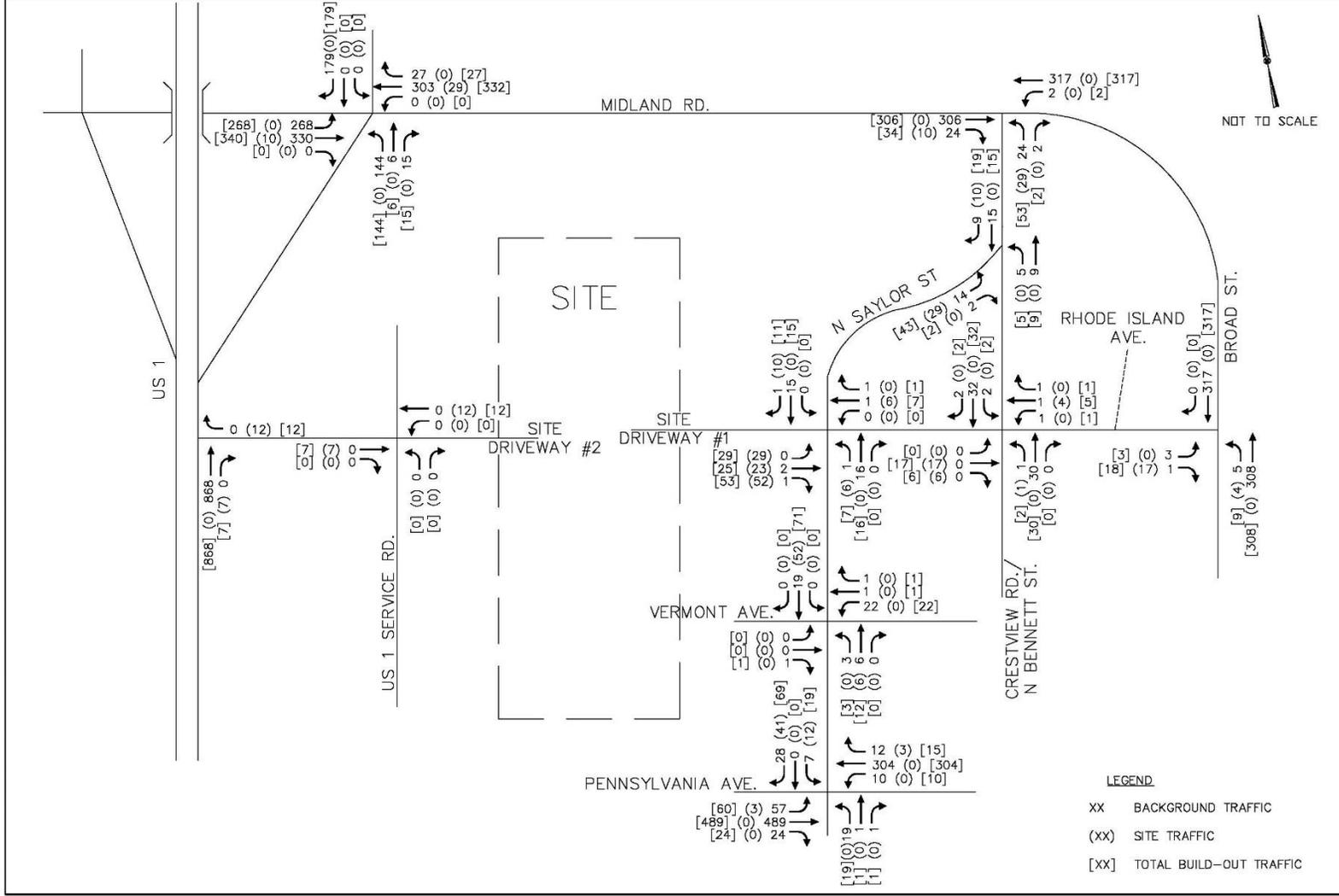
**Kimley»Horn**

**US 1 RESIDENTIAL DEVELOPMENT SOUTHERN PINES, NC**

**EXISTING AND PROJECTED (2026) BACKGROUND PM PEAK HOUR TRAFFIC VOLUMES**

**FIGURE 7**

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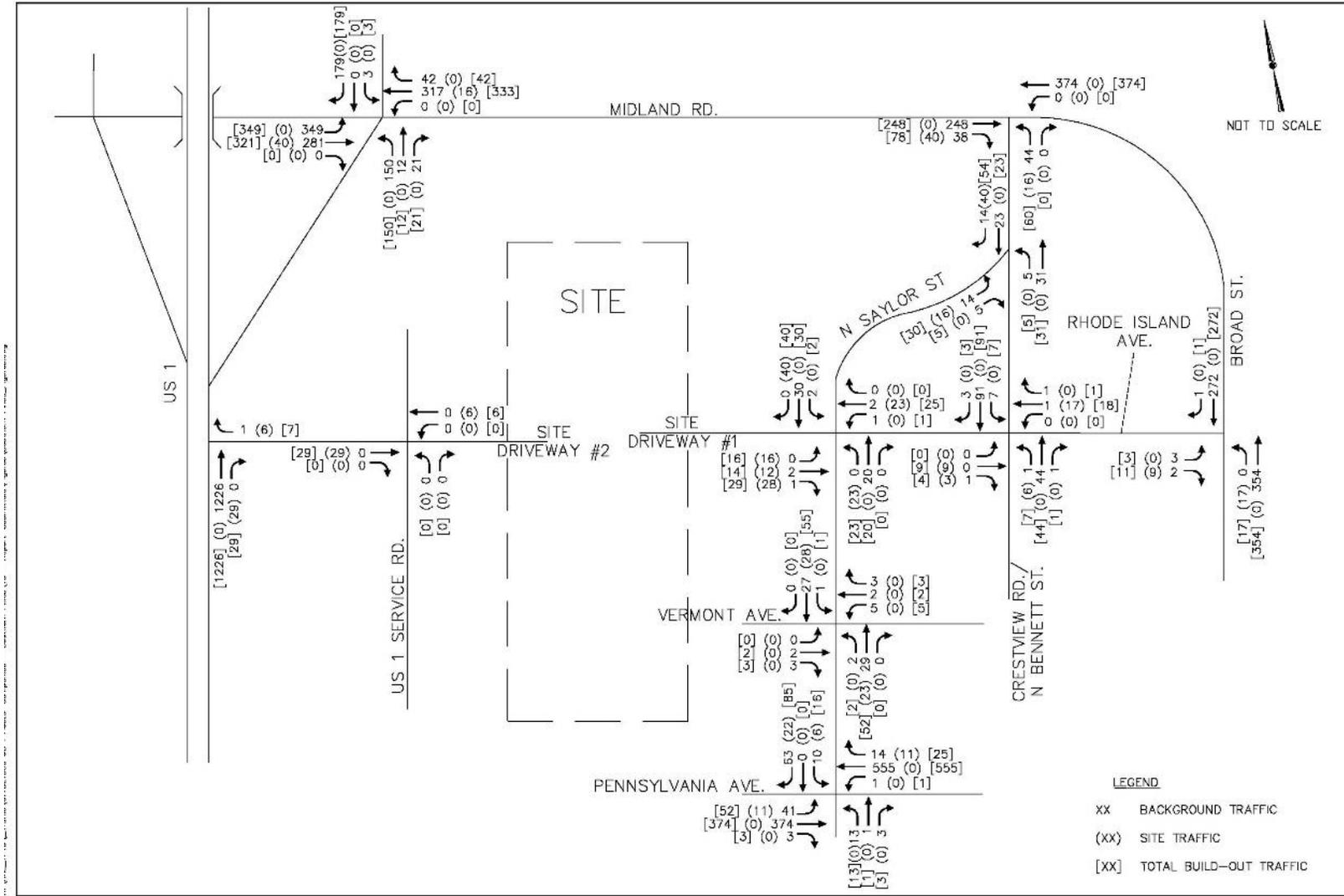
**Kimley Horn**

US 1 RESIDENTIAL DEVELOPMENT  
SOUTHERN PINES, NC

PROJECTED (2026) BUILD-OUT  
AM PEAK HOUR TRAFFIC VOLUMES  
(CLOSED SERVICE ROAD CONNECTION)

FIGURE  
8

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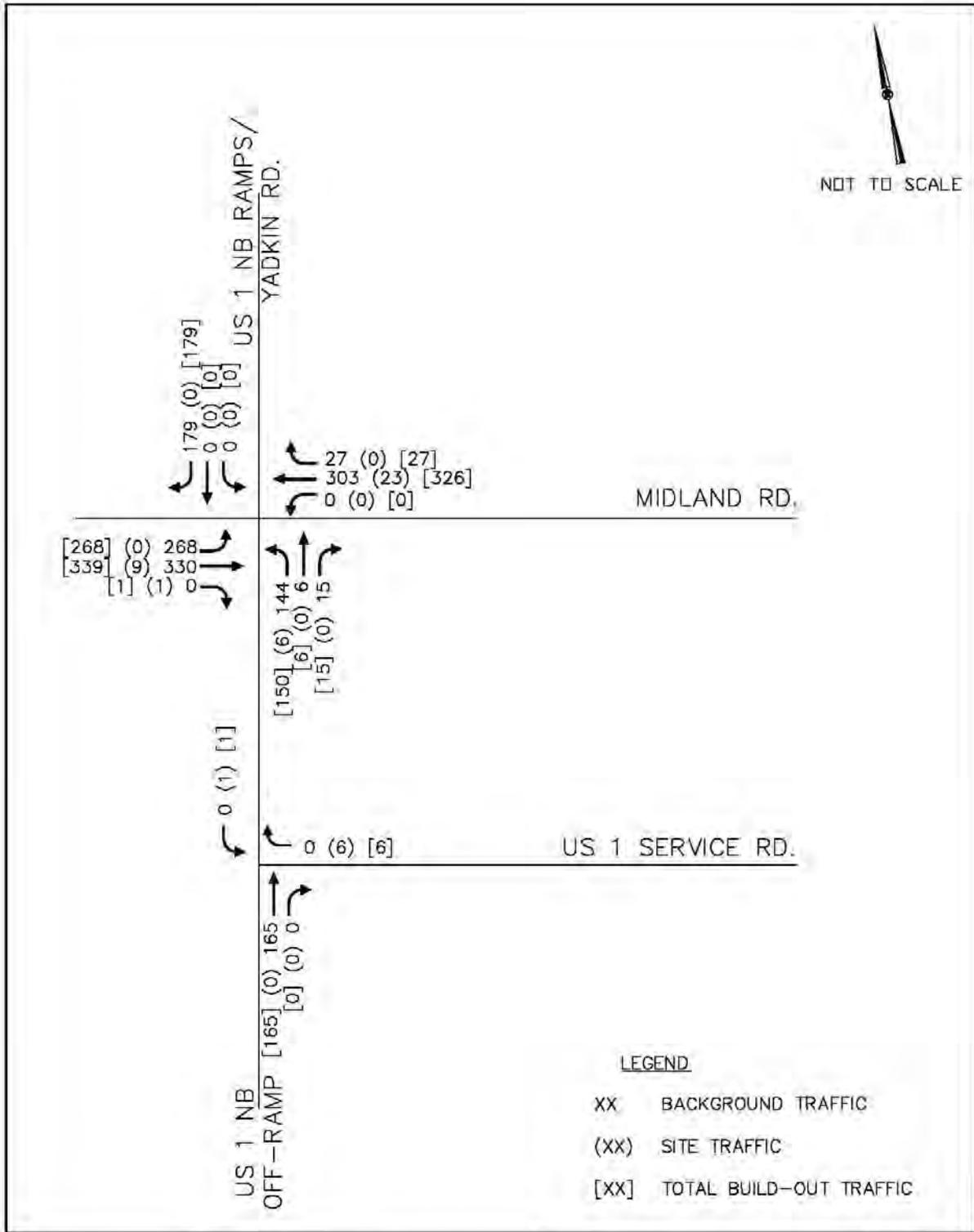
**Kimley-Horn**

US 1 RESIDENTIAL DEVELOPMENT  
SOUTHERN PINES, NC

PROJECTED (2026) BUILD-OUT  
PM PEAK HOUR TRAFFIC VOLUMES  
(CLOSED SERVICE ROAD CONNECTION)

FIGURE  
9

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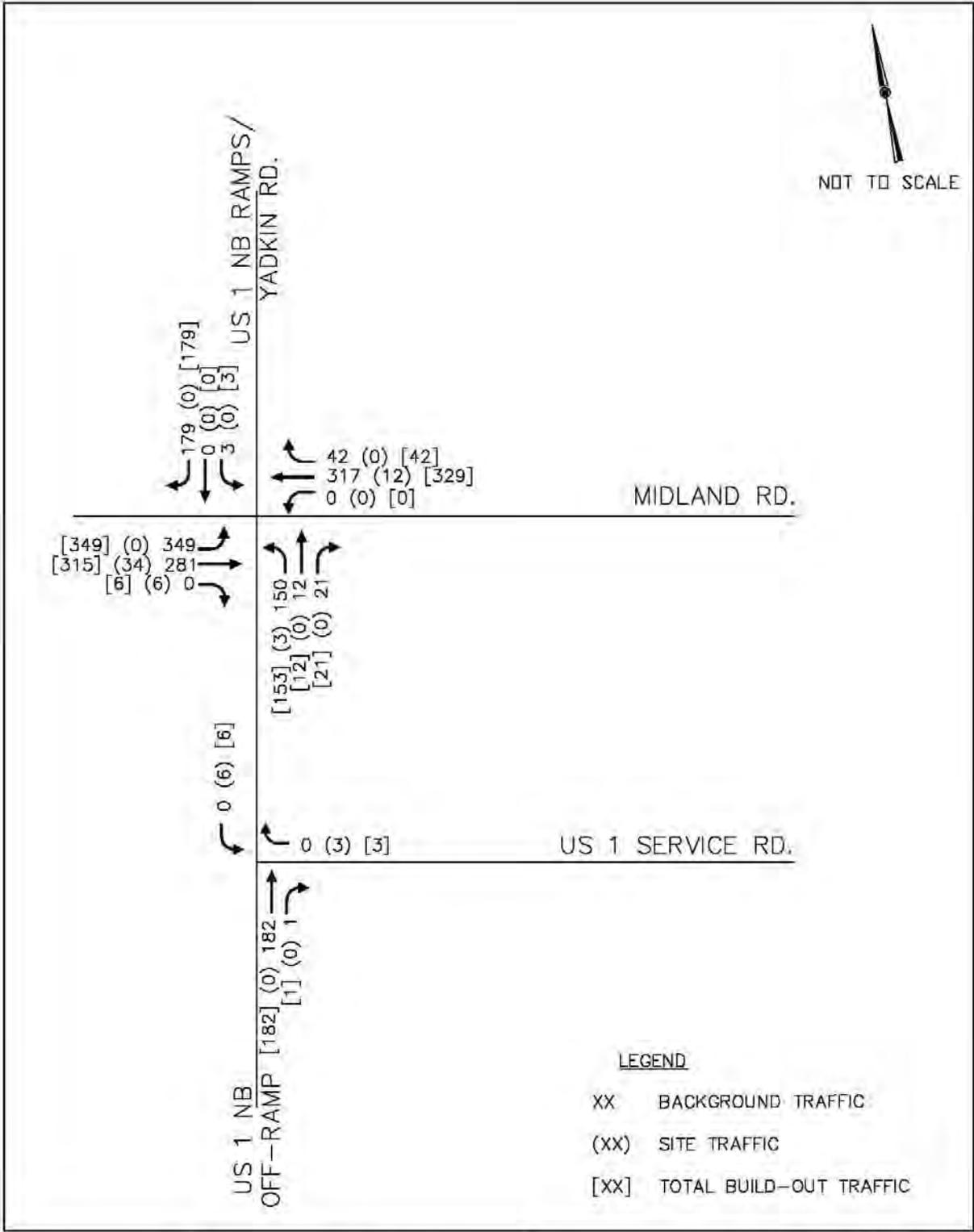


US 1  
RESIDENTIAL DEVELOPMENT  
SOUTHERN PINES, NC

PROJECTED (2026) BUILD-OUT  
AM PEAK HOUR TRAFFIC VOLUMES  
(OPEN SERVICE RD. CONNECTION)

FIGURE  
10

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US 1  
RESIDENTIAL DEVELOPMENT  
SOUTHERN PINES, NC

PROJECTED (2026) BUILD-OUT  
PM PEAK HOUR TRAFFIC VOLUMES  
(OPEN SERVICE RD. CONNECTION)

FIGURE  
11

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## 6.0 Capacity Analysis

Capacity analyses (see Appendix) were performed for the weekday AM and PM peak hours for the existing (2016) and future (2026) background and build-out traffic conditions using Synchro Version 9 and SimTraffic software to determine the operating characteristics of the surrounding road network and the impacts of the proposed project.

Capacity is defined as the maximum number of vehicles that can pass over a particular road segment or through a particular intersection within an established time duration. Capacity is combined with Level-of-Service (LOS) to describe the operating characteristics of a road segment or intersection. LOS is a qualitative measure that describes operational conditions and motorist perceptions within a traffic stream. The *Highway Capacity Manual* defines six levels of service, LOS A through LOS F, with A representing the shortest average delays and F representing the longest average delays.

For unsignalized intersections, only the movements that must yield right-of-way experience control delay. Therefore, LOS criteria for the overall intersection is not reported by Synchro Version 9 or computable using methodology published in the *Highway Capacity Manual*. Accordingly, minor street approach delays are reported herein for unsignalized conditions.

It is common for the minor street approach delays as reported by Synchro calculations and SimTraffic simulations to differ, but generally, the results from each program indicate the same general trend in operations between alternatives. However, for the analyses in this study, it was observed that the minor street delays as calculated by Synchro showed extreme differences from those in SimTraffic. As an example, the average delay for the northbound approach at the intersection of Midland Road at US 1 Northbound Ramps was found to be 117.4 seconds for the PM peak hour of the projected background (2026) traffic condition. Alternatively, the delay for the same approach and traffic condition was calculated to be in excess of 1000 seconds by Synchro. For the purposes of reporting, the minor street approach delays provided herein were determined using SimTraffic simulations. However, Synchro LOS reports are also provided for all of the analysis alternatives in the Appendix.

Table 6.0-A lists the LOS control delay thresholds published in the *Highway Capacity Manual* for unsignalized intersections.

<b>Table 6.0-A</b> <b>Level-of-Service Control Delay Thresholds</b> <b>Unsignalized Intersections</b>	
<b>Level-of-Service</b>	<b>Unsignalized Intersections – Average Control Delay [sec/veh]</b>
A	≤ 10
B	> 10 – 15
C	> 15 – 25
D	> 25 – 35
E	> 35 – 50
F	> 50

Capacity analyses were performed for the existing (2016) and future (2026) background and build-out traffic conditions, as appropriate, for the following intersections:

- Midland Road at US 1 Northbound Ramps
- US 1 Northbound Off-Ramp at US 1 Northbound Service Road
- Midland Road at Crestview Road
- N Saylor Street at Crestview Road
- N Saylor Street at W Rhode Island Avenue / Proposed Site Driveway #1
- N Saylor Street at W Vermont Avenue
- N Saylor Street at W Pennsylvania Avenue
- W Rhode Island Avenue at N Bennett Street
- Broad Street at W Rhode Island Avenue
- US 1 Northbound at US 1 Northbound Service Road Access / Proposed Site Driveway #2
- US 1 Northbound Service Road at Proposed Site Driveway #2

Table 6.0-B summarizes the operation for the study intersections for the AM and PM peak hour traffic conditions listed above. All capacity analyses are included in the Appendix and are briefly summarized in the following sub-sections. Intersections with approaches that have a reported delay greater than 50 seconds are considered to operate at LOS F. These approaches are noted in the summary table below with red text.

<b>Table 6.0-B Level-of-Service Summary</b>		
<b>Condition</b>	<b>AM Peak Hour LOS (Delay)</b>	<b>PM Peak Hour LOS (Delay)</b>
<b>Midland Road at US 1 Northbound Ramps</b>		
Existing (2016) Traffic	NB – D (31.0) SB – A (6.4)	NB – E (35.4) SB – A (8.4)
Future (2026) Background Traffic	NB – F (67.1) SB – A (9.4)	NB – F (117.4) SB – A (7.8)
Future (2026) Build-out Traffic (Open Service Road Access Scenario)	NB – F (84.3) SB – A (8.7)	NB – F (163.5) SB – D (26.9)
Future (2026) Build-out Traffic (Closed Service Road Access Scenario)	NB – E (40.5) SB – A (6.2)	NB – F (110.5) SB – A (9.8)
<b>US 1 Northbound Off-Ramp at US 1 Northbound Service Road</b>		
Existing (2016) Traffic	NB – A (3.5)	NB – A (3.1)
Future (2026) Background Traffic	NB – F (58.6)	NB – C (19.0)
Future (2026) Build-out Traffic (Open Service Road Access Scenario)	NB – D (31.0)	NB – F (79.4)
<b>Midland Road at Crestview Road</b>		
Existing (2016) Traffic	NB – A (9.8)	NB – A (9.4)
Future (2026) Background Traffic	NB – A (9.3)	NB – B (12.2)
Future (2026) Build-out Traffic (Closed Service Road Access Scenario)	NB – B (14.8)	NB – C (15.3)
<b>N Saylor Street at Crestview Road</b>		
Existing (2016) Traffic	NB – A (3.2)	NB – A (2.4)
Future (2026) Background Traffic	NB – A (2.8)	NB – A (2.9)
Future (2026) Build-out Traffic (Closed Service Road Access Scenario)	NB – A (4.4)	NB – A (4.0)

<b>Table 6.0-B (cont.) Level-of-Service Summary</b>		
<b>Condition</b>	<b>AM Peak Hour LOS (Delay)</b>	<b>PM Peak Hour LOS (Delay)</b>
<b>N Saylor Street at W Rhode Island Avenue / Proposed Site Driveway #1</b>		
Existing (2016) Traffic	EB – A (3.7) WB – A (4.9)	EB – A (3.8) WB – A (4.3)
Future (2026) Background Traffic	EB – A (3.8) WB – A (4.3)	EB – A (3.9) WB – A (4.3)
Future (2026) Build-out Traffic (Closed Service Road Access Scenario)	EB – A (4.1) WB – A (4.7)	EB – A (3.8) WB – A (5.5)
<b>N Saylor Street at Vermont Avenue</b>		
Existing (2016) Traffic	EB – A (3.7) WB – A (4.0)	EB – A (4.1) WB – A (4.4)
Future (2026) Background Traffic	EB – A (3.9) WB – A (4.1)	EB – A (4.0) WB – A (3.8)
Future (2026) Build-out Traffic (Closed Service Road Access Scenario)	EB – A (3.9) WB – A (4.3)	EB – A (3.6) WB – A (4.1)
<b>N Saylor Street at W Pennsylvania Avenue</b>		
Existing (2016) Traffic	NB – A (8.6) SB – A (5.2)	NB – A (8.6) SB – A (6.3)
Future (2026) Background Traffic	NB – A (10.0) SB – A (5.7)	NB – B (10.1) SB – A (9.2)
Future (2026) Build-out Traffic (Closed Service Road Access Scenario)	NB – A (8.7) SB – A (7.4)	NB – B (12.2) SB – A (9.1)
<b>W Rhode Island Avenue at N Bennett Street</b>		
Existing (2016) Traffic	EB – A (4.2) WB – A (3.8)	EB – A (4.1) WB – A (3.7)
Future (2026) Background Traffic	EB – A (4.4) WB – A (4.0)	EB – A (3.7) WB – A (4.3)
Future (2026) Build-out Traffic (Closed Service Road Access Scenario)	EB – A (4.7) WB – A (3.9)	EB – A (3.6) WB – A (5.1)
<b>Broad Street at W Rhode Island Avenue</b>		
Existing (2016) Traffic	EB – A (4.2)	EB – A (3.5)
Future (2026) Background Traffic	EB – A (3.9)	EB – A (3.0)
Future (2026) Build-out Traffic (Closed Service Road Access Scenario)	EB – A (4.7)	EB – A (4.4)

<b>Table 6.0-B (cont.) Level-of-Service Summary</b>		
<b>Condition</b>	<b>AM Peak Hour LOS (Delay)</b>	<b>PM Peak Hour LOS (Delay)</b>
<b>US 1 Northbound at US 1 Northbound Service Road Access / Proposed Site Driveway #2</b>		
Existing (2016) Traffic	WB – A (1.2)	WB – A (3.4)
Future (2026) Background Traffic	WB – A (3.1)	WB – A (4.7)
Future (2026) Build-out Traffic (Closed Service Road Access Scenario)	WB – A (4.5)	WB – A (6.5)
<b>US 1 Northbound Service Road at US 1 Northbound Service Road Access / Proposed Site Driveway #2</b>		
Existing (2016) Traffic	EB – A (2.5)	EB – A (2.7)
Future (2026) Background Traffic	EB – A (2.5)	EB – A (2.4)
Future (2026) Build-out Traffic (Closed Service Road Access Scenario)	WB – A (4.7) NB – A (4.2)	WB – A (4.5) NB – A (4.1)

**6.1 Midland Road at US 1 Northbound Ramps**

Analysis indicates that this unsignalized intersection currently operates with moderate delays for the northbound minor street approach (US 1 Northbound Ramp) and with short delays for the southbound minor street approach (US 1 Northbound Ramp) in the AM and PM peak hours. In the year 2026, the intersection is expected to operate with long delays for the northbound minor street approach and short delays for the southbound minor street approach in the AM and PM peak hours for the background traffic condition. At project build-out without any changes to the existing service road access, this intersection is expected to continue to operate with long delays for the northbound minor street approach, and the southbound minor street approach is expected to operate with short to moderate delays. It is typical for stop sign controlled side streets and driveways intersecting major streets to experience long delays during peak hours, while the majority of the traffic moving through the intersection on the major street experiences little or no delay.

Existing AM and PM peak hour traffic counts along the US 1 Northbound Service Road indicate that closing the two-way connection and access from Midland Road will have minimal impact on traffic patterns in the area. Traffic counts showed as little as one (1) vehicle using the US 1 Northbound Service Road during the PM peak hour, and no vehicles were observed in the AM peak hour. Based on the capacity analyses, for the scenario in which access to the US 1 Northbound Service Road is closed from the US 1 Northbound Off-Ramp, it is recommended that the existing pavement along the US 1 Northbound Off-Ramp be restriped to accommodate an exclusive right-turn lane and shared through/left-turn lane. This is expected to result in improved operations for the Midland Road at US 1 Northbound Ramps intersection.

Since the decision of whether or not to close the US 1 Northbound Service Road connection is not expected to impact the proposed development in any appreciable way, it is not recommended that the connection closure be attributed to the proposed development. The proposed closure would provide improved traffic operations with or without the proposed development being in place. Furthermore, site traffic is expected to account for less than 5% of the total traffic at this intersection in the peak hours in 2026. As a result, there are no additional site-related recommendations for mitigation at this intersection.

### *6.2 US 1 Northbound Off-Ramp at US 1 Northbound Service Road*

Analysis indicates that this unsignalized intersection currently operates with short delays for the minor street approach (US 1 Northbound Ramps) in the AM and PM peak hours. In the year 2026, based on the SimTraffic analyses, the intersection is expected to operate with moderate to long delays for the minor street approach during the peak hours for the background traffic condition. At project build-out, the intersection is expected to continue to operate with moderate to long delays for the minor street approach during the peak hours for the scenario in which access to the US 1 Northbound Service Road remains open. For this intersection, the delay as reported from SimTraffic varied significantly from the Synchro-calculated delay for the 2026 background and build-out scenarios. Synchro analyses indicate that the intersection is expected to operate with short delays for the minor street approach during the AM and PM peak hours in 2026 whether or not the proposed development is completed.

Based on the projected site traffic volumes at the intersection of US 1 Northbound Off-Ramp at US 1 Northbound Service Road and the minimal impact of the site traffic at this intersection, there is not expected to be a rational nexus for associating the closure of the US 1 Northbound Service Road access to the proposed development. As a result, there are no additional recommendations for mitigation at this intersection.

### *6.3 Midland Road at Crestview Road*

Analysis indicates that this unsignalized intersection currently operates with short delays for the minor street approach (Crestview Road) in the AM and PM peak hours. In the year 2026, the intersection is expected to continue to operate with short delays for the minor street approach in the AM and PM peak hours for the background and build-out traffic condition. No queuing issues are expected at this intersection. As a result, there are no recommendations for mitigation at this intersection.

**6.4 N Saylor Street at Crestview Road**

Analysis indicates that this unsignalized intersection currently operates with short delays for the minor street approach (N Saylor Street) in the AM and PM peak hours. In the year 2026, the intersection is expected to continue to operate with short delays for the minor street approach in the AM and PM peak hours for the background and build-out traffic condition. No queuing issues are expected at this intersection. As a result, there are no recommendations for mitigation at this intersection.

**6.5 N Saylor Street at W Rhode Island Avenue / Proposed Site Driveway #1**

Analysis indicates that this unsignalized intersection currently operates with short delays for the minor street approaches (W Rhode Island Avenue) in the AM and PM peak hours. In the year 2026, the intersection is expected to continue to operate with short delays for the minor street approaches in the AM and PM peak hours for the background and build-out traffic condition. No queuing issues are expected at this intersection. As a result, there are no recommendations for mitigation at this intersection.

**6.6 N Saylor Street at W Vermont Avenue**

Analysis indicates that this unsignalized intersection currently operates with short delays for the minor street approaches (W Vermont Avenue) in the AM and PM peak hours. In the year 2026, the intersection is expected to continue to operate with short delays for the minor street approach in the AM and PM peak hours for the background and build-out traffic condition. No queuing issues are expected at this intersection. As a result, there are no recommendations for mitigation at this intersection.

**6.7 N Saylor Street at W Pennsylvania Avenue**

Analysis indicates that this unsignalized intersection currently operates with short delays for the minor street approaches (N Saylor Street) in the AM and PM peak hours. In the year 2026, the intersection is expected to continue to operate with short delays for the minor street approach in the AM and PM peak hours for the background and build-out traffic condition. No queuing issues are expected at this intersection. As a result, there are no recommendations for mitigation at this intersection.

**6.8 W Rhode Island Avenue at Bennett Street**

Analysis indicates that this unsignalized intersection currently operates with short delays for the minor street approaches (W Rhode Island Avenue) in the AM and PM peak hours. In the year 2026, the intersection is expected to continue to operate with short delays for the minor street approach in

the AM and PM peak hours for the background and build-out traffic condition. No queuing issues are expected at this intersection. As a result, there are no recommendations for mitigation at this intersection.

#### 6.9 Broad Street at W Rhode Island Avenue

Analysis indicates that this unsignalized intersection currently operates with short delays for the minor street approach (W Rhode Island Avenue) in the AM and PM peak hours. In the year 2026, the intersection is expected to continue to operate with short delays for the minor street approach in the AM and PM peak hours for the background and build-out traffic condition. No queuing issues are expected at this intersection. As a result, there are no recommendations for mitigation at this intersection.

#### 6.10 US 1 Northbound at US 1 Northbound Service Road Access / Proposed Site Driveway #2

Analysis indicates that this unsignalized intersection currently operates with short delays for the westbound minor street approach (US 1 Northbound Service Road Access) in the AM and PM peak hours. In the year 2026, the intersection is expected to continue to operate with short delays for the minor street approach in the AM and PM peak hours for the background traffic condition.

To accommodate site traffic at this intersection, the following roadway improvement is recommended:

- Construct an exclusive right-turn lane on US 1 Northbound with 50 feet of full-width storage as well as the appropriate length of deceleration storage and bay taper

With the recommended improvement in place, the intersection is expected to continue to operate with short delays for the minor street approach in the AM and PM peak hours for the 2026 build-out traffic condition. No queuing issues are expected at this intersection.

#### 6.11 US 1 Northbound Service Road at US 1 Northbound Service Road Access / Proposed Site Driveway #2

Analysis indicates that this unsignalized intersection currently operates with short delays for the eastbound minor street approach (US 1 Northbound Service Road Access) in the AM and PM peak hours. In the year 2026, the intersection is expected to continue to operate with short delays for the minor street approach in the AM and PM peak hours for the background traffic condition.

As a part of this project, Site Driveway #2 is proposed to tie in at this intersection to provide direct access to US 1 Northbound from the site. To accommodate site traffic at this intersection, the following roadway improvement is recommended:

With the recommended improvement in place, the intersection is expected to operate with short delays for the minor street approach in the AM and PM peak hours for the 2026 build-out traffic condition. No queuing issues are expected at this intersection.

## 7.0 Conclusions and Recommendations

Analysis indicates that all intersections in the study area are expected to operate acceptably with the proposed development in place with the exception of Midland Road at US 1 Northbound Off-Ramps. The northbound approach (US 1 Northbound Off-Ramp) at this unsignalized intersection is expected to operate with long delays in the year 2026 with or without the proposed development in place. Site traffic is expected to account for less than 5% of the total traffic at this intersection in the AM and PM peak hours.

Based on the analyses, the following improvements are recommended to accommodate traffic related to the proposed US 1 Residential Development:

### *US 1 Northbound Off-Ramp at US 1 Northbound Service Road:*

- Close the US 1 Northbound Service Road at US 1 Northbound Off-Ramp

### *Midland Road at US 1 Northbound Ramps:*

- Restripe the US 1 Northbound Off-Ramp, which currently accommodates two-way traffic, to provide an exclusive right-turn lane and shared through/left-turn lane for the northbound approach at this intersection

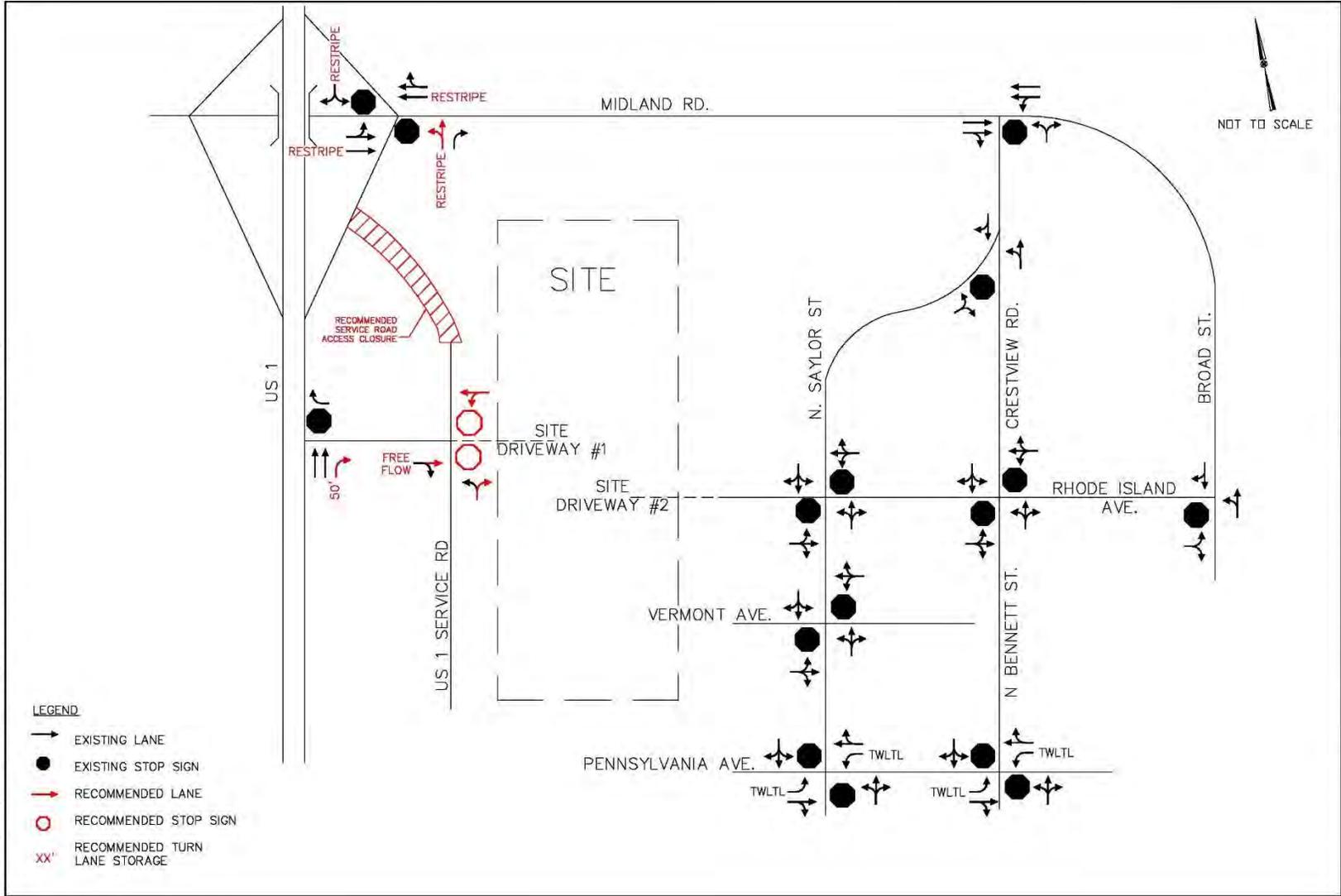
### *US 1 Northbound at US 1 Northbound Service Road Access:*

- Construct an exclusive right-turn lane on US 1 Northbound with 50 feet of full-width storage as well as the appropriate length of deceleration storage and bay taper

### *US 1 Northbound Service Road at US 1 Northbound Service Road Access/Proposed Site Driveway #2*

- Operate the eastbound approach (US 1 Northbound Service Road Access) as a free-flow movement so that vehicles will not queue back onto mainline US 1 when attempting to enter the proposed site. This will require that all other movements at this intersection be under STOP control.

The recommended roadway laneage is shown on Figure 12.



US 1 RESIDENTIAL DEVELOPMENT  
SOUTHERN PINES, NC

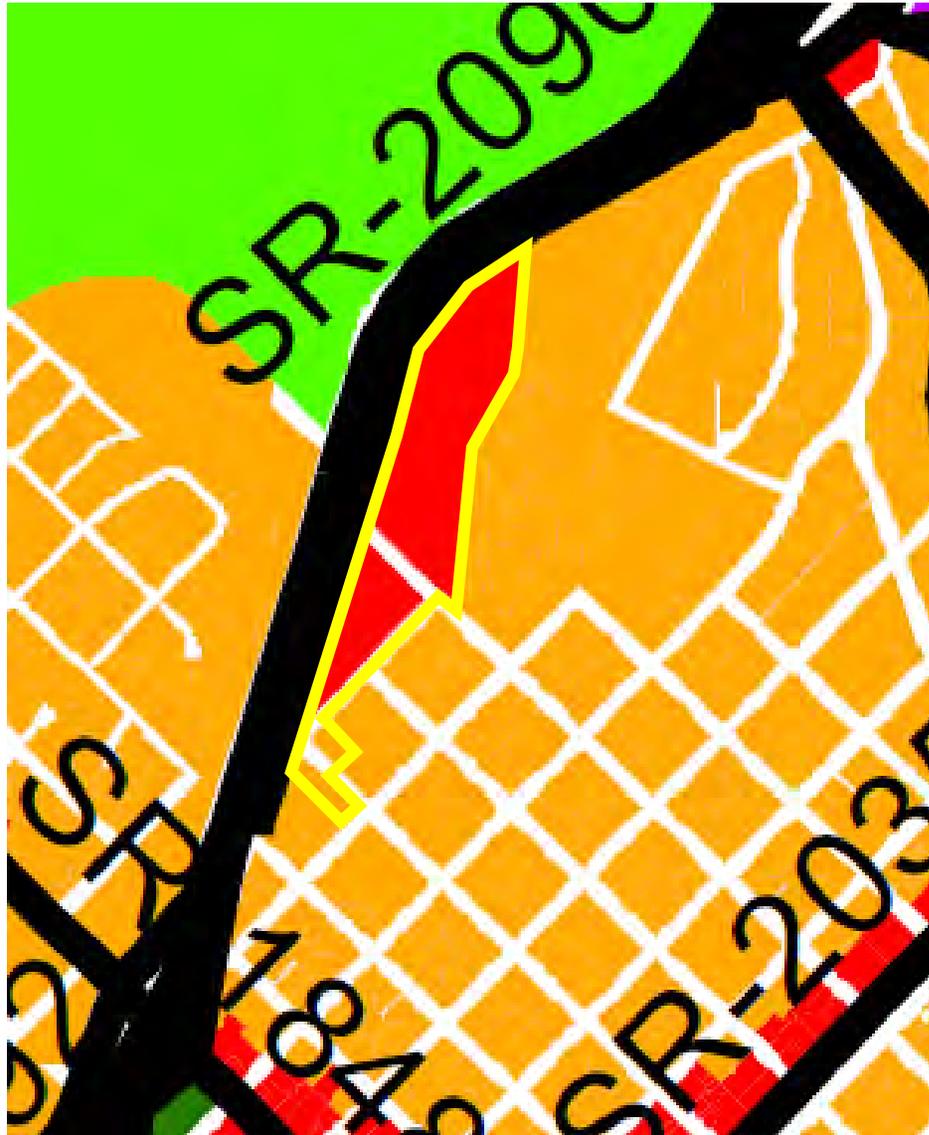
RECOMMENDED LANEAGE

FIGURE 12

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# Future Land Use Map: Proposed Major Subdivision CU-01-16



= Subject Property

## Legend

City Limits

Primary Roads

## Future Land Use Categories

Parks / Open Space

Residential / Golf

Rural Equestrian

Urban Reserve

Low Density Residential

Residential

Commercial

Traditional Mixed Use

Industrial

## **Agenda Item**

**To:** Reagan Parsons, Town Manger

**Via:** Bart Nuckols, Planning Director

**From:** Chris Kennedy, Senior Planner

**Subject:** WP-01-16 Watershed Protection Permit, 5/70 Allocation for Major Subdivision Multi-Family Residential Development to include 288 Apartments; Petitioner, Caviness & Cates Building and Development Company

**Date:** June 14, 2016

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### **WP-01-16 Watershed Protection Permit, 5/70 Allocation for Major Subdivision Multi-Family Residential Development to include 288 Apartments; Petitioner, Caviness & Cates Building and Development Company**

On behalf of the petitioner Caviness & Cates Building and Development Company, Mr. Bob Koontz of Koontz Jones Design has submitted an application requesting an approval of the Watershed Protection Permit for the 5/70 exemption for a development project that will require a Conditional Use Permit application for a multi-family residential development off of US Highway 1 North and the NE Service Road. The proposed project consists of an apartment development to include two-hundred eighty-eight (288) dwelling units. The Watershed Protection Permit WP-01-16, for the 5/70 exemption, will run concurrently with the CU-01-16 application. The entirety of the proposed development is within High Quality Water portion of the Little River Intake No. 2 Watershed. Should the Town Council wish to grant the 5/70 exemption for this property, 25.59 acres will be deducted from the Town's tally sheet for the Little River Intake No. 2 Watershed. The property is not within any of the designated critical areas of the watershed. The subject property is comprised of approximately 25.59 acres in the OS (Office Services) and RM-2 (Residential Multi-Family 2) zoning classifications. The property is identified by the following: PIN: 858214321933 (PARID: 00039174); PIN: 858217214672 (PARID: 00032830); and, PIN: 858217213440 (PARID: 00032829). Per the Moore County Tax records, the property owner(s) are listed as MLC Automotive LLC and the Town of Southern Pines.

### **Town Council Hearing - May 23, 2016 (May 2016 Town Council Work Session):**

At the May 23, 2016 Town Council Work Session, the Town Council continued the quasi-judicial public hearing and received evidence from those in attendance regarding Conditional Use Permit application CU-01-16. After all presentations were completed, the Town Council decided to continue the public hearing to the June 14, 2016 Regular Business Meeting of the Town Council; thereby any review and decision on WP-01-16 is also continued until the June 14, 2016 Regular Business Meeting of the Town Council.

**Town Council Hearing - May 10, 2016 (May 2016 Regular Business Meeting of the Town Council):**

At the May 10, 2016 Regular Business Meeting of the Town Council, the Town Council held a quasi-judicial public hearing and received evidence from those in attendance regarding Conditional Use Permit application CU-01-16. After all presentations were completed, the Town Council decided to continue the public hearing to the Town Council Work Session on May 23, 2016 to further discuss the application for application CU-01-16; thereby any review and decision on WP-01-16 is also continued until the May 23, 2016 Town Council Work Session.

**Staff Comments:**

- The proposed project consists of the development of two-hundred eighty-eight (288) apartments.
- The entirety of the property is within the Little River #2 Intake (LR#2) Watershed and is therefore subject to Watershed Protection Overlay District and the standards set forth in UDO Section 3.6.8.
- 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 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.
  - The development is proposed at 48.9% impervious.
- The 5/70 exemption for the Town of Southern Pines went into effect in 1993 to help protect the Town's watershed areas.
- The 5/70 exemption allows the Town to develop 5% of our watershed to a 70% impervious level.
- All development in the Town's watershed pre-1993 is considered exempt from the allocation tally. Any new development is subject to the current watershed standards and eligible projects may pursue the 5/70 exemption.
- The UDO defines the Protected Area as 'The area adjoining and upstream of the Watershed Critical Area in which protection measures are required. Unless otherwise modified by the Town, this area corresponds with the State's high quality water (HQW) area. The boundaries of the protected area are defined as extending ten (10) miles upstream and draining to the Cape Fear, lower Little River #2 public water supply intake or the ridge line of the Watershed (whichever comes first). The Town may extend the Protected Area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the Protected Area if these landmarks are immediately adjacent to the appropriate outer boundary of ten miles.'
- Per Exhibit 3-14, the 5/70 Exemption standards dictate the following for the High Quality Water (HQW) / Protected Area:
  - New Development shall be limited to one (1) Dwelling Unit per acre or twelve (12) percent built upon land area unless (a) the development disturbance area is less than one (1) acre or (b) BMPs or another approved stormwater

management based practices are used. New Development with a development disturbance area less than one (1) acre shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built upon land area. New Development utilizing BMPs or another approved stormwater management based practices shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built-upon land area in the Watershed outside of the Critical Area.

- For Residential Projects: New Development requires a state Stormwater Permit if the development disturbance area exceeds one (1) acre. If the new development exceeds the twenty-four (24) percent built upon area the project may apply for the 5/70 exemption\*.
- Per Section 2.47.1 if the proposed activity as set forth in the application is in conformance with the provisions of this ordinance and the Town Council has allocated Built-Upon Area pursuant to any Development Approval, the Planning Director shall issue a Watershed Protection Permit for the low-density option.
  - A. If the Town Council has not allocated Built-Upon Area, the Planning Director shall forward the application to the Town Council at the next regular meeting.
  - B. If any application for a Watershed Protection Permit is not approved, the Approval Authority shall state the cause for such disapproval.
  - C. Issuance of a permit shall, in no case, be construed as waiving any provision of this or any other ordinance or regulation.
- Development outside of the CB district requiring an allocation of Built-Upon Area shall require approval from the Town Council in conjunction with any Development Approval prior to Building Permit Approval. The allocation may be granted concurrently with Architectural Compliance Permit or Final Development Plan approval and shall be subject to the following criteria:
  - a. The use and location of the use are consistent with the Comprehensive Plan;
  - b. The design of the project is appropriate for the location and is consistent with the purposes of the WPO district;
  - c. The allocation is minimum necessary to establish the use at a size, scale and design that serves the interests of the neighborhood and the Town as a whole; and
  - d. The allocation will not detract from the viability of similar uses in the area or other parts of the Town.
- All allocations shall be deducted from the five (5) percent total area allocation and shall be monitored by the Planning Director.
- If this exemption is granted, a State stormwater permit shall not be required.

**Attachments:**

- Watershed Protection Permit Application
- GIS Aerial Vicinity Maps
- Watershed Map
- Preliminary Plat
- Conceptual Master Plan
- UDO Exhibit 3-14

**IN ADDITION TO THE *Watershed Protection Permit* 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.

**APPLICATION FOR THE  
TOWN OF SOUTHERN PINES TOWN COUNCIL  
WATERSHED PROTECTION PERMIT**

Date Received: 3/21/2016

Case: WP- 01-16

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

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

1. Name of Project: US 1 PROPERTY
2. Project Street Address: US 1 IN SOUTHERN PINES
3. PIN # 858217213440, 858217214672 LRK 06039174, 06032930, 00032829
4. Watershed: LITTLE RIVER (INTAKE NO. 2) WS-11-BW
5. Type of Commercial Building (i.e. retail, office, etc.): MULTI-FAMILY RESIDENTIAL

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

Name of Petitioner: Christopher Cates Signature:   
Please Print

Mailing Address of Petitioner: 639 EXECUTIVE PLACE, SUITE 400 - FAYETTEVILLE, NC 28305  
Please Print

E-Mail of Petitioner: chris@caubusinessandcates.com  
Please Print

Phone Number of Petitioner: (910) 850-8833  
(Area Code)

Name of legal owner of Property Owner  
(If different from Petitioner) MLC AUTOMOTIVE, LLC  
Please Print

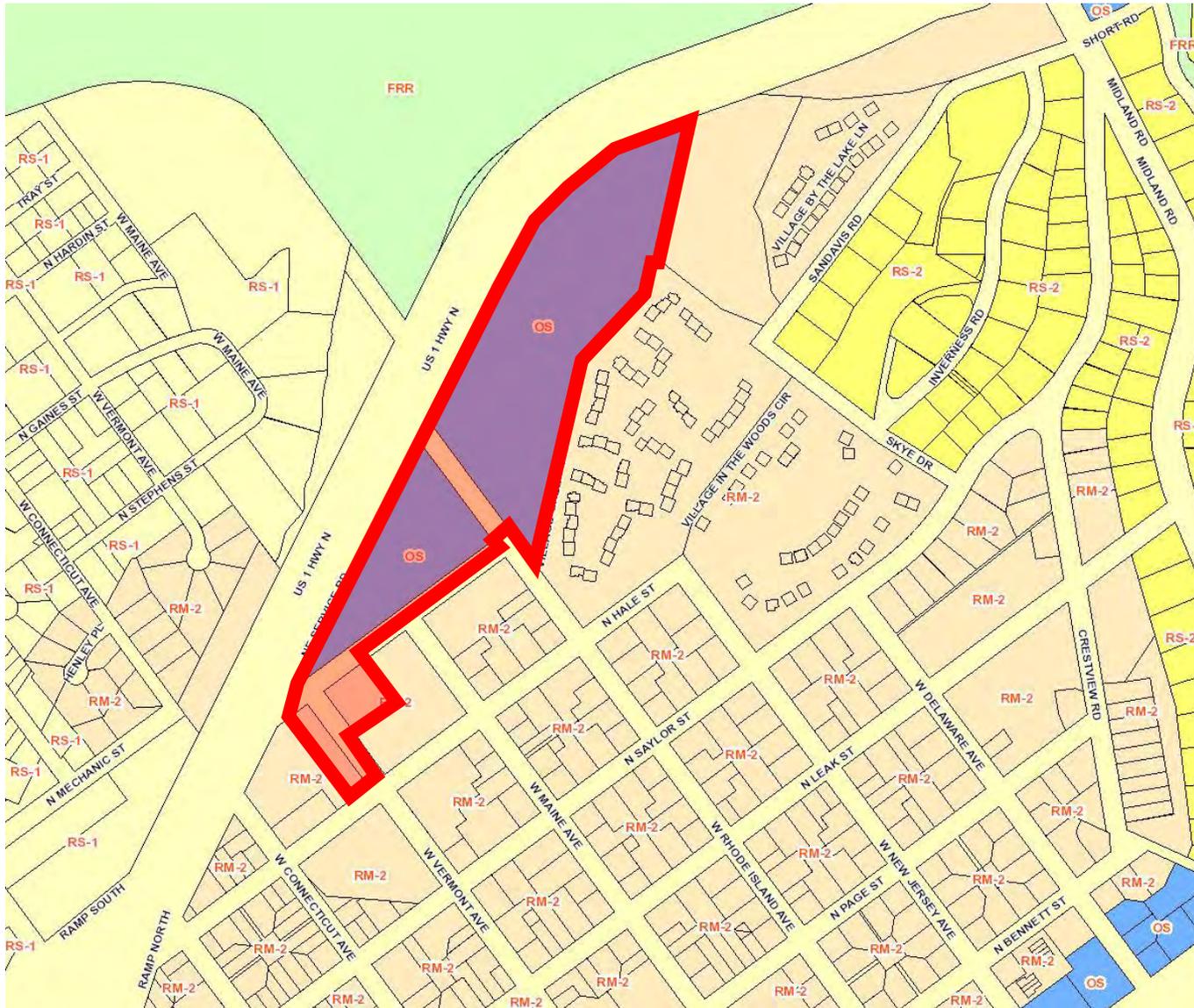
Mailing Address of legal Property Owner  
(If different from Petitioner) PO Box 40110, RALEIGH, NC 27629  
Please Print

Phone number of legal Property Owner  
(If different from Petitioner) (919) 876-5432  
(Area Code)

Form updated December 13, 2013

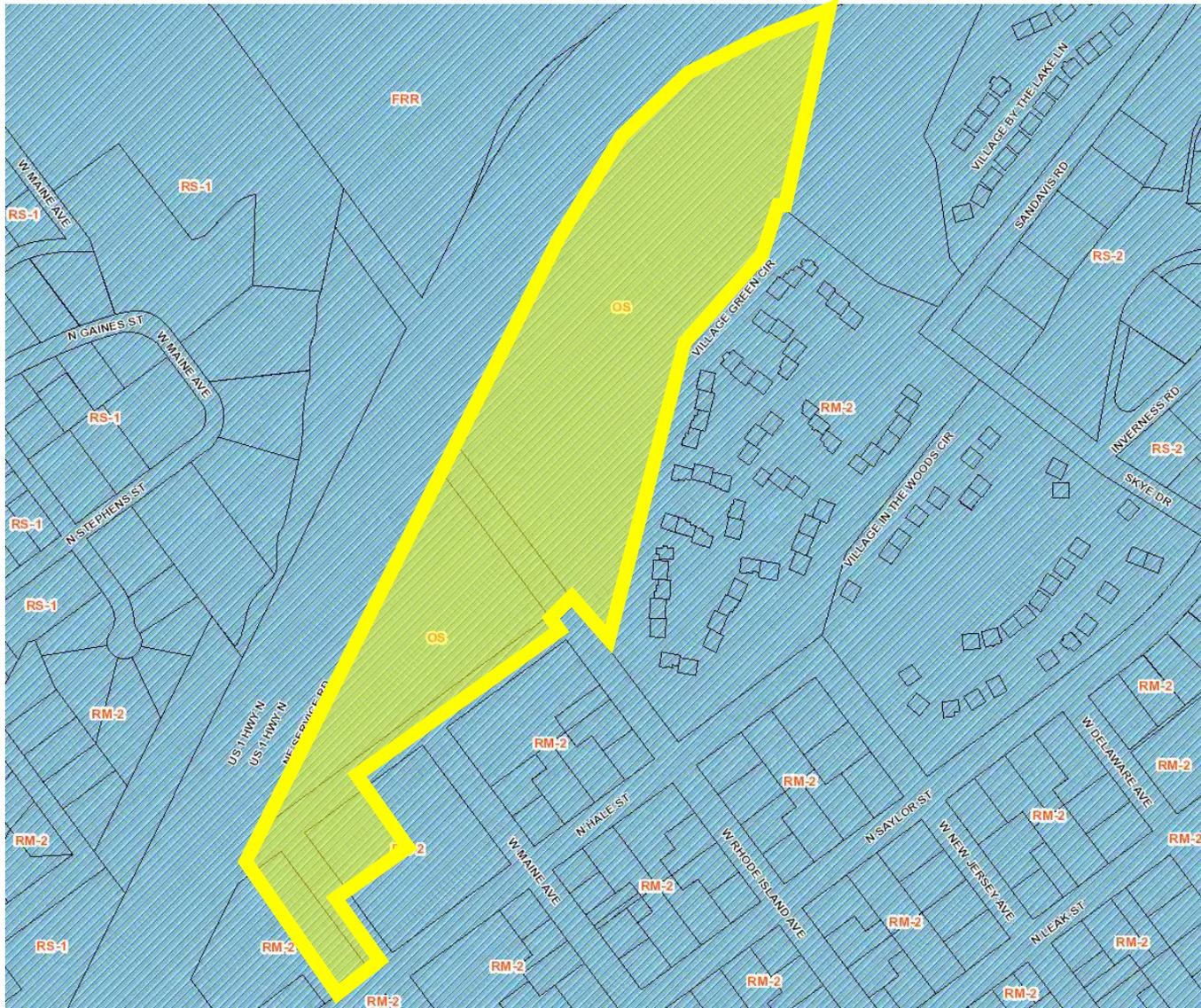
# WP-01-16 Proposed Multi-Family Development

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# WP-01-16 – Proposed Multi-Family Development Watershed Map

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# PROPOSED CONCEPTUAL MASTER PLAN



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

Location	Maximum Density or Intensity
<b>Critical Area</b>	New Development shall be limited to either one (1) Dwelling Unit per acre or twelve (12) percent built upon land area.
<b>High Quality Water (HQW) / Protected Area</b>	<p>New Development shall be limited to one (1) Dwelling Unit per acre or twelve (12) percent built upon land area unless (a) the development disturbance area is less than one (1) acre or (b) BMPs or another approved stormwater management based practices are used. New Development with a development disturbance area less than one (1) acre shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built upon land area. New Development utilizing BMPs or another approved stormwater management based practices shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built-upon land area in the Watershed outside of the Critical Area.</p> <ul style="list-style-type: none"> <li>• For Commercial Projects: New Development requires a state Stormwater Permit if the development disturbance area exceeds one (1) acre. If the new development exceeds the twenty-four (24) percent built upon area the project may apply for the 5/70 exemption*.</li> <li>• For Residential Projects: New Development requires a state Stormwater Permit if the development disturbance area exceeds one (1) acre. If the new development exceeds the twenty-four (24) percent built upon area the project may apply for the 5/70 exemption*.</li> </ul>
<b>Rest of Watershed (WS-III)</b>	New Development shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built-upon area. If the new development exceeds either of these thresholds the project may apply for the 5/70 exemption*.

Table Notes:

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

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

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

## **Agenda Item**

**To: Reagan Parsons, Town Manager**

**Via: Bart Nuckols, Planning Director**

**From: Chris Kennedy, Senior Planner**

**Subject: CU-02-16 Conditional Use Permit: Major Subdivision Application for a Single-Family Attached (Townhomes) Development; Petitioner, Goneau Construction**

**Date: June 14, 2016**

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### **CU-02-16 Conditional Use Permit: Major Subdivision Application for a Single-Family Attached (Townhomes) Development; Petitioner, Goneau Construction**

On behalf of Goneau Construction, Mr. Marcel Goneau has submitted a Conditional Use Permit application requesting the approval of a Major Subdivision for a residential development project between W. Maine Avenue and W. Rhode Island Avenue. 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 fourteen (14) single-family attached dwelling units, thereby the proposal will require a CUP. The subject property is comprised of 2.037 acres is zoned RM-2 (Residential Multi-Family - 2). The property is identified by the following: PIN: 858218219937 (PARID: 00036263). Per the Moore County Tax records, the property owner(s) are listed as Silver Ridge Holdings LLC.

### **Planning Board Recommendation:**

At the May 19, 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-02-16. The Planning Board voted on a recommendation for the Preliminary Plat and then voted on a recommendation for the CU-02-16 Conditional Use Permit 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 (7-0) 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 (7-0) 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. By a vote of 7-0, the Planning Board voted to recommend to the Town Council that the proposed *Preliminary Plat Application* is consistent with those documents that constitute the officially adopted land development plan and other applicable plans in that the proposed project meets the objectives of the Comprehensive Long Range Plan including Policy P-4, Policy P-12, Policy P-15, and Policy P-16. By a vote of 7-0, the Planning Board voted to recommend to the Town Council the 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 (7-0) 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 (7-0) 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. By a vote of 7-0, 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 in that the proposed project meets the objectives of the Comprehensive Long Range Plan including Policy P-4, Policy P-12, Policy P-15, and Policy P-16. By a vote of 6-1, the Planning Board voted to recommend to the Town Council the approval of the Conditional Use Permit with the condition that W. Maine Avenue be improved to a Town standard to the full extent of the property should the right-of-way abandonment for N. Mechanic Street between the NE Service Road and W. Maine Avenue be denied by the Town Council; such request is included in a separate request outside of the application for CU-02-16. Should the Town Council approve the abandonment of right-of-way of N. Mechanic Street between the NE Service Road and W. Maine Avenue, then the petitioner may only need to improve W. Maine Avenue to the ingress/egress as proposed in the application CU-02-16 and per the requirements of UDO Section 4.11.7(B).

### **Analysis:**

The subject property is identified as “Residential” in the *Comprehensive Long Range Plan Future Land Use Map*. Per the *Comprehensive Long Range Plan 2015-16 Update*:

- **Residential:** This designation 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 to up to twelve units per acre in places that are clearly more urban. Elementary schools, civic uses, parks, and neighborhood scale commercial services may be authorized through the rezoning process without amending the Future Land Use Map.

### **Staff Comments:**

- The subject property is comprised of 2.037 acres (1.67 acres listed per the Moore County GIS and 0.367 acres of land obtained with the abandonment of N. Mechanic Street right-of-way between W. Maine Avenue and W. Rhode Island Avenue).
- The subject property is located in the corporate limits of the Town of Southern Pines.
- The adjoining properties are zoned RM-2 to the East, South, and West. The property to the North of the subject property is zoned OS.
- RLUAC Response: The Joint Land Use Study maps identified the parcel as suitable for URBAN development and there were no military impacts.
  - The US Fish & Wildlife Service did identify some concerns with the potential for Red Cockaded Woodpecker cavity trees. This parcel partially falls inside the foraging partition for inactive red-cockaded woodpecker cluster SOPI 21. USFWS is working to reactivate this cluster. USFWS asks that the developer have a survey completed of this property before any habitat is removed.

- Single-Family Attached (Townhomes) land uses are classified under LBCS 1112 in UDO Exhibit 3-15 Table of Authorized Land Uses. LBCS 1112 is listed a “ZS” in the RM-2 zoning classification.
- The approved density for the RM-2 zoning district is calculated by factoring 10,000 square feet of land area for the first dwelling unit and then 6,000 square feet of land area for each additional dwelling unit. The RM-2 zoning district permits approximately five-to-seven (5-7) dwelling units per acre.
- Per UDO Section 3.5.7, the RM-2 zoning classification is established as a district in which to allow primarily single-family and multi-family residences at a moderate-density (approximately 5-7 dwelling units per acre) in areas served by adequate public water and sewer systems. The regulations of this district are intended to:
  1. Encourage single-family and multi-family residences; and,
  2. Encourage new residential development that is compatible with that in the existing neighborhoods.
- Portions of the subject property lie within the Urban Transition Highway Corridor Overlay. The Highway Corridor Overlay standards are set forth in UDO Section 3.6.5 and UDO Exhibit 3-13.
  - Per UDO Section 3.6.5(F)(1), single family lots may be developed according to the standards of the underlying zoning district and these lots and the single-family homes built upon them shall not be considered non-conforming situations.
    - Therefore the UT-HCO standards are not applicable to the proposed project listed in CU-02-16.
- Per UDO Exhibit 4-1, the setbacks for the RM-2 zoning classification are as follows:
  - Front: 25.0’; Side: 10.0’; Exterior Side: 15.0’; Rear: 30.0’
  - Per UDO Section 4.2.2(F), private roads or driveways that serve more than three (3) lots, more than three (3) dwelling units or any non-residential use projected to generate traffic equivalent to three (3) or more dwelling units shall be treated as public streets for the purposes of measuring front and exterior side setbacks.
  - Based on the regulations set forth in UDO Section 4.2.2(F), the petitioner is requesting a waiver from rear setback requirement of 30’ only along the rear property line behind units 1-6 as listed on the preliminary plat; the property line nearest to N. Hale Street. The petitioner is proposing a reduction in the rear setback from 30’ to 20’.
  - Per UDO Section 2.46.3(A), the Administrative Relief section of the UDO, the rear setback may be reduced by no less than sixty (60) percent of the minimum required setback if the situation complies with the criteria set forth in UDO Section 2.46.4.
    - The planning director is authorized to grant administrative relief if the applicant is able to comply with the criteria set forth in UDO Section 2.46.4. This request is seeking to reduce the rear setback from 30’ to 20’. Based on the standards of UDO Section 2.46.3(A), the allowed sixty (60) percent reduction could reduce the rear setback to 18’.
    - The petitioner would have the ability to seek administrative relief from the planning director, however, the petitioner has decided to proceed with the waiver request during the public hearings in front of the Planning Board and Town Council; requesting that the boards grant such relief during the preliminary plat and CUP application processes.

- The vehicular trip generation of the project per UDO Exhibit 4-19 is 85.4 ADT (average daily trips). Per the UDO a single-family attached land use is 6.1 trips per day per dwelling.
- Per UDO Section 4.11.3 *Access to Lots*, (C) a private drive may be approved as the sole access for a lot or parcel subject to the following conditions:
  - (1) It accesses a public or private easement and is located on a perpetual easement not less than twenty (20) feet in width;
  - (2) The easement serves no more than three (3) lots in the RE or RR zoning districts or no more than twenty-five (25) dwelling units in a RS-1, RM-1, RM-2, or PD zoning district;
  - (3) Prior to recording of the final plat, that delineates the lot(s), restrictive covenants shall be recorded in the Moore County Registry that permanently establishes the easement, provides for maintenance of the private drive, and prohibits further division of any of the lots served by the easement. If the private drive is part of a subdivision for single-family attached (townhomes) or condominium dwelling units, the lots may be served by a “Private Ingress/Egress/Access Easement” that is maintained by the “Home Owners Association” and shall be clearly designated on the Final Plat and in the restrictive HOA documents.
- Per Section 4.11.3(D), private drives shall meet the design and construction requirements to support and provide fire department access. Pavement width shall be at least twenty (20) feet, but may be increased based on curve radii and whether parking is allowed to encroach on the private drive. The HOA is responsible for ensuring fire department access at all times.
  - The proposed private drive width is shown at twenty-two (22) feet. The Town of Southern Pines Fire Department has reviewed the proposal and will prohibit parking along the private drive.
- The proposed project shows the extension of W. Maine Avenue from its current terminus to the entrance of proposed development. The petitioner is asking the Planning Board and the Town Council to allow only the extension of W. Maine Avenue to the entrance of the proposed development per the allowances in UDO Section 4.11.7(B).
- Per UDO Section 4.11.7 *Street Connections Required*:
  - (A) Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected.
  - (B) The permit issuing authority may:
    - (1) Waive the requirement to develop the street when the right-of-way is extended, if it is determined that the development of the street is not practicable.
    - (2) Require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. However, no temporary dead-end street or cul-de-sac in excess of one-thousand (1000) feet may be created unless no other practicable alternative is available.
    - (3) Authorize the applicant to pay a fee in lieu of constructing the road connection at the time of development.

- Per UDO Exhibit 4-3, the proposed project must provide a 10' landscape buffer on its property between itself and another RM-2 zoned property. A buffer is not required on the northern portion of the property as it abuts OS zoned property. See attachments for the landscape plan provided by the petitioner.
- The entirety of the property is within the Little River #2 Intake (LR#2) Watershed and is therefore subject to Watershed Protection Overlay District and the standards set forth in UDO Section 3.6.8.
- This project may be required to obtain a Watershed Protection Permit from the Town Council due to its location within the high quality 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 required and approved, will provide the project with the 5/70 exemption allowing the project to develop up to the 70% impervious surface level.
  - The development is proposed at 39.54% impervious.

- 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.*

**Attachments:**

- Watershed Protection Permit (WP-02-16)
- 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-02-16
2. Deny CU-02-16; OR
3. Approve CU-02-16 with the following additional conditions...

**APPLICATION FOR THE  
TOWN OF SOUTHERN PINES TOWN COUNCIL  
WATERSHED PROTECTION PERMIT**

Date Received: April 18, 2016

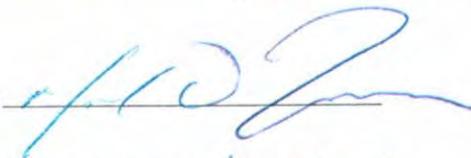
Case: WP -02-16

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

I, the undersigned, do hereby apply, under the provisions of the Watershed Protection Permit of the property as described below, to the Town of Southern Pines, Town Council.

1. Name of Project: WEST MAINE VILLAGE NORTH
2. Project Street Address: 635 WEST MAINE AVE
3. PIN # 858218219937 Parcel ID: 00036263
4. Watershed: WS-III HQW
5. Type of Project (i.e. retail, office, residential, etc.): RESIDENTIAL

I certify that all information furnished on this application is true and accurate and is in compliance with the Watershed Protection Overlay standards of the Town of Southern Pines.

Name of Petitioner: GONEAU CONSTRUCTION Signature:   
Please Print

Mailing Address of Petitioner: P.O. Box 4839 PINEHURST NC 28374  
Please Print

E-Mail of Petitioner: marcel@gonauconstruction.com  
Please Print

Phone Number of Petitioner: (910) 585-0618  
(Area Code)

Name of legal owner of Property Owner  
(If different from Petitioner) SILVER RIDGE HOLDINGS, LLC  
Please Print

Mailing Address of legal Property Owner  
(If different from Petitioner) 125 WILLIAMS RD SOUTHERN PINES NC  
Please Print 28387

Phone number of legal Property Owner  
(If different from Petitioner) (910) 585-0618  
(Area Code)

Form updated May 2016



## **TOWN OF SOUTHERN PINES**

### **CONDITIONAL USE PERMIT FOR MAJOR SUBDIVISION**

**Case Numbers: CU-02-16**

**PIN: 858218219937**

**May 25, 2016**

Following a review of the conditional use permit by the RLUAC staff and Board of Directors for the parcel 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; and,
- There are no identified 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 case.

Robert McLaughlin, Chairman

James Dougherty, Executive Director

# TOWN OF SOUTHERN PINES

## REGULAR BUSINESS MEETING OF THE PLANNING BOARD

May 19, 2016

7:00 pm

Douglass Community Center  
1185 W. Pennsylvania Avenue

## DECISION OF THE BOARD

**Petitioner: Goneau Construction**

**Case Number: CU-02-16**

The meeting was called to order with seven (7) members present and the Chairman declared that a quorum was present. The petitioner, Goneau Construction appeared before the Board through its agent, Mr. Marcel Goneau. The oath was administered to the witnesses prior to their testimony.

### Matter at Issue:

### CU-02-16 Conditional Use Permit: Major Subdivision Application for a Single-Family Attached (Townhomes) Development; Petitioner, Goneau Construction

On behalf of Goneau Construction, Mr. Marcel Goneau has submitted a Conditional Use Permit application requesting the approval of a Major Subdivision for a residential development project between W. Maine Avenue and W. Rhode Island Avenue. 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 fourteen (14) single-family attached dwelling units, thereby the proposal will require a CUP. The subject property is comprised of 2.037 acres is zoned RM-2 (Residential Multi-Family - 2). The property is identified by the following: PIN: 858218219937 (PARID: 00036263). Per the Moore County Tax records, the property owner(s) are listed as Silver Ridge Holdings LLC.

Mr. Marcel Goneau, presented the case for the approval of Conditional Use Permit CU-02-16. Mr. Goneau submitted into evidence the following items: a preliminary plat; a PowerPoint presentation for the Planning Board, and a written narrative stating the project's compatibility with the individual sets of criteria required in the Town's adopted plans and ordinances. Mr. Goneau presented the PowerPoint presentation, provided a detailed overview of the preliminary plat, and addressed the questions from the Planning Board and the public present at the public hearing.

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;**  
The proposed project is consistent with the goals and objectives of the CLRP as the project incorporates many of the goals and objectives of the CLRP. The proposed subdivision includes a product that is consistent with the scale and context of the surrounding neighborhood and downtown Southern Pines. The proposed project is not located on property where public recreational amenities are required by land plan or the UDO, however the petitioner is providing the required open space. Utility and street extensions will be required but the proposed project is consistent with adopted plans as the project ties into existing streets and public utilities as utilities are readily available adjacent to the subject property.
- 3. The proposed subdivision complies with the UDO and applicable state and federal regulations;**  
The proposed preliminary plat does not fully comply with the UDO standards as the petitioner is requesting relief on the rear setbacks for the southern boundary of the property. However the petitioner has framed the relief request in a manner in which the intent of the setback ordinances are met with the installation of buffer plantings and a fence to screen neighboring views. The petitioner is also requesting that W. Maine Avenue not be required to be improved to the full extent of the property. The Planning Board recognizes that the feasibility of such, or lack thereof, may permit the applicant to proceed with an alternative length for road construction as set forth in the streets section of the UDO. The remainder of the application complies with the restrictions of the UDO. The request also complies with all 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 does not fully comply with the UDO standards as the petitioner is requesting relief on the rear setbacks for the southern boundary of the property as well as the extension of W. Maine Avenue. However, due to the petitioner's design of the setback area and the conditions affecting the W. Maine Avenue extension the relief may be permitted and reasonable. The remainder of the application complies with the restrictions of the UDO including density, lot sizes, buffers and the like. The CLRP designates this area and subject property as "residential". The proposed use is listed as a permitted use in the RM-2 zoning classification, a residential zoning classification, the proposed subdivision is compatible with the existing and future land uses of adjacent property.

**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 and will not be detrimental to the adjacent properties as the project complies with the approved density as well as the buffer requirements set forth in the UDO. The CLRP designates this area and subject property as "residential". The proposed use is listed as a permitted use in the RM-2 zoning classification, a residential zoning classification, the proposed subdivision is compatible with the existing and future land uses of adjacent property.

**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. As proposed, roadway connections and improvements will be made at the termination of the existing paved section of right-of-way on W. Maine Avenue to the entrance of the proposed subdivision. The petitioner is requesting that W. Maine Avenue not have to be completed to the full extent of the property but the Planning Board recognizes that the feasibility of such, or lack thereof, may permit the applicant to proceed with an alternative length for road construction as set forth in the streets section of the UDO. Regardless of the length of roadway required, the petitioner will provide the proper design to ensure normal and emergency demands of the development.

**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 7-0, the Planning Board voted to recommend to the Town Council that the proposed *Preliminary Plat Application* is consistent with those documents that constitute the officially adopted land development plan and other applicable plans in that the proposed project meets the objectives of the Comprehensive Long Range Plan including Policy P-4, Policy P-12, Policy P-15, and Policy P-16.

By a vote of 7-0, the Planning Board voted to recommend to the Town Council the approval of the Preliminary Plat with no conditions.

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**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;**

The property is currently zoned RM-2. Residential land uses are permitted under the RM-2 zoning classification at a density of 5-7 dwelling units per acre. The proposed subdivision does not fully comply with the UDO standards as the petitioner is requesting relief on the rear setbacks for the southern boundary of the property as well as the extension of W. Maine Avenue. However, due to the petitioner's design of the setback area and the conditions affecting the W. Maine Avenue extension the relief may be permitted and reasonable. The remainder of the application complies with the restrictions of the UDO including density, lot sizes, buffers and the like as well as 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;**

The RM-2 zoning classification permits single-family and multi-family uses at a density of 5-7 dwelling units per acre. The proposed conditional use is designed in a manner that will fit within the character of the surrounding neighborhood. Concerns such as density, building height, traffic, noise, light pollution associated with the proposed project should not be greater than those currently existing in the surrounding neighborhood. Therefore the proposed conditional use should not injure the use and enjoyment of the neighboring properties.

**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. As proposed, roadway connections and improvements will be made at the termination of the existing paved section of right-of-way on W. Maine Avenue to the entrance of the proposed subdivision. The petitioner is requesting that W. Maine Avenue not have to be completed to the full extent of the property but the Planning Board recognizes that the feasibility of such may permit the applicant to proceed with an alternative length for road

construction as set forth in the streets section of the UDO. Regardless of the length of roadway required, the petitioner will provide the proper design to ensure normal and emergency demands of the development.

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

The proposed project is an infill project in proximity to downtown Southern Pines. The development of the proposed, including the road and utility extensions, should enhance and not impede the viability of development of surrounding properties. The CLRP designates this area and subject property as “residential”. The proposed use is listed as a permitted use in the RM-2 zoning classification, a residential zoning classification, the proposed subdivision is compatible with the existing and future land uses of adjacent property. Consequently, the proposed project should not diminish or impair the property values of the existing 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;**

The proposed project will provide an infill development that will comply with UDO and CLRP standards. In the instances where the application deviates from the UDO, the UDO allows such deviation based on specified criteria that the petitioner has provided evidence to support such relief. The CLRP and the UDO are documents that seek to advance the public health, safety, and general welfare of the public with policies, standards and restrictions. As a result, if the proposed project conforms to those policies, standards, and restrictions, the use should not be detrimental to or endanger the public health, safety, comfort, or general welfare of the surrounding neighborhood and the public at large.

**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.**

This project incorporates many of the goals and objectives of the CLRP and establishes a development pattern that fits within the context of the surrounding neighborhood and downtown Southern Pines. As set forth as a goal of the CLRP, the provision of residential units, especially those that enhance the diversity of residential dwelling unit composition in the downtown areas should be viewed as a positive impact. Development, in general, can contribute to what some may perceive to be negative externalities and thereby adverse impacts. However, the proposed development seeks to further the goals and objectives of the CLRP and the UDO requirements which are in place to promote the health, safety, and general welfare of the public. Therefore, the public interest and welfare supporting the proposed project is sufficient to outweigh and individual interests that may be adversely affected.

**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 7-0, 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 in that the proposed project meets the objectives of the Comprehensive Long Range Plan including Policy P-4, Policy P-12, Policy P-15, and Policy P-16.

By a vote of 6-1, the Planning Board voted to recommend to the Town Council the approval of the Conditional Use Permit with the condition that W. Maine Avenue be improved to a Town standard to the full extent of the property should the right-of-way abandonment for N. Mechanic Street between the NE Service Road and W. Maine Avenue be denied by the Town Council; such request is included in a separate request outside of the application for CU-02-16. Should the Town Council approve the abandonment of right-of-way of N. Mechanic Street between the NE Service Road and W. Maine Avenue, then the petitioner may only need to improve W. Maine Avenue to the ingress/egress as proposed in the application CU-02-16 and per the requirements of UDO Section 4.11.7(B).

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**Decision of the Board:**

The requests under application CU-02-16 for Preliminary Plat Approval and Conditional Use Permit Approval were recommended for approval to the Town Council with the condition that W. Maine Avenue be improved to a Town standard to the full extent of the property should the right-of-way abandonment for N. Mechanic Street between the NE Service Road and W. Maine Avenue be denied by the Town Council; such request is included in a separate request outside of the application for CU-02-16. Should the Town Council approve the abandonment of right-of-way of N. Mechanic Street between the NE Service Road and W. Maine Avenue, then the petitioner may only need to improve W. Maine Avenue to the ingress/egress as proposed in the application CU-02-16 and per the requirements of UDO Section 4.11.7(B).

This is the 19<sup>th</sup> day of May, 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

Goneau Construction

## Agenda Item

**To:** Planning Board

**Via:** Bart Nuckols, Planning Director

**From:** Chris Kennedy, Senior Planner

**Subject:** CU-02-16 Conditional Use Permit: Major Subdivision Application for a Single-Family Attached (Townhomes) Development; Petitioner, Goneau Construction

**Date:** May 19, 2016

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### **CU-02-16 Conditional Use Permit: Major Subdivision Application for a Single-Family Attached (Townhomes) Development; Petitioner, Goneau Construction**

On behalf of Goneau Construction, Mr. Marcel Goneau has submitted a Conditional Use Permit application requesting the approval of a Major Subdivision for a residential development project between W. Maine Avenue and W. Rhode Island Avenue. 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 fourteen (14) single-family attached dwelling units, thereby the proposal will require a CUP. The subject property is comprised of 2.037 acres is zoned RM-2 (Residential Multi-Family - 2). The property is identified by the following: PIN: 858218219937 (PARID: 00036263). Per the Moore County Tax records, the property owner(s) are listed as Silver Ridge Holdings LLC.

#### **Analysis:**

The subject property is identified as “Residential” in the *Comprehensive Long Range Plan Future Land Use Map*. Per the *Comprehensive Long Range Plan 2015-16 Update*:

- **Residential:** This designation 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 to up to twelve units per acre in places that are clearly more urban. Elementary schools, civic uses, parks, and neighborhood scale commercial services may be authorized through the rezoning process without amending the Future Land Use Map.

#### **Staff Comments:**

- The subject property is comprised of 2.037 acres (1.67 acres listed per the Moore County GIS and 0.367 acres of land obtained with the abandonment of N. Mechanic Street right-of-way between W. Maine Avenue and W. Rhode Island Avenue).
- The subject property is located in the corporate limits of the Town of Southern Pines.
- The adjoining properties are zoned RM-2 to the East, South, and West. The property

to the North of the subject property is zoned OS.

- Single-Family Attached (Townhomes) land uses are classified under LBCS 1112 in UDO Exhibit 3-15 Table of Authorized Land Uses. LBCS 1112 is listed a “ZS” in the RM-2 zoning classification.
- The approved density for the RM-2 zoning district is calculated by factoring 10,000 square feet of land area for the first dwelling unit and then 6,000 square feet of land area for each additional dwelling unit. The RM-2 zoning district permits approximately five-to-seven (5-7) dwelling units per acre.
- Per UDO Section 3.5.7, the RM-2 zoning classification is established as a district in which to allow primarily single-family and multi-family residences at a moderate-density (approximately 5-7 dwelling units per acre) in areas served by adequate public water and sewer systems. The regulations of this district are intended to:
  3. Encourage single-family and multi-family residences; and,
  4. Encourage new residential development that is compatible with that in the existing neighborhoods.
- Portions of the subject property lie within the Urban Transition Highway Corridor Overlay. The Highway Corridor Overlay standards are set forth in UDO Section 3.6.5 and UDO Exhibit 3-13.
  - Per UDO Section 3.6.5(F)(1), single family lots may be developed according to the standards of the underlying zoning district and these lots and the single-family homes built upon them shall not be considered non-conforming situations.
    - Therefore the UT-HCO standards are not applicable to the proposed project listed in CU-02-16.
- Per UDO Exhibit 4-1, the setbacks for the RM-2 zoning classification are as follows:
  - Front: 25.0’; Side: 10.0’; Exterior Side: 15.0’; Rear: 30.0’
  - Per UDO Section 4.2.2(F), private roads or driveways that serve more than three (3) lots, more than three (3) dwelling units or any non-residential use projected to generate traffic equivalent to three (3) or more dwelling units shall be treated as public streets for the purposes of measuring front and exterior side setbacks.
  - Based on the regulations set forth in UDO Section 4.2.2(F), the petitioner is requesting a waiver from rear setback requirement of 30’ only along the rear property line behind units 1-6 as listed on the preliminary plat; the property line nearest to N. Hale Street. The petitioner is proposing a reduction in the rear setback from 30’ to 20’.
  - Per UDO Section 2.46.3(A), the Administrative Relief section of the UDO, the rear setback may be reduced by no less than sixty (60) percent of the minimum required setback if the situation complies with the criteria set forth in UDO Section 2.46.4.
    - The planning director is authorized to grant administrative relief if the applicant is able to comply with the criteria set forth in UDO Section 2.46.4. This request is seeking to reduce the rear setback from 30’ to 20’. Based on the standards of UDO Section 2.46.3(A), the allowed sixty (60) percent reduction could reduce the rear setback to 18’.
    - The petitioner would have the ability to seek administrative relief from the planning director, however, the petitioner has decided to proceed with the waiver request during the public hearings in front of the Planning Board and Town Council; requesting that the boards grant such relief during the

preliminary plat and CUP application processes.

- The vehicular trip generation of the project per UDO Exhibit 4-19 is 85.4 ADT (average daily trips). Per the UDO a single-family attached land use is 6.1 trips per day per dwelling.
- Per UDO Section 4.11.3 *Access to Lots*, (C) a private drive may be approved as the sole access for a lot or parcel subject to the following conditions:
  - (1) It accesses a public or private easement and is located on a perpetual easement not less than twenty (20) feet in width;
  - (2) The easement serves no more than three (3) lots in the RE or RR zoning districts or no more than twenty-five (25) dwelling units in a RS-1, RM-1, RM-2, or PD zoning district;
  - (3) Prior to recording of the final plat, that delineates the lot(s), restrictive covenants shall be recorded in the Moore County Registry that permanently establishes the easement, provides for maintenance of the private drive, and prohibits further division of any of the lots served by the easement. If the private drive is part of a subdivision for single-family attached (townhomes) or condominium dwelling units, the lots may be served by a “Private Ingress/Egress/Access Easement” that is maintained by the “Home Owners Association” and shall be clearly designated on the Final Plat and in the restrictive HOA documents.
- Per Section 4.11.3(D), private drives shall meet the design and construction requirements to support and provide fire department access. Pavement width shall be at least twenty (20) feet, but may be increased based on curve radii and whether parking is allowed to encroach on the private drive. The HOA is responsible for ensuring fire department access at all times.
  - The proposed private drive width is shown at twenty-two (22) feet. The Town of Southern Pines Fire Department has reviewed the proposal and will prohibit parking along the private drive.
- The proposed project shows the extension of W. Maine Avenue from its current terminus to the entrance of proposed development. The petitioner is asking the Planning Board and the Town Council to allow only the extension of W. Maine Avenue to the entrance of the proposed development per the allowances in UDO Section 4.11.7(B).
- Per UDO Section 4.11.7 *Street Connections Required*:
  - (A) Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected.
  - (B) The permit issuing authority may:
    - (1) Waive the requirement to develop the street when the right-of-way is extended, if it is determined that the development of the street is not practicable.
    - (2) Require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. However, no temporary dead-end street or cul-de-sac in excess of one-thousand (1000) feet may be created unless no other practicable alternative is available.
    - (3) Authorize the applicant to pay a fee in lieu of constructing the road

connection at the time of development.

- Per UDO Exhibit 4-3, the proposed project must provide a 10' landscape buffer on its property between itself and another RM-2 zoned property. A buffer is not required on the northern portion of the property as it abuts OS zoned property. See attachments for the landscape plan provided by the petitioner.
- The entirety of the property is within the Little River #2 Intake (LR#2) Watershed and is therefore subject to Watershed Protection Overlay District and the standards set forth in UDO Section 3.6.8.
- This project may be required to obtain a Watershed Protection Permit from the Town Council due to its location within the high quality 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 required and approved, will provide the project with the 5/70 exemption allowing the project to develop up to the 70% impervious surface level.
  - The development is proposed at 39.54% impervious.
- 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

- (7) *The application is consistent with the approved Sketch Plat, if applicable.*
  - (8) *The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;*
  - (9) *The proposed subdivision complies with the UDO and applicable state and federal regulations;*
  - (10) *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;*
  - (11) *The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and*
  - (12) *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:

- (G) *The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;*
- (H) *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;*
- (I) *Adequate public facilities shall be provided as set forth herein;*

- (J) *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;*
- (K) *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,*
- (L) *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.*

**Attachments:**

- GIS Location
  - Application Materials
  - Criteria Narratives
  - Preliminary Plat
  - Landscape Plan
  - Cross Section of Site
  - 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 *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 .....

**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 .....

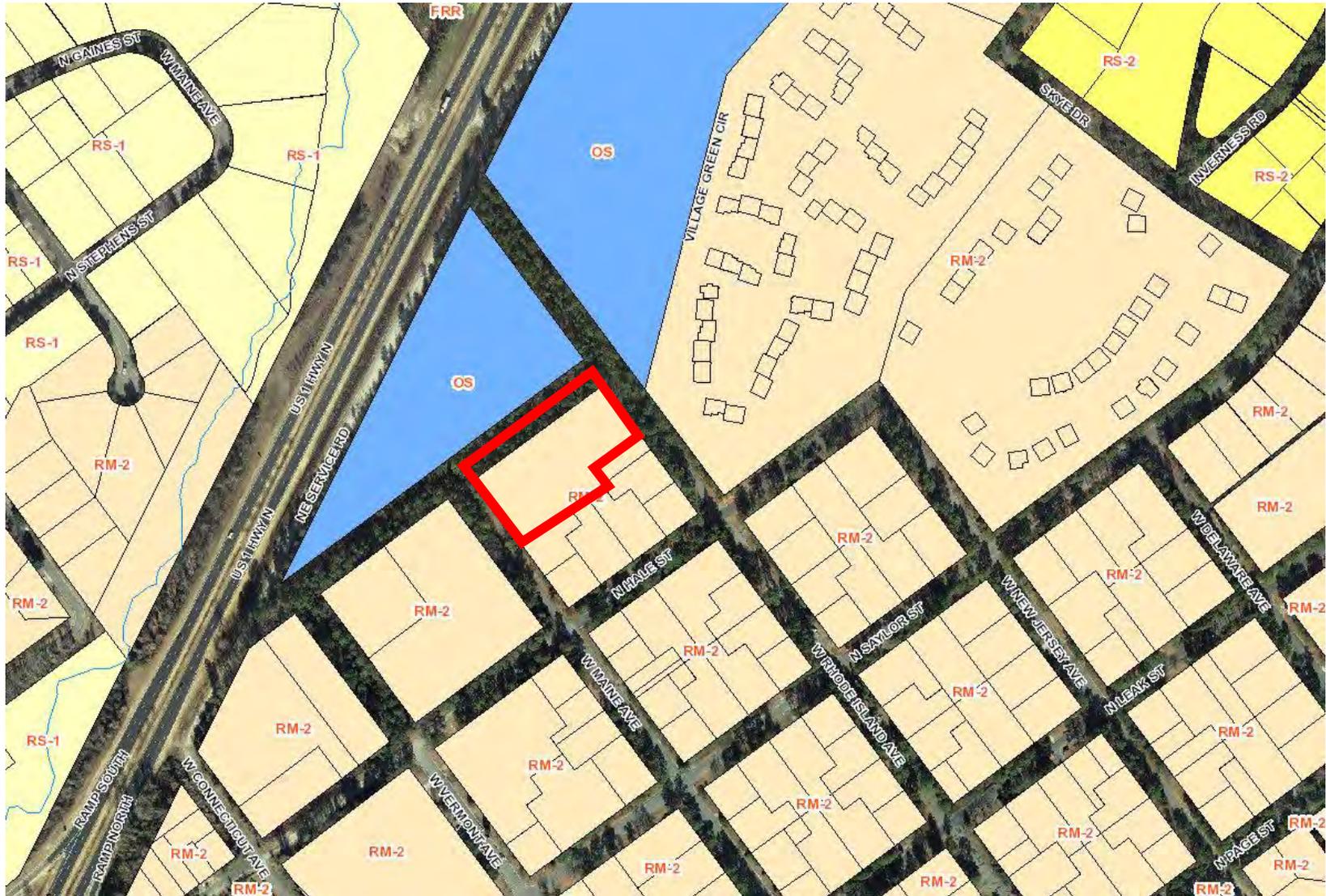
**Then:**

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

1. The approval of CU-02-16;
2. The denial of CU-02-16; OR
3. The approval of CU-02-16 with the following additional conditions...

# CU-02-16 Major Subdivision (Vicinity and Zoning Map) PIN: 858218219937 (Parcel ID: 00036263)

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).



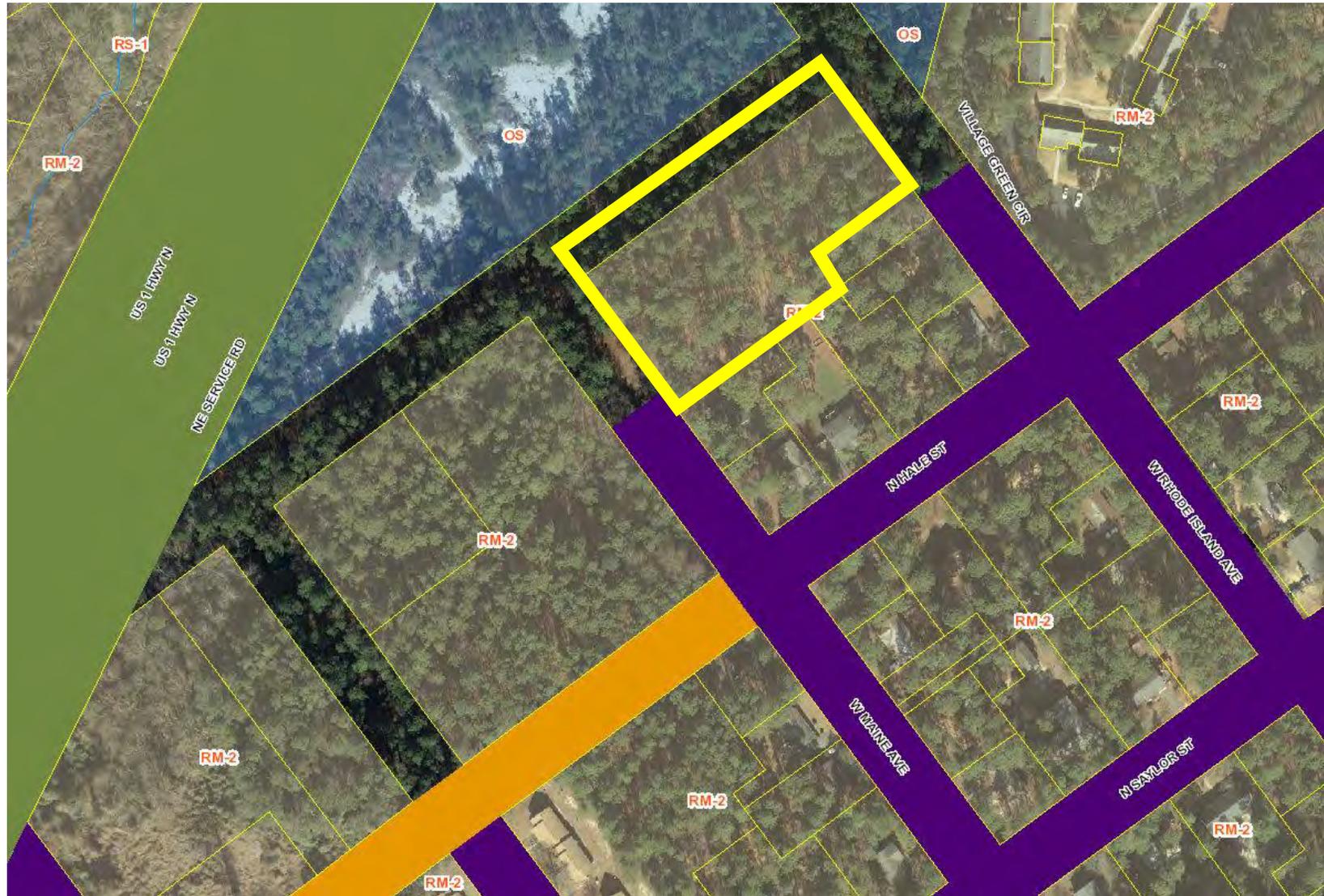
**CU-02-16 Major Subdivision (Zoning with Aerials Map)**  
**PIN: 858218219937 (Parcel ID: 00036263)**

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-02-16 Major Subdivision (Powell Bill Map)**  
**PIN: 858218219937 (Parcel ID: 00036263)**

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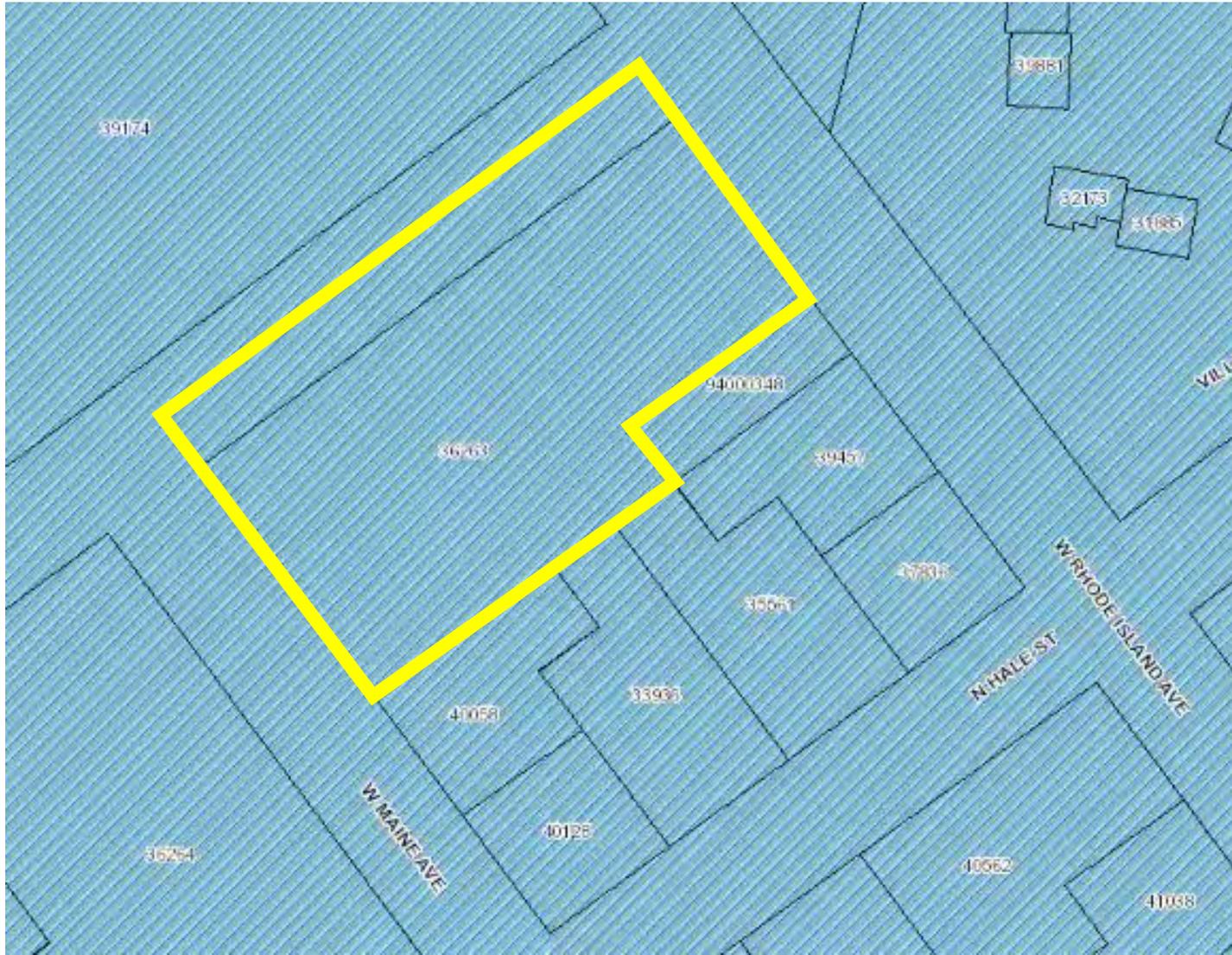
**CU-02-16 Major Subdivision (UT-HCO Map)**  
**PIN: 858218219937 (Parcel ID: 00036263)**

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-02-16 Major Subdivision (Watershed Map)**  
**PIN: 858218219937 (Parcel ID: 00036263)**

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- 02-16

Date Received: April 18, 2016

**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 W. Maine (Street/Avenue), between W. Maine (Street Avenue) and W. Rhode Island (Street/ Avenue). The address is N/A, also known as LRK # 00036263 and PIN # 858218219937. It has a frontage of 200.14 feet and a depth of 399.73 feet, containing 1.665 acres.

The Conditional Use sought is based on Section(s) 2.20.5(G) Major Subdivision & 2.21.7 of the *Town of Southern Pines Unified Development Ordinance*. The property in question is located in a RM-2 zoning district and is proposed for the following use:

Townhome Community

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: MLC Automotive, LLC

Mailing Address: PO Box 40110

Raleigh, NC 27629

LRK #: 00039174

Adjacent Property Address: N/A

2. Property owners' name: Silver Ridge Holdings, LLC

Mailing Address: 125 Williams Road

Southern Pines, NC 28387

LRK #: 00036264

Adjacent Property Address: N/A

3. Property owners' name: Leo Walsh

Mailing Address: 625 W. Maine Ave

Southern Pines, NC 28387

LRK #: 00040058

Adjacent Property Address: Same

4. Property owners' name: Patrick Phillips

Mailing Address: 510 N. Hale Street

Southern Pines, NC 28387

LRK #: 00033936

Adjacent Property Address: Same

5. Property owners' name: Josef Kriesz

Mailing Address: 520 N. Hale Street

Southern Pines, NC 28387

LRK #: 00035561

Adjacent Property Address: Same

6. Property owners' name: Dane Sebring

Mailing Address: 620 W. Rhode Island

Southern Pines, NC 28387

LRK #: 00039457

Adjacent Property Address: Same

7. Property owners' name: John Hilbrecht  
Mailing Address: 620 W. Maine Street  
Southern Pines, NC 28387  
LRK #: 94000348  
Adjacent Property Address: Same

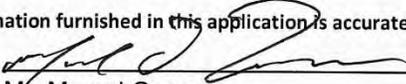
8. Property owners' name: Catherine Taylor  
Mailing Address: 31 Village Green  
Southern Pines, NC 28387  
LRK #: 00039881  
Adjacent Property Address: Same

9. Property owners' name: Eileen Malan  
Mailing Address: PO Box 2020  
Southern Pines, NC 28387  
LRK #: 00032173  
Adjacent Property Address: 27 Village Green  
Southern Pines, NC 28387 Marcel

10. Property owners' name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
LRK #: \_\_\_\_\_  
Adjacent Property Address: \_\_\_\_\_  
\_\_\_\_\_

**Please note that if you have more than (10) ten adjacent property owners, please use additional sheets, if necessary. Please include a stamped envelope addressed to each adjacent property owner with the following return address: Town of Southern Pines, Attn: Planning Department, 180 SW Broad Street, Southern Pines, NC 28387**

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

Petitioner Signature: 

Petitioner's Name: Mr. Marcel Goneau

Please Print

Petitioner's Mailing Address: \_\_\_\_\_

125 Williams Road

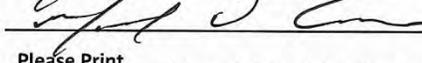
Southern Pines, NC 28387

Petitioner's email Marcel@Goneauconstruction.com

Petitioner's Phone # 800-695-4317

Cell# 910-585-0618

Property owner's signature: 

Property owner's signature: 

Please Print

Property owner's Mailing Address: Silver Ridge Holdings, LLC

Mr. Marcel Goneau

125 Williams Road, Southern Pines, NC 28387

Property owner's email Marcel@Goneauconstruction.com

Property owner's Phone # 800-695-4317

Cell # 910-585-0618

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

PIN:858218219937  
PARID:00036263  
NAME:SILVER RIDGE HOLDINGS, LLC  
ADDRESS:125 WILLIAMS ROAD  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858214321933  
PARID:00039174  
NAME:MLC AUTOMOTIVE, LLC  
ADDRESS:PO BOX 40110  
CITY:RALEIGH  
STATE:NC  
ZIP:27629

PIN:858200325691  
PARID:00039929  
NAME:VILLAGE GREEN ASSOCIATES  
NAME2:OF SOUTHERN PINES  
ADDRESS:VILLAGE GREEN  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858218310977  
PARID:94000348  
NAME:HILBRECHT, JOHN C  
ADDRESS:620 W RHODE ISLAND AVE  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858218311933  
PARID:00039457  
NAME:SEBRING, DANE TRISTAN  
ADDRESS:620 W RHODE ISLAND  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858218312805  
PARID:00037836  
NAME:SINEATH, BENJAMIN LEE  
ADDRESS:600 W RHODE ISLAND AVE  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858218310892  
PARID:00035561  
NAME:KNIESZ, JOSEF R & JANINA M  
ADDRESS:520 N HALE STREET  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858218310717  
PARID:00033936  
NAME:PHILLIPS, PATRICK R &  
NAME2:JENIFER A  
ADDRESS:510 N HALE ST  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858218219667  
PARID:00040128  
NAME:WEATHERSPOON, MICHAEL P  
ADDRESS:500 N HALE ST  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858218219707  
PARID:00040058  
NAME:WALSH, LEO  
NAME2:WALSH, SHIRLEY  
ADDRESS:625 W MAINE AVE  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387-4018

PIN:858218217509  
PARID:00036264  
NAME:SILVER RIDGE HOLDINGS, LLC  
ADDRESS:125 WILLIAMS ROAD

CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858217214672  
PARID:00032830  
NAME:TOWN OF SOUTHERN PINES  
ADDRESS:PO BOX 870  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858217213440  
PARID:00032829  
NAME:TOWN OF SOUTHERN PINES  
ADDRESS:PO BOX 870  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858217212320  
PARID:00036262  
NAME:HABITAT FOR HUMANITY  
NAME2:OF MOORE COUNTY, INC  
ADDRESS:2268 NC HWY 5  
CITY:ABERDEEN  
STATE:NC  
ZIP:28315

PIN:858218323111  
PARID:00032173  
NAME:MALAN, EILEEN C  
ADDRESS:PO DRAWER 2020  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28388

PIN:858218322189  
PARID:00039881  
NAME:TAYLOR, CATHERINE C  
ADDRESS:31 VILLAGE GREEN  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387



Goneau construction | design | development  
Conditional Use Permit Application  
Town of Southern Pines

April 18, 2016

Marcel O. Goneau, AIBD  
125 Williams Road, Southern Pines, North Carolina  
Founder/President of Goneau construction | design | development  
Board of Director – Moore County Home Builders Association  
Professional Member – American Institute of Building Design (AIBD)

Contact Information:  
800-695-4317  
[contact@goneauconstruction.com](mailto:contact@goneauconstruction.com)  
[www.GoneauConstruction.com](http://www.GoneauConstruction.com)

Goneau construction | design | development Proprietary Information



**DESCRIPTION OF PROPOSED DEVELOPMENT – WEST MAINE VILLAGE NORTH**

Goneau construction | design | development (Goneau Construction) is proposing a new Townhome community, West Maine Village North, on the property located at 635 West Maine Avenue, Southern Pines, NC 28387. The property is 2.04 acres and holds a zoning classification of Residential Multi-Family (RM-2). The majority of the surrounding properties in this section of Southern Pines hold the same zoning classification, RM-2, except the adjacent 22 acre site which holds the Office/Service (OS) zoning classification. The RM-2 property on West Maine is an ideal density transitional site from the existing single family homes to the future neighboring OS district. The majority of the site has a modest topography which is moderately wooded with primarily pine trees, some hardwoods trees and no existing structures. The “front” or “entrance” to the property is 240 feet wide and the overall depth of the property is 400 feet deep. The entrance to the proposed community will be accessed from West Maine Avenue, which is currently undeveloped. Goneau Construction will improve the section of West Maine Avenue required to access the proposed development. Public utilities are within reasonable access to the site and we will provide adequate utilities to sufficiently service the proposed community. The overall surrounding neighborhood is primarily single family homes with one small multi-family housing community approximately two blocks away. The site is approximately six blocks from North West Broad Street and the Southern Pines commercial downtown Central Business District (CB).

**CRITERIA AND JUSTIFICATION FOR PRELIMINARY PLAT DESIGN FOR WEST MAINE VILLAGE NORTH (CRITERIA 2.20.5(G) PRELIMINARY PLAT SOUTHERN PINES UDO 9/8/2015)**

**2.20.5(G) (1) Criteria**

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

**2.20.5(G) (1) Justification**

Goneau Construction’s proposed project, West Maine Village North, does not require the submission and approval of a Sketch Plat, therefore the sketch plat is not applicable. As stated in the Southern Pines Unified Development Ordinance (UDO) *Section 2.20.4(B) Sketch Plat Applicability* a Sketch Plat is required “when an Applicant is applying for the subdivision of less than the entire, contiguous land area held in common ownership.” Goneau Construction is using the entire tract for the development and will not be subdividing the property at 635 West Maine Avenue.

**2.20.5(G) (2) Criteria**

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

**2.20.5(G) (2) Justification**

Goneau Construction’s proposed project to develop 14 Townhomes is consistent with the Town of Southern Pines Comprehensive Long Range Plan adopted in 2010 updated 2015-2016. Southern Pines Comprehensive Plan’s community vision for housing focuses on diverse, affordable, and compatible housing within the neighborhood it is developed. West Maine Village

North provides -2016 residents with an affordable housing option, which maintains and builds upon the characteristics of the neighborhood and downtown area. Located on a currently vacant lot within an existing residential neighborhood, the new townhome community will provide the Town with an infill opportunity that will add to the revitalization of the neighborhood.

Specifically, West Maine Village North is consistent with the following goals and policies found in the Comprehensive Plan:

- **Goal G-1 – Community Well-Being:** *Improve the personal health and security of our residents and promote neighborhoods and commercial areas that are safe, secure and healthy.*
- **Goal G-4 – Neighborhoods:** *Protect and enhance the civic vitality, function, stability and character of Southern Pines commercial and residential neighborhoods.*
- **Goal G-10 – Economy:** *Achieve a sustainable, resilient, balanced economy, providing community prosperity and fiscal health.*
- **Goal G-11 – Housing:** *Facilitate the provision of a broad range of housing choices that serve residents of all abilities and incomes.*
- **Policy P-1 – Downtown:** *Implement and periodically refine the Downtown Neighborhood Development Plan, and more specifically:*
  - P-1a. Ensure that new growth and renovation in the Downtown are compatible with Downtown's overall scale, architectural, transportation and public-space characteristics.*
    - West Maine Village North provides compatible townhome units that further diversify the immediate neighborhood, which already has single family and multi-family housing options. West Maine Village North will be developed on a vacant lot in the downtown Southern Pines area.
  - P-1e. Preserve, protect and maintain Southern Pines' historic properties, districts and landscapes.*
    - While not directly located in the Historical District, West Maine Village North's turn-of-the-century, "Cottage" architecture will maintain the historical architectural vernacular commonly found throughout the Southern Pines downtown area.
- **Policy P-2 – Neighborhoods:** *Ensure that new development and redevelopment are compatible with the overall scale, architecture, transportation and public-space characteristics of the neighborhood in which it occurs.*
  - West Maine Village North will develop 2.04 acres of an infill lot that is compatible with the neighborhood and Town of Southern Pines. The townhomes will boast a turn-of-the-century, two-story "Cottage" architecture, which is consistent in scale and architecture commonly found throughout the Southern Pines downtown area. This site is located within the downtown Southern Pines street and transportation grid as originally mapped by the town designers and engineers. Similar characteristics and architecture can be found in other areas of the neighborhood such as in Village Green Circle, Village in the Woods Circle, and West Vermont Avenue.
- **Policy P-4 – Future Land Use:** *Use the future land use map in Chapter 4 of this plan as a guide for zoning decisions. Recognizing that the map accommodates projected growth through the year 2040, decisions to approve zoning map amendments, proposed development and infrastructure extensions need to consider both the proposed future*

land use and whether the timing of the action is consistent with the Town's other goals and policies. For instance, when considering action on a development proposal that matches the use shown on future land use map, the Town should consider whether the development is premature and would encourage sprawl while reducing the incentive for infill development that would capitalize on existing infrastructure and support Downtown vitality.

- The current and future zoning district for the site proposed for West Maine Village North is RM-2. This zoning classification is a residential district which allows single-family homes and medium density multi-family communities that focus on creating transitional areas between residential neighborhoods and commercial areas. West Maine Village North meets the RM-2 zoning requirements as well as the intent of providing a transitional community between the existing single-family homes and the OS district found adjacent to the site. Additionally, West Maine Village North is an infill development that uses and improves existing infrastructure and does not encourage unnecessary sprawl or development.
- **Policy P-6 – Mobility:** *Enhance mobility options for residents of Southern Pines by:*
  - **P-6a.** *Ensuring that new neighborhoods and mixed-use centers interconnect with adjoining land uses.*
    - West Maine Village North will be accessed from West Maine Avenue and easily connect with the existing Southern Pines street and transportation grid as well as the adjoining neighborhood.
- **Policy P-7 – Streetscapes:** *When improving streets and when streets are installed as part of new developments, ensure that the streets:*
  - **P-7a.** *Are designed and constructed to support the needs of all users (e.g., cars, bicycles, pedestrians and, where applicable, truck traffic) in context with their location and function in the region, Town and neighborhood in which they are located.*
    - During the development of West Maine Village North we will improve a portion of West Maine Avenue which will support the needs of all users and emergency access vehicles. The entrance/exit off of West Maine Avenue as well as the new private street, Abbey Lane, meet the requirements in the UDO and offer functional and improved streets. Abbey Lane will be 22'-0" wide exceeding the minimum 20'-0" required dimension noted in the UDO by 2'-0". Additionally, as required in Section 4.2.2(F) the Townhomes will be held to the 25'-0" "Front" setback from edge of pavement. These dimensions and design will allow for easy access to residents and any visitors.
  - **P-7c.** *Balance the mobility and aesthetic roles of streets, preserving existing trees where alternative street cross-section designs are feasible.*
    - The street designed for West Maine Village North will include multiple landscaped peninsulas on the hardscape and parking areas providing an aesthetically pleasing and balanced streetscape. Additionally, all existing Lingleaf Pines as well as some hardwoods found at the entrance of the property on West Maine Avenue have been identified and will be preserved where feasible.
- **Policy P-9 – Access Management:** *Enhance the safety and function of arterial and collector streets through access management strategies that:*
  - **P-9a.** *Encourage common or shared parking facilities as well as common driveways.*

- West Maine Village North parking and driveways are designed to allow easy access and use for residents and visitors. The number of parking spaces is more than double the required two (2) spaces per unit, with two (2) spaces in the garage, two (2) outside of the garage, and one (1) space in front of the Townhome. Driveways are easily accessed from the private street, Abbey Lane.
- P-9b. Control the number, width, and location of driveways; and**

  - Driveways have been separated for consistent flow from Townhome to Townhome and will maintain a 20'-0" width for ease of access into each garage. The number of driveways are consistent with the density of the community, which offers a two (2) car garage for each Townhome.
- P-9c. Require site access from side streets where appropriate.**

  - Access to West Maine Village North is from West Maine Avenue which is a mapped street right-of-way (ROW) within the Southern Pines grid.
- **Policy P-12 – New Housing Choices: Foster the provision of a mix of housing that meets the financial and physical needs of existing and future residents by encouraging development of a variety of housing types in new residential areas and promoting compatible infill in existing neighborhoods.**

  - West Maine Village North will provide infill housing by developing 14 townhomes on a vacant lot within an already established Southern Pines neighborhood. Offered in the mid \$200,000's the infill housing will be compatible with the surrounding area and competitive in price. West Maine Village North will further diversify and foster a variety of housing types within the immediate neighborhood which already has single-family and multi-family housing options. Developing West Maine Village North will promote infill housing that meets the current economic environment and needs of existing and future residents.
- **Policy P-13 – Existing Housing Stock: Promote the maintenance of the existing housing stock through code enforcement in collaboration with neighborhoods, community education and support for residents' efforts to maintain the safety, structural integrity and appearance of their homes and neighborhoods.**

  - West Maine Village North is designed to maintain the overall scale of the current houses surrounding it and be compatible with the architecture seen in and around downtown Southern Pines. We expect West Maine Village North to revitalize the immediate neighborhood and help add more value to the existing homes and area. Developing on an infill vacant lot will promote and motivate maintenance of existing homes and improving the existing infrastructure will increase safety within the community.
- **Policy P-15 – Growth Coordination: To maintain the Town's fiscal integrity and ability to provide public facilities and services in a cost-effective manner**

**P-15a. Favor infill development in areas with access to public facilities over development on the perimeter that requires extension of public facilities.**

  - West Maine Village North will develop an infill vacant lot with access to public facilities and services. It is located within the primary grid of the Town of Southern Pines offering ease of access for all public works services and for emergency services such as fire and police.

*P-15b. Ensure that costs of extending services to new development are generally borne by such development, except where cost-sharing is necessary to facilitate or attain larger community goals as determined by the Town; and*

- The extension of services such as water and sewer will be paid for by Goneau Construction. All services are found in close proximity to the proposed community and accessible without any undue burden to neighboring properties or the Town. As a result of extending the necessary services to West Maine Village North, Goneau construction will improve existing surrounding infrastructure in the immediate utility grid of Southern Pines.

*P-16c. Consider the cost-effectiveness of public facilities when reviewing new development, particularly when it involves the extension of roads or utilities.*

- Goneau Construction is developing an infill lot and does not require excessive extension of public utilities or roads. Water mains and sewer lines are easily accessible for the West Maine Village North site and the improvements and extension of the public facilities will be paid by Goneau Construction. In addition, the extension of the public facilities will improve and update the immediate area's public utilities once completed.

The Future Land Use Map found in the Comprehensive Plan designates the site of West Maine Village North as primarily residential and recommends residential land uses in those areas. The site on West Maine Avenue is zoned for residential use and Goneau Construction will use the site for residential housing.

West Maine Village North follows the regulations of the UDO, which are in place to implement the goals, objectives, policies, and strategies of the Comprehensive Plan. We designed West Maine Village North to offer an effective use of the land and provide quality homes that improve and benefit our community.

### **2.20.5(G) (3) Criteria**

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

### **2.20.5(G) (3) Justification**

West Maine Village North is compliant with the following Development and Design Standards stated in *Chapter 4, Section 4.2 Lot Development Standards*:

- *Section 4.2.1 Height* – The townhome units in West Maine Village North do not exceed the maximum height of 35' for RM-2 zoning districts established in *Exhibit 4-1*.
- *Section 4.2.3 Lot Size, Density, and Lot Width* – West Maine Village North meets the minimum lot size for RM-2 zones in *Exhibit 4-1*. We have calculated the density or number of dwelling units allowed on the property using *Exhibit 4-1* and do not exceed the maximum allowable dwelling units for the lot size (for specific density calculations please see our justification for criteria 2.20.5(G) (4) below). According to the Table Notes for *Exhibit 4-1 Table Note (8)* minimum lot width is not applicable to townhome development.

The proposed project is also compliant with RM-2 zoning permissible uses, adequately meets and provides all public utilities requirements, and adheres to emergency access requirements and

fire codes. The landscape and buffers planned for the community comply with the UDO and the townhomes are cohesive and compatible with the existing neighborhood characteristics and architecture vernacular.

As illustrated in the enclosed preliminary plat, West Maine Village North meets all but one of the minimum setback requirements established in the UDO *Chapter 4, Section 4.2.2 Setbacks* and listed in *Exhibit 4-1* for RM-2 zoning districts. The siting of the townhome units on the preliminary plat meets the minimum front setback, setback from street centerline, exterior side setback and interior side setback listed in *Exhibit 4-1* under RM-2 zoning and allows us to meet the minimum rear setback requirements on the west side of the property. Additionally, the placement of the townhome units and improvements in the site results in 54,543.5 square feet of green space or pervious area which is 60.45% of the total property square footage.

*Section 4.2.2(F)* of the UDO requires that lots with three (3) or more dwelling units treat private roads as public streets for purposes of measuring front and exterior side setbacks. Interpretation on this regulation and how it effects which minimum setbacks are required to be met in the development is unclear. *Section 4.2.2(F)* only refers to measuring the front and exterior side setbacks based on where the dwelling or unit fronts the public street. Goneau Construction considers the front of the dwelling or townhome units to face Abbey Lane and interprets the only setback requirements the units must meet are the front and exterior side setback, as stated in *Section 4.2.2(F)*. However if the minimum 30' rear setback is still required to be met in addition to the front and exterior side setbacks listed in *4.2.2(F)*, West Maine Village North does not meet the minimum rear setback on the east side of the property as presented on the attached preliminary plat.

If indeed it is determined the 30' rear setback is found to be part of the requirement of *Section 4.4.2 (F)* Goneau Construction would request the Councils approval by granting Administrative Relief as presented in *Section 2.46.3* "Types of Administrative Relief" sub-section (A) Building Setback Reduction, which reads in the UDO; "The side and rear building setback shall not be less than (60) percent of the minimum setback requirement." While this administrative relief can be granted at Southern Pines staff level, Goneau Construction request consideration be given to this reduction in setbacks during the CUP approval process. By granting relief of the rear setback on the East side of the development the units would be located 20'-0" from the property line. At 60% of the 30'-0" setback the units are allowed to be 18' from the property line therefore the units will exceed the allowable distance by 2'-0".

*Section 2.46.4* Criteria Administrative Relief may be granted when the Planning Director finds that the application meets the following criteria:

- A) The relief will not create a burden on adjacent property owners or conflict with the zoning district's proposes;
- B) The relief is necessary to allow efficient use of the property due to the site conditions or circumstances that do not commonly affect properties in the district; and
- C) The relief does not convey a right or privilege that would be unavailable to similar situated properties.

*2.46.4 (A) Justification* By maintaining the 20' setback allowed in *Section 2.46.3 (F)*, installing a 6' fence and meeting all buffer and landscape requirements established in the UDO *Section 4.3*

*Landscaping and 4.3.4 Buffers* the developers proposes that the intent of the UDO will be met by developing a buffer space that does not harm or detrimentally impact the existing neighbors. All required buffering is identified and illustrated on the enclosed landscape plan. Per *Exhibit 4-3: Minimum Buffer Widths*, the buffer along the entire east side of the property is 10' wide meeting the requirements for a RM-2 zoning abutting another RM-2 zoning. The quantities of plants for the 10' Buffer are based on *Exhibit 4-5: Minimum Planting Required in Buffers* and will be a variety of native evergreens and flowering plants to soften the townhomes and create privacy.

*Section 4.46.4 (B) Justification* By granting the allowable Administrative Relief, Council will be allowing for the most efficient use of the property due to the site conditions and circumstances which are not commonly found in the RM-2 District. These site conditions are illustrated on the enclosed "Development Section Plan" offered for Councils review.

*Section 4.46.4 (C) Justification* Being that the West Maine Village North site is indeed unique in its site specific circumstances by granting the allowable Administrative Relief would not convey a right without presenting a similar hardship nor will it convey privileges without similar justifications both of which have been established parameters to be met for approval. As presented on the enclosed "Development Section Plan" the rare and unique circumstances offer Council justified reasons for the Administrative Relief promoting a viable and safe residential community.

The enclosed preliminary plat is based on the successful abandonment of Mechanic Street, which was requested in March 2016. The abandonment of Mechanic Street will provide us with the necessary space to meet rear setbacks on the west side of the property with room to spare, while also giving us more space on the east side of the property. On the enclosed preliminary plat we have adjusted the townhome units to the west in order to gain a larger setback on the east side of the property. Goneau Construction is unable to push the townhomes further to the west in order to gain more space for a larger rear setback due to the topography on the west side of the site. The topography on the west side of the property has an 18' grade transition within a 35' length making it very steep and impractical to use. This topography could not be used for yard space if we did push the townhomes further to the west due to the severity of the slope.

Furthermore, it is impractical to open Mechanic Street on the west side of the property in order to face the townhomes out toward that street to gain more room for the minimum rear setbacks on the east side of the property, because the driveways to access the townhomes from Mechanic Street would be too steep and unusable. In order to lessen the grade of the driveway we would have to make the driveways very long leaving little room to build any new residential housing on the site. The steep topography of the west side of the property is illustrated in the cross sections of the preliminary plat and demonstrates that we are limited to siting the townhomes where they currently are shown on the preliminary plat in order to develop the property into functional and accessible residential housing.

We understand that the intent of the setbacks, as established in the UDO, is to protect existing structures and provide space, privacy, and a buffer between structures or residences. All considerations will be taken into place to maintain this intent and we will design and create a buffering area to provide privacy to the existing residences and ensure the townhomes do not feel as if they are encroaching their property.

The proposed project complies with the goals, intent, and all but one of the development and design standards in the UDO. Due to the steep topography on the west side of the property Goneau Construction sited the 14 townhome units as shown in the enclosed preliminary plat in order to provide a functional, safe, and viable residential community, while still considering and respecting the existing neighbors and adjacent structures.

**2.20.5(G) (4) Criteria**

*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.*

**2.20.5(G) (4) Justification**

West Maine Village North is compatible with the existing zoning, RM-2, including its lot sizes, density, access and circulation. The purpose of the RM-2 zoning districts is to allow single-family and multi-family housing in areas served by adequate public utilities. Our project meets the intent and purpose of RM-2 zoning by building 14 multi-family townhome units on a site situated in an established downtown neighborhood that is already served by public utilities and can be easily extended for the site.

*Section 3.5.7 R-2 Residential Mixed Housing (5-7 DU/ac)* in the UDO outlines the requirements for RM-2 lot sizes and density. The UDO states that RM-2 districts are a moderate density with approximately 5-7 Dwelling Units per acre. The property on West Maine Avenue is currently one lot and we will be building 14 townhome units (or dwelling units) on the lot. As stated in the UDO *Exhibit 4-1: Building Height, Setbacks, and Lot Dimensions* the minimum lot size is 10,000 sq.ft. The lot for 635 West Maine Avenue is 2.04 acres, which equals a total of 88,862.40 sq.ft. Per *Exhibit 4-1*, each additional dwelling unit requires an additional 6,000 sq.ft. per unit. Using the “minimum lot size” and the “additional area required per additional dwelling unit” we were able to calculate the total number of townhome units allowed on the property, which is 14.14 dwelling units. (See calculations below.)

**RM-2 Lot Size and Density Calculations from UDO *Exhibit 4-1*:**

635 West Maine Avenue is 2.04 acres = 88,862.40 total sq.ft.

Subtract 10,000 sq.ft. for the first dwelling unit = 78,862.40 sq.ft.

Divide remaining square feet (78,862.40) by 6000 sq.ft. per additional unit = 13.14 units

Total allowable units = 14.14

Goneau Construction will build 14 units out of the 14.14 total allowable units on the West Maine Avenue property. Due to the fact that the proposed project is a townhome development the minimum lot width requirement is not applicable as stated on page 4-5 of the UDO in *Table Notes number (8)*.

The Townhomes will be easily accessed using the improved/extended section of West Maine Avenue. Per the UDO *Section 4.11.3 (A) Access to Lots* “Every lot must be accessible to a public street for the users of the Lot and emergency vehicles.” Each dwelling or unit on our property will have access to the private street, Abbey Lane via their driveway as well as emergency vehicles and Abbey Lane will access the public street West Maine Avenue. We expect only

vehicles of residents and visitors of West Maine Village North and one neighboring home located at 625 West Maine Avenue to use the improved portion of West Maine Avenue. Traffic counts are illustrated in *Section 2.20.5 (G) (6)* of this narrative and provide evidence of 85.4 trips per day resulting from West Maine Village North being developed. West Maine Avenue will dead end just past the proposed community therefore other than the immediate residents, excess traffic will have no purpose to use that section of the road. By improving West Main Avenue (paving the road and extending utilities) we are improving future land use opportunities in adjacent properties that can access West Maine Avenue.

The ingress/egress off of West Maine Avenue will provide residents with access to the new private street, Abbey Lane running down the length of the property and ending in a hammerhead turnaround area for motor vehicles and emergency vehicles. Driveways to the attached garages will be accessible from the street and each unit has five (5) parking spaces per unit. The street width is 22' exceeding the minimum requirement by 2' and will be a two-way road for motor vehicles and emergency vehicles to use. The hammerhead turn around area at the end of the street meets the needs of emergency vehicles with a 37.5' turn radius. The street will not have on-street parking, residents will use the parking spots, garages, and driveways for parking so as not to hinder or block emergency vehicle access. The street planned for the community will provide the adequate circulation necessary to allow various modes of transportation (vehicle, pedestrian, bicycle) to safely access the community and minimize any conflicts. The access and circulation system in the community will also provide easy and efficient links to common spaces.

**2.20.5(G) (5) Criteria**

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

**2.20.5(G) (5) Justification**

Goneau Construction has purposefully planned West Maine Village North with the neighboring properties in mind. All considerations have been made ensuring the West Maine Village North community will not detrimentally impact the safety or viability of the adjacent properties and neighborhood.

In order to reduce the visual impact of the development for the adjacent properties we will create the required buffering between West Maine Village North and the current adjacent properties. In the UDO *Section 4.3.4 Buffers, Exhibit 4-3: Minimum Buffer Widths* RM-2 zoned districts require a 10' buffer when bordering another RM-2 zoned district. To meet this requirement, we planned a 10' buffer along the entire property on the east side due to our property bordering a RM-2 zoned district. Goneau Construction will landscape the buffer area with the required plants based on *Exhibit 4-5: Minimum Planting Required in Buffers* as described in the UDO. There will also be a 6' fence installed along the east property line behind six (6) units to maximize privacy and help reduce the visual impact for the neighbors. Consideration has been given to neighboring homes and properties in the landscape design offering privacy and attractive landscaping for the residence of West Maine Village North as well as the neighbors next door.

Due to the small size and low density of the West Maine Village North development the traffic generated by this community as well as the neighboring home is well within the allowable traffic

for the classification of street which it abuts, West Maine Avenue. West Maine Avenue is classified as a "Local" street as described in *Section 4.11.2 (B) (2)* of the UDO which states; "Local: A street whose sole function is to provide access to abutting properties. It is intended to serve no more than twenty-five (25) dwelling units and up to two-hundred (200) trips per day." Based on *Exhibit 4-19: Trips Generation Rates* the calculations are as follows for West Maine Village North;

(14) Multi-Family and Single Family Attached @ 6.1 trips per day per unit = 85.4  
(1) Existing Single Family Home @ 10.0 trips per day per unit = 10.0  
Therefor the total number of trips per day resulting from West Maine Village North community being developed yields 95.4 trips falling well within the UDO guidelines of 200 trips per day.

Also, by approving the West Maine Village North development, 120 feet of West Maine Avenue will be extended, as well as upgrading water lines for the immediate grid benefiting the adjacent property owners and Southern Pines public utilities.

In conjunction with a local real estate firm we have researched the immediate area's property values and expect that by infilling a vacant lot in the current neighborhood property values will slightly increase for adjacent properties. This will increase the viability of the neighborhood.

During the development of West Maine Village North we will meet all North Carolina codes and regulations in order to ensure the safety of not only the residents of the community, but also the neighboring residents. We believe West Maine Village North will become an asset to the neighborhood and will not have any detrimental impacts to the neighbors or town.

**2.20.5(G) (6) Criteria**

*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.*

**2.20.5(G) (6) Justification**

The West Maine Avenue site is a vacant lot located in an area already served by adequate public facilities to include public water and sewer lines. The site is in an area of Town that is appropriate and well-suited for the proposed development and will not require inefficient extensions and/or expansions of public facilities.

The proposed public facilities are in compliance with and meet the utility requirements in *Section 4.15 Utilities* in the UDO. Per *Section 4.15.1 Utility Ownership and Easement Rights*, after installation of public utilities Goneau Construction will transfer all ownership and easement rights to a public utility or entity to enable the effective operation and maintenance of the utility. We will make available to each townhome electric power and telecommunication service and bury the utilities underground in accordance with the regulations of the respective utility company (*Section 4.15.3; 4.15.4; 4.15.5*).



During the time we improve 120 feet of West Maine Avenue to allow for easier access to the community we will connect to the Town’s water and sewer line in accordance with the provisions of the Water and Sewer Use Ordinance, Town of Southern Pines, adopted March 13, 1984, as amended. We will extend the current water and sewer line into West Maine Village North community as well as locate and construct the lines to conveniently accommodate utility service to future adjacent or nearby properties.

Goneau Construction will connect to the existing sewer line located on West Maine Avenue and construct a gravity feed sewer main for the proposed development. The gravity feed line will provide adequate services to accommodate the reasonable needs of the community and provide a system that can be easily maintained and improved for future uses (*Section 4.15.12*).

Goneau Construction will install a 6” looped water main from West Maine Avenue through the development connecting back to West Rhode Island Avenue. This will result in a more than adequate range of water pressure of a minimum of 60 PSI and an upgraded water line in the current grid for the adjacent properties. Every townhome in the development will be served by this water supply system and we will ensure compliance with all health regulations (*Section 4.15.13*).

Per *Section 4.15.8* of the UDO, the West Maine Village North water system will have a sufficient fire hydrant system that provides adequate fire protection and meets the needs of the community. Emergency vehicles will have full access to the proposed development by using the improved section of West Maine Avenue to enter and exit the community. The street meets the required minimum width of 20’ and there is motor-vehicle turnaround area specifically developed and designed to meet the requirements of emergency vehicles. As stated in *Section 4.11.3 (C) (1)* A Private Drive may be approved as the sole access for a lot or parcel subject to the following conditions (1) It accesses a public or private street and is located on a perpetual easement not less than twenty (20) feet in width which Abbey Lane does meet.

The public facilities proposed for West Maine Village North will provide more than adequate utilities to serve the normal and emergency needs of the community and will remain accessible for any future developments.

**CRITERIA AND JUSTIFICATION FOR CONDITIONAL USE PERMIT FOR WEST MAINE VILLAGE NORTH (CRITERIA 2.21.7 SOUTHERN PINES UDO 9/8/2015)**

**2.21.7 (A) Criteria**

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

**2.21.7 (A) Justification**

As stated above in our justifications for Criteria 2.20.5(G)(3) and 2.20.5(G)(4) on pages 3-6, the West Maine Village North development currently meets and complies with all applicable zoning district regulations and any supplemental use regulations.

*Section 3.5.7 R-2 Residential Mixed Housing (5-7 DU/ac)* in the UDO outlines the requirements for RM-2 lot sizes and density. The UDO states that RM-2 districts are a moderate density with



approximately 5-7 Dwelling Units per acre. The property on West Maine Avenue is currently one lot and we will be building 14 townhome units (or dwelling units) on the lot. As stated in the UDO *Exhibit 4-1: Building Height, Setbacks, and Lot Dimensions* the minimum lot size is 10,000 sq.ft. The lot for 635 West Maine Avenue is 2.04 acres, which equals a total of 88,862.40 sq.ft. Per *Exhibit 4-1*, each additional dwelling unit requires an additional 6,000 sq.ft. per unit. Using the “minimum lot size” and the “additional area required per additional dwelling unit” we were able to calculate the total number of townhome units allowed on the property, which is 14.14 dwelling units. (See calculations below.)

RM-2 Lot Size and Density Calculations from UDO *Exhibit 4-1*:

635 West Maine Avenue is 2.04 acres = 88,862.40 total sq.ft.

Subtract 10,000 sq.ft. for the first dwelling unit = 78,862.40 sq.ft.

Divide remaining square feet (78,862.40) by 6000 sq.ft. per additional unit = 13.14 units

Total allowable units = 14.14

Goneau Construction will build 14 units out of the 14.14 total allowable units on the West Maine Avenue property. Due to the fact that the proposed project is a townhome development the minimum lot width requirement is not applicable as stated on page 4-5 of the UDO in *Table Notes number (8)*.

West Maine Village North is compliant with the Development and Design Standards stated in *Chapter 4, Section 4.2.1 Height and Section 4.2.3 Lot Size, Density, and Lot Width*. The proposed project is also compliant with RM-2 zoning permissible uses, adequately meets and provides all public utilities requirements, and adheres to emergency access requirements and fire codes. The landscape and buffers planned for the community comply with the UDO and the townhomes are cohesive and compatible with the existing neighborhood characteristics and architecture vernacular.

As illustrated in the enclosed preliminary plat, West Maine Village North meets all but one of the minimum setback requirements established in the UDO *Chapter 4, Section 4.2.2 Setbacks* and listed in *Exhibit 4-1* for RM-2 zoning districts. The siting of the townhome units on the preliminary plat meets the minimum front setback, setback from street centerline, exterior side setback and interior side setback listed in *Exhibit 4-1* under RM-2 zoning and allows us to meet the minimum rear setback requirements on the west side of the property. Additionally, the placement of the townhome units and improvements in the site results in 54,543.5 square feet of green space or pervious area which is 60.45% of the total property square footage.

*Section 4.2.2(F)* of the UDO requires that lots with three (3) or more dwelling units treat private roads as public streets for purposes of measuring front and exterior side setbacks. Interpretation on this regulation and how it effects which minimum setbacks are required to be met in the development is unclear. *Section 4.2.2(F)* only refers to measuring the front and exterior side setbacks based on where the dwelling or unit fronts the public street. Goneau Construction considers the front of the dwelling or townhome units to face Abbey Lane and interprets the only setback requirements the units must meet are the front and exterior side setback as stated in *Section 4.2.2(F)*. However if the minimum 30' rear setback is still required to be met in addition to the front and exterior side setbacks listed in *4.2.2(F)*, West Maine Village North does not meet

the minimum rear setback on the east side of the property as presented on the attached preliminary plat.

If indeed it is determined the 30' rear setback is found to be part of the requirement of *Section 4.4.2 (F)* Goneau Construction would request the Councils approval by granting Administrative Relief as presented in *Section 2.46.3* "Types of Administrative Relief" sub-section (A) Building Setback Reduction, which reads in the UDO: "The side and rear building setback shall not be less than (60) percent of the minimum setback requirement." While this administrative relief can be granted at Southern Pines staff level, Goneau Construction request consideration be given to this reduction in setbacks during the CUP approval process. By granting relief of the rear setback on the East side of the development the units would be located 20'-0" from the property line. At 60% of the 30'-0" setback the units are allowed to be 18' from the property line therefore the units will exceed the allowable distance by 2'-0".

*Section 2.46.4* Criteria Administrative Relief may be granted when the Planning Director finds that the application meets the following criteria:

- D) The relief will not create a burden on adjacent property owners or conflict with the zoning districts proposes;
- E) The relief is necessary to allow efficient use of the property due to the site conditions or circumstances that do not commonly affect properties in the district; and
- F) The relief does not convey a right or privilege that would be unavailable to similar situated properties.

*2.46.4 (A) Justification* By maintaining the 20' setback allowed in *Section 2.46.3 (F)*, installing a 6' fence and meeting all buffer and landscape requirements established in the UDO *Section 4.3 Landscaping* and *4.3.4 Buffers* the developers proposes that the intent of the UDO will be met by developing a buffer space that does not harm or detrimentally impact the existing neighbors. All required buffering is identified and illustrated on the enclosed landscape plan. Per *Exhibit 4-3: Minimum Buffer Widths*, the buffer along the entire east side of the property is 10' wide meeting the requirements for a RM-2 zoning abutting another RM-2 zoning. The quantities of plants for the 10' Buffer are based on *Exhibit 4-5: Minimum Planting Required in Buffers* and will be a variety of native evergreens and flowering plants to soften the townhomes and create privacy.

*Section 4.46.4 (B) Justification* By granting the allowable Administrative Relief, Council will be allowing for the most efficient use of the property due to the site conditions and circumstances which are not commonly found in the RM-2 District. These site conditions are illustrated on the enclosed "Development Section Plan" offered for Councils review.

*Section 4.46.4 (C) Justification* Being that the West Maine Village North site is indeed unique in its site specific circumstances by granting the allowable Administrative Relief would not convey a right without presenting a similar hardship nor will it convey privileges without similar justifications both of which have been established parameters to be met for approval. As presented on the enclosed "Development Section Plan" the rare and unique circumstances offer Council justified reasons for the Administrative Relief promoting a viable and safe residential community.

The enclosed preliminary plat is based on the successful abandonment of Mechanic Street, which was requested in March 2016. The abandonment of Mechanic Street will provide us with the necessary space to meet rear setbacks on the west side of the property, while also giving us more space on the east side of the property. On the enclosed preliminary plat we have adjusted the townhome units to the west in order to gain a larger setback on the east side of the property. Goneau Construction is unable to push the townhomes further to the west in order to gain more space for a larger rear setback due to the topography on the west side of the site. The topography on the west side of the property has an 18' grade transition within a 35' length making it very steep and impractical to use. This topography could not be used for yard space if we did push the townhomes further to the west due to the severity of the slope.

Furthermore, it is impractical to open Mechanic Street on the west side of the property in order to face the townhomes out toward that street to gain more room for the minimum rear setbacks on the east side of the property, because the driveways to access the townhomes from Mechanic Street would be too steep and unusable. In order to lessen the grade of the driveway we would have to make the driveways very long leaving little room to build any new residential housing on the site. The steep topography of the west side of the property is illustrated in the cross sections of the preliminary plat and demonstrates that we are limited to siting the townhomes where they currently are shown on the preliminary plat in order to develop the property into functional and accessible residential housing.

We understand that the intent of the setbacks as established in the UDO is to protect existing structures and provide space, privacy, and a buffer between structures or residences. All considerations will be taken into place to maintain this intent and we will design and create a buffering area to provide privacy to the existing residences and ensure the townhomes do not feel as if they are encroaching their property.

To mitigate the requested waiver of only meeting the required rear setback by 70% on the east side of the property we will meet all buffer and landscape requirements established in the UDO *Section 4.3 Landscaping* and *4.3.4 Buffers* and develop a buffering space that does not harm or detrimentally impact the existing neighbors. All required buffering is identified and illustrated on the enclosed landscape plan. Per *Exhibit 4-3: Minimum Buffer Widths*, the buffer along the entire east side of the property is 10' wide meeting the requirements for a RM-2 zoning abutting another RM-2 zoning. The quantities of plants for the 10' Buffer are based on *Exhibit 4-5: Minimum Planting Required in Buffers* and will be a variety of native evergreens and flowering plants to soften the townhomes and create privacy. Additionally, we will install a 6' fence along the east property line behind six (6) townhome units between the existing housing to increase privacy and maintain the intent of the setbacks.

The proposed project complies with the goals, intent, and all but one of the development and design standards in the UDO. Due to the steep topography on the west side of the property Goneau Construction sited the 14 townhome units as shown in the enclosed preliminary plat in order to provide a functional, safe, and viable residential community, while still considering and respecting the existing neighbors and adjacent structures.



**2.21.7 (B) Criteria**

*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.*

**2.21.7 (B) Justification**

Goneau Construction will develop the West Maine Avenue property into 14 high quality, aesthetically pleasing Townhome units that will provide comfort and affordability to residents while maintaining similar characteristics to the existing surrounding area. The designs of the Townhomes are similar in scale, structure size, and architectural style to many of the Southern Pines residential community's characteristics.

West Maine Village North will use the "Cottage" architectural vernacular found throughout the downtown Southern Pines area as inspiration for the design of the new community. The "Cottage" architecture began in the early 1900's and has maintained its appeal for over a century. By applying details of the "Cottage" architecture West Maine Village North will blend into the existing neighborhood homes and enrich the neighborhood with character and curb appeal. We have observed that a high percentage of homes are two story throughout the Southern Pines area which qualifies our thought and reasoning for using this architecture for scale and character. The Townhomes to be constructed will have a two-story appearance, which is commonly found in the "Cottage" style offering continuity with the surrounding community. West Maine Village North will offer an organic extension to the existing Southern Pines downtown area enhancing the enjoyment of the community.

**2.21.7 (C) Criteria**

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

**2.21.7 (C) Justification**

As stated above in our justification for Criteria 2.20.5(G)(6) on pages 7-8, Goneau Construction will connect to and construct all necessary infrastructure and utilities to connect the development to public facilities adhering to Federal, State and Local codes. West Maine Village North is located in an area of the Town that is already served by public facilities. The proposed project will be able to reasonably access the public facilities and provide adequate public facilities to meet the needs of the townhomes.

The proposed public facilities are in compliance with and meet the utility requirements in *Section 4.15 Utilities* in the UDO. Per *Section 4.15.1 Utility Ownership and Easement Rights*, after installation of public utilities Goneau Construction will transfer all ownership and easement rights to a public utility or entity to enable the effective operation and maintenance of the utility. We will make available to each townhome electric power and telecommunication service and bury the utilities underground in accordance with the regulations of the respective utility company (*Section 4.15.3; 4.15.4; 4.15.5*).

During the time we improve 120 feet of West Maine Avenue to allow for easier access to the community we will connect to the Town's water and sewer line in accordance with the provisions of the Water and Sewer Use Ordinance, Town of Southern Pines, adopted March 13,



1984, as amended. We will extend the current water and sewer line into West Maine Village North community as well as locate and construct the lines to conveniently accommodate utility service to future adjacent or nearby properties.

Goneau Construction will connect to the existing sewer line located on West Maine Avenue and construct a gravity feed sewer main for the proposed development. The gravity feed line will provide adequate services to accommodate the reasonable needs of the community and provide a system that can be easily maintained and improved for future uses (*Section 4.15.12*).

Goneau Construction will install a 6" looped water main from West Maine Avenue through the development connecting back to West Rhode Island Avenue. This will result in a more than adequate range of water pressure of a minimum of 60 PSI and an upgraded water line in the current grid for the adjacent properties. Every townhome in the development will be served by this water supply system and we will ensure compliance with all health regulations (*Section 4.15.13*).

Per *Section 4.15.8* of the UDO, the West Maine Village North water system will have a sufficient fire hydrant system that provides adequate fire protection and meets the needs of the community. Emergency vehicles will have full access to the proposed development by using the improved section of West Maine Avenue to enter and exit the community. The street meets the required minimum width of 20' and there is motor-vehicle turnaround area specifically developed and designed to meet the requirements of emergency vehicles.

The public facilities proposed for West Maine Village North will provide more than adequate utilities to serve the normal and emergency needs of the community and will remain accessible for any future developments.

**2.21.7 (D) Criteria**

*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.*

**2.21.7 (D) Justification**

The West Maine Village North project will not impede the orderly development and improvement of surrounding property. The proposed development falls within the effective and permitted uses for the current zoning district and will promote continual improvement within the immediate area. Moreover, West Maine Village North will provide a logical and natural transition between the adjacent existing single-family houses and the higher density OS district abutting the West Maine property.

Goneau Construction in collaboration with a local real estate firm has executed a preliminary market analysis and study in order to obtain local real estate values for the area. It was determined that the immediate local real estate values averaged approximately \$128,000 with an average square footage of 1182. At this time, we anticipate the Townhomes at West Maine Village North to be priced in the mid to upper \$200,000s with the average square foot

approximately 1800. We expect these values to have a slight increase on the neighboring homes property values ultimately yielding a positive impact on real estate values.

**2.21.7 (E) Criteria**

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

**2.21.7 (E) Justification**

Based on the preliminary information and data provided by Tammy Lyne, NC Real Estate Broker and NC State-Certified Residential Appraiser on March 13 2016 it is concluded that the community that will emerge from the development of West Maine Village North will yield a viable, socially and economically sound population of property owners due to the development's real estate cost, product quality, and community value. West Maine Village North will not be detrimental to or endanger the public health, safety, comfort or general welfare of any surrounding citizens, home owners or property owners. Instead it will benefit the area and provide an improvement and welcome addition to the surrounding neighborhood and Southern Pines by its relations of size, quality and value.

**2.21.7 (F) Criteria**

*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.*

**2.21.7 (F) Justification**

It is found facts as presented herein that the West Maine Village North development on West Main Avenue is compatible with the Town of Southern Pines UDO and Comprehensive Long Range Plan. West Main Village North meets the purpose of the RM-2 zoning district, which is to allow and encourage new residential developments that are consistent with existing neighborhoods. The community will maintain the Town's architectural vernacular and characteristics while providing a natural transition between RM-2 zones and the abutting OS zone. Infilling a vacant lot in an established neighborhood and improving West Maine Avenue will strengthen the welfare of the community as well as diversify the neighborhood and provide residents with more housing options. We have designed and carefully planned West Maine Village North to meet the full intentions and conform to the UDO. While impacts will always exist resulting from a property being developed, it is proposed by the developer that the positive impacts outweigh any potential negative impacts at the proposed development, West Maine Village North given the fact that the West Maine Village North project meets all criteria of the Southern Pines UDO and the fact that the Southern Pines UDO was adopted with the understanding that the UDO promotes health, safety and general welfare then one must conclude by meeting the UDO, West Maine Village North promotes health, safety and general welfare.

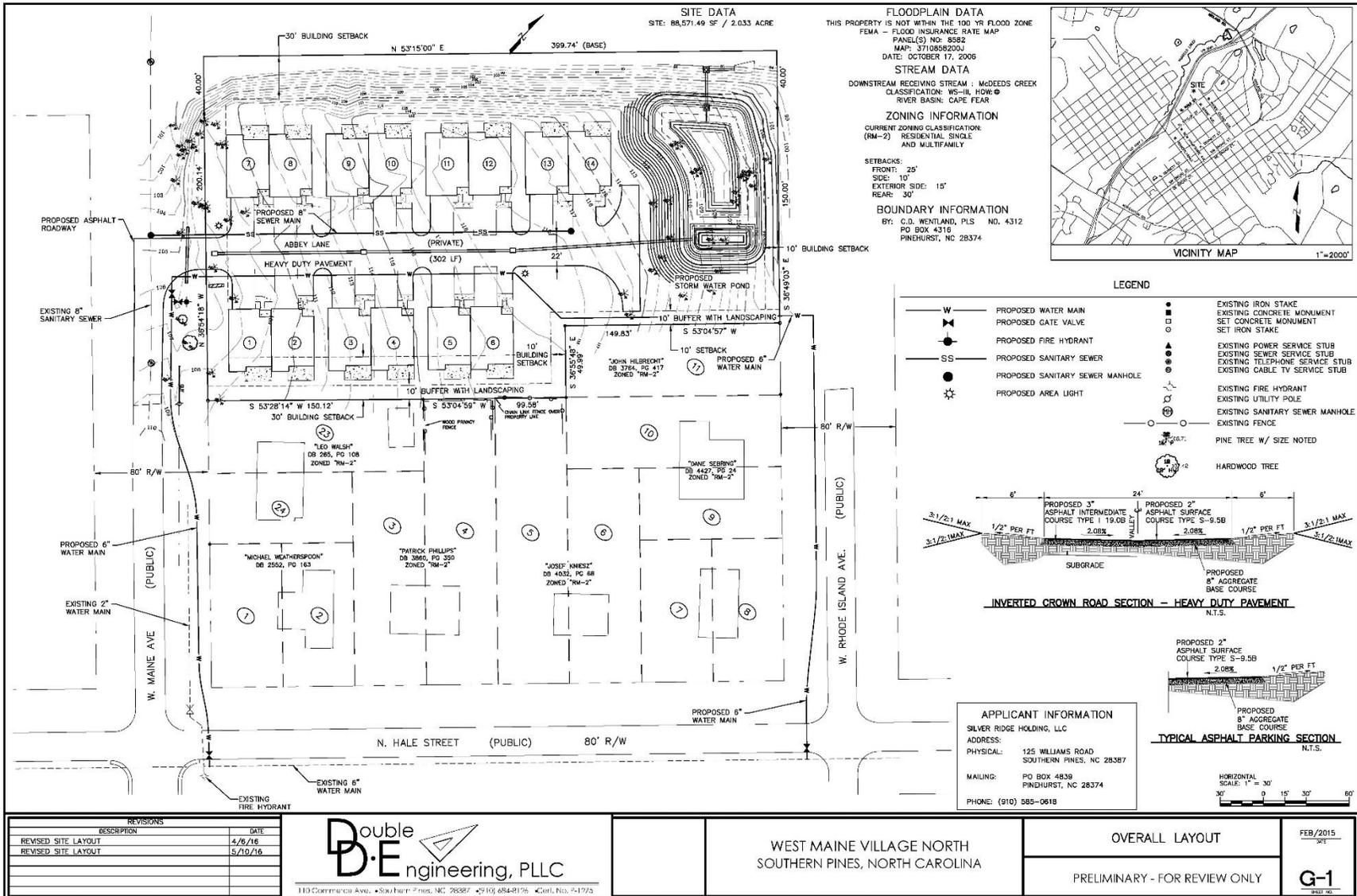
**CONCLUSION**

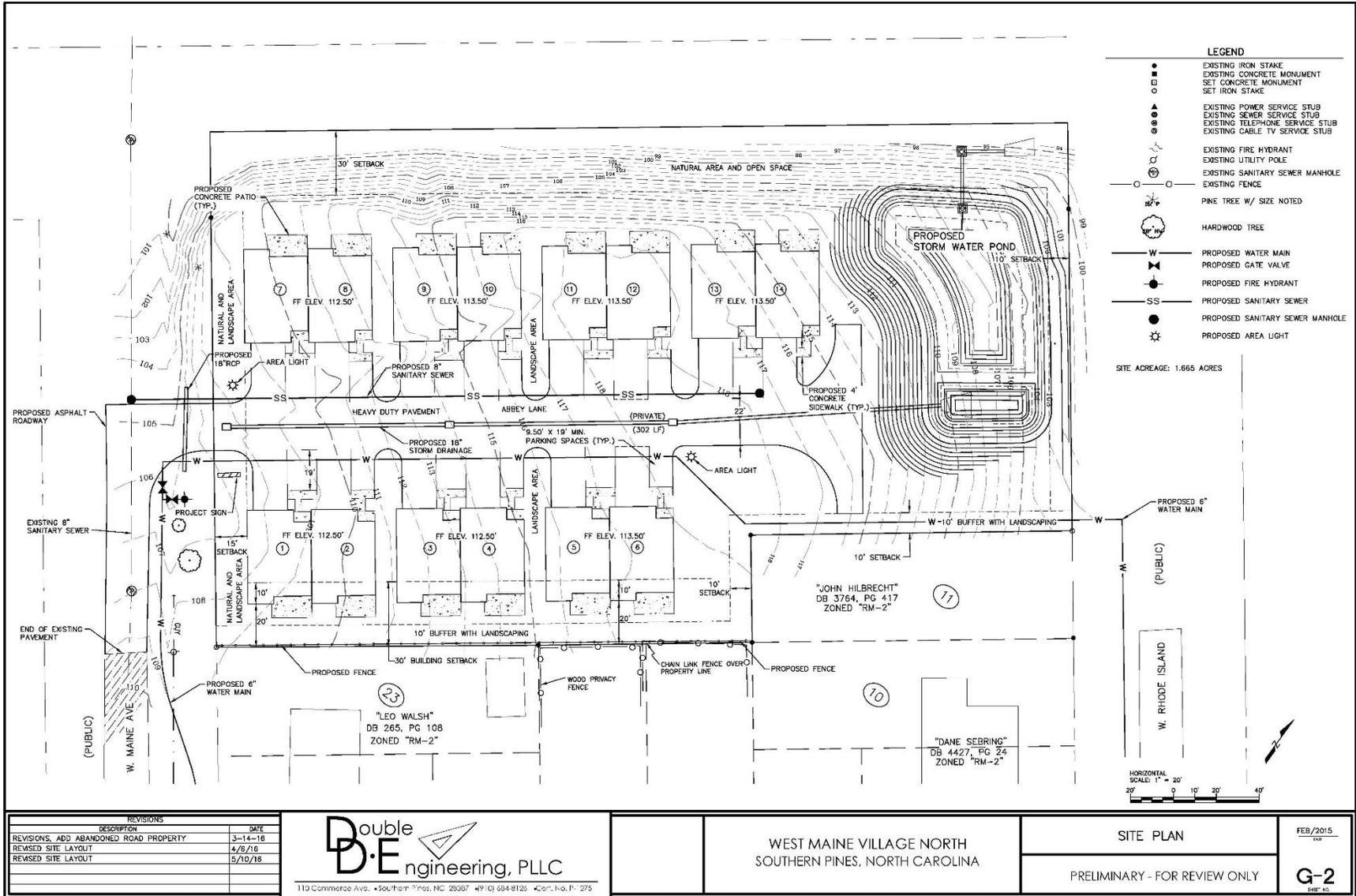
Goneau construction | design | development respectfully submits our CUP application to the Southern Pines Planning Board and the Southern Pines Town Council for consideration and approval. As described, our proposal to develop a new Townhome residential community on West Maine Avenue consisting of 14 Townhomes will provide the homeowners and community



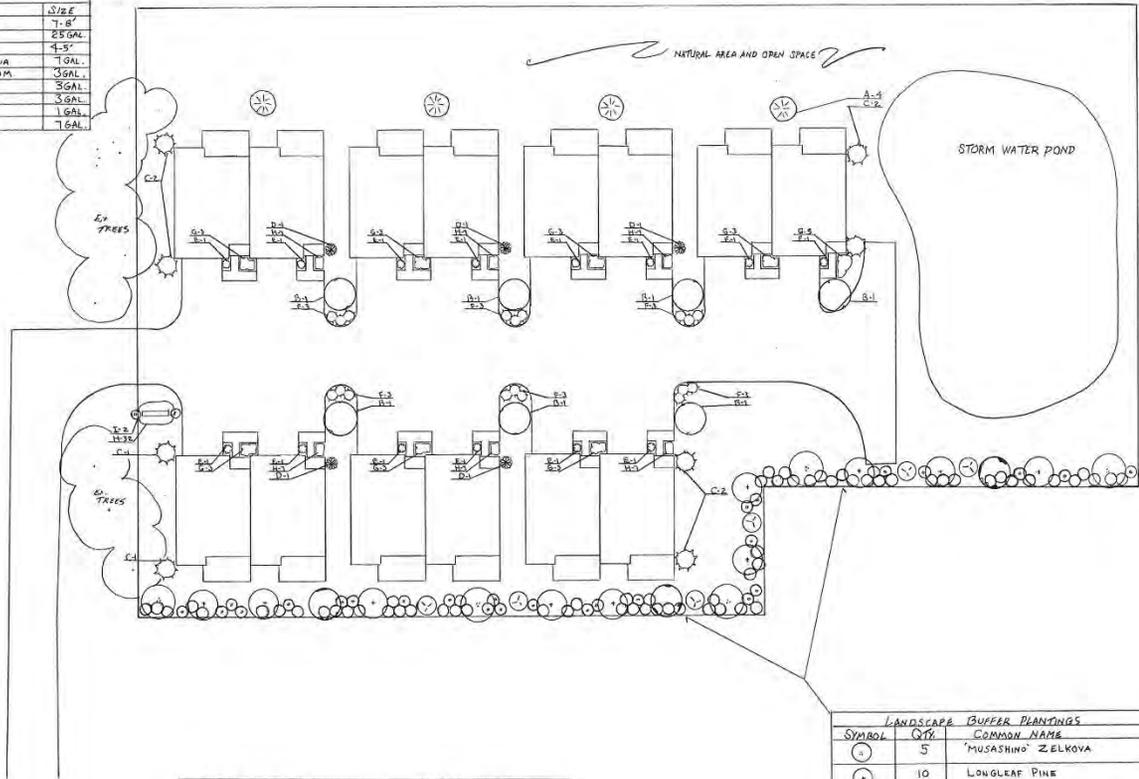
with a safe, comfortable and welcoming neighborhood. We are dedicated to designing and providing housing with appealing architecture to the area and will use the turn-of-the-century “Cottage” style to add character and create aesthetically pleasing homes. In our evaluation, West Maine Village North is consistent with the town’s Comprehensive Long Range Plan will improve the immediate neighborhood by adding value and contributing to the long term viability of the area. As presented herein, the development West Maine Village North complies with the UDO, state and federal regulations and will adhere to all such requirements. By approving the West Maine Village North project, a viable community will emerge extending new opportunities for families to thrive that will be able to appreciate our town of Southern Pines.

As a local design-build company with over 30 years experience in the area we are invested in our community and are committed to providing quality homes for our neighbors. We employ local subcontractors and an experienced team dedicated to providing high quality services to our clients. Goneau Construction has carefully planned a Townhome residential community that will not only benefit Southern Pines, but also directly support the local economy. Our intention with West Maine Village North and everything we build is to provide great homes and communities for the families that live in them so they may enjoy an enriched lifestyle as a result of our services.





KEY	QTY	PLANT LIST	SIZE
A	4	'GREEN GIANT' ARBORVITAE	7-8'
B	7	'NATCHES' CRAPE MYRTLE	25GAL
C	8	'MARY NELL' HOLLY	4-5'
D	5	'VIOLETTA' SAMANNA CAMELLIA	10AL
E	14	'CRIMSON FIRE' LOROPETALUM	3GAL
F	18	'PARSONS' JUNIPER	3GAL
G	26	'BLUE RUG' JUNIPER	3GAL
H	20	'ROYAL PURPLE' LIRIOPE	16AL
I	2	'WINTER GREEN' BOXWOOD	16AL



BUFFER PLANTING CALCULATIONS (RM-1, RM-2) 105+	
(1) LARGE TREE PER 400 SF	$463 LF \times 10 FT = 4,630 SF = 400 SF = 11.5$ trees
50% EVERGREEN	6 trees
	5 deciduous trees
(1) SMALL TREE PER 400 SF	$463 LF \times 10 FT = 4,630 SF = 400 SF = 11.5$ trees
>20% f <30% deciduous	3 deciduous trees
at least 50% evergreens to be	4 TAYLOR JUNIPER trees
Species other than Pine trees	4 Longleaf Pine trees
(1) Shrub per 50 SF	$463 LF \times 10 FT = 4,630 = 50 SF = 92$ shrubs
<30% to be deciduous	26 deciduous shrubs
	66 evergreen shrubs

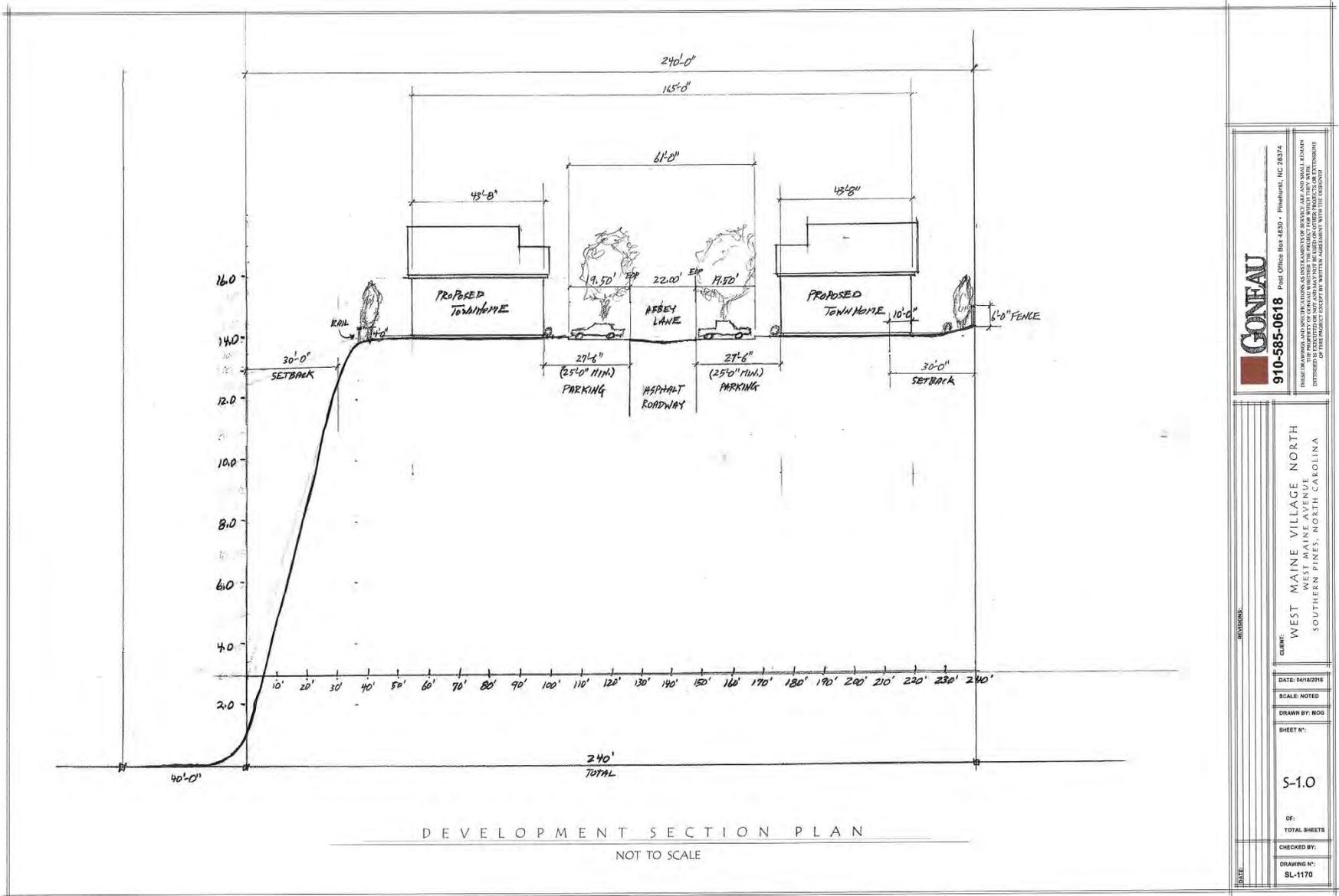
LANDSCAPE BUFFER PLANTINGS			
SYMBOL	QTY	COMMON NAME	SIZE
⊙	5	'MUSASHINO' ZELKOVA	10'
○	10	LONGLEAF PINE	8" @ CAL.
⊙	3	'MIAMI' CRAPE MYRTLE	8'
⊙	6	'TAYLOR' JUNIPER	15" CAL.
⊙	66	'SHI-SHI GASHIRA' SAMANNA CAMELLIA	3 GAL 18" H
⊙	26	'BEATRIX FARRHO' FORSYTHIA	3 GAL 18" H

PLAINS LANDSCAPE & DESIGN, INC.  
 100 N. MAIN ST.  
 FAYETTEVILLE, NC 28533  
 (919) 381-2431  
 (919) 381-0456 FAX  
 info@plainslandscape.com

WEST MAINE VILLAGE NORTH  
 SOUTHERN PINES N. C.

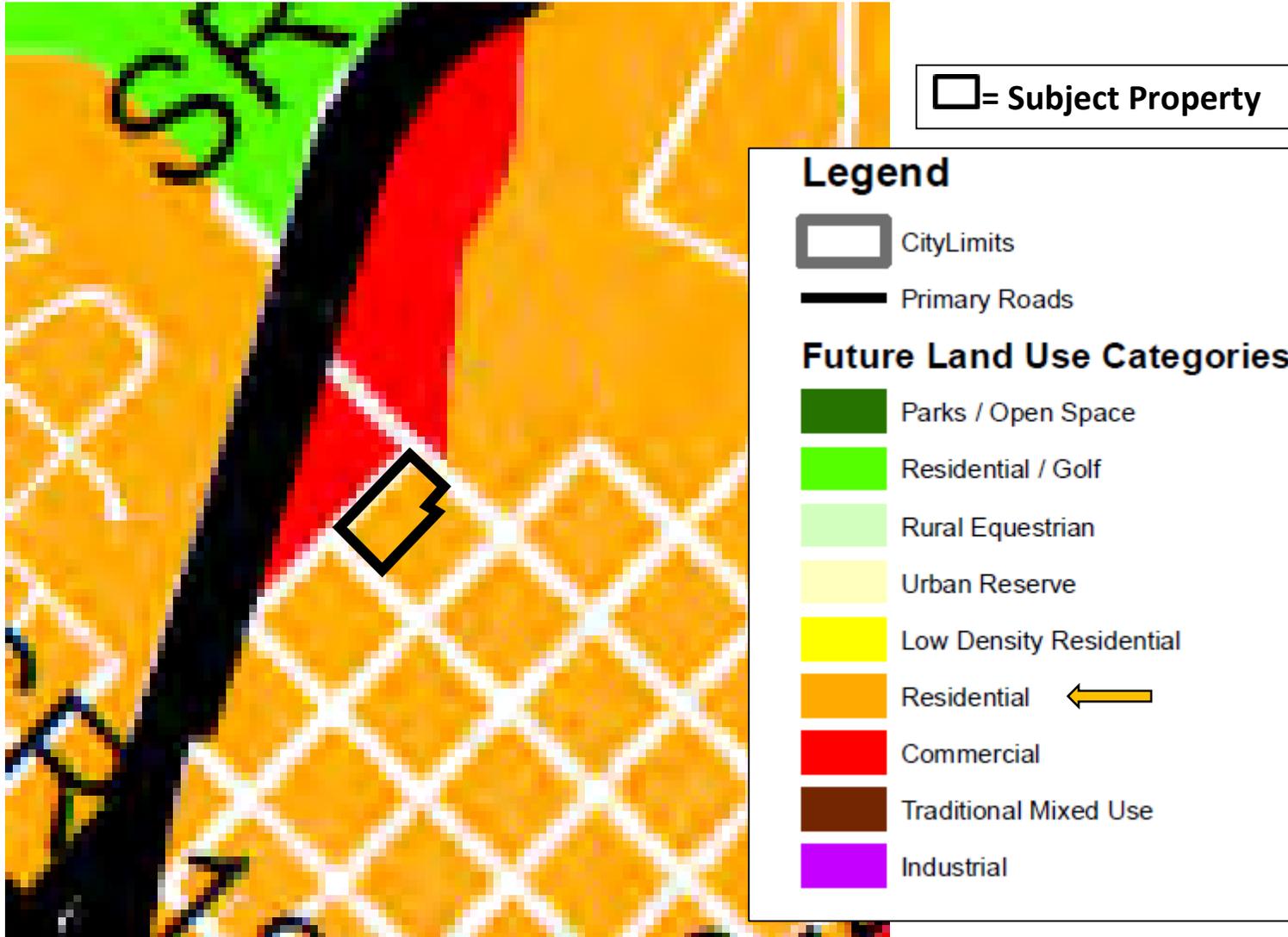
REVISIONS	
NO.	DESCRIPTION
1	4/28/2016
2	
3	
4	
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11	
12	
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15	
16	

SCALE: 1" = 20'  
 DATE: 1-8-2016  
 DRAWN BY: AZ/ATJ  
 PAGE NO.



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## Future Land Use Map: Proposed Major Subdivision CU-02-16



## **Agenda Item**

**To:** Reagan Parsons, Town Manger

**Via:** Bart Nuckols, Planning Director

**From:** Chris Kennedy, Senior Planner

**Subject:** WP-02-16 Watershed Protection Permit, 5/70 Allocation for Major Subdivision Single-Family Attached Residential Development (Townhomes); Petitioner, Goneau Construction

**Date:** June 14, 2016

---

### **WP-02-16 Watershed Protection Permit, 5/70 Allocation for Major Subdivision Single-Family Attached Residential Development (Townhomes); Petitioner, Goneau Construction**

On behalf of the petitioner Goneau Construction, Mr. Marcel Goneau has submitted an application requesting an approval of the Watershed Protection Permit for the 5/70 exemption for a development project that will require a Conditional Use Permit application for a single-family attached residential development off of W. Maine Avenue. The proposed project consists of a townhome development to include fourteen (14) dwelling units. The Watershed Protection Permit WP-02-16, for the 5/70 exemption, will run concurrently with the CU-02-16 application. The entirety of the proposed development is within High Quality Water portion of the Little River Intake No. 2 Watershed. Should the Town Council wish to grant the 5/70 exemption for this property, 2.037 acres will be deducted from the Town's tally sheet for the Little River Intake No. 2 Watershed. The property is not within any of the designated critical areas of the watershed. The subject property is comprised of approximately 2.037 acres in the RM-2 (Residential Multi-Family 2) zoning classification. The property is identified by the following: PIN: 858218219937 (PARID: 00036263). Per the Moore County Tax records, the property owner(s) are listed as Silver Ridge Holdings LLC.

#### **Staff Comments:**

- The proposed project consists of the development of fourteen (14) townhomes.
- The entirety of the property is within the Little River #2 Intake (LR#2) Watershed and is therefore subject to Watershed Protection Overlay District and the standards set forth in UDO Section 3.6.8.
- 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 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 required and approved, will provide the project with the 5/70 exemption allowing the project to develop up to the 70% impervious surface level.

- The development is proposed at 39.54% impervious.
- The 5/70 exemption for the Town of Southern Pines went into effect in 1993 to help protect the Town’s watershed areas.
- The 5/70 exemption allows the Town to develop 5% of our watershed to a 70% impervious level.
- All development in the Town’s watershed pre-1993 is considered exempt from the allocation tally. Any new development is subject to the current watershed standards and eligible projects may pursue the 5/70 exemption.
- The UDO defines the Protected Area as ‘The area adjoining and upstream of the Watershed Critical Area in which protection measures are required. Unless otherwise modified by the Town, this area corresponds with the State’s high quality water (HQW) area. The boundaries of the protected area are defined as extending ten (10) miles upstream and draining to the Cape Fear, lower Little River #2 public water supply intake or the ridge line of the Watershed (whichever comes first). The Town may extend the Protected Area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the Protected Area if these landmarks are immediately adjacent to the appropriate outer boundary of ten miles.’
- Per Exhibit 3-14, the 5/70 Exemption standards dictate the following for the High Quality Water (HQW) / Protected Area:
  - New Development shall be limited to one (1) Dwelling Unit per acre or twelve (12) percent built upon land area unless (a) the development disturbance area is less than one (1) acre or (b) BMPs or another approved stormwater management based practices are used. New Development with a development disturbance area less than one (1) acre shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built upon land area. New Development utilizing BMPs or another approved stormwater management based practices shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built-upon land area in the Watershed outside of the Critical Area.
- For Residential Projects: New Development requires a state Stormwater Permit if the development disturbance area exceeds one (1) acre. If the new development exceeds the twenty-four (24) percent built upon area the project may apply for the 5/70 exemption\*.
- Per Section 2.47.1 if the proposed activity as set forth in the application is in conformance with the provisions of this ordinance and the Town Council has allocated Built-Upon Area pursuant to any Development Approval, the Planning Director shall issue a Watershed Protection Permit for the low-density option.
  - A. If the Town Council has not allocated Built-Upon Area, the Planning Director shall forward the application to the Town Council at the next regular meeting.
  - B. If any application for a Watershed Protection Permit is not approved, the Approval Authority shall state the cause for such disapproval.
  - C. Issuance of a permit shall, in no case, be construed as waiving any provision of this or any other ordinance or regulation.
- Development outside of the CB district requiring an allocation of Built-Upon Area shall require approval from the Town Council in conjunction with any Development Approval prior to Building Permit Approval. The allocation may be granted concurrently with Architectural Compliance Permit or Final Development Plan approval and shall be subject to the following criteria:

- a. The use and location of the use are consistent with the Comprehensive Plan;
  - b. The design of the project is appropriate for the location and is consistent with the purposes of the WPO district;
  - c. The allocation is minimum necessary to establish the use at a size, scale and design that serves the interests of the neighborhood and the Town as a whole; and
  - d. The allocation will not detract from the viability of similar uses in the area or other parts of the Town.
- All allocations shall be deducted from the five (5) percent total area allocation and shall be monitored by the Planning Director.
  - If this exemption is granted, a State stormwater permit shall not be required.

**Attachments:**

- Watershed Protection Permit Application
- GIS Aerial Vicinity Maps
- Watershed Map
- Preliminary Plat
- UDO Exhibit 3-14

**IN ADDITION TO THE *Watershed Protection Permit 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.

**APPLICATION FOR THE  
TOWN OF SOUTHERN PINES TOWN COUNCIL  
WATERSHED PROTECTION PERMIT**

Date Received: April 18, 2016

Case: WP--02-16

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

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

1. Name of Project: WEST MAINE VILLAGE NORTH
2. Project Street Address: 635 WEST MAINE AVE
3. PIN # 858218219937 Parcel ID: 00036263
4. Watershed: WS-III HQW
5. Type of Project (i.e. retail, office, residential, etc.): RESIDENTIAL

I certify that all information furnished on this application is accurate and in accordance with the Watershed Protection Overlay standards of the Town of Southern Pines.

Name of Petitioner: GONFRAY CONSTRUCTION  
Please Print

Signature: 

Mailing Address of Petitioner: P.O. Box 4839 PINEHURST NC 28374  
Please Print

E-Mail of Petitioner: marcel@gonfrayconstruction.com  
Please Print

Phone Number of Petitioner: (910) 585-0618  
(Area Code)

Name of legal owner of Property Owner  
(If different from Petitioner) SILVER RIDGE HOLDINGS, LLC  
Please Print

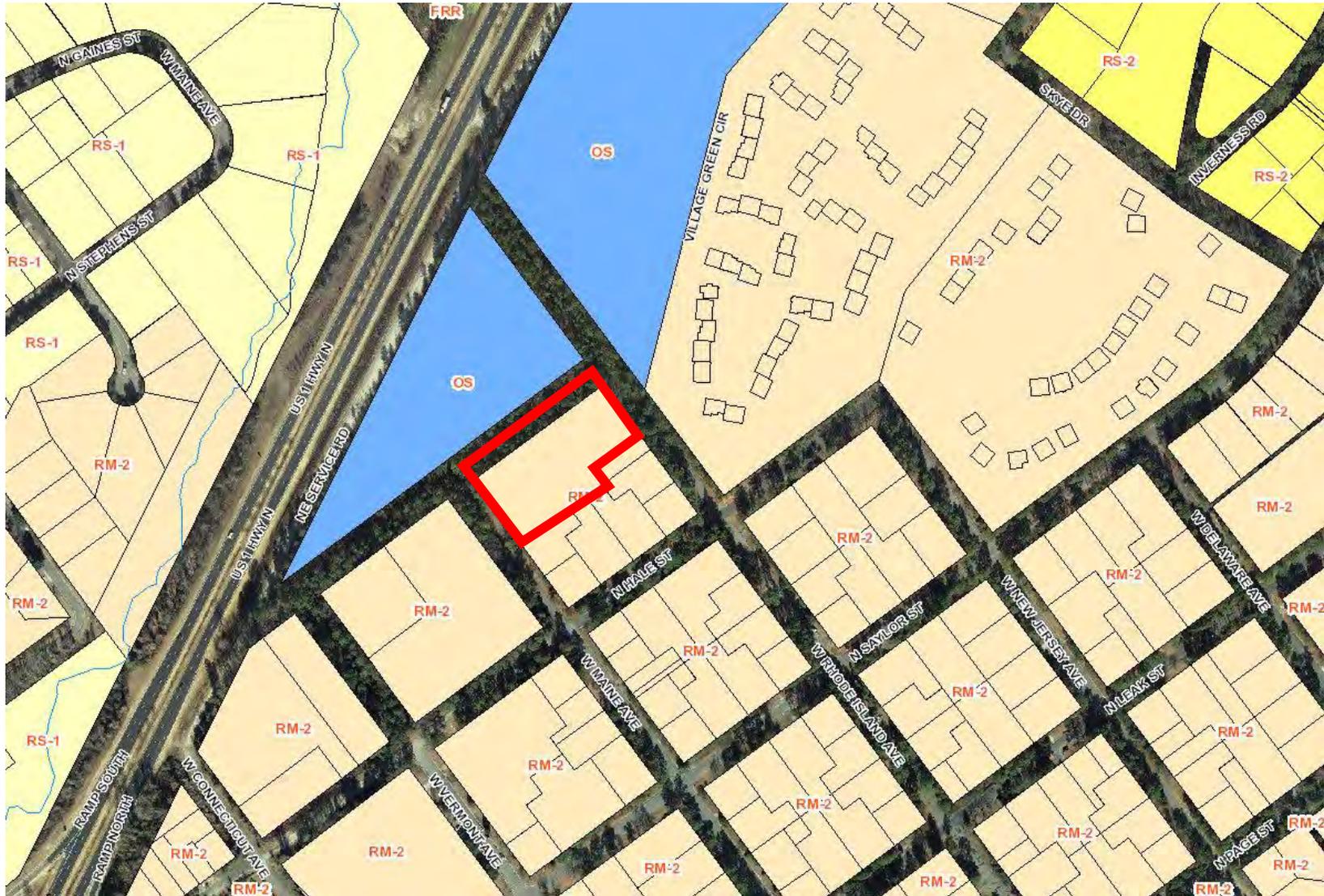
Mailing Address of legal Property Owner  
(If different from Petitioner) 125 WILLIAMS RD SOUTHERN PINES NC  
Please Print 28387

Phone number of legal Property Owner  
(If different from Petitioner) (910) 585-0618  
(Area Code)

Form updated May 2016

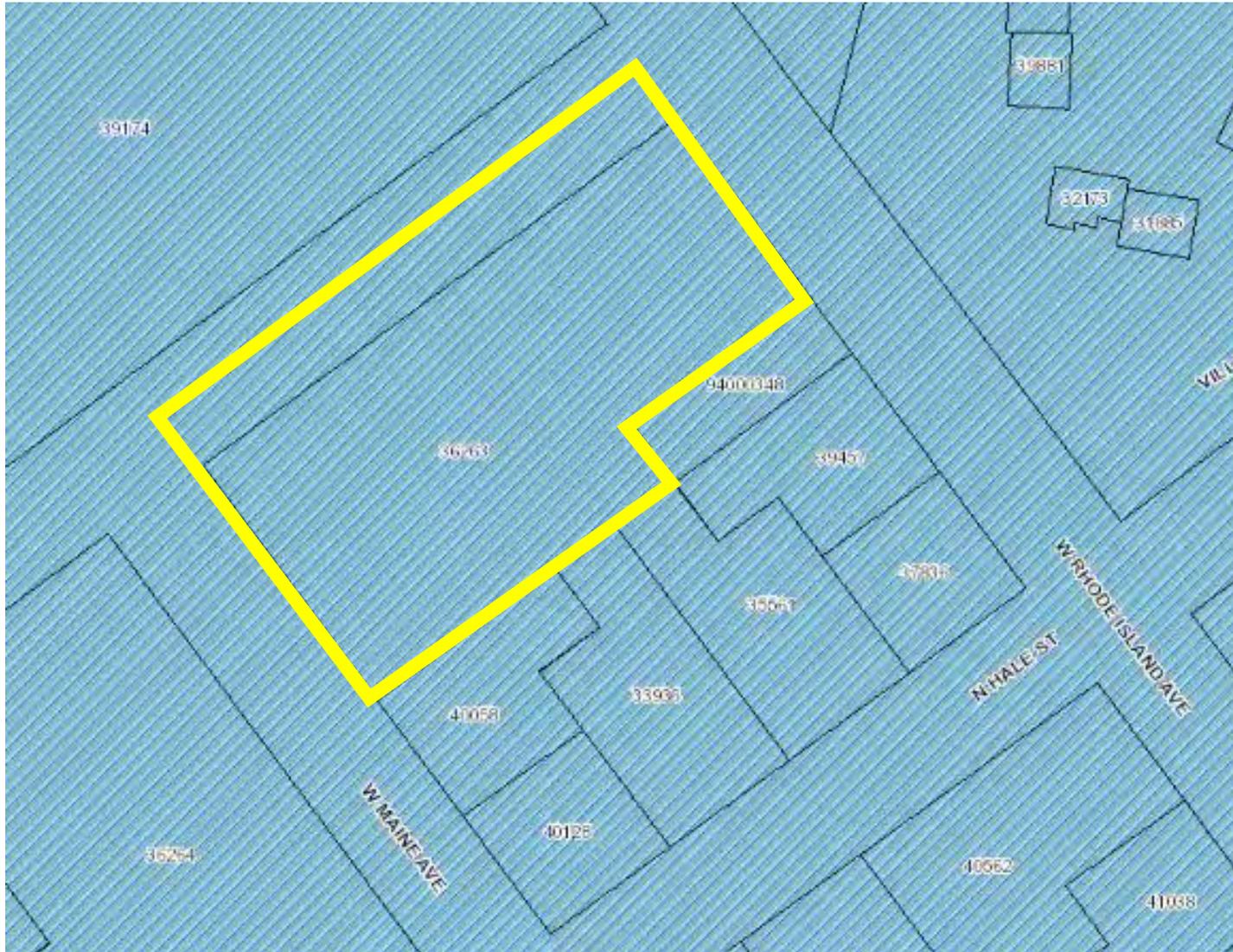
# WP-02-16 Proposed Single-Family Attached Development PIN: 858218219937 (Parcel ID: 00036263)

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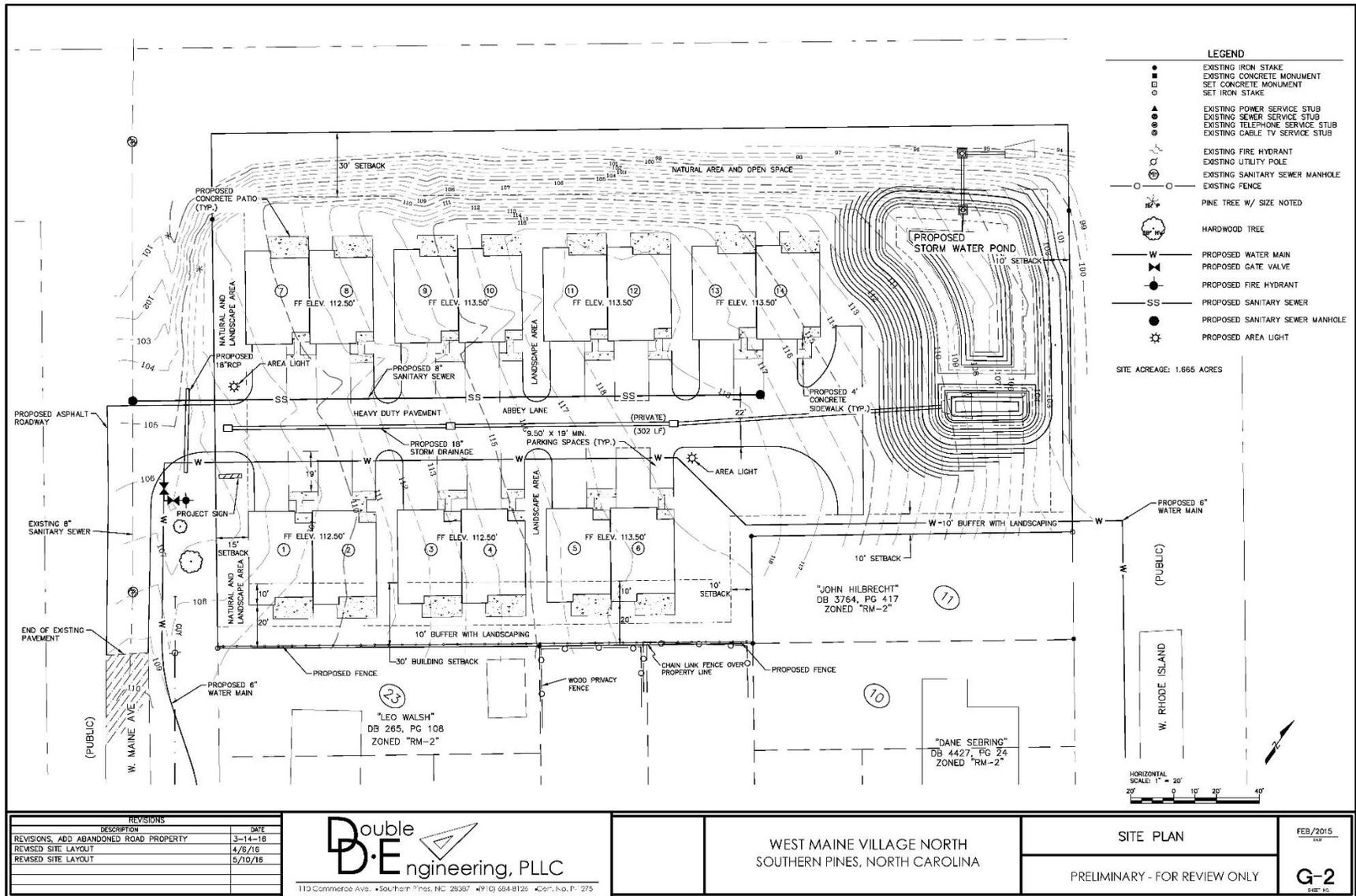


# WP-02-16 Proposed Single-Family Attached Development Watershed Map

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# PROPOSED PRELIMINARY PLAT



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

Location	Maximum Density or Intensity
<b>Critical Area</b>	New Development shall be limited to either one (1) Dwelling Unit per acre or twelve (12) percent built upon land area.
<b>High Quality Water (HQW) / Protected Area</b>	<p>New Development shall be limited to one (1) Dwelling Unit per acre or twelve (12) percent built upon land area unless (a) the development disturbance area is less than one (1) acre or (b) BMPs or another approved stormwater management based practices are used. New Development with a development disturbance area less than one (1) acre shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built upon land area. New Development utilizing BMPs or another approved stormwater management based practices shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built-upon land area in the Watershed outside of the Critical Area.</p> <ul style="list-style-type: none"> <li>• For Commercial Projects: New Development requires a state Stormwater Permit if the development disturbance area exceeds one (1) acre. If the new development exceeds the twenty-four (24) percent built upon area the project may apply for the 5/70 exemption*.</li> <li>• For Residential Projects: New Development requires a state Stormwater Permit if the development disturbance area exceeds one (1) acre. If the new development exceeds the twenty-four (24) percent built upon area the project may apply for the 5/70 exemption*.</li> </ul>
<b>Rest of Watershed (WS-III)</b>	New Development shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built-upon area. If the new development exceeds either of these thresholds the project may apply for the 5/70 exemption*.

Table Notes:

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

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

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

## **Agenda Item**

**To:** Reagan Parsons, Town Manager

**Via:** Bart Nuckols, Planning Director

**From:** Chris Kennedy, Senior Planner

**Subject:** AX-01-16; Voluntary Annexation Request for Property South of Youngs Road and East of Piney Lane; 3975 Youngs Road; Petitioner, Moore HL Properties Inc.

**Date:** June 14, 2016

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### **AX-01-16; Voluntary Annexation Request for Property South of Youngs Road and East of Piney Lane; 3975 Youngs Road; Petitioner, Moore HL Properties Inc.**

The petitioner Moore HL Properties Inc. is requesting voluntary annexation for a 1.46 acre parcel located at 3975 Youngs Road. The parcel is located South of Youngs Road and East of Piney Lane. The property is identified by the following: PIN: 858108880944 (PARID: 00038809). Per the Moore County Tax records, the property owner(s) are listed as Thomas and Eleanor Gallagher.

#### **Staff Comments:**

- The applicant has submitted an application with a plat map and a written metes and bounds description.
- Per the Moore County GIS, the majority of the subject property is shown as included within the corporate limits of the Town (see GIS map). The request is to annex into the corporate limits of the Town any portion of the property currently located in the Extraterritorial Jurisdiction (ETJ) of the Town.

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

**To either approve or deny the *Voluntary Annexation*, the Town Council may choose one of the following motions or any alternative they wish:**

- 1) I move to approve the Voluntary Annexation request in the application AX-01-16 for the property as defined in the submitted written metes and bounds.

**Or**

- 2) I move to deny the Voluntary Annexation request in the application AX-01-16 for the property as defined in the submitted written metes and bounds.

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# AX-01-16 Moore HL Properties Inc. Voluntary Annexation Request for Property South of Youngs Road and East of Piney Lane



**PETITION FOR VOLUNTARY ANNEXATION OF REAL  
PROPERTY CONTIGUOUS TO THE  
TOWN OF SOUTHERN PINES, NORTH CAROLINA**

April 1, 20 16

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

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Southern Pines, North Carolina, pursuant to G. S. 160A-31.
2. The area requested to be annexed is contiguous to the Town of Southern Pines, and the boundary of such territory is described by metes and bounds as follows:

(Insert legal metes and bounds description of boundaries of annexation or a legal metes and bounds description of boundaries **MUST** be included)

*Address: 3975 Youngs Road*

BEGINNING at a point at the intersection of the Southern right-of-way of Youngs Road and the Eastern right-of-way of Pine Lane, and running thence S 84° E. 280.0' to a point in the Southern right-of-way of Youngs Road; thence S 6° W. 203.7' to an iron pipe; thence N 86.0° 01.1 min. E. 280.10' to a spike at a point in the right-of-way of Pine Lane; thence along the right-of-way of Pine Lane N 6° E. 213.7' to the point of beginning; and being the same tract as described as Lot "A" on a plat recorded in Plat Cabinet 3, Slide 341, Moore County Registry.

**RECEIVED**  
APR 01 2016

BY: *Admitt*

Name & Signature of Owner

Address of Owner

*Dewey T. Holderfield*  
*Moore HL Properties, Inc.*  
*D Holderfield*

*55 Walnut Creek Road*  
*Pinehurst, NC 28374*

(Two copies of the petition, an 11" x 17" map showing location and boundaries of the area requested to be annexed, a legal metes and bounds description and physical address for the property (this can be obtained from the addressing coordinator at the Moore County Planning Dept.) are to be filed with the Town Clerk, 125 S. E. Broad Street, Southern Pines, NC 28387.)

**NORTH CAROLINA  
MOORE COUNTY**

I, CHARLES D. WARD, CERTIFY THAT THE MAP HEREON IS IN ALL RESPECTS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I HAVE MADE SUCH EXAMINATIONS AS I THINK PROPER AND I BELIEVE THE BOUNDARIES NOT SURVEYED TO BE CORRECT AND I HAVE REFERRED TO RECORDS AND MAPS KEPT IN ACCORDANCE WITH G. S. 17-20 AS APPLICABLE.



*Charles D. Ward*  
**CHARLES D. WARD**  
REGISTERED SURVEYOR  
N. C. NO. L-1416

**NORTH CAROLINA  
MOORE COUNTY**

I, LINDA E. OLDMAN, NOTARY PUBLIC FOR MOORE COUNTY, CERTIFY THAT CHARLES D. WARD REGULARLY APPEARED BEFORE ME THIS 23<sup>RD</sup> DAY OF JUNE 1987 AND ACKNOWLEDGED THE DUE EXECUTION OF THIS INSTRUMENT FOR THE PURPOSES THEREIN EXPRESSED.



*Linda R. Oldham*  
**LINDA E. OLDMAN**  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 11-25-91

**NORTH CAROLINA  
MOORE COUNTY**

THE FOREGOING CERTIFICATE OF LINDA E. OLDMAN, NOTARY PUBLIC OF MOORE COUNTY, IS IN DUE FORM AND CORRECTLY EXECUTED AND I CERTIFY BE RECORDING THIS MAP THIS DAY OF \_\_\_\_\_ 1987.

**REGISTER OF DEEDS**

**NORTH CAROLINA  
MOORE COUNTY**

FILED FOR REGISTRATION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1987, AT \_\_\_\_\_ AND DULY RECORDED IN MOORE COUNTY REGISTER OF DEEDS, MOORE COUNTY REGISTER.

**REGISTER OF DEEDS**

I, BUDDY BLACKBURN, DIRECTOR OF PLANNING, DO HEREBY CERTIFY THAT THIS MAP COMPLIES TO THE TOWN OF MANEILL, MOORE COUNTY, REGULATIONS AND IS APPROVED FOR RECORDING.

6-26-87 *Buddy Blackburn*  
DATE DIRECTOR OF PLANNING

**CHARLES D. WARD**  
REGISTERED SURVEYOR  
N. C. NO. L-1416  
SOUTHERN PINES, N. C.

I CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ACCEPT THE PLAN OF SUBDIVISION WITH MY FREE CONSENT, EXPRESSLY RESOLVING BUILDING LINES AND DESIGNATE ALL STREETS, ALLEYS, WALKWAYS AND OTHER LOTS TO PUBLIC USE AND I HEREBY USE TO UNDEVELOPED. I CERTIFY THAT THE LAND SHOWN HEREON IS WITHIN THE PLANNING JURISDICTION OF THE TOWN OF SOUTHERN PINES, NORTH CAROLINA.

June 26, 1987 *Betty Lane D. Simpson*  
DATE OWNER

**CERTIFICATE OF APPROVAL OF THE DESIGN AND INSTALLATION OF STREETS, UTILITIES, AND OTHER REQUIRED IMPROVEMENTS.**

I HEREBY CERTIFY THAT STREETS, UTILITIES AND OTHER IMPROVEMENTS HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDANCE TO TOWN SUBDIVISION IN THE SUBDIVISION ENTITLED "PLAN OF JERRY SIMPSON PROPERTY" OF THE TOWN OF SOUTHERN PINES, N.C. HAS BEEN REVIEWED WITH THE TOWN CLERK TO INSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS AT TIME OF DEPOSIT.

JUNE 23, 1987 *[Signature]*  
DATE PUBLIC WORKS DIRECTOR

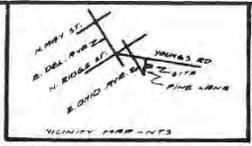
OWNER: BETTY LANE D. SIMPSON  
U.S. 13-30  
SOUTHERN PINES, N.C.

CURRENT ZONING - R-1

**NOTE**  
THIS PROPERTY IS NOT LOCATED IN A KNOWN FLOOD ZONE.

**REFERENCE**  
77 E. 1<sup>ST</sup> MOORE COUNTY CLERK OF COURT

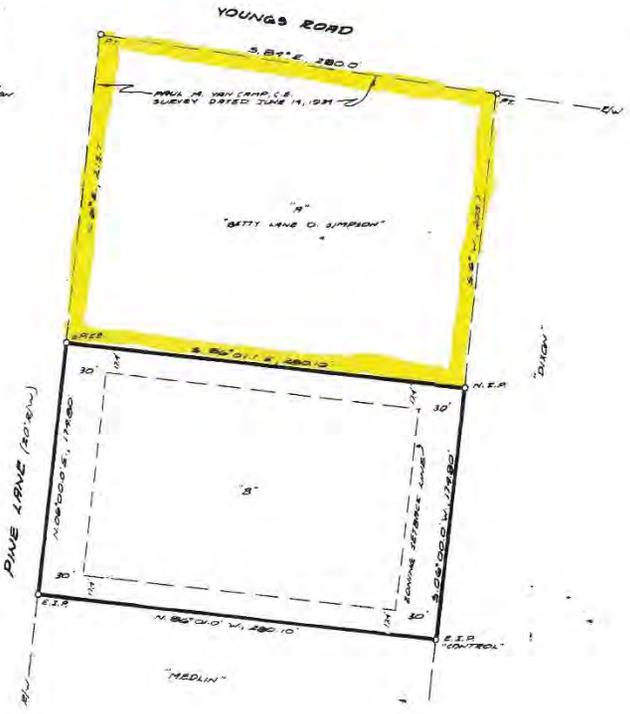
**REEL**  
112 ACRES BY D.M.D.



Plat Cabinet 5 Slide 341

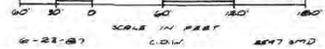
June 29 8 49 PM '87

JUDITH M. ALJAMES  
REGISTER OF DEEDS  
MOORE COUNTY, N.C.



**PLAN OF  
JERRY SIMPSON  
PROPERTY**

MANEILL TOWNSHIP  
MOORE COUNTY, N.C.  
SOUTHERN PINES  
SCALE - 1" = 50'



Amended legal description of property to be annexed by the Town of Southern Pines.

April 7, 2016

To wit:

**Being all of that (northeastern) triangular portion of Lot "A" that lies outside the current corporate limits of the Town of Southern Pines**, said Lot "A" being further described by metes and bounds as follows:

BEGINNING at a point at the intersection of the Southern right-of-way of Youngs Road and the Eastern right-of-way of Piney Lane; running thence S84°E 280.0' to a point in the Southern right-of-way of Youngs Road; thence S 6° W 203.7' to an iron pipe; thence N 86°01.1' W 280.10' to a spike at a point in the right-of-way of Piney Lane; thence along the right-of-way of Piney Lane N 6° E 213.7' to the point of BEGINNING, and abeing the same tract as described as Lot "A" on a plat recorded in Plat Cabinet 3, Slide 341, in the Moore County Registry.

# Future Land Use Map: AX-01-16

## 3975 Youngs Road

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).



 = Subject Property

**Legend**

-  City Limits
-  Primary Roads

**Future Land Use Categories**

-  Parks / Open Space
-  Residential / Golf
-  Rural / Equestrian
-  Urban Services
-  Low Density Residential
-  Residential
-  Commercial
-  Traditional Mixed Use
-  Industrial

MEMORANDUM

To: Council

From: Peggy K. Smith, Town Clerk

Date: May 24, 2016

Re: 3975 Youngs Road Annexation, AX-01-16

Attached, you will find the Certificate of Sufficiency for the 3975 Youngs Road Annexation. Both public safety chiefs have reviewed the area to be annexed, as well as the Public Works and Planning directors. No director foresees any issues with the proposed annexation.

If Council desires to proceed, the public hearing will be held at the June regular meeting of Council.

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF  
THE TOWN OF SOUTHERN PINES, NORTH CAROLINA**

**THAT WHEREAS**, the Town Council has been petitioned under G. S. 160A-31 as amended to annex the area described herein; and

**WHEREAS**, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of said petition; and

**WHEREAS**, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held in Regular Session of the Town Council at the Douglass Community Center at 7:00 o'clock, P.M. the 14<sup>th</sup> of June, 2016 after due notice by publication on May 25<sup>th</sup> and June 1st, 2016;

**WHEREAS**, after the completion of said public hearing and upon consideration of any comments, objections or presentation at that hearing, and

**WHEREAS**, based upon the certification of the Town Clerk and other information presented at said hearing, Council finds it proper and in the best interest of the Town to annex said property according to the requirements of G.S. 160A-31, as

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED** by the Town Council of the Town of Southern Pines, North Carolina in regular session this 14<sup>th</sup> day of June, 2016;

**Being all of that (northeastern) triangular portion of Lot "A" that lies outside the current corporate limits of the Town of Southern Pines**, said Lot "A" being further described by metes and bounds as follows:

BEGINNING at a point at the intersection of the Southern right-of-way of Youngs Road and the Eastern right-of-way of Piney Lane; running thence S84°E 280.0' to a point in the Southern right-of-way of Youngs Road; thence S 6° W 203.7' to an iron pipe; thence N 86°01.1' W 280.10' to a spike at a point in the right-of-way of Piney Lane; thence along the right-of-way of Piney Lane N 6° E 213.7' to the point of BEGINNING, and being the same tract as described as Lot "A" on a plat recorded in Plat Cabinet 3, Slide 341, in the Moore County Registry.

**Section 1.** By virtue of the authority granted by G.S. 160A-31, as amended, the above described territory is hereby annexed and made part of the Town of Southern Pines as of the 14<sup>th</sup> day of June, 2016.

**Section 2.** Upon and after the 14<sup>th</sup> day of June, 2016, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force of the Town of Southern Pines and shall be entitled to the same privileges and benefits as other parts of the Town of Southern Pines. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

**Section 3.** The Mayor of the Town of Southern Pines shall cause to be recorded in the office of the Register of Deeds of Moore County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof. Such a map shall also be delivered to the County Board of Elections as required by G.S. 163-288.1.

This ordinance shall be and remain in full force and effect as of June 14, 2016.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on June 14, 2016 as shown in the minutes of the Town Council for that date.

ATTEST:

TOWN OF SOUTHERN PINES

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

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Doug Gill, Town Attorney

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on June 14, 2016 as shown in the minutes of the Town Council for that date.

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



**Agenda Item**

**To: Reagan Parsons, Town Manager**

**Via: Bart Nuckols, Planning Director**

**From: Chris Kennedy, Senior Planner**

**Subject: Abandonment of Right-of-Way: N. Mechanic Street & W. Rhode Island Avenue; Petitioner, Caviness & Cates Building and Development Company**

**Date: June 14, 2016**

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**Abandonment of Right-of-Way: N. Mechanic Street & W. Rhode Island Avenue; Petitioner, Caviness & Cates Building and Development Company**

In April 2016, the Town of Southern Pines Public Works Department received a request that the Town Council consider two sections of road for a right-of-way abandonment. The first section identified for right-of-way abandonment is comprised of the one and one-half (1.5) block portion of N. Mechanic Street extending from the eastern boundary of the intersection with W. Maine Avenue and N. Mechanic Street to the termination of N. Mechanic Street at the NE Service Road. The second section identified for right-of-way abandonment includes the portion of W. Rhode Island Avenue extending from the northern boundary of the intersection of W. Rhode Island Avenue and N. Mechanic Street extending to the termination of W. Rhode Island Avenue at the NE Service Road. Both portions included in the request are unopened sections of right-of-way (See attachment). At the April 12, 2016 Regular Business Meeting of the Town Council the Town Council adopted a resolution to review the request for this abandonment at the May 2016 Regular Business Meeting of the Town Council.

Both sections of right-of-way listed in this request are considered “paper” streets in that the areas designated for a street are not currently improved or easily accessible for most types of transportation. These sections of street are 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 require an easement if the abandonment is approved.

Per UDO Section 2.29, the procedure to abandon streets, no matter their condition or utility, requires an adopted resolution, 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.

## **Town Council Hearing - May 10, 2016:**

At the May 10, 2016 Regular Business Meeting of the Town Council, the Town Council continued the public hearing for Conditional Use Permit application CU-01-16. Per the staff recommendation listed herein the Town Council decided to continue the public hearing for this right-of-way abandonment until the June 14, 2016 Regular Business Meeting of the Town Council.

### **Staff Comments:**

- This right-of-way abandonment request has been submitted by the same petitioner as Conditional Use Permit application CU-01-16. The petitioner is seeking the approval of a Conditional Use Permit for a multi-family development along the NE Service Road and the abandonment of the right-of-ways included herein as part of the development request.
  - Town Staff recommends that the Town Council delay their decision making of this right-of-way abandonment request until the Town Council formally makes a decision on Conditional Use Permit application CU-01-16.
  - Furthermore, Town staff recommends to the Town Council that should the Conditional Use Permit application CU-01-16 be denied, the right-of-way abandonment requests listed herein also be denied.
- 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 that the proposed street or alley vacation request...**

- 1) **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, therefore...
- 2) **is contrary to the public interest, and that individuals** 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, therefore...

### **I move to:**

- 1) **Approve** the abandonment of the portions of N. Mechanic Street and W. Rhode Island Avenue as specified in the attached map;
- 2) **Deny** the abandonment of the portions of N. Mechanic Street and W. Rhode Island Avenue as specified in the attached map; OR
- 3) **Approve** the abandonment of the portions of N. Mechanic Street 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 recommends 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.



**AN ORDINANCE ADOPTING  
THE FISCAL YEAR 2016/2017 BUDGET  
AND LEVYING THE TAX RATE**

**BE IT ORDAINED AND ESTABLISHED** by the Town Council of Southern Pines assembled in regular session this 14<sup>th</sup> day of June 2016, as follows:

**SECTION 1.** That for the expenses of the Town government and its activities for the fiscal year ending June 30, 2017 as set forth in the Town of Southern Pines, North Carolina Annual Budget, the amounts in the following section, or as much thereof as may be necessary, are hereby appropriated in the manner prescribed in the budget document, and the revenue estimates as set forth are hereby adopted:

I. GENERAL FUND

	<u>BUDGET 2016-2017</u>
1. REVENUES	
AD VALOREM TAXES:	
Current	\$ 8,560,500
Delinquent	30,000
Penalties & Interest	18,000
TOTAL	\$ 8,608,500
OTHER TAXES AND LICENSES	
1 Cent Local Sales Tax	\$ 1,089,500
1/2 Cent Local Sales Tax	1,578,600
Short Term Rental Property Tax	32,000
Solid Waste Disposal Tax	7,800
Alcoholic Beverage Ctrl	120,000
TOTAL	\$ 2,827,900
UNRESTRICTED INTERGOVT REVENUE:	
Beer and Wine Tax	\$ 55,000
Video Programming	159,500
Utilities Franchise/Sales	798,500
TOTAL	\$ 1,013,000
RESTRICTED INTERGOVT REVENUE:	
Powell Bill Allocation	\$ 400,000
State Aid Library	6,200
Recreation Grants	1,000
TOTAL	\$ 407,200
PERMITS AND FEES:	
Inspections	\$ 250,000
Planning	15,000
Homeowner Recovery Fee	1,000
Street Department	28,000
Public Works	15,000
Police Department	16,500
TOTAL	\$ 325,500

	BUDGET <u>2015-2016</u>
SALES AND SERVICES:	
Library	\$ 41,000
Police Extra Duty	54,500
Recreation Fees	180,000
Rents	272,000
Facility Rental - Recreation	27,000
Court Facilities Fee	1,200
Reservoir Park	5,500
Disposal Fee/Recycling Fee	<u>540,000</u>
TOTAL	\$ 1,121,200
INVESTMENT EARNINGS:	\$ 17,000
OTHER REVENUES:	
Miscellaneous Revenue	\$ 30,100
Surplus Property Sale	30,000
Cemetery	1,000
Court Costs	1,500
County Contribution - Fire	47,000
Fire District Revenue	463,939
Donations	<u>3,000</u>
TOTAL	\$ 576,539
FUND BALANCE:	2,136,517
TOTAL GENERAL FUND REVENUES	<u>\$ 17,033,356</u>
Legislative	\$ 169,986
General Administration	617,655
Information Technology	851,108
Financial Services	616,148
Police Administration and Patrol	3,108,480
Police Communications	448,935
Investigations	829,331
Fire/Rescue	2,097,468
Planning and Inspections	765,678
Street Maintenance	1,349,585
Public Works/Sanitation	1,918,542
Garage	313,864
Recreation	863,731
Library	905,550
Buildings and Grounds	1,759,236
Special Appropriations	38,000
W/S Indirect Cost	(981,995)
Debt Service - Fire Vehicle	161,396
Debt Service - Police Station	550,518
Debt Service - Street Sweeper	77,640
Transfer to CP Unpaved Street	92,500
Transfer to CP Storm Water	100,000
Transfer to CP Downtown Park	150,000
Transfer to CP Recreation Improvements	80,000
Transfer to CP Sidewalks - Phase II	150,000
TOTAL GENERAL FUND APPROPRIATIONS	<u>\$ 17,033,356</u>

WATER AND SEWER OPERATING FUND

		BUDGET 2016-2017
II.	1. REVENUES	
	Water Charges	\$ 3,845,000
	Sewer Charges	2,284,800
	Connection and Tap Fees	150,000
	Service Charge & Penalties	130,000
	Interest on Investments	7,500
	Bulk Water Sales	606,000
	BAB Interest Rebate	19,423
	Miscellaneous	10,000
	Transfer In- Retained Earnings	496,363
	<b>TOTAL WATER/SEWER FUND OPERATING REVENUES</b>	<b><u>\$ 7,549,086</u></b>
	Water Treatment	\$ 1,339,275
	Water Extension/Maintenance	747,370
	Sewer Extension/Maintenance	837,570
	Billing and Collections	483,379
	Sewage Treatment	1,667,700
	Water/Sewer Indirect Cost	981,995
	Transfer to CP Water & Sewer Improvements	900,000
	Interest Expense/Financing Principal	591,797
	<b>TOTAL WATER/SEWER OPERATING APPROPRIATIONS</b>	<b><u>\$ 7,549,086</u></b>

	2015-2016 PROJECT AUTHORIZATION	2016-2017 ADJUSTMENTS INCR/(DECR)	AMENDED PROJECT AUTHORIZATION
<b>CEMETERY PERPETUAL CARE</b>			
<b>1. REVENUES AND OTHER FINANCING SOURCES</b>			
Interest Earned	\$ 10,750	\$ 250	\$ 11,000
Sale of Plots	50,000	10,000	60,000
<b>TOTAL</b>	<b><u>\$ 60,750</u></b>	<b><u>\$ 10,250</u></b>	<b><u>\$ 71,000</u></b>
<b>2. APPROPRIATIONS</b>			
Reserved for Future Exp	\$ 60,750	\$ 10,250	\$ 71,000
<b>TOTAL</b>	<b><u>\$ 60,750</u></b>	<b><u>\$ 10,250</u></b>	<b><u>\$ 71,000</u></b>
<b>CAPITAL PROJECT - OPEN SPACE</b>			
<b>1. REVENUES AND OTHER FINANCING SOURCES</b>			
Interest Earned	\$ 9,700	\$ -	\$ 9,700
Transfer In-Fund 47	126,000	-	126,000
<b>TOTAL</b>	<b><u>\$ 135,700</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 135,700</u></b>
<b>2. APPROPRIATIONS</b>			
Land	\$ 135,700	\$ -	\$ 135,700
<b>TOTAL</b>	<b><u>\$ 135,700</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 135,700</u></b>

	2015-2016 PROJECT AUTHORIZATION	2016-2017 ADJUSTMENTS INCR/(DECR)	AMENDED PROJECT AUTHORIZATION
CAPITAL PROJECT - NICKS CREEK PARKWAY			
1. REVENUES AND OTHER FINANCING SOURCES			
Interest Earned	\$ 14,750	\$ 250	\$ 15,000
Land Exc Proceeds/60 Fd	57,000	-	57,000
TOTAL	<u>\$ 71,750</u>	<u>\$ 250</u>	<u>\$ 72,000</u>
2. APPROPRIATIONS			
Construction	\$ 71,750	\$ 250	\$ 72,000
TOTAL	<u>\$ 71,750</u>	<u>\$ 250</u>	<u>\$ 72,000</u>

CAPITAL PROJECT -  
ENTERPRISE INFORMATION AND DOCUMENT MANAGEMENT SYSTEM

1. REVENUES AND OTHER FINANCING SOURCES			
Interest Earned	\$ 14,200	\$ -	\$ 14,200
Transfer In-CP Police Station	240,500	-	240,500
Transfer In-Utility Fund	256,500	-	256,500
Transfer In-General Fund	400,000	-	400,000
TOTAL	<u>\$ 911,200</u>	<u>\$ -</u>	<u>\$ 911,200</u>
2. APPROPRIATIONS			
Construction	\$ 686,200	\$ -	\$ 686,200
Transfer Out - CP Lib HVAC	225,000	-	225,000
TOTAL	<u>\$ 911,200</u>	<u>\$ -</u>	<u>\$ 911,200</u>

CAPITAL PROJECT -  
SIDEWALKS

1. REVENUES AND OTHER FINANCING SOURCES			
Interest Earned	\$ 7,325	\$ -	\$ 7,325
Transfer In - General Fund	1,266,512	-	1,266,512
TOTAL	<u>\$ 1,273,837</u>	<u>\$ -</u>	<u>\$ 1,273,837</u>
2. APPROPRIATIONS			
Construction	\$ 1,273,837	\$ -	\$ 1,273,837
TOTAL	<u>\$ 1,273,837</u>	<u>\$ -</u>	<u>\$ 1,273,837</u>

CAPITAL PROJECT -  
FIBER OPTICS INFRASTRUCTURE-PHASE I

1. REVENUES AND OTHER FINANCING SOURCES			
Interest Earned	\$ 17,700	\$ -	\$ 17,700
Transfer In-General Fund	152,823	-	152,823
Transfer In-Fund 40	373,000	-	373,000
TOTAL	<u>\$ 543,523</u>	<u>\$ -</u>	<u>\$ 543,523</u>
2. APPROPRIATIONS			
Construction	\$ 543,523	\$ -	\$ 543,523
TOTAL	<u>\$ 543,523</u>	<u>\$ -</u>	<u>\$ 543,523</u>

	2015-2016 PROJECT AUTHORIZATION	2016-2017 ADJUSTMENTS INCR/(DECR)	AMENDED PROJECT AUTHORIZATION
<b>CAPITAL PROJECT - STORM WATER IMPROVEMENTS</b>			
<b>1. REVENUES AND OTHER FINANCING SOURCES</b>			
Interest Earned	\$ 22,500	\$ -	\$ 22,500
Transfer In-GF	299,000	100,000	399,000
<b>TOTAL</b>	<b><u>\$ 321,500</u></b>	<b><u>\$ 100,000</u></b>	<b><u>\$ 421,500</u></b>
<b>2. APPROPRIATIONS</b>			
Construction	\$ 321,500	\$ 100,000	\$ 421,500
<b>TOTAL</b>	<b><u>\$ 321,500</u></b>	<b><u>\$ 100,000</u></b>	<b><u>\$ 421,500</u></b>
<b>CAPITAL PROJECT - PUBLIC ROAD-ECONOMIC DEVELOPMENT</b>			
<b>1. REVENUES AND OTHER FINANCING SOURCES</b>			
Transfer In-Fd 24 Spec Rev	\$ 25,874	\$ -	\$ 25,874
<b>TOTAL</b>	<b><u>\$ 25,874</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 25,874</u></b>
<b>2. APPROPRIATIONS</b>			
Construction	\$ 25,874	\$ -	\$ 25,874
<b>TOTAL</b>	<b><u>\$ 25,874</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 25,874</u></b>
<b>CAPITAL PROJECT - PATRICK ROAD</b>			
<b>1. REVENUES AND OTHER FINANCING SOURCES</b>			
Interest Earned	\$ 38,850	\$ -	\$ 38,850
Transfer In-Fd 49	455,991	-	455,991
<b>TOTAL</b>	<b><u>\$ 494,841</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 494,841</u></b>
<b>2. APPROPRIATIONS</b>			
Construction	\$ 494,841	\$ -	\$ 494,841
<b>TOTAL</b>	<b><u>\$ 494,841</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 494,841</u></b>
<b>CAPITAL PROJECT - BIKE TRANSPORTATION PROJECT</b>			
<b>1. REVENUES AND OTHER FINANCING SOURCES</b>			
Transfer In-GF	\$ 140,000	\$ -	\$ 140,000
<b>TOTAL</b>	<b><u>\$ 140,000</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 140,000</u></b>
<b>2. APPROPRIATIONS</b>			
Construction	\$ 140,000	\$ -	\$ 140,000
<b>TOTAL</b>	<b><u>\$ 140,000</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 140,000</u></b>
<b>CAPITAL PROJECT - LIBRARY HVAC PROJECT</b>			
<b>1. REVENUES AND OTHER FINANCING SOURCES</b>			
Transfer In-CP EIDMS	\$ 225,000	\$ -	\$ 225,000
<b>TOTAL</b>	<b><u>\$ 225,000</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 225,000</u></b>
<b>2. APPROPRIATIONS</b>			
Construction	\$ 225,000	\$ -	\$ 225,000
<b>TOTAL</b>	<b><u>\$ 225,000</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 225,000</u></b>

	2015-2016 PROJECT AUTHORIZATION	2016-2017 ADJUSTMENTS INCR/(DECR)	AMENDED PROJECT AUTHORIZATION
<b>CAPITAL PROJECT - FIRE SUB-STATION</b>			
<b>1. REVENUES AND OTHER FINANCING SOURCES</b>			
Interest Earned	\$ 2,886	\$ -	\$ 2,886
Transfer In-Fd 40	360,114		360,114
Transfer In-GF	433,300	-	433,300
<b>TOTAL</b>	<b><u>\$ 796,300</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 796,300</u></b>
<b>2. APPROPRIATIONS</b>			
Construction	\$ 796,300	\$ -	\$ 796,300
<b>TOTAL</b>	<b><u>\$ 796,300</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 796,300</u></b>
<b>CAPITAL PROJECT - POOL PARK PLAN</b>			
<b>1. REVENUES AND OTHER FINANCING SOURCES</b>			
Transfer In-GF	\$ 350,000	\$ -	\$ 350,000
<b>TOTAL</b>	<b><u>\$ 350,000</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 350,000</u></b>
<b>2. APPROPRIATIONS</b>			
Construction	\$ 350,000	\$ -	\$ 350,000
<b>TOTAL</b>	<b><u>\$ 350,000</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 350,000</u></b>
<b>CAPITAL PROJECT - DOWNTOWN PARK</b>			
<b>1. REVENUES AND OTHER FINANCING SOURCES</b>			
Transfer In-GF	\$ 415,000	\$ 150,000	\$ 565,000
<b>TOTAL</b>	<b><u>\$ 415,000</u></b>	<b><u>\$ 150,000</u></b>	<b><u>\$ 565,000</u></b>
<b>2. APPROPRIATIONS</b>			
Construction	\$ 415,000	\$ 150,000	\$ 565,000
<b>TOTAL</b>	<b><u>\$ 415,000</u></b>	<b><u>\$ 150,000</u></b>	<b><u>\$ 565,000</u></b>
<b>CAPITAL PROJECT - UNPAVED STREET</b>			
<b>1. REVENUES AND OTHER FINANCING SOURCES</b>			
Transfer In-GF	\$ 150,000	\$ 92,500	\$ 242,500
<b>TOTAL</b>	<b><u>\$ 150,000</u></b>	<b><u>\$ 92,500</u></b>	<b><u>\$ 242,500</u></b>
<b>2. APPROPRIATIONS</b>			
Construction	\$ 150,000	\$ 92,500	\$ 242,500
<b>TOTAL</b>	<b><u>\$ 150,000</u></b>	<b><u>\$ 92,500</u></b>	<b><u>\$ 242,500</u></b>

	2015-2016 PROJECT AUTHORIZATION	2016-2017 ADJUSTMENTS INCR/(DECR)	AMENDED PROJECT AUTHORIZATION
<b>CAPITAL PROJECT - CDBG TYR TACTICAL</b>			
<b>1. REVENUES AND OTHER FINANCING SOURCES</b>			
Grant Proceeds	\$ 270,000	\$ -	\$ 270,000
Developer's Contributions	90,000	-	90,000
<b>TOTAL</b>	<b><u>\$ 360,000</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 360,000</u></b>
<b>2. APPROPRIATIONS</b>			
Grant Administration	\$ 15,000	-	\$ 15,000
Roadway	345,000	-	345,000
<b>TOTAL</b>	<b><u>\$ 360,000</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 360,000</u></b>
<b>CAPITAL PROJECT - ECONOMIC DEVELOPMENT PROJECT</b>			
<b>1. REVENUES AND OTHER FINANCING SOURCES</b>			
Rural Center Grant-Water	\$ 66,000	\$ -	\$ 66,000
Rural Center Grant-Sewer	434,000	-	434,000
Developer's Contributions	311,666	-	311,666
<b>TOTAL</b>	<b><u>\$ 811,666</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 811,666</u></b>
<b>2. APPROPRIATIONS</b>			
Water Construction	\$ 210,897	\$ -	\$ 210,897
Sewer Construction	600,769	-	600,769
<b>TOTAL</b>	<b><u>\$ 811,666</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 811,666</u></b>
<b>CAPITAL PROJECT - WATER DISTRIBUTION SYSTEM</b>			
<b>1. REVENUES AND OTHER FINANCING SOURCES</b>			
Interest Earned	\$ 5,000	\$ -	\$ 5,000
Transfer In-CP Water Dist	400,000	-	400,000
Transfer In-CP Raw Water	788,580	-	788,580
Transfer In-CP Morgan Rd	1,195	-	1,195
Transfer In-AMR	257,812	-	257,812
Transfer In-Utility Fund	100,000	500,000	600,000
<b>TOTAL</b>	<b><u>\$ 1,552,587</u></b>	<b><u>\$ 500,000</u></b>	<b><u>\$ 2,052,587</u></b>
<b>2. APPROPRIATIONS</b>			
Construction	\$ 1,509,411	\$ 500,000	\$ 2,009,411
Transfer Out-CP Morgan. Bg	43,176	-	43,176
<b>TOTAL</b>	<b><u>\$ 1,552,587</u></b>	<b><u>\$ 500,000</u></b>	<b><u>\$ 2,052,587</u></b>
<b>CAPITAL PROJECT - SEWER COLLECTION SYSTEM</b>			
<b>1. REVENUES AND OTHER FINANCING SOURCES</b>			
Interest Earned	\$ 5,000	\$ -	\$ 5,000
Transfer In-CP Sewer Dist	500,576	-	500,576
Transfer In-Utility Fund	500,000	400,000	900,000
<b>TOTAL</b>	<b><u>\$ 1,005,576</u></b>	<b><u>\$ 400,000</u></b>	<b><u>\$ 1,405,576</u></b>
<b>2. APPROPRIATIONS</b>			
Construction	\$ 991,184	\$ 400,000	\$ 1,391,184
Transfer Out-CP Morgan. Bg	14,392	-	14,392
<b>TOTAL</b>	<b><u>\$ 1,005,576</u></b>	<b><u>\$ 400,000</u></b>	<b><u>\$ 1,405,576</u></b>

WATER IMPACT

1. REVENUES AND OTHER FINANCING SOURCES

Interest Earned	\$ 313,500	\$ 6,500	\$ 320,000
Impact Fees	<u>2,975,000</u>	<u>925,000</u>	<u>3,900,000</u>
TOTAL	<u>\$ 3,288,500</u>	<u>\$ 931,500</u>	<u>\$ 4,220,000</u>

2. APPROPRIATIONS

Transfer to Capital Improvements	\$ 3,288,500	\$ 931,500	\$ 4,220,000
TOTAL	<u>\$ 3,288,500</u>	<u>\$ 931,500</u>	<u>\$ 4,220,000</u>

SEWER IMPACT

1. REVENUES AND OTHER FINANCING SOURCES

Interest Earned	\$ 104,750	\$ 5,250	\$ 110,000
Impact Fees	<u>875,000</u>	<u>525,000</u>	<u>1,400,000</u>
TOTAL	<u>\$ 979,750</u>	<u>\$ 530,250</u>	<u>\$ 1,510,000</u>

2. APPROPRIATIONS

Transfer to Capital Improv/ Debt Service	\$ 979,750	\$ 530,250	\$ 1,510,000
TOTAL	<u>\$ 979,750</u>	<u>\$ 530,250</u>	<u>\$ 1,510,000</u>

**SECTION 2.** That in order to raise the revenue to meet the expenses of the Town Government and its activities as provided in the foregoing appropriation for the fiscal year ending June 30, 2017, there is hereby levied a tax of \$.38 on each \$100 valuation of taxable property as listed for taxes in January, 2016. This rate is based on a total valuation of property for the purposes of taxation of \$2,287,163,000 and an estimated collection rate of 98.50%.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 14, 2016, as shown in the minutes of the Town Council for that date.

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

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

**MINUTES**  
**Worksession Meeting of the Southern Pines Town Council**  
**April 25, 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 and Councilwoman Teresa VanCamp

**Absent:** Councilmember Jim Simeon

**1. Request to Discuss Welcome to Southern Pines Lease Renewal**

Town Manager Reagan Parsons gave a brief overview of the request for renewal of the Welcome to Southern Pines Lease Agreement. Mr. Parsons stated last month the Town had received a letter or email of interest from local citizens who are interested in leasing the train station. Mr. Parsons referred the interested citizens to Mr. Jeffrey Sheer, executive director of Welcome to Southern Pines, Inc. for discussion. Mr. Parsons reviewed the language of the current lease and stated staff will be updating the language contained in the current renewal agreement to reflect some slightly amended terms to allow other options to be entertained by the Town that may be beneficial for the Town and its citizens. Mr. Parsons also stated the updated lease language will include requirements of the Lease to maintain independent liability insurance on the structure and contents and amended sub leasing stipulations.

Town Manager Parsons proposed to bring this item forward at the May Council meeting with the significant changes from the existing lease. Mr. Parsons stated this will include the stipulation that either party could provide 90 days notification of termination of the lease at any point during the lease. Mr. Parsons continued by explaining the language that will require insurance to be retained on the contents of the Welcome To Southern Pines, Inc. Center and a separate insurance policy on the structure itself.

Town Manager Parsons stated that subletting of the space will continue to be allowed, but only upon advice and consent of the Town Council. Mr. Parsons stated otherwise the lease will remain as it has been in the recent past; in relation to no rent being charged to non-profit organizations and Welcome To Southern Pines, Inc. will be responsible for paying all of the utilities for the structure with the exception of water and sewer utilities. Mr. Parsons reviewed the updated proposed lease language.

Suzanne Coleman of 225 N. May Street, Southern Pines provided copies of the certificate of insurance being required and stated in addition to the liability insurance, they have content insurance in place for up to \$1,000,000.

Mayor Pro Tem Fields commented that he would have concerns if they sublet to a private entity that would in turn charge sublet rent. Mr. Fields stated if monetary funds are collected in any form from sublet rent, the money should be submitted to the Town for upkeep and maintenance of the building.

Town Manager Parsons replied that in such instances, Welcome To Southern Pines, Inc. will be required to discuss this with Town Council before proceeding.

Mayor Pro Tem Fields stated this specific language needs to be documented in the updated lease.

Discussion ensued.

Mayor McNeill stated the Train Depot is one of the most important historical buildings in Southern Pines and one of the least utilized by the public. Mayor McNeill asked Mr. Jeffrey Sheer, president of Welcome To Southern Pines, Inc. to explain more about their intentions for the future.

Jeffery Sheer stated the Welcome Center has not been as thriving as they had hoped it would be and they have recently received interests from the community to serve as volunteers. Mr. Sheer explained that it is difficult to sustain the needed volunteers this day and time. Mr. Sheer stated they have had local volunteers to offer assistance to redecorate the building and provide a TV. Mr. Sheer discussed the coffee shop proposal and how it has brought forth more interest in the building. Mr. Sheer stated the building is currently being utilized by the Community College, etc.

Councilwoman VanCamp asked if a neighboring Town has any experience with a similar situation as this.

Mr. Sheer stated Pinehurst currently has a Welcome Center with a full-time paid Town employee.

Mayor Pro Tem Fields stated that particular Welcome Center is not open very often.

Discussion ensued regarding current available volunteer staff, community need, and advertising ideas.

Suzanne Coleman stated she is employed by the Law Offices of Marsh Smith and the Welcome Center is a client of this office. Ms. Coleman explained their involvement of the current lease proposal terms, tax exempt issues and assistance with the facilitation of on-going conversations between The Southern Pines Business Association as well as the Coffee Shop proposal representatives. Ms. Coleman gave an overview of the expected plans to move forward with improvements of the Welcome Center. Ms. Coleman also stated she has collaborated with Kelly Pruitt, Executive Director of the Richmond County Visitors Center and Ms. Pruitt is willing to provide tips and information from her experience with this project. Ms. Coleman stated they are setting a goal to have the Welcome Center open for five days a week.

Town Manager Parsons inquired what days of the week they are proposing to be open.

Ms. Coleman replied maybe Tuesday through Saturday; they are still in discussions about the days.

Mr. Sheer stated if they can obtain staff for seven days a week, they will be open for those seven days.

Mayor McNeill commented that this building would be an ideal venue for wedding receptions, pre Sunrise Theater receptions, etc. and if the public were more aware of the availability of this venue, it would be more utilized.

Discussion ensued.

Jason Harpster, President of the Business Association thanked Ms. Coleman and Mr. Sheer for the input and efforts regarding this issue. Mr. Harpster discussed their initial concerns and questions regarding the business plan, board positions and the interior décor and design of the space. Mr. Harpster stated the collaboration of the Business Association and the Welcome Center would be a positive opportunity though current galvanized support efforts. Mr. Harpster commented that they have received community responses to keep the Welcome Center and the non-profit organization in that space.

Mr. Sheer reviewed the current donations and volunteer support for the center.

Mr. Harpster discussed possible souvenir ideas and event tickets that could be sold here as well.

## **2. Request to Discuss the Freight Station Proposal**

Town Manager Parsons gave an overview of the Freight Station proposal that was submitted by Tori King and Mary Kate Lambeth. Mr. Parsons stated that the space is currently being utilized for warehouse storage space by River Jack Outdoor Trading Company on a month to month lease basis for some time now. Mr. Parsons stated this may be the time to take a look at other possible uses for this space that would be beneficial for the Town.

Tori King and Mary Kate Lambeth of Along the Way Photography were present to discuss their proposal to lease and renovate the Freight Station. Ms. King and Ms. Lambeth provided pictures of a like proposed venue with details of the interior décor and accommodations for up to 200 people. Ms. King stated they intend to acquire a liquor and beer license and would be accommodating events such as weddings, receptions, etc. that would bring business to the surrounding merchants.

Town Manager Parsons commented that the intent to bring in 150-200 people downtown at one given time will cause some concern for adequate parking accommodations. Mr. Parsons commented that this congested traffic could possibly negatively affect the other businesses in that area, such as the Sunrise Theater.

Ms. King stated they would communicate with the downtown area businesses to see if they could acquire additional allotted parking spaces.

Town Manager Parsons inquired what would be their projected prime operational times.

Ms. King stated mostly evenings, afternoons and weekends.

Town Manager Parsons voiced his concerns regarding the amount of traffic this would impose on that part of downtown at one time.

Mayor Pro Tem Fields pointed out the Catholic Church has a lot of parking spaces.

Ms. King stated they have previously approached the Catholic Church about allowing them to use their parking spaces and representatives for the Church were not interested in having their allotted parking spaces tied up and they are in the process of speaking to other business owners.

Councilwoman VanCamp inquired if they would be incorporating a kitchen into the building.

Ms. King commented that they decided not to have a kitchen and they will use catering trucks.

Ms. Lambeth discussed their current business demand.

Mayor McNeill suggested Ms. King and Ms. Lambeth compile more data and return with their findings.

**3. Request to Adopt Conditional Use Permit for Major Subdivision along Clark Street;  
Petitioner, Koontz Jones Design**

Senior Town Planner Chris Kennedy provided an overview of the item and explained the appeal process of this request.

Upon motion by Mayor Pro Tem Fields, seconded by Councilmember Walden and carried unanimously 5-0 to approve the written decision on CU-03-16.

**4. Updated Draft 2016/17 General Fund and Utility Revenue & Expenditures**

Town Manager Parsons provided an overview of the available fund balance and the updated items within the 2016/17 budget. Mr. Parsons stated staff is currently working with outside vendors regarding the major medical policy for the employees.

As so incorporated to these minutes of April 25, 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 4:05 p.m.

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Peggy K. Smith  
Town Clerk

**MINUTES**  
**Agenda Meeting of the Southern Pines Town Council**  
**May 4, 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. Architectural Reviews**

**A. AR-06-16 EconoLodge Façade Replacement; 408 W. Morganton Road; Petitioner, EconoLodge & Suites Hotel**

Robert Anderson of Anderson Architecture, 135 W. Connecticut Avenue, Southern Pines along with Bipin and Jyoti Patel owners of the EconoLodge were present to discuss this item.

Senior Town Planner Chris Kennedy provided an overview of the item and explained the non-compliance siding that was used and the request for the waiver from section 4.10.4 subsection C, which regulates building materials for commercial structures.

Mayor McNeill inquired if this request included the entire building being covered with vinyl siding.

Senior Town Planner Kennedy responded in the negative and stated it is his understanding that they only want to keep the specified one side of the building, as shown in the provided picture, with vinyl siding because the integrity of the existing brick is still intact.

Mr. Anderson commented that he would have preferred that the Patels had consulted with him prior to their repair efforts because he may have been able to advise them more appropriately to be in compliance with Town ordinances. Mr. Anderson stated after the Patel's numerous failed attempts to repair the moisture issues, the vinyl siding seemed to remedy the problem. Mr. Anderson explained that the Patels were not aware of the required procedures to notify the Town Council of their intended use of materials, etc. Mr. Anderson stated from a distance, you cannot tell that the material is vinyl and described their efforts of repairing the building.

Mayor Pro Tem Fields inquired if the building's facade is approximately 50% vinyl.

Mr. Anderson stated yes, at least 50%.

Discussion ensued regarding the siding material, landscaping and retroactive consideration.

It was agreed that the owner would be willing to work with staff regarding the appropriate landscaping and screening.

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

Dr. Monroe of Monroe Dental Clinic and Terisita Chao, of Stagaard & Chao Architects were present to discuss their revised exterior elevations of the building.

Mayor Pro Tem Fields stated they have now complied with the Town's ordinances by adding more brick to the building.

Councilmember Walden inquired if the brick will be white.

Ms. Chao stated the bricks will be painted.

Mayor McNeill asked Senior Town Planner Kennedy if they are now in compliance with the code.

Senior Town Planner Kennedy responded in the affirmative.

Mayor McNeill commented this item will move forward to the regular business meeting.

**2. Consent Agenda**

- A. Adopt Worksession Meeting Minutes of March 28, 2016, Agenda Meeting Minutes of April 6, 2016 and Regular Business Meeting Minutes of April 12, 2016 as written.

Corrections were noted by the Administration Technician.

- A. Resolution entering into lease with welcome To Southern Pines Inc. to operate a Welcome Center and Cultural Museum at the downtown Train Station
- B. Close Capital Project Fund – Southern Pines Village
- C. Close Capital Project Fund – Morganton Road Bridge
- D. Project Amendment – Capital Project – Water & Sewer Improvements
- E. Establishment of General Capital Reserve Fund
- F. Close Capital Project Fund – Public Safety Communications
- G. Budget Amendment – Transfer to General Capital Reserve Fund - \$110,000
- H. Budget Amendments

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
General Fund	Miscellaneous Revenue	10-335-0000	\$ 1,239.00	
Police - Patrol	Professional Services	10-511-4500	\$ 1,239.00	
<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
General Fund	Miscellaneous Revenue	10-335-0000	\$ 6,902.00	
Police - Patrol	Auto Repair	10-511-1700	\$ 6,902.00	

**J. Board Appointments**

- Appearance Commission

Town Manager Reagan Parsons provided an overview of the consent agenda.

**3. Architectural Reviews**

- A. AR-06-16 EconoLodge Façade Replacement; 408 W. Morganton Road; Petitioner, EconoLodge & Suites Hotel
- B. AR-09-15 Monroe Dental Clinic; 330 W. Pennsylvania Avenue; Stagaard & Chao Architects PLLC

#### 4. Public Hearings

##### A. Right of Way Abandonment of N. Mechanic Street & W. Rhode Island Avenue

Town Manager Parsons gave a brief overview of the item and stated approval will be based on the outcome of the request for approval of CU-01-16 or condition of the preliminary plat approval. After Council discussion, it was unanimously agreed to move item 4.B – CU-01-16 to item 4.A and item 4.A – Right-of-way abandonment of N. Mechanic Street & W. Rhode Island Avenue to item 4.B on the agenda.

##### B. CU-01-16 Conditional Use Permit: Major Subdivision Application for a Multi-Family Residential Development to include 288 Apartments; Petitioner, Caviness & Cates Building and Development Company

Town Manager Parsons explained the quasi-judicial procedures for this hearing and the possible continuation of this item for discussion at the next worksession.

##### B. Voluntary Annexation AX-01-16, 3975 Youngs Road

Senior Town Planner Kennedy gave a brief overview of this item with an ariel map.

##### C. Fiscal Year 2016-2017 Budget Presentation and Hearing

Town Manager Parsons explained the Fiscal Year 2016-2017 Budget presentation updates.

#### 5. Miscellaneous

As so incorporated to these minutes of May 4, 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 8:03 p.m.

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Peggy K. Smith  
Town Clerk

## Minutes

### Regular Business Meeting of the Southern Pines Town Council May 10, 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

#### **Pledge of Allegiance**

#### **Recognition: Appearance Commission "Sprucing Up Southern Pines" Awards**

Carol Haney, Chair of the Appearance Commission Committee introduced the committee members present and explained the purpose of the "Sprucing Up Southern Pines" awards.

Ms. Haney and Mayor McNeill presented awards to R. Riveter of 177 W. Pennsylvania Avenue, Southern Pines, VFW Post 7318 of 615 S. Page Street, Southern Pines, Gold's Gym of 120 W. Morganton Road, Southern Pines, Friend to Friend of 125 S. Bennett, Southern Pines, private residence at 565 Mechanic Street, Southern Pines and private residence of Steve Clark at 455 May Street, Southern Pines.

Mayor McNeill thanked the members of the Appearance Committee and commended them on their continued participation and contributions toward the beautification of the Town.

#### **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 March 28, 2016, Agenda Meeting Minutes of April 6, 2016 and Regular Business Meeting Minutes of April 12, 2016 as written.
- B. Resolution entering into lease with Welcome To Southern Pines Inc. to operate a Welcome Center and Cultural Museum at the downtown Train Station
- C. Close Capital Project Fund – Southern Pines Village
- D. Close Capital Project Fund – Morganton Road Bridge
- E. Project Amendment – Capital Project – Water & Sewer Improvements
- F. Establishment of General Capital Reserve Fund
- G. Close Capital Project Fund – Public Safety Communications
- H. Budget Amendment – Transfer to General Capital Reserve Fund - \$110,000

I. Budget Amendments

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
General Fund	Miscellaneous Revenue	10-335-0000	\$ 1,239.00	
Police - Patrol	Professional Services	10-511-4500	\$ 1,239.00	
<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
General Fund	Miscellaneous Revenue	10-335-0000	\$ 6,902.00	
Police - Patrol	Auto Repair	10-511-1700	\$ 6,902.00	

J. Board Appointments

Appearance Commission

- Sean McCormick May 10, 2016 – October 31, 2018 – 1<sup>st</sup> Appointment (filling vacancy)

K. Voluntary Annexation AX-01-16 3975 Youngs Road

- Resolution Directing Clerk
- Resolution Fixing Date of Public Hearing

Town Manager Reagan Parsons gave an overview of the consent agenda.

Upon motion by Councilmember Simeon, seconded by Councilmember Walden and carried unanimously 5-0, the consent agenda was approved as presented by Town Manager Parsons.

3. Architectural Reviews

A. AR-06-16 EconoLodge Façade Replacement; 408 W. Morganton Road; Petitioner, EconoLodge & Suites Hotel

On behalf of the petitioner, the EconoLodge & Suites Hotel, Mr. Robert Anderson of Anderson Architecture has submitted an application requesting Architectural Review approval for a façade replacement on the existing structure located at 408 W. Morganton Road. The property is zoned OS (Office Services) and is identified by the following: PIN: 857100873862 (PARID: 20070004).

Senior Town Planner Chris Kennedy provided a brief overview with an ariel map. Mr. Kennedy explained that the petitioner had attempted to correct some structural moisture issues of the building with unapproved vinyl siding and are now asking for a justification waiver to keep the vinyl siding that was incorporated into the façade of the building.

Mayor Pro Tem Fields stated he moves to approve AR-06-16 EconoLodge Façade Replacement; 408 W. Morganton Road with the understanding that Town Council is waiving the requirement of 80% brick façade due to the conditions and to permit the retention of the vinyl siding that is currently installed because the vinyl siding will be attached to the brick veneer which provides equal or greater durability and the vinyl siding is less than 50% of the surface area of the façade being replaced and secondly per section 4.3 of the Town's landscape ordinance, that four long leaf pine trees will be planted that meet the landscaping requirements of section 4.3.

Senior Town Planner Kennedy stated that section 4.3 of the Town Ordinance requires that the long leaf pines to be planted shall have a minimum of a 2" (inch) caliper in width and 8' (feet) in height at the time of planting.

This motion was seconded by Councilmember Walden and carried unanimously 5-0 being approved.

**B. 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.

Senior Town Planner Kennedy explained the purpose of the request and the reason the petitioner has revised their original request to comply with Town Ordinances.

Mayor Pro Tem Fields stated he moves to approve AR-09-15 Monroe Dental Clinic; 330 W. Pennsylvania Avenue. This motion was seconded by Councilwoman VanCamp and carried unanimously 5-0 being approved.

**4. Public Hearings**

**A. CU-01-16 Conditional Use Permit: Major Subdivision Application for a Multi-Family Residential Development to include 288 Apartments; Petitioner, Caviness & Cates Building and Development Company**

On behalf of the petitioner Caviness & Cates Building and Development Company, Mr. Bob Koontz of Koontz Jones Design is requesting a development project that will require a Conditional Use Permit application for a multi-family residential development off of US Highway 1 North and NE Service Road. Per Section 4.10.8 of the Unified Development Ordinance, no multi-family development may include more than ten (10) dwelling units except pursuant to a Planned Development or Conditional Use Permit (CUP) approval. The proposed development consists of an apartment project to include two-hundred eighty-eight (288) dwelling units, thereby the proposal will require a CUP. The subject property is comprised of approximately 25.59 acres in the OS (Office Services) and RM-2 (Residential Multi-Family 2) zoning classifications. The property is identified by the following: PIN: 858214321933 (PARID: 00039174); PIN: 858217214672 (PARID: 00032830); and, PIN: 858217213440 (PARID: 00032829). Per the Moore County Tax records, the property owner(s) are listed as MLC Automotive LLC and the Town of Southern Pines.

Mayor McNeill explained the public hearing process, the quasi-judicial procedures and the conditional use permit procedures.

Mayor McNeill swore in all interested witnesses wishing to provide testimony.

Mayor McNeill asked for full disclosure of any Councilmembers regarding possible conflicts of interest with this item (CU-01-16).

Councilmember Simeon stated that he received two emails regarding this item (CU-01-16) and he responded to both emails stating he could not speak on the subject. Mr. Simeon also stated that he drove by the property.

Mayor Pro Tem Fields stated on April 21, 2016 at the meeting of the Southern Pines Business Association, Mr. Pete Mace brought the proposed site plans for this project to this meeting and asked members to attend the upcoming Planning Board meeting. Mr. Fields stated that Ms. Suzanne Coleman obtained a copy of the site plans from Mr. Mace at that time and brought it over to him and asked him if he had previously seen the plans. Mr. Fields stated he told Ms. Coleman that he had not seen this version of the site plans and the only version he had viewed was presented at a previous Council Worksession Meeting. Mr. Fields stated Ms. Coleman asked for his reaction to the plans she presented before him and after he realized this was possibly part of a future conditional use permit application, he told Ms. Coleman that he could not comment any further on the item. Mr. Fields stated on May 1, 2016 he made a site visit and walked the property to get a feel of the topography as well as locate the sited paper streets that bisect the property. Mr. Fields stated he also drove on each of the neighboring streets and the adjacent service road.

Councilwoman VanCamp stated she made a brief site visit.

Mayor McNeill stated he received an email several weeks ago from Mr. Chris Smithson regarding his concerns with this project and traffic issues. Mr. McNeill stated he did not respond to Mr. Smithson's email. Mayor McNeill stated he did drive down W. Rhode Island Avenue, which is adjacent to this property.

Councilmember Walden stated he made a site visit to Mechanic Street, which adjoins this property and has been requested to close.

There were no voiced attorneys present in representation of this item (CU-01-16).

Senior Town Planner Kennedy provided a detailed overview and referred to an ariel map which consisted of 288 apartment units. Mr. Kennedy explained the criteria required for a conditional use permit. Mr. Kennedy stated on behalf of the Planning Board, although they did vote to recommend approval of this request, they do want it noted that they have concerns of traffic issues with this project as presented and would like more information from a completed traffic impact study. Mr. Kennedy stated per RULAC, this tract does lie in an inactive red cockaded woodpecker cluster and US Fish & Wildlife have recommends that the property be surveyed and studied for more conclusive red cockaded woodpecker impacts. Mr. Kennedy stated with this application, the petitioner will be asking for 5/70 exemption for the watershed and storm water requirements. Mr. Kennedy stated along with and in conjunction with the CUP, there is a watershed protection permit as well as a right-of-way abandonment that will be a separate public hearing in the event the CUP is approved.

Senior Town Planner Kennedy stated the petitioner has submitted Exhibit A – Criteria for the Conditional Use Permit, Exhibit B – Criteria for the Preliminary Plat, Exhibit C – explanation of compliance with the CLRP, and exhibit D – the applicant's version of how they comply with the standards of the UDO. Mr. Kennedy continued by referring to an ariel map of the property and explained the watershed requirements and traffic study information that was compiled.

Councilwoman VanCamp asked if this property was within the Downtown overlay and asked if they had met those requirements.

Mr. Kennedy responded in the affirmative.

Councilmember Walden inquired what the ingress and egress future intentions of the State are for the service road entrance.

Senior Town Planner stated that would be addressed in the future if this project proceeds.

Councilmember Simeon asked if this were approved and the impervious was addressed, how much would be left.

Senior Town Planner replied it would be under 24% if approved as presented with the granted 5/70 allocation.

Bob Koontz was present representing Caviness & Cates and discussed the proposed site plans, TIA study results, and compiled marketing analysis results via slide show. Mr. Koontz submitted Exhibit G – US Department of the Interior Fish and Wildlife Service Letter.

Mayor McNeill stated Exhibit E – is page 4-71 of the UDO, and Exhibit F – is page 4-72 of the UDO.

Mr. Koontz submitted Exhibit H – Southern Pines Site Draft Apartment Market Analysis and explained the results and site plans.

Mayor Pro Tem Fields stated they encourage new developments to consider a neighborhood park and asked if they would consider incorporating one for kids and pets.

Discussion ensued regarding density and buffering of the property.

Richard Adams, Transportation Planner and Traffic Engineer of Kimley Horn discussed the Traffic Impact Analysis results he had conducted at residential am and pm peak hours with his recommendations.

Discussion ensued regarding current and future traffic patterns, sidewalks, width of roads, accessibility of emergency vehicles, safety concerns and possible suggestions for better traffic flow.

Mr. Koontz discussed a neighborhood meeting that took place, comparisons to similar apartment complexes in the area, expected traffic flow, property grade, buffers, landscaping, clubhouse elevation, pedestrian gate, sidewalk connections, etc.

Council retired to recess at 8:59 p.m.

Council reconvened at 9:04 p.m.

Mayor McNeill swore in several more witness speakers.

Mayor McNeill stated Mr. Koontz's slide presentation will be considered Exhibit - I and Mr. Smithson's presentation will be considered Exhibit - J.

Chris Smithson of 920 N. Saylor Street, Southern Pines stated his credentials to provide expert testimony on this project. Mr. Smithson referred to slides (Exhibit – J) and discussed the CLRP, other adopted plans, existing conditions of the neighborhood, traffic impact, safety issues, historical character of the buildings and ordinance compliance.

Discussion ensued regarding exact footage between the proposed buildings and ordinance compliance.

Kathleen Ashbury of 600 W. Rhode Island Avenue, Southern Pines stated she lives on the corner where all of this traffic will ingress and egress and the traffic is already congested and visibility is low. Ms. Ashbury asked how are they planning on widening a road that is already very narrow and has traffic backed up. Ms. Ashbury stated if they are going to install a gate, how is she going to be able to access her driveway with the backed up traffic.

Sarah Jane Harmon of 31 Village in the Woods, Southern Pines stated she spent the afternoon walking the neighborhood and speaking with the residents regarding the proposed information for this project. Ms. Harmon stated most of the people she spoke with didn't know anything about the project plans for this apartment complex. Ms. Harmon continued discussing her concerns regarding protection of existing zoning ordinances, architectural inconsistencies, highly questionable traffic expectations, economical threat to the existing neighborhoods and the Town. Ms. Harmon expressed her concerns that not enough time has been allowed for the community to provide proper input and she requested this public hearing be considered to be continued.

Greg Zywocinski of 230 Grove Road, Southern Pines commented he has lived in Southern Pines for 31 years and listed his expertise in real estate in this area. Mr. Zywocinski agreed with everything Mr. Smithson has presented and discussed the current Town ordinances. Mr. Zywocinski stated the current traffic in that area is not safe as it stands today and he cannot imagine increasing the traffic in that area, due to how dangerous this would be, especially on US #1. Mr. Zywocinski state this will be a massive apartment complex and the impact will be massive as well with 288 apartments. Mr. Zywocinski asked if this is where we want to go with our distinctive community, like Fayetteville with the military influx and crowding.

Bob Koontz discussed verifying the exact footage between the proposed buildings and ordinance compliance.

Senior Town Planner Kennedy provided site plan drawings with a measuring scale and commented staff has verified that the 200 feet is not there and interpreted the ordinance and stated the 10 dwelling maximum does not apply.

Discussion ensued regarding ordinance interpretation and application of the UDO, traffic information and traffic speed and visibility.

Upon motion by Mayor Pro Tem Fields, seconded by Councilman Walden and carried unanimously 5-0, the public hearing discussion for CU-01-16 will be continued at the Council Worksession Meeting on Monday, May 23, 2016 at 3:00 PM where no action will be taken and it will held at the Douglass Center at 1185 W. Pennsylvania Avenue if it is available. The change of venue will be due to the expected higher attendance and the open public hearing will be continued to the June 14, 2016 Regular Business Meeting.

Mayor McNeill stated there will not be any action taken at the May 23, 2016 Worksession meeting and the open public hearing for CU-01-16 will be continued to the regularly scheduled June 14, 2016 Regular Business Meeting of Council at the Douglass Center, 1185 W. Pennsylvania Avenue.

Town Manager Parsons stated the notice of venue change for the May 23, 2016 Worksession will be advertised in the Pilot, posted on the Town Website, and posted on the bulletin board outside of the Administration building as well as all other designated sites.

Council retired to recess at 10:15 PM.

Council reconvened at 10:20 PM.

#### **B. Right of Way Abandonment of portions of N. Mechanic Street & W. Rhode Island Avenue**

This item was not opened publically for discussion nor any action or discussion took place regarding this item due to the continuation of the public hearing for CU-01-16 and will be moved to a miscellaneous item on a future agenda concluding the disposition of CU-01-16.

#### **C. Fiscal Year 2016-2017 Budget Presentation and Hearing4.B**

Town Manager Parsons provided an overview of the Fiscal Year 2016-2017 Budget updates. Mr. Parsons thanked staff and Crystal Gabric, Finance Director for the continued successful fiscal year budget compleiment. Mr. Parsons stated the Town of Southern Pines has no bonded debt owed at this time.

Mayor McNeill opened the public hearing.

No voiced comments were made at this time.

Upon motion by motion by Mayor Pro Tem Fields, seconded by Councilman Simeon and carried unanimously 5-0, the Fiscal Year 2016-2017 Budget hearing was closed.

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

David Hensley of 60 Whinhill Ct., Southern Pines stated there are two signs in this building that concern him regarding concealed handguns and protecting your property, and he suggests that an officer be present for meetings to insure more protection, since you cannot carry a handgun in the building.

Chris Smithson stated there is a dilapidated van located on in front of SNS on Massachusetts Avenue is an eyesore and it's been parked on the street for several months with flat tires and no license plate.

As so incorporated to these minutes of May 10, 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 10:43 p.m.

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Peggy K. Smith  
Town Clerk

**AN ORDINANCE  
AMENDING THE UNPAVED STREET PROJECT BUDGET**

**BE IT ORDAINED**, by the Town of Southern Pines Town Council, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project budget is hereby amended:

Section 1: The project authorized is for the purpose of paving unimproved Town streets.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following additional amounts are appropriated for the project:

Construction	<u>\$92,500</u>
Total Additional Project Appropriation	<u>\$92,500</u>

Section 4: The following additional revenues are anticipated to be available for this project:

Transfer In- General Fund	<u>\$92,500</u>
Total Additional Project Revenues	<u>\$92,500</u>

Section 5: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 6: This amended ordinance becomes effective July 1, 2016.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 14, 2016 as shown in the minutes of the Town Council for that date.

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

**AN ORDINANCE  
AMENDING THE DOWNTOWN PARK PROJECT BUDGET**

**BE IT ORDAINED**, by the Town of Southern Pines Town Council, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project budget is hereby amended:

Section 1: The project authorized is for the purpose of renovating the Downtown Park.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following additional amounts are appropriated for the project:

Construction	<u>\$150,000</u>
Total Additional Project Appropriation	<u>\$150,000</u>

Section 4: The following additional revenues are anticipated to be available for this project:

Transfer In- General Fund	<u>\$150,000</u>
Total Additional Project Revenues	<u>\$150,000</u>

Section 5: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 6: This amended ordinance becomes effective July 1, 2016.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 14, 2016 as shown in the minutes of the Town Council for that date.

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Peggy K. Smith, Town Clerk

**AN ORDINANCE  
AMENDING THE STORM WATER IMPROVEMENTS PROJECT BUDGET**

**BE IT ORDAINED**, by the Town of Southern Pines Town Council, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project budget is hereby amended:

Section 1: The project authorized is for the purpose of designing, installing and improving storm water infrastructure.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following additional amounts are appropriated for the project:

Construction	<u>\$100,000</u>
Total Additional Project Appropriation	<u>\$100,000</u>

Section 4: The following additional revenues are anticipated to be available for this project:

Transfer In- General Fund	<u>\$100,000</u>
Total Additional Project Revenues	<u>\$100,000</u>

Section 5: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 6: This amended ordinance becomes effective July 1, 2016.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 14, 2016 as shown in the minutes of the Town Council for that date.

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Peggy K. Smith, Town Clerk

**AN ORDINANCE  
AMENDING THE WATER & SEWER IMPROVEMENTS CAPITAL PROJECT FUND**

**BE IT ORDAINED**, by the Town of Southern Pines Town Council, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project budget is hereby amended:

Section 1: The project authorized is for the purpose of funding improvements to the water and sewer distribution and collection system.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following additional appropriation for the project:

Construction – Water Distribution System	\$500,000
Construction – Sewer Collection System	<u>400,000</u>
Total Additional Project Appropriation	<u>\$900,000</u>

Section 4: The following additional revenue is appropriated for this project:

Transfer In – Utility Fund	\$900,000
Total Additional Project Revenues	<u>\$900,000</u>

Section 5: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section : This amended ordinance becomes effective July 1, 2016.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 14, 2016 as shown in the minutes of the Town Council for that date.

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

**CAPITAL PROJECT ORDINANCE  
RECREATION IMPROVEMENTS PROJECT**

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

Section 1: The project authorized is to establish a fund for the purpose of various recreational park improvements

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following amount is appropriated for the project:

Construction	<u>\$80,000</u>
Total Project Appropriation	<u>\$80,000</u>

Section 4: The following revenue is anticipated to be available to complete this project:

Transfer In- General Fund	<u>\$80,000</u>
Total Project Revenues	<u>\$80,000</u>

Section 5: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 6: This ordinance becomes effective July 1, 2016.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 14, 2016 as shown in the minutes of the Town Council for that date.

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

**CAPITAL PROJECT ORDINANCE  
SIDEWALKS – PHASE II PROJECT**

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

Section 1: The project authorized is to establish a fund for the purpose of constructing additional and repairing and modifying existing sidewalks in the Town.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following amount is appropriated for the project:

Construction	<u>\$150,000</u>
Total Project Appropriation	<u>\$150,000</u>

Section 4: The following revenue is anticipated to be available to complete this project:

Transfer In- General Fund	<u>\$150,000</u>
Total Project Revenues	<u>\$150,000</u>

Section 5: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 6: This ordinance becomes effective July 1, 2016.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 14, 2016 as shown in the minutes of the Town Council for that date.

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

**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 14th day of June, 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	Fund Balance Appropriations	10-397-1000	\$ 12,000.00	
Legislation	Special Appropriations	10-410-6300	\$ 12,000.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 14, 2016 as shown in the minutes of the Town Council for that date.

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

**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 14th day of June, 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	\$ 20,060.00	
Building & Grounds	Building & Grounds	10-640-1500	\$ 20,060.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 14, 2016 as shown in the minutes of the Town Council for that date.

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

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



Date: June 2, 2016

To: Town Council

CC: Reagan Parsons, Town Manager; Peggy Smith, Town Clerk; Crystal Gabric, Finance Director; Ron Istre, Utilities Superintendent

From: Adam Lindsay, Assistant Town Manager

RE: Amendment to Chapter 50, Water and Sewer Use, Appendix: Rates, Fees and Charges; Code of Ordinances, Town of Southern Pines

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Please adopt the attached Amendment which will codify the decision made during the FY 16-17 Budget process to increase Sewer rates by 2% in accordance with the cost increase passed along to the Town from Moore County.

Upon adoption, the new rates will become effective the first full billing period after July 1, 2016.

**AMENDMENT TO CHAPTER 50, WATER AND SEWER USE,  
APPENDIX: RATES, FEES AND CHARGES  
CODE OF ORDINANCES  
TOWN OF SOUTHERN PINES**

**BE IT ORDAINED** by the Town Council of the Town of Southern Pines, North Carolina, in regular session assembled this 14 day of June, 2016 that Chapter 50, Water and Sewer Use, Appendix: Rates, Fees and Charges of the Code of Ordinances be amended as follows:

1. Change APPENDIX A: RATES, FEES AND CHARGES to adjusted fees as follows:

Section (B)(1)

- (a) To property within the town limits \$5.24
- (b) To property outside the town limits \$10.48

Section (B)(3) Table

Sewer Rates (no volume) Meter Size	Fee	
	In Town	Out of Town
3/4"	\$4.48	\$8.96
1"	\$5.84	\$11.68
1-1/2"	\$9.64	\$19.28
2"	\$15.00	\$30.00
3"	\$30.26	\$60.52
4"	\$50.60	\$103.20
6"	\$112.68	\$225.36
8"	\$198.16	\$396.32
Cost per 1000 gallons	\$5.24	\$10.48

**Commented [R11]:** Inserted table; changed format for readability. These are unchanged rates, except for the cost per 1000 gallons.

**This amendment shall become effective with the first full billing period after July 1, 2016.**

**Adopted this 14<sup>th</sup> day of June, 2016.**

**I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June, 14, 2016, as shown in the minutes of the Town Council for that date.**

\_\_\_\_\_  
Clerk of the Town of Southern Pines

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



Date: May 12, 2016  
To: Town Council  
CC: Reagan Parsons, Town Manager; Peggy Smith, Town Clerk  
From: Adam Lindsay, Assistant Town Manager  
RE: Town Code of Ordinances, Chapter §101: Trees

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This section of the Code has been in the spotlight for some time and staff continues to work through questions and concerns in an attempt to make the ordinance clear and in line with Council's policy directives. We believe Council's intent is that the ordinance promote healthy trees throughout Town and discourage the illegal removal of right-of-way trees via appropriate but not drastically punitive consequences. Finding this balance has been challenging but insightful as we have learned what other North Carolina communities are doing respecting the same. We have listened to citizen input on this matter and incorporated some but not all of those recommendations into these newest revisions.

Southern Pines is a proud Tree City USA recipient for 36 consecutive years. Chapter §101 of the ordinance is part of the reason we are recognized by the Arbor Day Society.

Modifications to *§101 Trees* were presented to Council at the March 28, 2016 Work Session and new revisions are attached for your consideration. We believe these changes follow the intent and directives previously discussed.

For consistency throughout *§101 Trees*, modifications to remove unnecessary language regarding who and what is a "Person" is recommended. This does not change current interpretation of the ordinance.

Much of the discussion with the public and Council has been regarding the interpretation of how to calculate a tree's caliper and the appropriateness of existing punitive consequences.

Staff's concern regarding both has been to consider how this ordinance will impact a person that unknowingly but illegally removes a tree. Our experience is that the offender is generally a citizen that believes they are doing the right thing and when they find out they did not, want to

make amends. Replacing trees can be very costly and thus determining replacement value and sizes is paramount.

As previously presented, staff does not recommend calculating the replacement trees using a cumulative measurement of the entire stump or cross section. General consensus at the March Work Session was that that approach would put Southern Pines at the top of the punitive approach to enforcement when compared to other North Carolina communities. The latest revisions to §101.23(E)(4) are intended to make the ordinance as clear as possible so as to avoid open interpretation of how to calculate size.

A staff driven policy question remains regarding Council and staff's level of involvement in the appeal process.

§101.23(C) was included in the revised version because that was the general practice. We have since decided it is cleaner to follow the original codified process which is to ask the Town Horticulturist to investigate and render a decision that is then appealable to the Tree Committee as stated in §101.27.

§101.27 Appeal and Review currently reads:

Decisions of the Town Horticulturist or designated Town agent may be appealed through the Appearance Commission Tree Committee for their recommendations to the Town Manager within 5 days notice of the decision. In the event of an unfavorable ruling, the appeal may be reviewed by the Town Council and a final decision rendered.

§101.23 (G) below is a possible modification and would be added to and replace some of §101.27 cited above. It might read:

Any decision by Town Horticulturist 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.

Should we stay with the current process or make changes?

Lastly, language was reinserted under §101.23 (H), similar to what is found in the current Code, regarding Town authorized right-of-way work regardless of whether or not they are NC Department of Transportation owned.

*Please Note: Lettering and numbering will be adjusted sequentially based on final modifications.*

1. Add the following definitions to § 101.03:

**PERSON.** As defined in §10.05

**TOWN HORTICULTURIST.** An individual designated by the Public Services Director to administer any provision of this chapter.

2. Modify § 101.22 to read as follows:

**§ 101.22 PLANTING, PRUNING, AND TRIMMING TREES**

(A) The Town Tree Committee shall promulgate standards for the manner and extent of planting, pruning, or trimming trees, shrubs, or plants now or hereafter growing in the public rights-of-way of the Town. The standards shall be designed to protect and at the same time to preserve existing trees, shrubs, and plants; to provide for the safety of persons and property within the Town; to assure unimpeded traffic flow on the Town streets; and to assure the reasonable needs, uses, and upkeep of water, sewer, and other utility lines. The Committee shall cause the standards to be published and copies thereof to be made available to all persons on request.

(B) It shall be unlawful for any person, ~~firm, or corporation~~ to prune or trim trees, shrubs, or plants growing in the public rights-of-way of the Town except in accordance with the published standards. The Town Horticulturist or designated Town agent, after consultation with the Town Manager or designee, may waive the standards to

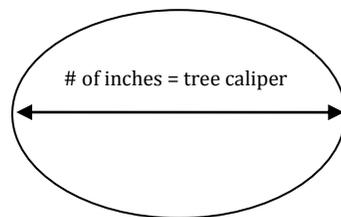
accommodate unusual circumstances after an examination of the situation and consultation with involved parties.

### 3. Modify § 101.23 to read as follows:

#### § 101.23 REMOVING TREES

- (A) It shall be unlawful for any person, unless otherwise authorized, to remove **or cause to remove** a tree from a right-of-way or from town-owned property without written authorization from **Town Horticulturist**.
- (B) **Town Horticulturist** shall issue a permit authorizing tree removal only when, after application is made, **Town Horticulturist** determines that the tree's removal is reasonably necessary for health, safety, or welfare.
- ~~(C) The **Town Horticulturist** 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 **Town Horticulturist**.
- (E) Unless **Town Horticulturist** 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 **Town Horticulturist**, applying these criteria:
  - 1) the replacement shall provide benefits **equivalent** 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 (**measured at its widest diameter**) 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 removed tree has a caliper equal to, or greater than four inches, it may be replaced by two or more trees with a caliper of at least two inches and a cumulative caliper equal to or greater than the tree removed.**



- 5) Unless replacement is completed by the authorized deadline, an acceptable one year 125% security shall be provided in the form of a performance bond, letter of credit, cash, or cash escrow in an amount determined by **Town Horticulturist** to be the cost to the town for estimated material and labor for the replacement, with any amount not used to be returned at the end of the one-year period.
- (F) If the tree cannot be satisfactorily replaced, then the person who removed the tree is liable to the town for the amount that **Town Horticulturist** determines as the cost of a suitable replacement had that been possible.

- ~~(G) Any decision by Town Horticulturist 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.~~
- (H) Town authorized projects do not need permission from the North Carolina State Department of Transportation when working on their rights-of-way.

#### 4. Modify § 101.25 to read as follows:

##### § 101.25 LICENSE AND BOND

(A) It shall be unlawful for any person ~~or firm~~ to engage in the business or occupation of planting, pruning, or removing trees to remove any park trees or trees in **any** public street right-of-way without having a required license and without complying with the provisions of division (B) below of this section.

(B) All persons, ~~firms, or occupations~~ now or hereafter engaged in the business of planting, pruning, removing, or trimming trees, limbs, or shrubs in the public rights-of-way of the Town shall, prior to the commencement of work, register with the Town Horticulturist or designated Town agent and file with the Town or show evidence of a bond or a liability insurance policy of not less than \$1,000,000 providing for the payment of just compensation to all persons sustaining injury or damage on account of the former's negligence or unlawful acts while pruning, trimming, cutting, or removing trees or limbs within the Town. Public service endeavors are not required to post a bond or liability insurance policy but will, nonetheless, be held responsible for failure to comply with the standards established by this chapter and are liable for any resulting damage to public or private property. At the time of registration, the Town Horticulturist or designated Town agent

shall furnish to the parties so registering a copy of the published standards for planting, pruning, and cutting trees and shrubs and also complete information as to all provisions of this chapter.

## 5. Consider modifications to § 101.27

### **§ 101.27 APPEAL AND REVIEW**

Decisions of the Town Horticulturist or designated Town agent may be appealed through the Appearance Commission Tree Committee for their recommendations to the Town Manager within 5 days notice of the decision. In the event of an unfavorable ruling, the appeal may be reviewed by the Town Council and a final decision rendered.

Or

Any decision by Town Horticulturist 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.

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



Date: May 6, 2016  
To: Town Council  
CC: Reagan Parsons, Town Manager; Peggy Smith, Town Clerk  
From: Adam Lindsay, Assistant Town Manager  
RE: Water Treatment Plant Contract

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The current contract to operate the Town's Water Treatment Plant will expire on June 30, 2016. In the fall of 2015 Town staff solicited a Request for Qualifications and received two vendor responses, one of which was from the current vendor/operator Suez. Staff met with both vendors and listened to their presentation on their qualifications to provide this service. Ultimately, staff asked both vendors to respond to a Request for Proposals in order to compare prices.

After a lot of deliberation, staff recommends that the Town continue its contractual partnership with Suez for an additional five years. Staff has had very little problems working with Suez and the few areas of concern were satisfactorily addressed during this process.

The cost (\$824,502) for the first year of the new five year term will actually be flat with the current year. Subsequent annual amounts may be adjusted per Consumer Price Index and Employment Cost Index, as is currently the case. The potential to add supplemental services will be discussed directly with Suez in the coming months and years ahead. We believe our relationship will be stronger than ever after going through this process.

One of the advantages of having a third party operate the Town's plant is that they provide assurances of compliance and operation in an extremely regulatory environment. They keep up with and submit required testing and provide timely and accurate responses to manmade and natural conditions. A third party, like Suez, has an advantage over a municipality like us by having multiple regional options for experienced operators that possess the necessary distribution licenses.



SUEZ Water Environmental Services Inc.  
Nadine Leslie, President  
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Paramus, NJ 07652  
(201) 750-3400  
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April 21, 2016

Mr. Adam Lindsey  
Director of Public Works  
Assistant Town Manager  
140 Memorial Park Court  
Southern Pines, NC 28387

**RE: Cover Letter to the 2016 Proposal for the Operation and Maintenance of the Town of Southern Pines, North Carolina's Water Treatment Plant**

Dear Mr. Lindsey,

SUEZ Water Environmental Services Inc. ("SUEZ") thanks you for the privilege to perform the services outlined in the enclosed Proposal for the Operation and Maintenance of the Water Treatment Facility for the Town of Southern Pines, North Carolina ("the Agreement"), dated April 2016. The purpose of this correspondence is to serve as the cover letter to the Agreement between SUEZ and the Town of Southern Pines for a five (5) year term, effective from July 1, 2016 through June 30, 2021, as well as to formally memorialize the parties' understanding of the provisions relating to "Value Added Services" as outlined in the Agreement.

It is understood that page 52 of the Agreement outlines that the annual fixed fee for this Agreement shall be Eight Hundred Twenty Four Thousand Five Hundred Two Dollars (\$824,502.00) or Sixty Eight Thousand Seven Hundred Eight Dollars and Fifty Cents (\$68,708.50) per month. In addition to this fixed fee, which covers the base operational and maintenance services to be performed by SUEZ, please note the section titled "Value Added Services", referenced on pages 49-52 of the Agreement. These "Value Added Services" include some additional work not considered a part of the scope of services included in the aforementioned fixed fee structure. Each of these additional services are itemized in the Agreement as options to be exercised by the Town of Southern Pines, with separate payment being due to SUEZ at the completion of the work contemplated therein. It is hereby agreed and understood by the parties that the performance of any "Value Added Service" by SUEZ shall be at the sole option of the Town of Southern Pines. It is further agreed and understood that any and all costs associated with the "Value Added Services" shall be calculated at such time that the Town of Southern Pines chooses to exercise the option related to the particular additional work it wishes to have performed by SUEZ.



SUEZ is tremendously proud of the accomplishments we have made during our time in Southern Pines as well as the strong relationships we have built with the members of your community. We would like to again thank you for the opportunity to continue to provide high quality water treatment facility operation and maintenance services.

If the foregoing as well as the attached Agreement is acceptable to you, kindly sign below as well as on page 47 of the Agreement and return a fully executed copy of both documents to SUEZ, Attn: Carla Krueger, Senior Paralegal, 461 From Road, Suite 400, Paramus, New Jersey 07652.

Should you have any questions or would like to discuss this matter further, please do not hesitate to contact Regional Manager Gary Stainback at (336) 766-0270.

Sincerely,

A handwritten signature in blue ink that reads "Nadine Leslie".

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Nadine Leslie  
President, SUEZ Water Environmental Services Inc.

Accepted, Agreed to, and Approved by Director Adam Lindsay, as of this \_\_\_\_ day of \_\_\_\_\_ 2016.

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*Signature*

Mr. Adam Lindsay  
Director of Public Works/Assistant Town Manager  
Town of Southern Pines, North Carolina

## EXECUTIVE SUMMARY

Since 1991, SUEZ has successfully operated the Town of Southern Pines' water treatment plant providing high quality drinking water to more than 12,000 residents. SUEZ is very pleased to submit a Proposal pursuant to the Request for Proposals released by the Town and in March 2016.

As an experienced owner, operator and lessor of water systems throughout the United States and more particularly in North Carolina, SUEZ is uniquely qualified to bring industry best practices to the Town's water treatment system. We bring robust operations and maintenance plans and extensive capital improvement experience that ensures the Town's assets continue to be improved, operated, maintained and managed in the most cost-effective and efficient manner. The ultimate goal of this approach is to enhance life-cycle value of the Town's assets and mitigate future rate increases.

In our Proposal, we present our references as well as our strategies for building on the successes of our current public-private partnership arrangement aimed at bringing technical solutions to consistently meet all environmental and system requirements. Based on our previous experience and our thorough knowledge of the Town's water production system, we embrace this initiative in which the final goal is to deliver the best value-for-money and high-quality sustainable water to the citizens of Southern Pines.

### **A seasoned and successful operator with innovative ideas for the future**

During our bid preparation, we invested significant time engaging with our current operational staff to leverage our understanding of the key challenges and to identify the various areas for improvement on the water treatment system.

For example, we highly recommend implementing a Computerized Maintenance Management System (CMMS) within the first six months of the new contract term, as a tool to support and improve our current maintenance and business processes.

We would also like to offer an evaluation of the Town's water treatment facility which will provide critical information regarding the status of the existing asset as well as useful recommendations for future operational needs, regulatory requirements and capital planning. This analysis will complement the recent study done by the Town's consultants on the water distribution system.

### **SUEZ' Short/Medium Term Goals**

- ✓ **Further improve system efficiency** by optimizing Operational Practices, putting in place a new Computerized Maintenance Management System (CMMS) and offering additional maintenance work for one of the elevated water storage tanks
- ✓ As the only private water company operating SUPERPULSATOR® treatment systems in North Carolina, **continue to supply the Town with 24/7 high quality drinking water**
- ✓ **Offer an evaluation of the water treatment facility** similar to the recent distribution study provided by the Town's consultants, in order to anticipate future operational needs and regulatory requirements
- ✓ **Offer additional and innovative services** for the O&M of the Town's water distribution

In addition to the current scope of services, SUEZ can offer additional services and support that would optimize the Town's water and wastewater systems O&M. In particular some of the areas that are available include:

- Non-revenue water reduction program (including pressure management)
- Distribution system management
- Collection system management
- Maintenance and repairs of the sewer pumping stations
- Capital Program Management

**From a transition perspective, as the current operator, our team is already in place and will “hit the ground running” with a no-risk transition period for the water treatment facility O&M.**

#### **A Communication and Stakeholder Plan**

Communication, social responsibility and development of people will be the cornerstone of our success. For all the above mentioned offers and due to the nature and importance of this contract, we have nominated appropriately experienced and qualified people blending our strong local knowledge with an extensive collaborative contracting experience. Our experience has shown that constructive and trustworthy interaction with stakeholders is critical to ensuring a successful public-private partnership and achieving the Town's objectives in an environment of change. Our selected team will ensure that strong existing relationships are fostered with all of Southern Pines' stakeholders.

We are excited to commit the best resources of our companies and to offer our SUEZ team as a committed and long-term partner to the Town in the delivery of safe, reliable and secure water services.

## I. SCOPE OF WORK

SUEZ has a thorough understanding of the project requirements and stands ready with a knowledgeable project team reinforced by extensive local, regional and corporate resources to provide successful long-term operations for the Southern Pines Water Treatment Facilities into the next contract term.

SUEZ will continue to operate the Town's water treatment facility in a safe, reliable and compliant manner, manage the day-to-day operations of the facility, operate the facility in a manner that meets all applicable federal and state regulations, and provide appropriate maintenance of the equipment.

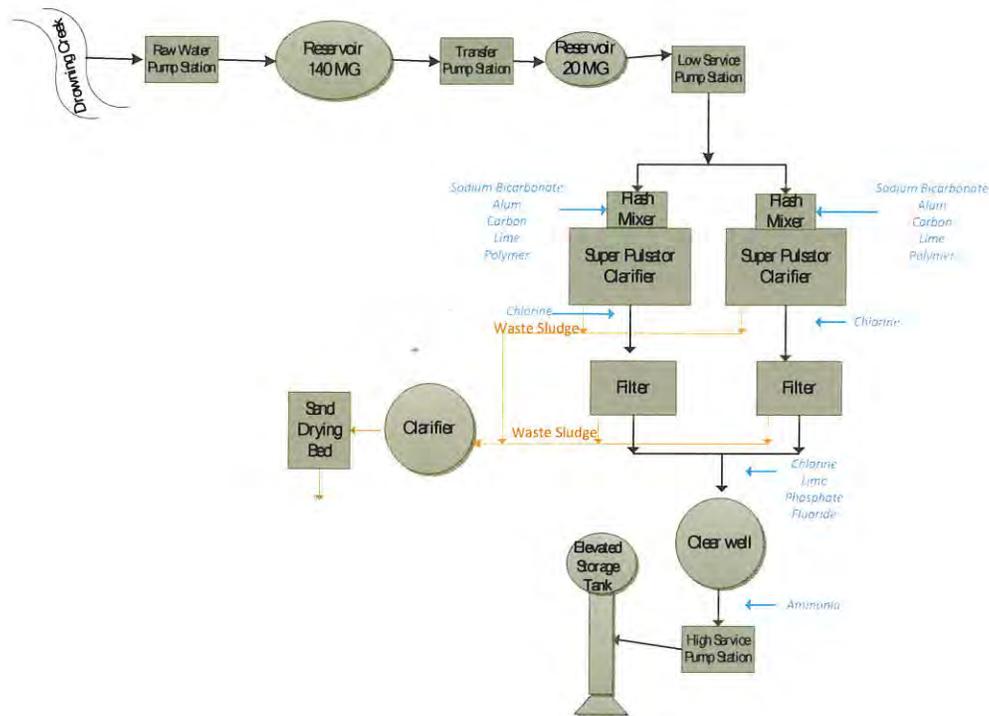
The Town of Southern Pines provides water service for its customers through its publicly owned water treatment facility.

The Town's Water Treatment Facility (WTF) is an 11.0 million gallon per day (MGD) design capacity conventional water treatment facility. The source of water for the treatment facility is Drowning Creek. Two raw water pumps are provided to transfer water from Drowning Creek to the WTF.

The treatment scheme includes chemical addition, flocculation, sedimentation and filtration. The treated water is disinfected by chloramination and final pH adjustment is available. The treated water is stored in an onsite clear well.

Water is then transferred on demand to storage tanks and to customers on the system. The following figure provides a schematic of the current Southern Pines WTF operation.

### ***Current Southern Pines WTP Operation***



Water production at the WTF currently averages 3.5 mgd.

With the presentation of this proposal, SUEZ offers to provide the Town with the expertise and manpower necessary to perform all required operation and maintenance functions to properly operate and maintain the Southern Pines WTF. Specifically, SUEZ will operate the plant in accordance with the rules and regulations established by the U.S. Environmental Protection Agency (USEPA), North Carolina Environment and Natural Resources. SUEZ will serve as the Town's liaison and representative in matters related to the operation and maintenance of the WTF including regulatory agencies and local governments.

SUEZ has a clear understanding of the Scope of Work required to successfully operate and maintain the Town's WTF. We are uniquely qualified to meet the needs of Southern Pines as we have 24 years of experience providing successful, compliant operations, maintenance and management to the Town.

The full resources of SUEZ will be available to the Town to review and/or assist in their environmental control program and to provide recommendations for optimizing and/or upgrading the performance of the WTF.

This proposal agreement is based on a 5 year term with options to renew or extend. This information along with cost and insurance levels are provided in Section VIII of this document.

## II. PERSONNEL

### ***Project Team***

As a leading service provider in the industry, SUEZ understands that our people are what makes the difference and are the key to a successful partnership. This is particularly true in Southern Pines where a close working relationship with the Town staff and residents is absolutely critical. Our on-site team is the foundation of our staffing plan and is supported by a large network of local, regional and corporate resources. We understand that our team is the eyes and ears of the Town and the need for us to act quickly and respond to emerging issues. Our team will focus on being highly responsive to the Town's needs and being available on a 24/7 basis.

#### **Gary Stainback, Regional Manager – North Carolina Projects**

Gary Stainback will provide management and operational support to the project activities as well as to the Project Manager on an ongoing basis. Mr. Stainback will also be available for routine project meetings and Town meetings as needed to support any project activities. With over 29 years of operations and management experience with water and wastewater facilities in North Carolina, Mr. Stainback possesses a working knowledge of numerous design processes, including conventional water treatment, advanced wastewater treatment, biological nutrient reduction and treatment of industrial waste streams. He has a firm understanding of federal and North Carolina's water and wastewater regulations. He was involved with the initial start-up of the Southern Pines WTP O&M Project in 1991 and has directly provided management and technical support to the project for over 24 years. Mr. Stainback is a North Carolina A-Surface license-certified operator. Mr. Stainback is located in the SUEZ Clemmons, NC Regional Office and is readily available to the Southern Pines Project.

#### **David McKew, Project Manager**

Our onsite team is led by our Project Manager, David McKew. Mr. McKew is a North Carolina A-Surface water license-certified manager and through his 34-year career has managed surface water plants, start-ups and transitions of facilities similar to Southern Pines. Mr. McKew will continue to manage operations of the water treatment plant. He has successfully operated this system through a construction upgrade and expansion which increased the capacity from 5.5 mgd to 11.0 mgd and upgraded the existing pulsator design to a SUPERPULSATOR® operation. Under Mr. McKew's operational management, the Southern Pines WTP has received two annual North Carolina excellent compliance awards. Mr. McKew and his family have resided in the Southern Pines area for the past 20 years and is an active part of that community.

#### **Nadine Blackwell, North Carolina Compliance Manager**

Nadine Blackwell has over 29 years of experience with North Carolina Water and Wastewater Operations. Ms. Blackwell plays a key role in supporting the Southern Pines Project in regards to regulatory support. She has very good working knowledge of the state and federal regulations and provides support in scheduling, commercial laboratory activities, reporting and regulatory communications. Ms. Blackwell has been involved with the Southern Pines Project for 24 years. She is based out of the SUEZ Clemmons office and is available to the Southern Pines Project as needed.

**Lisa Morris, North Carolina Administrative Assistant**

Lisa Morris has provided administrative assistance to the Southern Pines Project for over 17 years. Specifically, she provides support for routine regulatory reporting, data management, procurement, payroll and client correspondence. Ms. Morris works in the SUEZ Clemmons, NC Office and is available to serve Southern Pines as needed.

**Southern Pines Project O&M Staff**

SUEZ will provide the personnel necessary to properly operate and maintain the Town of Southern Pines WTF. Personnel will be employees of SUEZ. All salaries, wages, benefits and payroll taxes will be the responsibility of SUEZ and are included in any cost proposed.

SUEZ will provide a certified water treatment plant operator to be in responsible charge of the water treatment facility. The Operator-in-Responsible Charge (ORC) will maintain the necessary certification of the grade equivalent to the classification assigned to the water treatment facility. The Southern Pines WTF is rated as a Class A Surface Facility. SUEZ will provide a Grade A Surface level operator and a certified back-up operator for the Southern Pines WTF. The WTF will be operated on a demand for water basis and with the hours of operation scheduled accordingly. The WTF will continue to be manned 24 hours per day seven days per week.

The onsite project staff is comprised of four North Carolina-certified operators (excluding Project Manager David McKew) that collectively possess 67 years of operational experience in North Carolina and 37 years of operating experience at the Southern Pines Project. The staff provides operational and maintenance shift functions and report directly to the Project Manager and Operator-in-Responsible Charge (ORC), David McKew. The shift operators perform daily operational functions such as routine facility inspection rounds, chemical dosage adjustments, record keeping, onsite laboratory process control testing and “operator level” maintenance tasks.

The onsite operators are:

- Kyle Tapscot      A-Surface Certification
- Jeff Brown        A-Surface Certification
- Candace Mott     C-Surface Certification
- David Burris      C-Surface Certification

All staff resides locally within the Southern Pines area.

**Area North Carolina Operational Support**

The onsite Southern Pines WTP operational staff will provide the routine daily operational needs for the facility. The operational group has successfully operated the Southern Pines Facility during significant construction upgrades as well as adverse storm conditions.

SUEZ also has provided a plan of additional area operational support in the case of emergencies. These staff members include three managers that all possess North Carolina Grade A-Surface operator certifications and collectively have over 104 years of experience in the water industry.

They include:

- Joe Thaxton        A-Surface Certification

- Tim Murray      A-Surface Certification
- Mark Grose      A-Surface Certification

All three of these North Carolina support team members reside in North Carolina and are available for technical support or emergency support. These resources will be coordinated, if needed, through the Project Manager and Regional Manager.

Joe Thaxton is located in eastern North Carolina and has managed two SUPERPULSATOR® design water treatment facilities and is a very good operational and technical resource. Mr. Thaxton possesses over 34 years of experience in the water and wastewater industries.

Tim Murray has over 35 years of experience in North Carolina water operations and has served as an operator for the Southern Pines WTP and continues to fill in as needed during regular staff vacation or illness. Mr. Murray is very familiar with the SUPERPULSATOR® process.

Mark Grose currently manages our Ramseur WTP operation and is located just north of Southern Pines. Mr. Grose has been cross trained as a Southern Pines operator and is available on short notice to assist if needed. Mr. Grose has over 36 years of experience in the North Carolina water and wastewater industry.

**Corporate Support Team**

The partnership with SUEZ provides the Town with not only a local company with extensive operating experience in Southern Pines and North Carolina, but also the leading innovative environmental service company. We supply the SUPERPULSATOR® technology through our Treatment Solutions segment (formerly known as Infilco Degremont), and we presently operate five plants using the SUPERPULSATOR® process, including the Southern Pines Water Treatment Facility.

SUEZ will provide a corporate support team to support our local onsite Southern Pines and regional North Carolina team in all areas of operations, maintenance, compliance, human resources, health and safety, engineering and technical support. The table below provides a listing of corporate support that is available to the Southern Pines Project.

Responsibility	Individual	Location	Experience
<b>Chief Operating Officer</b>	John Cheslik	New Jersey	34 years of experience in environmental engineering and operations, focused on large wastewater systems and energy management; managed a team of 200 for operations of 225-mgd wastewater plant and 30-MW cogeneration facility and sludge drying facility. Provides executive support to the Project and Region

Responsibility	Individual	Location	Experience
<b>Technical Services Director</b>	Brian Graham	New Jersey	Over 28 years of experience with reverse osmosis (RO) water treatment, advanced water and wastewater treatment process modeling, sludge management, biological nutrient removal (BNR), master planning and computer simulation
<b>Operational Support</b>	Joe Thaxton	North Carolina	Over 34 years of water and wastewater treatment experience with expertise in SUPERPULSATOR® start-up, operation and optimization. Focus on CMMS start-up and support with expertise in SCADA applications, Serves as supporting resource for Emergency Management
<b>Maintenance and Asset Management</b>	Kelly Smith	Indiana	Over 12 years of water/wastewater and industrial treatment experience. Develops, installs and integrates facility asset management programs and maintenance management system. Expertise in creating value through change management and optimizing business processes
<b>North Carolina Compliance Manager</b>	Nadine Blackwell	North Carolina	Over 29 years of North Carolina water and wastewater operational experience with project focus on regulatory compliance, scheduling, permitting and procurement
<b>Human Resources</b>	Felicia Highsmith	North Carolina	17 years of experience in all areas of human resources including strategic management, organizational development, staffing, policy development, benefits administration, training and creating partnerships with managers and employees
<b>Project Development &amp; Capital Expenditures</b>	Anthony Dusovic	New Jersey	25 years of engineering experience including nearly 20 years in the water industry; specializes in operations management, business development, strategic planning and commercial and customer support with extensive experience in design, manufacture and sale of highly engineered ozone and UV disinfection systems

Responsibility	Individual	Location	Experience
<b>Engineering/ Operational Support</b>	Bob Raczko	New Jersey	35 years of experience in engineering and operations. Expertise in operational troubleshooting and process optimization.
<b>Energy Manager</b>	Elizabeth Keddy, P.E., LEED® AP	New Jersey	Over five years of experience specializing in energy efficient and sustainable design and operation of water and wastewater systems
<b>Environmental Compliance, Health &amp; Safety</b>	Mike Luker	Georgia	34 years of experience in Occupational Health & Safety. Coordinates North Carolina H&S and Compliance Training. Supports Risk Management Program administration for use of chlorine gas
<b>Water Quality &amp; Compliance</b>	Keith Cartnick	New Jersey	Over 33 years of experience in the environmental field, focusing on water quality and treatment, regulations and laboratory operations. Laboratory experience includes management of overall operations, sampling, analysis and regulatory reporting, laboratory QA/QC functions and oversight of compliance with drinking water regulations

SUEZ has delineated corporate and technical resources that are more than support by phone or computer. The support staff provided is familiar with the Southern Pines site and is available to assist onsite when needed. The table below provides a listing of recent onsite visits and technical support provided by our group. In addition, the table also lists the staff members chosen to complete the WTP evaluation if accepted by the Town.

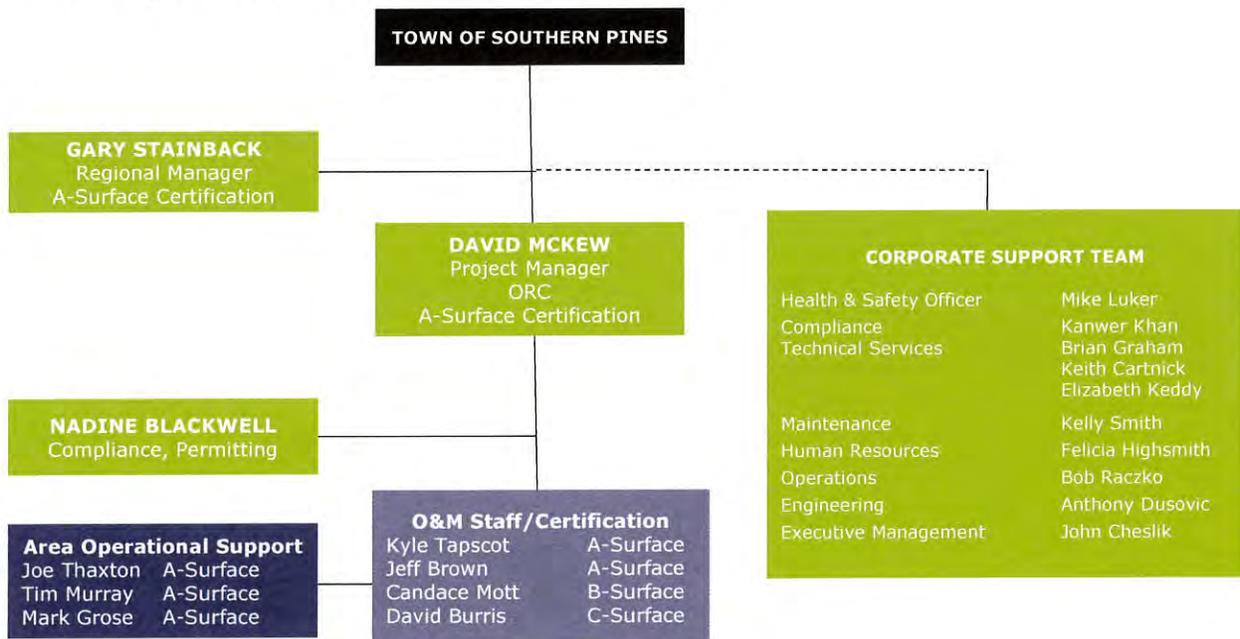
**Recent Corporate Support onsite at Southern Pines Project**

Date	Individual	Event
10/6/2015	Mike Luker	Update and review of Risk Management Program
10/7-8/2015	Mike Luker	Environment, Health & Safety review of Southern Pines Operations
10/7-8/2015	Keith Cartnick	Environment, Health & Safety review of Southern Pines Operations
10/6-8/2015	Keith Cartnick	Operational review and chemical optimization trial review to reduce residual finish water aluminum and lower disinfection byproducts

Date	Individual	Event
3/19/2015	Elizabeth Keddy	Visited Southern Pines operation and provided initial energy assessment. Assisted with modification of Town's electrical accounts to reduce cost
January & February 2016	Joe Thaxton Brian Graham Elizabeth Keddy Robert Raczko Kelly Smith	SUEZ provided Water Treatment Facility evaluation to the Town of Southern Pines. Study included visits by staff and development of report to Town.

### Staffing Plan

The onsite and direct support staffing plan is provided below. Support staff work with the local staff throughout the contract.



### Staff Coverage and Planned Work Shifts

SUEZ is committed to having a well-run dependable, efficient operation. SUEZ will continue to staff the facility 24/7.

### Employee Development and Training

The effectiveness of facility operations is dependent upon the collective and individual abilities of the operating staff. SUEZ recognizes employees as its most valuable resource. To ensure the continued development of their skills and capabilities, we offer tailored training programs to the specific needs of our employees at all stages of their development and growth. This ensures we have the right staff at the right time, to meet the project requirements now and in the future. Recognizing this, we place a high priority on improving the capabilities and productivity of facility

personnel. We accomplish this by providing overall management, on-site direction and support for our personnel. In addition, we conduct a series of specialized training programs specific to the facilities under our responsibility. The expertise of our entire staff of operation specialists, engineers, field technicians, chemists and business administrators is utilized to address specific assignments and specialized needs. In addition, to assist our employees in their improvement of professional skills and the development of new skills, we invest over 16 hours per employee, per year. Our training goal for the Southern Pines project is 40 hours of training per employee per year.

### **Training Needs Assessment**

Training needs assessments and training programs will be performed to achieve the following goals:

- Identify competencies required to perform each job
- Build a comprehensive training program based on the identified skills and weaknesses
- Adjust training material to the background, education, experience, reading level and cultural background of the staff
- Develop and periodically update a skills matrix of SUEZ personnel to understand and mold work force capabilities

While the specific training curriculum cannot be established until after the completion of the training needs assessment, it is likely that at a minimum, the following topics will be covered:

- |                            |                                   |
|----------------------------|-----------------------------------|
| ● Process Control          | ● Energy and Chemical Consumption |
| ● Preventive Maintenance   | ● Predictive Maintenance          |
| ● Computerized Maintenance | ● Customer Service                |
| ● Project Management       | ● Quality Management              |
| ● Personnel Supervision    | ● Environment, Health & Safety    |

A Training Coordinator at every SUEZ-operated facility monitors and implements training activities. An emphasis will be placed on the employee orientation, safety and technical training, and cross-training needs, with equal emphasis on comparable training for managers and supervisors. We emphasize cross training to enhance SUEZ employees' skills and range of capabilities, their effectiveness in performing daily operations and their career advancement potential. Our central training library contains manuals, slide/tape programs, texts, videos and transparencies to supplement each plant's resources.

Employees are encouraged to further their formal education through a tuition reimbursement program where each employee is reimbursed for the successful completion of college classes.

We annually offer diversity training, customer service training and personal goal setting, to help our employees recognize opportunities to succeed both in their professional and personal lives. As part of the Individual Development Plan, employees are identified for management and leadership training. In concert with the strategic plan, a succession plan is developed for both leadership and technical positions.

In summary, there are numerous benefits to the SUEZ training programs:

- Flexibility in training to all employees in a technologically challenging environment
- Quantitative assessment of employee skill levels and needs
- Formalized delivery of required equipment and process skills and knowledge
- Continuous improvement of operations and maintenance performance and management of the Town's assets

### ***Site-Specific Health and Safety Risk Management Plans***

SUEZ firmly believes that in order to develop and maintain a safe working environment, safety must be a key part of all operations, maintenance and administrative work practices. Our safety program not only complies with all federal, state and local regulations, but it also ensures that safety is a responsibility shared by all of our employees. In addition to establishing safe work practices, our safety program also increases safety awareness and provides ongoing safety training opportunities for all employees. Key components of our safety program include our Health and Safety Manual, our safety management programs, and our emergency response program.



### **Health and Safety Program**

SUEZ is committed to the safety of the workforce with a comprehensive health and safety program exceeding the required standards established by applicable state and federal laws. Our program specifically emphasizes the benefits of proactive safety management. SUEZ' goals are to consistently maintain injury and illness rates that are below industry standards. Our experience proves that we can achieve these goals by continually working as a team toward zero lost-time injuries. Specific components of our health and safety program that will be implemented at the Town's 11-mgd Water Treatment Plant include the following:

- Site Specific Health, Safety and Security Program – tailors and implements site-specific activities and conditions unique to each facility
- Responsibilities – describe our management commitment and identifies individual responsibilities for implementing our health and safety program
- Communication Program - establishes a system for communicating with all employees and contractors on health and safety matters
- Personal Protection Programs and Safe Work Practices – describe hazards which may be encountered in the workplace and provides specific procedures for maintaining a safe work environment while protecting employees and the public
- Accident Investigation - outlines accident investigation and corrective action procedures

- Safety Inspections - establishes a system of regular inspections and procedures for correcting deficiencies
- Environmental Health & Safety (EHS) Training - provides guidelines and reference material for ongoing health and safety training that is maintained for the duration of the project.
- Recordkeeping - establishes a system for maintaining records regarding employee injuries.
- High Hazard/Risk Programs - describe specific procedures for work practices for high risk work, such as confined space entry, lockout/tagout, energized electrical work, trenching / excavation.

### **Health & Safety Program Implementation**

The transition team will initiate efforts to implement a Health & Safety Program centered on the key components below. Project Management and the staff will manage and continue the program on an on-going basis at the Town's 11-mgd Water Treatment Plant. Corporate Health and Safety will provide periodic support and monitoring of the program at the facility.

#### **Health & Safety Manual (HSM)**

- Prepare a Health & Safety Manual that will provide guidance to project management and employees on the health & safety policies and procedures to conduct work tasks.
- Train employees in the major components of the HSM via EH&S Orientation Training

#### **Personal Protection Equipment**

- SUEZ to procure standard PPE (hard hats, safety boots and safety glasses) for all personnel
- Distribute PPE to personnel and provide training on when, where and how PPE should be worn
- Require all staff to wear standard PPE as a part of each job task, which will be enforced by Project Management

#### **Safe Work Planning**

- One of the early programs to implement will be safe work planning on all tasks using a simple tri-fold document. The process flows as follows:
  - a. Identify work crew and task
  - b. Identify potential hazards associated with the task
  - c. Verify that proper control measures are in place
  - d. Determine the relative risk and if acceptable then complete the task. If the risk is unacceptable then additional controls and/or different procedures will be implemented
  - e. Debrief after task completion to determine future improvements
- Train all staff in process of safe work planning and staff will initiate procedure for work tasks
- As safe work plans are completed then Job Safety Analysis (JSAs) will be developed using the information on all routine tasks

#### **Health and Safety Audit**

- A Health & Safety Professional will complete a Health & Safety audit of the Town's 11-mgd Water Treatment Plant

- The Health & Safety Audit will identify potential hazards, program deficiencies and needed health and safety improvements
- A Health & Safety Action log will be developed to identify tasks, responsibilities and target dates for identified health and safety improvements. These improvements could include:
  - a. Maintenance fixes
  - b. Health & Safety Program needs / improvements
  - c. Capital improvements – included in the capital program
  - d. Specialty safety equipment and PPE needs
- Conduct periodic follow up on action items to determine implementation/completion

#### **Incident Reporting**

- Initiate use of Incident Reporting Hotline number to report all incidents
- Train all employees on Incident Reporting Hotline procedure to include:
  - a. Types of Incidents to report
  - b. What information to report to Hotline
- Implement Incident Intervention via WorkCare to assist in managing injuries
- Submit incidents into SUEZ' Intelix Program to track and investigate incidents
- Investigate all incidents to determine immediate, contributing, and root causes
- Develop and implement corrective actions to address the root causes

#### **EH&S Training Needs Assessments**

- Complete EH&S Training Needs Assessments on all employees
- Develop an EH&S Training Plan to complete required training
- Assign courses to employees in PureSafety (on-line training) and schedule classroom training based on EH&S Training Schedule
- Monitor EH&S training completion via monthly EH&S Training Needs Assessment Report

#### **Safety Committee**

- Implement Safety Committee for the Town's 11-mgd WTP
- Conduct monthly safety committee meetings
- Focus on activities to improve the safety of the operations
- Complete monthly safety committee minutes/action log to track safety committee activities
- Communicate to personnel on a monthly basis on safety improvements

#### **High Risk Tasks**

- Develop programs on identified high risk tasks
  - a. Confined Space
  - b. Energized Electrical Work
- Identify equipment needs for tasks and procure
- Conduct training for employees involved in tasks

- Conduct work site inspections to verify controls are in place

#### **Residual Risk Assessment**

- Identify a team to conduct a residual risk assessment of the Town's 11-mgd WTP
- Determine initial risk and existing controls
- Identify proposed controls and residual risk after controls are implemented
- Develop action log of proposed controls and assignments to complete tasks
- Follow the completion of the control measures via periodic reviews of the action plans.

SUEZ' approach to safety is one that requires full participation from all employees. As a condition of employment, our employees are required to comply with the SUEZ health and safety program while in the performance of their assigned duties and while on company or client premises. SUEZ provides employees with the proper tools, equipment and training to perform their jobs safely and efficiently, while maintaining a healthy work environment. We want our facilities to be places that encourage and support our employees to be their best. In return, we expect employees to perform their jobs productively by conforming to all safety rules and regulations to minimize opportunities for injury or illness.

Every employee is responsible for recognizing unsafe and unhealthy conditions and is obligated to report these conditions to his or her supervisor. Employees are provided with risk assessment pocket cards to remind them of the need to think before acting. In our permit programs, we have step-by-step instructions for entering confined and permit required spaces and for obtaining confined space entry permits. At no time will we allow an employee, manager, subconsultant, contractor or visitor to complete a task at the expense of safe work practices. In fact, the start or completion of any project is delayed until it can be safely executed.

Safety is promoted through:

- Continuous improvement of health and safety management processes
- Maintenance and continued development of an integrated health and safety culture
- Defining the most efficient and cost-effective use of available resources
- Continuous improvement in health and safety performance as demonstrated by recognized industry and internal performance measures

The organization's values are as follows:

- Health and safety is integral to our work; it is the way we do business
- All incidents, injuries and occupational illnesses are preventable
- Health and safety is a responsibility shared by individuals, teams, management and the corporation
- Employees and contractors are obligated to refuse unsafe work based on imminent danger

The organization is committed to:

- Holding paramount the health and safety of people as well as the protection of property, process and the environment

- Working toward recognized industry practice and complying with all regulatory and legal requirements
- Ensuring our people have the training, tools and resources needed to work safely

### **Security Program**

In recent years, SUEZ' security and crisis management programs have also been stepped up with extensive security measures introduced at all facilities. The organization is committed to providing a safe and secure workplace for its employees, contractors and visitors, as well as protection of facilities from external threats to safeguard the public service. Among the threats the program addresses are vandalism, terrorism, low-intensity conflict and technical vulnerabilities of other essential infrastructure, such as energy or gas installations.

The SUEZ team is committed to maintaining security initiatives at its facility operations and has in place a strong security management system, including Emergency Response Plans at the site, corporate (Corporate Response Team), and international levels.

Security policies will include, but not be limited to, the following features:

- External facility doors locked at all times
- Securely locked gates during non-business hours
- Periodic inspection and maintenance of fencing and gates
- Routine monitoring, inspection, testing and maintenance of available building entry and fire alarm systems
- Appropriate identification and documentation of authorization of all persons accessing the facilities—trespassing will not be tolerated, and will be referred to local law enforcement agencies.
- Recording in a logbook of all persons accessing the facilities.

### III. OPERATION AND MAINTENANCE (O&M)

#### ***Operations and Maintenance Work Plan***

In managing water treatment facility operations, SUEZ' mission is to safely provide the highest level of service to the client in the most cost-effective manner. This objective is achieved while safeguarding the environment and providing an unsurpassed level of water treatment performance, facility condition and working environment, for our employees. We accomplish this by applying our continuous improvement process in all components of our operations and maintenance. Through this process, (1) performance parameters are applied and measured, (2) operations methodologies are continually reviewed, (3) technology is advanced as a core management strategy and (4) efficiency in execution of all activities is established as performance goals are achieved.

**The Southern Pines water treatment plant directly benefits from our continuous improvement program through cost-effective operations, high quality drinking water and assistance with an effective capital improvement program.**

SUEZ' Operating and Maintenance Plan identifies our approach towards continued efficient, compliant and reliable services to the Town. Highlights of the plan include:

- Continuing to refine performance metrics that drive optimal performance
- Implementing an emergency preparedness and security plan that will ensure SUEZ is prepared to safeguard the Town's facility
- Ensuring full environmental compliance using Hach Water Information Management System (WIMS™) data management software
- Optimizing chemical and energy use through our management control and reporting systems, key performance indicators and support of the Town's energy programs
- Managing an effective and value-added partnership between the Town, its customers and SUEZ through a detailed communications program that includes weekly, monthly and annual client reports and regular meetings
- Maintaining a safe work environment with the further refinement of our comprehensive safety program
- Providing superior oversight and assistance to the requirements of upcoming reviews, upgrades and enhance operational functions with regional technical support
- Continuing to provide training and skill building to all employees

## Water Treatment Plant

**SUEZ will manage, operate and maintain all water facilities, which include the following:**

- River Intake with air scour cleaning system
- Raw Water Pumping Station at Drowning Creek equipped with two 5,600-gpm Vertical Turbine Pumps, Standby Pumps and Pre-Oxidant Feed System
- Raw Water Transmission Piping
- 140-mg Raw Water Reservoir
- 140-mg Intermediate Pumping Station equipped with three 2,800-gpm pumps
- 20-mg Raw Water Reservoir
- 20-mg Low Service pump station with three 2,800-gpm pumps
- Rapid Mix Chamber
- SUPERPULSATOR® Upflow Clarifier
- Anthracite Media Filters
- 2.0-mg Clearwell
- Three High Service Pumps
- Chemical Feed and Bulk Storage
- Water Treatment Building housing, Chemical Feed Pumping, Filter Operations, Laboratory and Administrative space
- Finish Water Piping including Metering and Control Valves for Delivery to customers



***Southern Pines SUPERPULSATOR® facility  
operated by SUEZ for over 23 years***

**SUEZ will perform all services in a professional, efficient and economical manner and in accordance with the contract with the Town and in compliance with all federal, state and local laws, regulations and requirements. We will maintain the systems in good repair and working order and in a neat and orderly condition at all times to avoid interrupted service. We will base operational decision making on the following overall objectives:**

- Protection of public health and welfare
- Protection of operating staff health and safety
- Preservation of the long-term capability of the water supply, water treatment, distribution and storage systems
- Protection of the environment
- Protection of public and private property
- Maximization of operational efficiency and minimization of operational costs

SUEZ will maintain flows and storage to meet daily demands and emergency situations. We will perform all routine, predictive and preventive maintenance, including replacement and/or repair

of equipment in accordance with the contract and all applicable laws and regulations. We will meet requirements that are accepted or recommended industry maintenance practices, procedures and standards, but in no event less frequently or comprehensively than that recommended or specified in manufacturers' warranties. We will maintain, on behalf of the Town, all manufacturers' warranties on new equipment purchased during the term of the contract, and will fully cooperate and assist the Town in enforcing equipment warranties and guaranties relative to components of the systems.

SUEZ has integrated the following procedures:

- **SOPs – Process Unit Operation Evaluation:** provides a template outline for the review of unit process operations in order to achieve documentation of the relevant data, identification of the process testing and control parameters, development of routine operational procedures to be followed and performance guidance for diagnosing and controlling process problems.
- **Laboratory Methodology and QA/QC Handbook:** as applicable to this project, provides guidelines for general laboratory operations in order to achieve the required level of quality control and consistency in analysis results. The handbook establishes procedures for sample collection, control, chain of custody and testing.
- **Asset Management and Maintenance:** SUEZ is proposing a Computerized Maintenance Management System (CMMS) to provide the highest level in reliability in the process operating units. In addition, the program enables the closer management of valuable resources such as replacement parts, consumables and equipment wear elements to improve overall cost control while optimizing the availability of operating units.
- **Emergency Response Planning:** This plan adopts an emergency management plan specifically tailored to the Town's system. The plan is implemented through employee training and communications with the Town's wholesale customers and with public safety agencies.

SUEZ will implement and refine the program elements in conjunction with the facilities' Operations and Maintenance Manuals, a permit compliance strategy and appropriate and generally accepted industry practices, to affect customized operations of the total facilities. SUEZ will plan and schedule operations to deliver services in a manner which avoids any perceived or real, negative impacts for the Town's customers or agencies.

### **Water Treatment**

The Southern Pines Facility consists of the following processes:

- Raw Water Screening
- Raw Water Pump Station
- Raw Water Reservoir
- Coagulation
- Flocculation
- Upflow Clarification
- Filtration
- Disinfection
- Corrosion Protection
- Residuals Handling

Treatment is provided through two parallel treatment trains that include rapid mixing and flocculation feeding into two SUPERPULSATOR<sup>®</sup> upflow clarification units. The clarified water is transferred to eight multimedia filters. The following chemicals will be added during the treatment process:

- Capability is present to add a pre-oxidant to the raw water
- Liquid Alum added to the rapid mixers as the primary coagulant
- Liquid Lime added at the rapid mixers for coagulant control, at the clarifier effluent for pH control or at the finish water pumps for final pH adjustment
- Provisions are available to add polymer at the SUPERPULSATOR<sup>®</sup> clarifier
- Powdered Activated Carbon may be added in the rapid chemical mix
- Chlorine and Ammonia are added for disinfection
- A corrosion inhibitor will be fed following the chlorine contact to provide corrosion protection and sequestering of iron and manganese in the distribution system

### **Intake/Low Lift Pumping**

Raw water is brought to the treatment plant site through a raw water intake structure located at Drowning Creek. The structure has intakes protected by a screen with air scour cleaning capabilities to keep coarse material from entering the plant. The raw water pump station includes two 5,600-gpm vertical turbine pumps.

### **Raw Water Reservoir**

The Southern Pines WTP includes a 140-mg and a 20-mg Raw Water Reservoir. The reservoirs help reduce influent turbidity and dampen turbidity swings from the river as well as provide adequate raw water storage during drought periods.

### **Chemicals**

As a matter of good practice, SUEZ' operating philosophy is to review all chemical programs. This includes evaluation of the type, dosage and unit cost of all chemicals utilized in the operation with an eye towards optimizing performance and reducing cost. SUEZ' team routinely reviews all chemical usage and, by working closely with our Supply Chain Management department, seeks to optimize chemical consumption and costs at the facilities.

For the Southern Pines WTP, SUEZ has developed an understanding of the chemical requirements based on raw water quality conditions and finished water quality treatment objectives. Our staff is very familiar with the raw water characteristics and there will be no "learning curve" in regards to chemical feed strategies or treatment unit optimization. Key chemicals include:

1. Alum dosage depends on raw water turbidity and organics (TOC). The 140-mg and 20-mg raw water reservoirs will help reduce the raw water turbidity and dampen turbidity variations from Drowning Creek
2. Polymer – aids in coagulation and helps maintain the stability of the solids blanket in the SUPERPULSATOR<sup>®</sup>
3. Lime – Used as needed for a alkalinity adjustment ahead of the SUPERPULSATOR<sup>®</sup>s, typically added at the finished water for pH adjustment
4. Chloramines – Used for disinfection requirements

The chemicals included by SUEZ are: potassium permanganate, carbon, alum, sodium bicarbonate, polymer, chlorine, lime, ammonia, fluoride and corrosion inhibitor. The use of thiosulfate has also been included for the wastewater discharge.

SUEZ will provide the chemicals necessary for the operation of the water treatment plant. However, should conditions change (such as an increased water demand, construction modifications, regulatory modifications) which would require additional types and/or quantities of chemicals (different from what is currently in use) SUEZ would be reimbursed, at cost, for the additional chemical requirements. SUEZ chemicals costs for the water plant operations are based on current average water production (treatment) rates of up to 3.5 mgd. If the average water production rates and subsequent chemical and supply demands increase, or treatment requirements dictate increases in chemical dosages or the application of additional chemicals, then the Town and SUEZ will evaluate these costs and make any fee adjustments, as necessary.

Conversely, if the annual average water production rates are reduced significantly, then the Town and SUEZ will evaluate the chemical and supply costs and make any fee adjustments, as necessary.

### **Chemical Pretreatment**

Rapid mix chambers are provided to mix pretreatment chemicals with the raw water. Alum, lime and coagulant aid may be added to the rapid mixers.

SUEZ determines coagulant chemical dosages through regular monitoring of pH, alkalinity, turbidity and color of raw, coagulated, settled and finished water; routine jar testing; and review of filter operating trends and performance.



***Rapid Mix Integrated in SUPERPULSATOR®***

The jar testing procedure is a communication tool between shifts to further evaluate the daily coagulation process by the following procedure.

Lime addition prior to the SUPERPULSATOR® is regulated where the influent alkalinity is too low for effective alum coagulation. It is important to keep the pH of coagulation as low as possible to maximize organics (TOC) removal, which will help reduce DBP formation. We limit adding lime ahead of the filters; this will keep the pH lower through the chlorine contact tank, which will reduce the chlorine residual needed for disinfection and reduce DBP formation.

Post flash mix samples are collected by the operator at the beginning of each shift and set up in the Southern Pines WTP lab to complete the flocculation process. At the end of the theoretical flocculation time the jars are allowed to settle. Jar test results are analyzed on-site and recorded for evaluation of turbidity, color, pH and aluminum residual.

These results will quickly determine if the plant operation is consistent with previous results and give an indication of the finished water quality. This will also allow the plant staff to continually optimize the operation for the most efficient usage of coagulants as well as improved water quality compliance.

### **SUPERPULSATOR® Clarification**

Clarification is provided in two parallel units. The Southern Pines WTP incorporates the use of the SUPERPULSATOR® Clarifier process. This process combines basic water treatment chemical principles in a high rate, solids contact clarifier.

Coagulated water from the rapid mix is transferred to the SUPERPULSATOR® vacuum system. Coagulated water is distributed to a series of laterals. Orifices in the laterals point downward to scour the unit floor and provide energy for the flocculation process.

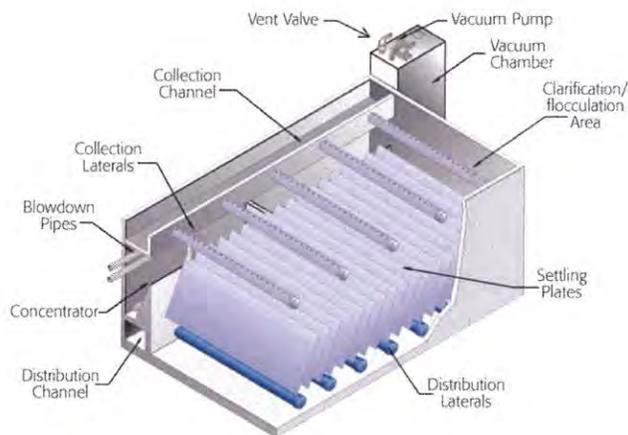
The flocculated water is directed upward through a series of inclined plates. A 10-ft. high sludge blanket is developed and retained from the basin floor and between the settling plates.

The SUPERPULSATOR® unit provides an internal concentrator to collect excess sludge during sludge blanket expansion. The operator adjusts the sludge collector discharge through determination of the desired frequency and duration.

Clarified water is collected across the length of the settling area. The heart of the SUPERPULSATOR® system is the vacuum pump and vent valve assembly. Proper operational controls include maintaining the optimal frequency and duration, creating a pulsating action of the sludge blanket in the settling area.

### **Filtration**

Following clarification, water is distributed among one of eight filters. The filter media consist of anthracite. Each filter provides at a design loading rate of 3 gpm/ft<sup>2</sup>. Filtered water ultimately travels to the 2.0-mg clearwell that provides storage for backwash supply as well as a source for high service pumping.



***SUEZ' connection with the treatment equipment (formerly known as Degremont) provides unmatched depth in technical support.***



***SUEZ provides unmatched SUPERPULSATOR® experience***

Backwash water is supplied by a backwash pump to create a rise rate in the filters. Waste backwash water is transferred to the backwash/sludge holding tanks and subsequently discharged through Outfall 001 which is governed by an NPDES Permit.

SUEZ initiates filter backwashing based on:

- An increase in effluent turbidity from an individual filter; this criterion governs water treatment filtration
- An increase in filter head loss beyond desired levels
- Operating time (based on operating experience and turbidity profiling of filter runs).

SUEZ also provides regular monitoring of the backwash process to identify process deficiencies such as:

- Observation of media boils caused by uneven backwash flow distribution
- Observation of media carryover to identify excess wash rates
- Observation of media surface after backwashing to identify coagulant deficiencies or backwashing deficiencies
- Monitoring of initial filter head-loss after backwashing to identify deterioration in filter bed
- Turbidity pattern monitoring after placing the filter back in service (ripening period)
- Turbidity observation of backwash water through backwash cycle to ensure that filters are being optimally cleaned
- Adjusting wash rates to account for changes in temperature so that proper bed expansions are achieved
- Performing annual filter media inspections to assess filter media condition
- Post-Treatment Chemical Addition
- The corrosion inhibitor is added prior to the clearwell; the system incorporates the ability to make final chlorine and pH adjustments

### **High Service Pumping**

Three high service pumps are provided to deliver treated water to the distribution system from the finished water 2.0-mg clearwell.

### **Residuals**

Settled sludge generated from the SUPERPULSATOR<sup>®</sup> operation and filter backwash water are discharged into two waste tanks. One tank is used for collection of filter backwash water and provides gravimetric thickening for sludge prior to transfer to the second tank. The second tank is used as a wastewater clarifier and allows any remaining solids to settle prior to the discharge of wastewater to the receiving stream. Thickened sludge is periodically transferred from the first tank to one of six sand drying beds. Dewatered sludge is collected from the sand drying beds and disposal of in an area landfill.



***Southern Pines Clearwell***

SUEZ sludge handling costs are based on sludge produced at a maximum average water production rate of 3.5 mgd. It is agreed that if the average production rate exceeds 3.5 mgd then the Town and SUEZ will review the sludge disposal costs and make adjustments, if necessary. It is agreed that if the Town adds large water users that the Town and SUEZ will review the compensation paid to SUEZ and make adjustments at the time of addition of any large water user(s).

The Town acknowledges that except as specifically stated herein, SUEZ has no responsibility as a generator, treater, storer or disposer of hazardous or toxic substances found or identified at a site. The Town agrees to defend, indemnify and hold harmless SUEZ, from any claim or liability, arising out of SUEZ's performance of work under this Agreement and made or brought against SUEZ for any actual or threatened environmental pollution or contamination except to the extent that SUEZ has negligently caused or contributed to any such pollution or contamination. This indemnification includes reasonable attorney fees and expenses incurred by SUEZ in defense of such claim.

### **Water Treatment Process Optimization Strategy**

Two water treatment regulations that have significantly impacted water systems utilizing surface water supplies include the removal of microbial contaminants through the interim Enhanced Surface Water Treatment Rule (ESWTR) and control of disinfectant byproducts under the Stage I Disinfectant/Disinfection Byproducts (D/DBP) Rule. As their names imply, more stringent regulations were imposed to surface water facilities. The irony associated with these regulations is that enhanced measures to improve compliance with one, often leads to additional challenges in compliance with the other.

The ESWTR will require that systems meet a filtered water turbidity standard of 0.3 NTU for 95% of samples taken, and a maximum turbidity reading of 1 NTU in any given month. While turbidity readings from individual filters will not be used for maximum contaminant level (MCL) determinations, individual filter effluent turbidities above 0.5 NTU can trigger required actions under certain conditions.

The Phase I D/DBP Rule lowered the MCL for total trihalomethanes (THM) from 100 parts per billion (PPB) to 80 PPB. In addition, haloacetic acids (HAAs) were regulated at an MCL of 60 PPB. Phase II regulations have further impacted the WTP with more aggressive sampling criteria. Treatment plants with certain raw and finished water characteristics, based primarily on alkalinity and organic content, will be required to optimize coagulant addition for reduction of organics.

SUEZ strives to minimize THM and HAA levels in the system by optimizing the treatment process for both the removal of organic precursor compounds, as well as optimizing the chlorination process to minimize the formation of these compounds. The exceptional performance of turbidity removal will continue throughout this process. SUEZ will implement the following strategies:

- Perform periodic bench testing to optimize precursor removal. This is done by measuring the removal of total organic carbon (TOC) and specific ultraviolet absorption (SUVA) – a measure of the ease with which organic compounds in the water can be removed by coagulation, with varying alum dosages and coagulation pH levels. Chemical dosing and coagulation pH strategies will be modified as necessary to implement the strategies suggested by the testing and analyses.

These operational optimization studies and measures will be necessary to gain an understanding of any real future need to invest in process modifications to meet the longer-term regulatory changes. SUEZ has worked diligently to reach the Stage II D/DBP standards through operational measures, therefore minimizing the need for an otherwise significant capital investment.

**SUEZ optimizes the Southern Pines operation by utilizing the Laboratory to include the necessary equipment/personnel to analyze the following parameters:**

- **TOC:** We will utilize the onsite analysis of total organic carbon (TOC) to evaluate the efficiency and performance of the treatment process. TOC analysis will also assist with evaluating chemical types, application points and possible pretreatment influences.
- **THM and THM Formation Potential:** This analysis will allow further evaluation of treatment options and type of chemical as well as point of application. To further enhance the treatment process the conditions of each application could be evaluated inside of each day of operations. This analysis is a predictor of compliance sampling to further enhance or predict distribution conditions prior to the actual compliance monitoring.
- **Mono – Chloramine Monitoring:** The Southern Pines WTP uses chloramines as a disinfectant strategy to reduce disinfection byproducts. As this system is brought on line, SUEZ will provide the monitoring capabilities to optimize this operational strategy. The effectiveness of chloramination is dependent on the conditions at the point of application. The monitoring of those conditions plus the detection of the levels of mono-chloramines (as well as the other components) will be the lead indicator of the success of this application. Appropriate analytical equipment and skills are provided by SUEZ for the reliable operation of this process.

#### **Disinfection Byproduct Treatment Solution**

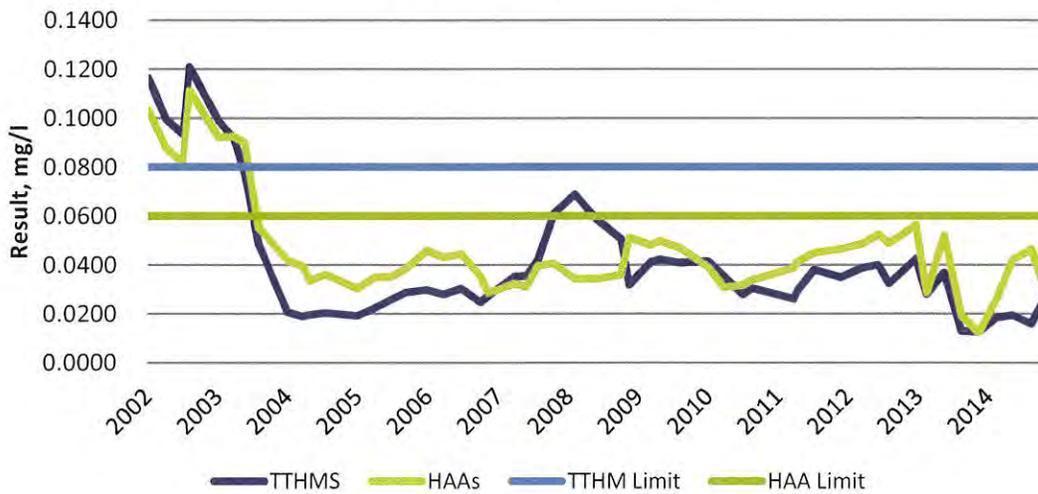
- SUEZ led the corrective measure with the Town of Southern Pines to use chloramination to effectively reduce disinfection by products (DBPs) such as THMs and HAAs in finished water.
- The Southern Pines WTP had historically been challenged by the latest THM and HAA regulatory limits. SUEZ coordinated the installation and startup of a chloramination process in the fall of 2003. The introduction of this process required significant modifications in the sampling and monitoring program and the distribution hydrant flushing program. SUEZ has implemented this program with documented success. The figure below demonstrates the quarterly average THM and HAA concentrations at Southern Pines prior to the addition of chloramines and following the implementation of this program.



***Ammonia Storage: SUEZ will continue to optimize the chloramine treatment program to reduce DBPs.***

***SUEZ brings demonstrated experience in successfully managing water systems in North Carolina and brings Best Management Practices to Southern Pines' water treatment facility.***

### Southern Pines WTP



- The success of the Southern Pines chloramination project eliminated the periodic challenges of the increased THM and HAA concentrations and returned this Public Water Supply to a consistent status of compliance.

SUEZ will continue to provide the operational support to ensure proper implementation and success of this program. The success of this program is dependent on a thorough understanding of proper chlorine and ammonia ratio to produce the desired results. A ratio less than target dosage will result in excess ammonia and potential bacterial re-growth and conversely, a ratio in excess of the target dosage can result in taste and odor problems, in addition to an ineffective process.

#### Electricity

SUEZ has not included the cost of electrical service for the water treatment plant. All electrical costs for the operation of the water treatment plant will be borne by the Town of Southern Pines. If selected by the Town to negotiate a WTP O&M contract or renewal, SUEZ recommends utilizing eRPortal CMMS and transitioning to this CMMS within the first six months of the new contract term. SUEZ will utilize resources listed below to assist local staff with the successful transition and start-up of this system.

## ***Maintaining All Land, Buildings, Improvements and Permanent Equipment***

### **Maintenance, Repair and Replacement**

#### **Preventive, Predictive and Corrective Maintenance**

The core philosophy of SUEZ' maintenance approach is to assess the condition of all critical equipment and schedule preventive and corrective maintenance to assure reliable operation and maximum life cycle. This approach is cost effective, as it reduces the frequency of expensive emergency repairs and delays replacement costs.

Critical equipment is necessary to:

- Ensure potable water quality, pressures and flows
- Ensure regulatory compliance and public safety

To ensure all critical equipment receives the highest priority, the equipment management process requires daily status updates by both operations and maintenance staff on all critical equipment and associated system components. Subject to the final contract terms and conditions, maintenance budgets and associated maintenance cost caps, the goal of this process is to maintain a minimum of 95% critical equipment availability at all times.

SUEZ will also develop a reliability plan that identifies and prioritizes preventive maintenance (PM) and predictive maintenance (PdM) tasks for each critical piece of equipment.

#### **The Computerized Maintenance Management System**

SUEZ will provide and implement a Computerized Maintenance Management System (CMMS) as a tool to support our current maintenance and business processes. We will include the implementation of a new CMMS at the Southern Pines Facility as part of our base service. The implementation will include entry and verification of all preventive work procedures and timelines as outlined in the manufacturer's literature to automatically generate PM work orders. SUEZ has significant experience with many types of CMMS software systems. We recommend eRPortal as our preferred system for the WTP. The eRPortal system was selected as a result of its ease of use, data mining capabilities, intuitiveness of work flow, schedule generation capabilities, and material and labor allocation processes. The eRPortal system will be utilized to manage and document our maintenance program. Our asset management implementation strategy consists of seven key modules as illustrated in the figure on the following page. Each module is used to manage our maintenance work processes, including work management, asset management, procurement, inventory, data management, materials and contract management.

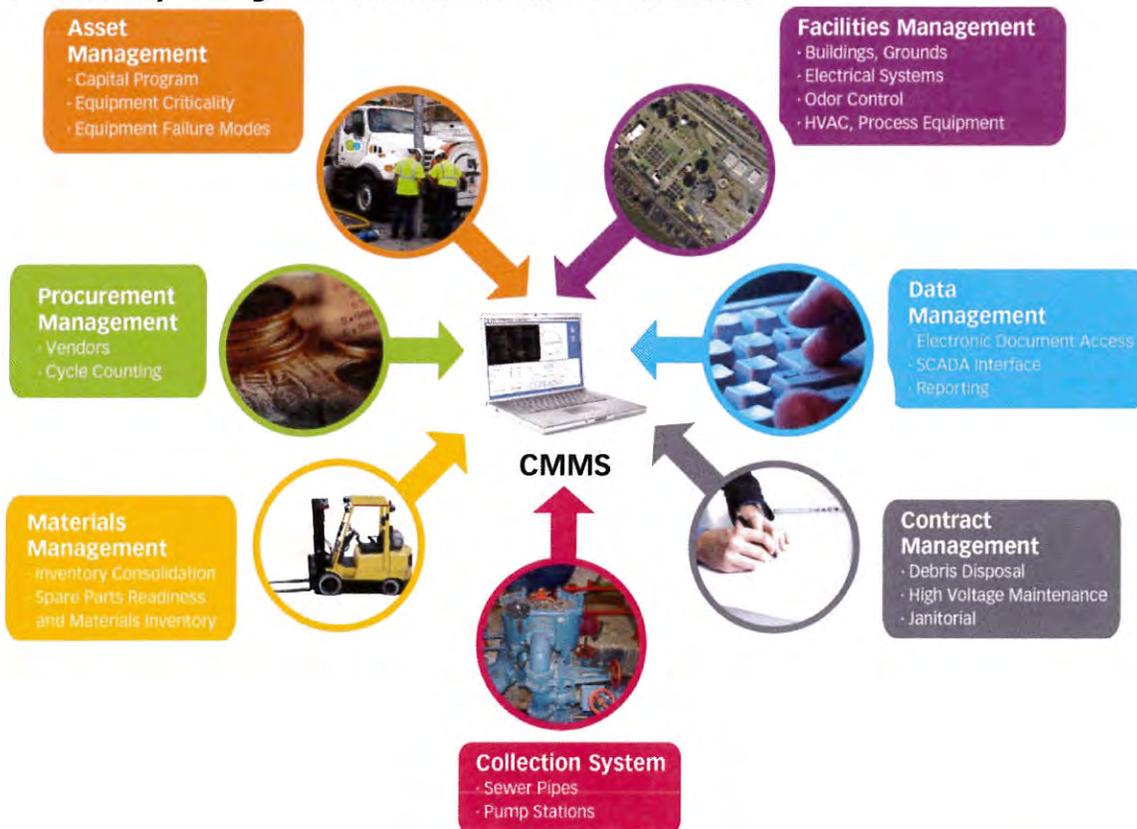
SUEZ will also work with the Town of Southern Pines to implement critical maintenance performance indicator benchmarks. These may include:

- Critical equipment availability
- PM/CM ratio
- PM Completion
- Inventory runs and stockouts
- Work order aging, including work orders open more than 30 days and work orders open more than 90 days
- Warrantee Information

SUEZ will transition to this CMMS within the first eight months of the new contract term. SUEZ will utilize resources listed below to assist local staff with the successful transition and start-up of this system.

Southern Pines CMMS Transition Start-up		
Responsibility	Individual	Experience
CMMS/Maintenance Support	Joe Thaxton	Over 33 years of water and wastewater treatment experience with expertise in SUPERPULSATOR® operation. Focus on CMMS start-up and support with expertise in SCADA operations
O&M Technician Assistance	Roy Deckard	Over 20 years of experience with water and wastewater treatment. Working knowledge of eRPortal system.
Administrative, Data Collection and Computer Support	Nadine Blackwell	Over 20 years of North Carolina water and wastewater operational experience and 24 years of experience working with the Southern Pines WTP. Working knowledge of asset management and scheduling for CMMS

**Our Asset Management system consists of seven key modules that enable SUEZ to successfully manage the Town of Southern Pines assets.**



**Preventive Maintenance**

SUEZ’ approach includes documentation of the following PM activities:

- PM schedule
- Completion of PM activities, tracking equipment failures and performance, for the purpose of creating baselines for reliability analysis
- Follow-up repair activities where the detected failure can be repaired during the inspection
- Documenting conditions that require attention/conditions that potentially lead to a failure
- Planning, scheduling and performing repairs documented by the PM inspector
- Analysis of frequency and severity of failures to refine the PM task list
- Documenting and scheduling training and skills development related to current PM technologies
- Standard Maintenance Plans (SMPs) that outline standard procedures as appropriate
- Reference or access to vendor literature in the computerized O&M document specific to each piece of equipment

**Predictive Maintenance**

Our Predictive Maintenance (PdM) system uses an equipment-performance baseline to identify equipment performance degradation in advance of a catastrophic failure. PdM analysis tracks process variables such as temperature, vibration and amperage to identify trends that predict equipment failure. When these readings exceed statistical limits, the system alerts SUEZ maintenance personnel to make the necessary repairs prior to equipment failure.

**Routine and Corrective Maintenance**

Routine and Corrective Maintenance (CM) performance is also an important aspect of SUEZ’ Asset Management Program. Routine maintenance includes landscaping, road upkeep, grounds keeping, building maintenance, painting, janitorial services and similar activities associated with the upkeep of equipment and facilities. CM includes repairing mechanical, electrical and instrumentation failures.

SUEZ Approach	Southern Pines Benefits
Implement critical equipment management process	Ensures operational readiness and environmental compliance
Develop critical equipment reliability plans	Improves critical equipment reliability and availability
Implement predictive maintenance program	Reduces costs while improving equipment reliability and availability

**Asset Management**

SUEZ’ record of accomplishment in Asset Management is best illustrated by our ownership and/or operation of large water and wastewater projects and the resulting long-term perspective on decision making. The Asset Management Program components include:

- Integrated CMMS
- Inventory management and reporting system
- Document management system for O&M manuals, vendor literature and design documentation
- Systematic identification and communication to the system CAPEX needs

The table below summarizes SUEZ’ technical approach to the maintenance and management of the Town’s assets. SUEZ implements a Maintenance Management Plan to ensure the Town’s water assets are maintained in accordance with recognized maintenance standards.

**Technical Approach to Asset Maintenance and Management**

Maintenance Plan Requirements	SUEZ’ Approach
Preventive, Predictive, Corrective and Routine Maintenance	Incorporates reliability plans that focus actions on preventable maintenance interventions
Computers and Software	Provides asset management software as our CMMS and information to support maintenance process
Asset Management Plan	Develops proactive culture and process
Inventory Management	Uses CMMS to manage inventory
Vehicle and Rolling Stock Maintenance	Capitalizes and properly maintains rolling stock utilizing our CMMS program

**Building and Grounds**

SUEZ takes pride in the physical appearance of the facilities it manages. This pride reflects a level of commitment and professionalism while providing best value and cost realism for common sense building and grounds maintenance. SUEZ provides continuous, cost-effective buildings and grounds maintenance, which includes painting, janitorial services, pest control and grounds maintenance to maintain the appearance of the facilities and grounds.

**Maintenance Performance Benchmark**

SUEZ’ approach is based on carefully designed plans that incorporate regulatory and contractual compliance requirements into one comprehensive system. SUEZ experts team with the onsite team to develop and integrate metrics into the CMMS that enable them to plan, execute, track and measure the work needed to operate, maintain and manage the facility in accordance with prudent industry and utility practices and in compliance with site-specific requirements. These key performance indicators (KPI) include metrics to ensure maintenance is performed to protect the Town’s investment in its water facility.

SUEZ will assume responsibility for the costs of repair of breakdowns and malfunctions of the equipment at the water treatment plant. SUEZ will provide all replacement parts and supplies with

a ceiling cost of \$500 per breakdown event, not to exceed an annual maximum total of \$12,500 for operation of the water facility. This includes items such as bearings, belts, bushings, lubricating oil, grease, paint, etc. Items above the \$500 per event value may be purchased directly either by the Town or by SUEZ. If SUEZ purchases the item on behalf of the Town, then SUEZ will obtain prior approval from the Town prior to purchasing any “large-dollar” items. The labor required for replacement and/or repair of major equipment items will be addressed on a case-by-case basis. The Town would be notified and would give authorization prior to SUEZ commencing any repair work. SUEZ will allow for a \$500 credit on all breakdown events costing more than \$500. SUEZ will not be responsible for equipment failure or repairs resulting from Acts of God (such as, but not limited to lightening damage, flooding, drought, etc.) or structural or design deficiencies.

The cost of repairs or replacement for any single item of equipment, as well as the cost of normal replacement parts and expendable items will be borne by SUEZ. The maximum cost that will be borne by SUEZ for the repair or replacement of any single item will be \$500 and the maximum annual total repair/replacement cost to be paid by SUEZ will be \$12,500 for the water treatment facility. If the function of an item can be restored by repairing or replacing a part(s), it will be considered a single item. SUEZ will not incur any expense without the express authorization of the Town and whenever possible, repairs shall be performed by the employees of SUEZ and these personnel costs shall not be included in the \$500 limit. Similarly, the Town will not unilaterally undertake to complete any allowance from SUEZ, without prior authorization of SUEZ. Costs are not included for repair or replacement of collection equipment or remote pump stations.

If the Town does not accept a written recommendation from SUEZ to repair or replace an item of equipment, and/or to make improvements to the facility, or propose a feasible alternative solution that would prevent a failure or failures without the recommended improvements being made, then SUEZ would not be held responsible for any failures or resulting violations that were a consequence of not making the recommended improvement(s). In addition, SUEZ would be reimbursed for any additional incremental operational costs associated with the Town’s failure to implement necessary improvements. SUEZ will be responsible for the grounds upkeep (mowing) of the plant inside the fenced area surrounding the immediate area of the water treatment facility.

## IV. WATER STORAGE FACILITY MAINTENANCE

As part of our program to adequately sustain water quality in the distribution system, SUEZ will provide water storage facility services. The current tank service provided by SUEZ was initiated approximately five years ago and the tank agreement still has two additional years on this current scope which was developed specifically for the Town of Southern Pines. SUEZ recommends continuing the use of the current tank service agreement as this service incorporates a total of a 7 year plan to accomplish work in this area and improve the overall status of the tanks. At the conclusion of the two remaining tank maintenance service years, the service will be extended. SUEZ will provide recommendations to the Town regarding water tank maintenance and service needs. Water tank maintenance is a specialized service area and will require the use of subcontractors that possess the experience and skills in that area. SUEZ proposes the use of Utility Service Company Incorporated (USCI), which is now known as Advanced Treatment Solutions segment under the SUEZ brand. USCI is the largest provider of contract water tank maintenance services in the United States. USCI presently maintains approximately 5,000 water tanks nationwide and annually inspects approximately 6,000 tanks.



AWWA M42 Statement

"Thousands of dollars can be saved and complaints from citizens can be eliminated if a planned approach to tank maintenance is adopted."

The Town of Southern Pines has four water distribution storage facilities. SUEZ recognizes that water storage is essential for meeting the community's needs for the domestic, commercial, industrial and fire demands placed upon the system. Optimal use of the water distribution storage system is necessary to accommodate the needs of the Utility and their wholesale customers.

SUEZ has provided this service to the town for the past five years and has a good working knowledge of the tanks. SUEZ has visited the site of each of these water storage facilities and conducted a preliminary assessment of each facility. SUEZ will provide a thorough washout of all storage facilities, the interior surfaces will be disinfected and a professional, comprehensive inspection will be done, at a minimum, every two years. All inspection and related work pertaining to storage facilities will be performed in accordance with AWWA Manual M42- Steel Water Storage Tanks and Concrete Tanks as the criteria applies to the tank.

***Distribution System Tanks. Our O&M approach protects the life of the Town's assets.***

Water Storage Tank	Volume (Gallons)	Construction Material
1800 Highway US 1	2,000,000	Concrete
Weymouth	2,000,000	Steel
Henley Street	500,000	Steel
Eastman Tank	1,000,000	Steel

Inspection of all the tanks will include the identification of corrosion signs or patterns, structural deficiencies, and coating defects. All identified problematic areas will be prioritized with corresponding corrective action steps and any associated cost impact.

Inspections will also include all components of each storage facility, with added emphasis on water quality and related components, such as:

- Altitude valves
- Shutoff valves
- Drainage hydrants
- Riser pipes
- Overflow pipes
- Air vents
- All interior surfaces in contact with potable water

SUEZ also understands the need to operate each storage facility on a daily basis that sustains and supports all water quality objectives in the distribution system. The focus for the operation of the distribution includes the following:

- Ensure water volume turnover of storage facility volume as determined by the Town
- Monitor and optimize operating water levels in all storage facilities
- Maintain all operational data pertaining to storage levels
- Monitor and evaluate storage tank levels on a frequent basis
- Monitor strategic locations for system pressure
- Evaluate and define system diurnal demands, with respect to weekly, monthly, seasonal and annual variations
- Evaluate interactions between pump operation and storage facility operating levels, with respect to improving operational characteristics and customer service.

SUEZ will manage any subcontractor work on the water storage tanks. SUEZ will obtain prior approval for any storage tank work to be performed.

SUEZ has included the cost of the annual routine tank maintenance service in the cost fee shown in the cost section. The terms and conditions associated with the annual cost are outlined.

The included water storage tank service responsibilities are provided in the paragraphs that follow.

The following scope of services is included for the Town's three steel tanks: the Weymouth tank, the Henley Street tank and the Eastman Road tank.

- Annually inspect and service the tank. The tank and tower will be thoroughly inspected to ensure that the structure is in a sound, watertight condition.
- Engineering and inspection services shall be provided as needed to maintain and repair the tank and tower during the term of the contract. The repairs include: steel parts, expansion joints, water level indicators, sway rod adjustments and manhole covers and gaskets.
- The interior and/or exterior of the tank shall be cleaned and repainted at such time as complete repainting is needed. The need for interior painting will be determined by the thickness of the existing liner and its protective condition. When interior painting is needed, procedures as

outlined in AWWA-D102 specification for cleaning and coating of potable water tanks will be followed. Only material approved for use in potable water tanks will be used on any interior surface area. The need for exterior painting will be determined by the appearance and protective condition of the existing paint. When the exterior requires repainting, the tank shall be painted with the same existing color paint and a coating system which best suits site conditions, environment and general location of the tank shall be used. When painting is needed all products and procedures will be equal to, or shall exceed the requirements of the North Carolina Department of Environment and Natural Resources, the American Water Works Association and the Society for Protective Coatings as it relates to surface preparations and coating materials.

- A lock will be installed on the roof hatch of the tank.
- Emergency services will be provided when needed to perform all repairs during the term of the agreement. Reasonable travel time must be allowed for the repair unit to reach the tank site.
- If needed pressure relief valves will be provided and installed in the water system while the tank is being serviced.
- Current certificates of insurance will be furnished to the Town.
- SUEZ is accepting this tank under program based upon its existing structure and components. Any modifications to the tank, including, but not limited to antenna installations, shall be approved by SUEZ prior to installation or modification and may warrant an increase in the annual fee.

**Excluded Items:** This Proposal does NOT include the cost for and/or liability on the part of the SUEZ for: (1) containment of the tank at any time during the term of the Contract; (2) disposal of any hazardous waste materials; (3) resolution of operational problems or structural damage due to cold weather; (4) repair of structural damage due to antenna installations or other attachments for which the tank was not originally designed; (5) resolution of operational problems or repair of structural damage or site damage caused by physical conditions below the surface of the ground; (6) negligent acts of Owner's employees, agents or contractors; (7) damages, whether foreseen or unforeseen, caused by the Client's use of pressure relief valves; (8) repairs to the foundation of the tank; or (9) other conditions which are beyond the Clients' and SUEZ control, including, but not limited to, any damage to the tank or tank site which results from unauthorized entry of any kind to the tank site or tank.

Please note that all of the above services are also included in the scope of services for the Highway US-1 concrete tank except for the following:

- The concrete tank will not require the above mentioned engineering and inspection services needed to maintain and repair the tank and tower that would include steel parts, expansion joints, or sway rod adjustments.
- The concrete tank will only be provided with exterior painting as described earlier. Interior painting is not required for this tank.
- All other terms and conditions listed above, for the three steel tanks, also apply to the US-1 concrete tank.

## V. SAMPLING, MONITORING AND REPORTING

### ***Permit-Required Sampling, Monitoring and Reporting***

SUEZ will utilize the on-site laboratory at the water treatment plant. We will operate the laboratory in compliance with North Carolina 15A NCAC 2H 0.0800, 40 CFR 136 and 40 CFR 141. SUEZ will provide laboratory services to properly analyze process control tests, NPDES Permit compliance testing and drinking water compliance testing.

***SUEZ' comprehensive sampling and monitoring schedule improves process control and compliance monitoring for the Town's facilities.***

Southern Pines WTP: Process Control		
Lab Test	Monitoring Frequency	Name of Laboratory
Color, pH, Total Alkalinity, Iron, Manganese, Fluoride**, Monochloromine*, Free Ammonia*, Free Chlorine*, total Chlorine*	Daily	Southern Pines WTP Lab
Total Hardness	Monthly	Southern Pines WTP Lab
Aluminum	Quarterly during seasonal changes	Southern Pines WTP Lab
Nitrate*	Seasonal	Contract Laboratory
Total Organic Carbon	Monthly	Contract Laboratory
Filter Media Evaluation	Quarterly	Southern Pines WTP Lab
Total Coliform	Monthly	Southern Pines WTP Lab
Turbidity, Residual Chlorine	Hourly	Southern Pines WTP Lab
Inorganics, VOCs, Nitrate	Annual	Contract Laboratory
Total Organic Carbon & Alkalinity	Monthly	Contract Laboratory
Haloacetic Acids, Trihalomethanes	Quarterly	Contract Laboratory
Lead and Copper, PCBs, SOCs	Once every three years	Contract Laboratory
Radiological	Once every eight years	Contract Laboratory
TSS (effluent discharge)	Twice per Month	Contract Laboratory
Turbidity (effluent discharge)	Weekly	Contract Laboratory
Aluminum (effluent discharge)	Weekly	Contract Laboratory

\*Testing will be implemented after disinfectant conversion

\*\* Testing will be provided if the Town fluoridates water

## ***Sampling, Monitoring and Reporting Plan***

SUEZ will conduct process monitoring and all required permit monitoring. The table on the previous page summarizes current North Carolina Public Water Supply monitoring requirements.

SUEZ will complete all routine testing, such as turbidity, temperature, pH, color, chlorine, fluoride, iron, manganese, CO<sub>2</sub>, alkalinity, hardness, and bacteriological analyses. For some tests, the required number of sampling events is based on the number of customers served and the analytical results obtained from the initial sampling event. And for other tests, the frequency of analyses may vary from once every three years up to once every nine years.

Additional analyses, which are included in our cost estimate, are Radiological testing, PCB's, SOC's, monthly distribution bacteriological analyses, Lead and Copper, Trihalomethanes, Haloacetic Acids, Nitrates, Inorganics, VOC's, and Asbestos. SUEZ will complete these tests and file the appropriate reports.

SUEZ will prepare and submit the required Monthly Monitoring Reports to the North Carolina Department of Environment and Natural Resources, Public Water Supply Section. Copies of these reports will be sent to the Town along with any and all other pertinent records and information concerning the operation of the facility. SUEZ will complete all sampling and monitoring requirements currently required of Community Surface Water Systems. Since it is not possible to anticipate future monitoring requirements, no contingency costs are included in our proposal for future analytical requirements. These analyses will be completed by SUEZ and billed back to the Town of Southern Pines at actual cost, plus 10%. No new analytical testing will be initiated without first obtaining authorization from the Town of Southern Pines.

SUEZ will respond to all water quality questions and complaints and provide onsite investigations, laboratory samples, and other appropriate action, as required. SUEZ will maintain records of all water quality complaints, including name, address, apparent problem and resolution. These records will be maintained at the Plant and available to Southern Pines upon request. A typical distribution water quality evaluation form is presented in **Appendix B**. A summary of these complaints and their resolutions will be provided to the Town by SUEZ. SUEZ will be responsible for the upkeep of the laboratory equipment and for the purchase of chemical testing reagents.

All facility records, data, and onsite information, including, but not limited to operation reports, laboratory data, and budgetary and regulatory information shall remain the property of the Town of Southern Pines. All operating procedures, guidelines, preventive maintenance, and plant evaluation reports shall, upon termination of this Agreement, remain the property of the Town of Southern Pines.

SUEZ will assist the Town in developing the Annual Consumer Confidence Report (CCR). SUEZ will provide the reportable analyses, regulatory standards, and language required to effectively communicate this information to the customer and public. The Town will be responsible for printing and distribution of this material.

## Laboratory Quality Assurance/Quality Control (QA/QC)

QA/QC plays an essential role in the operation of any laboratory. High quality results can only be obtained if a comprehensive QA/QC program is in place, and it is strictly followed. SUEZ has developed, and will continue to use, a program that includes all aspects required by regulation and consists of three major components:

- Adherence to documented procedures and protocols detailing frequency and types of quality control parameters used within each analytical run
- Established and documented acceptance criteria by which to judge the performance of these parameters
- A formal multi-level review process to verify that quality control parameters lie within acceptance criteria and that no calculation or data entry errors have occurred in processing the raw analytical data

A Regional Quality Control Officer oversees the quality control program. The Project Manager and Quality Control Officer will continue to have full responsibility for ensuring the quality of the work generated by the lab. This will be accomplished by:

- Providing guidelines for the quality control program to all personnel and confirming that they can demonstrate an understanding of the program
- Overseeing and maintaining the training program files for each analyst
- Interacting with certification authorities and auditors in conjunction with certification
- Maintaining copies of procedural write-ups and ensuring that all lab personnel follow them
- Coordinating the analysis of Performance Testing samples for every test for which the lab is certified, reviewing results with analytical staff and providing timely response to certification authorities with respect to any problems
- Ensuring the analysts are monitoring quality control results and that corrective action is taken whenever an out-of-control event occurs
- Maintaining QA documentation files
- Performing periodic audits of laboratory data, procedures and files
- Preparing reports to management on lab activities, including a section on QA/QC

SUEZ has developed a Laboratory Methodology and QA/QC Handbook that provides guidelines for general laboratory operations necessary to achieve the required level of quality control and consistency in analysis results. SUEZ will continue to refine and update the QA/QC Manual and SOPs for all laboratory methods and sampling to be performed as part of our operations and maintenance agreement with the Town. All SOPs will follow and reference an approved methodology.

Appropriate sample containers and preservatives will be used for all samples. Some of the laboratory work may be subcontracted to certified labs. When work is subcontracted, it will be done so under chain of custody, and the appropriate records will be included with the data package.

On an annual basis, SUEZ will continue to participate in the State's proficiency testing in order to demonstrate accuracy and maintain state certification for the treatment plant laboratories. This certification is obtained through proper analyses of state selected independent supplier blanks, and by successfully passing a state inspection of laboratory test methods, procedures and test equipment.

SUEZ will continue to participate in the State's proficiency testing in order to demonstrate accuracy and maintain state certification for the treatment plant laboratories.

### **Management and Reporting**

SUEZ will utilize Hach WIMS™ as its data management system. All process control data, regulatory compliance data, and MCRS data will be stored in Hach WIMS™. SUEZ' internal reports like the DWOR and regulatory compliance reports are generated by the use of Hach WIMS™. In addition, SUEZ will develop any additional reports specific to the Town.

### **Quality Management**

SUEZ understands that the regulatory environmental climate throughout the United States and North Carolina is ever-changing and in most cases becoming more stringent. SUEZ maintains an Environmental Compliance Team that is constantly monitoring proposed and new regulations. As these regulations develop, SUEZ will keep the Town informed and provide recommendations for establishing additional treatment processes, changes in operational strategies, chemicals and sampling and monitoring. These recommendations are based on the best available data and management practices. For instance, if the Town converts the disinfectant at the water treatment plant from chlorine to chloramines, SUEZ will initiate the operational training, public education, monitoring, reporting and management initiatives that correspond with the chloramines program. As noted earlier, the on-site SUEZ staff will be heavily supported with experienced staff members to start-up this program and monitor it closely as well as provide local support as needed.

### **Records and Reporting**

The successful operation of water and wastewater systems involves much more than technical and "hands on" expertise. Accurate and timely records and reporting mechanisms are essential components of the process. These are the tools that enable us to measure our progress, comply with contractual and regulatory requirements, and maintain ongoing communications between the company and the Town.

As both owners and private operators of water and wastewater infrastructure, SUEZ has demonstrated its capability to provide municipal and regulatory officials with necessary accountability, performance and compliance, as required by our clients and all appropriate regulatory agencies.

In addition, we will compile data in a meaningful way to serve as a tool that can improve quality, service and efficiency. We will maintain well documented records of operations and maintenance, laboratory analyses, personnel, training, safety, process control, inspections, materials, alarms and other significant events and information. This data will be fully available to the Town.

As a supplement to our Management Control Reporting System (MCRS) communication methods, our approach to documenting our activities includes reports issued within the appropriate

timeframe and presented in a fashion that facilitates a clear understanding of our management performance and the treatment facilities’ operating performance. Examples of the reporting tools that we may use are summarized in the following table.

***SUEZ utilizes a "Balanced Scorecard" approach to deliverables to ensure the timely submittal of key information and a transparent working relationship for SUEZ and the Town.***

Report Schedule	Schedule
Contract Compliance Update Meeting	Monthly
Client Status Report	Monthly
Status of Maintenance Management	Monthly
Treatment Plant Performance	Monthly
Safety	Monthly
Training	Monthly
Annual Performance Wastewater Report	Annually
Annual Water Report	Annually
Capital Improvement Recommendations	Annually
Special Project Reports	As Requested

Serving as an extension of the Town’s staff, SUEZ will act responsibly in the Town’s interest while keeping Town staff fully informed of our operations. Together, the Town and SUEZ will develop a calendar for standing meetings with key personnel to review pertinent operational data to preserve our common understanding of goals and to monitor ongoing progress. Certainly, meetings may be held more frequently or as needed to address given circumstances. In addition, we will schedule an Annual Meeting with the Town to present the previous year’s activities as described in our Annual Report. SUEZ values frequent, informed reporting for better management.

## VI. EMERGENCY PREPAREDNESS AND RESPONSE

### Emergency Response Plan

An **Emergency Response Plan (ERP)** establishes Standard Operating Procedures (SOPs) that specify types of emergencies, preventive measures and response actions. SUEZ objectives prevent hazardous situations, minimize disruptions and restore service quickly and safely while protecting human life and managed assets.

Contingency plans will be in place to cope with a **failure of any critical system**. Plans will include instructions for isolating the equipment; alternate means of operations without the affected equipment; spare parts or units available in the system; and contact names, numbers and addresses of suppliers where applicable.

SUEZ will take precautions to reduce the impact of a **power failure**, which include the following: standby power generation equipment and Uninterruptible Power Supplies will be kept in good repair and tested on a regular basis; and alternative standby sources will be located in the event of primary standby failure.

The first priority in **fire and explosions** is the safety of all on-site personnel. Our staff receives training focused on securing the proper response from local emergency services such as containing the fire with on-site capability if reasonably possible, evacuating the facilities as appropriate and notifying local responders promptly. Our staff will interface with local emergency services on a minimum of an annual basis to familiarize response teams with the facilities and confirming points of contact and methodology.

SUEZ will develop a contingency plan related to **weather emergencies/terrorist activities** which provides guidance in outline form detailing the response actions to be initiated by the facility manager and all available personnel. The conditions are prioritized and reflect the potential impact on the facility operations, if any. The plan will also address the role of local emergency responders and law enforcement officials in these scenarios.

A critical part of that plan will be procedures for establishing and maintaining communications with the appropriate municipal, county, state, federal, fire, police and public works agencies. SUEZ works collaboratively with communications liaisons from the local emergency response teams, enabling coordination on one unified message, which reduces confusion and ensures the accuracy of information that is being released to the public.

**Training programs and drills** are designed so all employees know their responsibilities during an emergency and possess the skills to do their jobs efficiently. Training takes place regularly on the job, in classrooms and during drill exercises. Tabletop drills, in-house drills and external drills are held with Town officials, law enforcement and safety agencies at least annually to simulate elements of the plan.



Drills held with safety agencies, law enforcement and Town officials ensure that employees are skilled in doing their jobs efficiently and know how to respond to an emergency.

### **Catastrophic Loss Plan**

We have a number of plans devoted specifically to security and catastrophic loss. These plans have served us well and limited our risks associated with and our exposure to public enemies and vandalism. They have also enabled us to mitigate the effects and quickly respond to catastrophic events, the most recent being Superstorm Sandy in 2012.

Water treatment and distribution systems are exposed to a number of natural and man-made threats. These threats can generally be divided into three categories:

- Malevolent threats
- Natural threats
- Unintentional threats

Historically, malevolent threats at water facilities were limited to vandalism and minor theft. More recently though, water systems along with other critical infrastructure and essential service providers are targets for disgruntled or terminated employees and/or homegrown violent extremists (HVEs) or international terrorists (public enemies). Malevolent threats may include intentional source water contamination, intentional finished water contamination, disruption of power, cyber intrusion, equipment/supplies/material theft, hazardous material incidents or supply chain interruptions.

Natural threats such as hurricanes, floods and fires (acts of God) also have the capacity to cause major infrastructure failure, power outages or interruptions, source water contamination, finished water contamination, supply chain interruptions or cyber-related events. Unintentional threats associated with system malfunctions or operator errors can also result in similar scenarios.

For the WTP, we will develop a site-specific security plan that takes into account each of these threat categories and looks at the risk from each in terms of the vulnerability, threat, and consequence in order to fully protect the facilities, both physically and financially.

Our approach to security is based on the theory that internal and external facility environments can be designed and managed to create conditions that, together with specific physical security safeguards, will reduce the risk of violence to employees; protect against unauthorized access, theft and sabotage; detect attempted or actual unauthorized access; and activate an effective response. Our physical security strategies are based on the following:

- Protection
- Detection
- Response
- Recovery
- Capability to increase security during emergencies and increased threat situations

At the Southern Pines facility, we will deploy physical, procedural, and psychological barriers to delay or deter unauthorized access. As mentioned above, we use four programs to address security: protection, detection, response and recovery. Our protection program covers a wide variety of physical security measures. Our detection program involves the use of appropriate devices, systems, and procedures to signal that an attempted or actual unauthorized access or breach has occurred.

Our response program addresses the implementation of measures to ensure that a security incident is reported both internally within SUEZ and externally to the Town's facility, law enforcement, and if necessary, to the appropriate State and Federal regulatory agencies. Our response program also ensures that immediate and long-term corrective action is taken in a timely fashion. Our recovery program encompasses the restoration of full service levels following an incident. We also have a contract and master services agreement in place with a nationally recognized security firm (G4S) that allows us to ramp up security as needed.

Because of the confidential nature of any security plan, we do not disclose specific strategies and/or procedures. While we do not disclose specifics, rest assured that security is and will be an integral part of our overall operations at the WTP, as well as all of our daily administrative, operational, maintenance and distribution system work practices. We are dedicated to the protection of our employees, visitors, vendors, clients and subcontractors and all propriety and non-propriety information, as well as the grounds, equipment and assets from any security threat. We will guard against all damage to the property and assets under our control from public enemies, saboteurs, trespassers, negligence, vandalism or malicious third party mischief. Simply put, the procedures we will put in place at the WTP will be designed to:

- Prevent unauthorized entry
- Prevent interference with the water treatment process and distribution system
- Prevent injuries to our employees, consultants, contractors, visitors and neighbors
- Prevent loss or damage to our and the Installation's property

Additionally, one of our best security assessment tools is the Department of Homeland Security's (DHS) web-based Infrastructure Survey Tool (IST). We have used the DHS IST at our project locations throughout the country. The DHS IST allows us to assess a facility's infrastructure risk and resilience based on a variety of natural and man-made hazards. The DHS IST is part of the department's Enhanced Critical Infrastructure Protection (ECIP) program. It relies on information collected by 93 DHS Protective Security Advisors (PSAs) who are located throughout the United States.

The PSAs use a web-based data collection template that has more than 1,500 variables covering six major security-related components (i.e., physical security and security management) and 42 subcomponents (i.e., access control). Information collected during the assessment is then turned into a protective measures index (PMI) score. The PMI score is broken down into consolidated and component dashboards. The PMI dashboards are constructed so that as UW adds new security measures or updates existing measures, the dashboard score changes (increases) to reflect the improvements. The dashboards also provide a comparison of a facility's protection posture with that of similar facilities nationwide. This comparison provides a feel for a facility's security strengths and weaknesses, which may be contributing factors to its vulnerability and protection posture.

The DHS also has a simplified security assessment tool called the Rapid Survey Tool Question Set (RST) for smaller outlying facilities where the IST may not be appropriate. Utilizing both the IST and the RST will help us perform the following functions:

- Determine the baseline security condition

- Prioritize our security improvements and allocate CAPEX funds
- Benchmark how the Town's WTP compares to similar facilities nationwide
- Raise the security awareness
- Enhance existing relationships between the DHS and Federal, State and local law enforcement personnel

To ensure our security program remains up to date, we will conduct an annual security review and update the program as needed throughout the year. For example, we recently updated our New York program to cover the changes announced on December 16 to the National Threat Advisory System (NTAS) and to incorporate information from the NTAS Bulletin published the same day. Balancing effective security while providing convenient access for authorized personnel and materials is a challenge for any facility. We are confident we can meet the challenge and ensure a safe and secure environment.



**Emergency Preparedness Experience**

The safety of the public and our employees is our highest priority. As such, we have a proven ERP at each site which enables us to respond quickly in the event of an emergency.

During 2012 thru 2014 SUEZ has managed several hurricane and tropical storm events at our plants in Scotland Neck, Enfield, and Farmville, NC. In addition, in August/September of 2012, SUEZ managed the Hurricane Isaac event at our projects in Laurel, Jackson and Canton, MS. Corporate, regional and local SUEZ personnel worked with public agencies to plan, prepare and execute the ERP. Our efforts led to the plants continuing to operate throughout the event, no environmental incidents and no injuries to project personnel.

Over the 24 years that SUEZ has served the Town of Southern Pines, there have been numerous events such as adverse effects from hurricanes, tropical storms, drought conditions, snow and ice storms and routine severe thunderstorms that are very common to the Sandhills area. SUEZ has successfully managed the water treatment facility through these events and maintained the water supply through these periods.

A few of these events include:

- Hurricane Bertha in July 1996
- Hurricane Fran in September 1996
- Hurricane Floyd in September 1999
- Snowstorm in January 2000 which resulted in 20 inches of snow

## **VII. PERFORMANCE GUARANTEES**

SUEZ' objectives in the operations of water and wastewater treatment facilities are to operate the systems as efficiently and economically as possible and to produce safe and environmentally acceptable product.

SUEZ is committed to complying with the regulations and guidelines as set forth in the North Carolina Clean Water Act and other applicable laws. SUEZ agrees to pay all fines levied against the Town of Southern Pines by the regulatory agencies for any violations due to verifiable negligent operational errors or negligent oversights by SUEZ or its personnel.

The guarantee is contingent upon:

1. Not exceeding the design flow rate of the system.
2. Not being responsible for Force Majeure events such as, such as flooding, lightning damage, etc.
3. Not being responsible for design and/or structural defects resulting in failure of the equipment, processes or facilities design.
4. Having no toxic or inhibitory substances in the raw water.

## VIII. ADDITIONAL CONSIDERATIONS

SUEZ will:

- furnish the telephone service;
- provide grounds upkeep equipment;
- assume responsibility for plant instrumentation maintenance and calibrations;
- supply the vehicles required for project operations and maintenance; and,
- furnish small hand tools for employee use.

The Town will be responsible for all distribution system maintenance, invoicing customers, and collection of water and sewer bills. All telemetry costs, and standby generator fuel costs will be the responsibility of the Town of Southern Pines. All facility modifications and safety equipment such as retrieval hoists, ventilation fans, installation of railing, etc. will be provided by the Town.

### ***Legal Considerations, Risk Allocation and Insurance***

#### **Insurance and Indemnification**

The Town of Southern Pines will be responsible for providing all real, personal property, and public liability insurance on the Facility and shall name SUEZ as an additional insured.

The Town agrees to provide SUEZ with a waiver of subrogation on behalf of itself and its insurance carriers.

The Town of Southern Pines agrees to defend, indemnify and hold SUEZ, its employees, subcontractors and agents harmless from any liability for damage or claims that may arise from the discharge, dispersal, release, or escape from the water treatment facility and the landfill or other disposal sites selected by the Town, any flow into or upon land, the atmosphere or any water course or body of water; any violation by the Town of any Applicable Law prior to the first date of the Term of this Agreement; or any negligent acts, errors or omissions by any elected or appointed officer, contractor, subcontractor or any Town employee or agent, except to the extent caused by SUEZ negligence or willful misconduct.

SUEZ will maintain Commercial General Liability Insurance for losses caused by SUEZ with the limits of liability being \$1,000,000.00 for each occurrence. SUEZ will provide the Town annually with a Certificate of Insurance detailing the insurance coverage. SUEZ will list the Town of Southern Pines as an additional ensured party and provide that Southern Pines receives at least thirty (30) days advance notice of cancellation, termination or alteration of the policy, except ten (10) days' notice shall be provided for nonpayment of premium. SUEZ will maintain all insurance coverage required by federal, state, and local agencies for our employees. All vehicle insurance and auto operational expenses will be SUEZ's responsibility.

SUEZ agrees to defend and hold the Town of Southern Pines, and its officials, employees, and agents harmless from any liability or claims that may arise out of or result from the negligence or willful misconduct of SUEZ or its agents, employees, and/or subcontractors arising out of the performance of this Contract or the services except to the extent caused by negligence or willful misconduct of the Town of Southern Pines, its officials, employees or agents.

SUEZ shall not be liable to the Town of Southern Pines for any special, indirect, incidental or consequential damages arising out of this Contract and SUEZ's total liability shall be limited to the value of the annual fee plus applicable insurance proceeds.

### **Force Majeure**

Either party's performance shall be excused if, and to the extent that, either party is unable to perform because of actions due to causes beyond its reasonable control such as, but not limited to, change of Applicable Law, Acts of God, the act of civil or military authority, floods, epidemics, quarantine restrictions, riot, strikes, commercial impossibility, fires, explosions, bombings, and all such interruptions of business, casualties, events or circumstances reasonably beyond the control of the party obligated to perform, (including theft, damage, or unauthorized use of the water treatment facility) whether such other causes are related or unrelated, similar or dissimilar, to any of the foregoing. In the event of any such force majeure, the party unable to perform shall promptly notify the other party of the existence of such force majeure and shall be required to resume performance of its obligations upon the termination of the aforementioned force majeure. SUEZ's compensation shall be equitably adjusted if there is any increase or decrease in the scope of services or if the cost of services increases as a result of a cause beyond its reasonable control (as described above).

### **Termination**

This Contract may be terminated by with or without cause by either party by giving written notice to the other party thirty (30) calendar days prior to the termination date. In this event, SUEZ shall be entitled to just and equitable compensation for any and all work satisfactorily completed. If this Contract is terminated for the convenience of the Town of Southern Pines, then SUEZ shall be compensated in the amount of one (1) month's fee for demobilization costs. In the event this Contract is terminated for cause, the defaulting party shall have thirty (30) days upon notice by the non-breaching party to cure the stated deficiency.

### **Dispute Resolution**

In the event that a dispute arises among the parties, the disputing party shall provide the other party with written notice of the dispute and within twenty (20) days after receipt of said notice, the receiving party shall submit to the other a written response. The notice and response shall include a statement of each party's position and a summary of the evidence and arguments supporting its position. Each party shall designate a high level executive or officer to work together in good faith to resolve the dispute; the name and title of said executive shall also be included in the notice and response. The executives shall meet at a mutually acceptable time and place within thirty (30) days of the date of the disputing party's notice and thereafter as they reasonably deem necessary to resolve the dispute. If the executives have not resolved the dispute through good faith efforts within sixty (60) days, then, before resorting to taking the case to court, the parties shall try in good faith to resolve the dispute by mediation administered by the American Arbitration Association ("AAA") under its Commercial Mediation Rules. All costs attributed to mediation shall be borne equally by both parties. If mediation proves unsuccessful, either party may then initiate litigation.

**Governing Law**

This Contract shall be governed by and construed in accordance with the laws (and not the rules governing the conflict of laws) of the State of North Carolina, as effective and in force on the date of this Contract.

**Proprietary Nature of Proposal**

SUEZ hereby reserves its copyright and other property rights in these plans, ideas, proposals, and designs. These plans, ideas, proposals, and designs are not to be reproduced, changed, or copied in any form or manner whatsoever, nor are they to be assigned to, or shared with, any third party without first obtaining the express written permission from SUEZ Distributions of copies of these documents to meet regulatory requirements in connection with the proposed project is not to be construed as publication in derogation of these reserved rights. In the event of the breach of these common law rights belonging to SUEZ the party shall be responsible for fair compensation to SUEZ.

**Acceptance Acknowledgement**

Confirmation of acceptance of the terms and conditions of this Proposal may be accomplished by signing and returning one copy of this Proposal. Proposal shall be valid if executed and returned within 60 days.

**TOWN OF SOUTHERN PINES  
SOUTHERN PINES, NORTH CAROLINA**

ACCEPTED:

By:

TITLE:

DATE:

AUTHORIZATION or  
P.O. NUMBER:

**SUEZ WATER ENVIRONMENTAL SERVICES INC.**

APPROVED:

By:

TITLE:

DATE:

*Nardi Lucchi*

*President*

*4-21-16*

## IX. COST ESTIMATES

Costs for the proposed program are presented at the end of this section. The estimates are based on the personnel and time required to adequately operate, maintain, and provide the operational services as efficiently and economically as possible.

Any additional work requested by the Town of Southern Pines will be billed according to the rate schedule shown in the table below.

The terms and conditions of this proposal are for a period of sixty (60) months commencing July 1, 2016 and ending June 30, 2021.

### **Rate Schedule\* for SUEZ**

Classification	Rate
Project Manager	\$65.00/Hour
Operational Specialist	\$40.00/Hour
Technician/Operator	\$25.00/Hour
Accounting/Clerical	\$20.00/Hour

\*For any additional work requested by Southern Pines beyond that specified in the Scope of Services. The hourly rates will be adjusted annually on the contract anniversary date in accordance with the Employment Cost Index Component of the annual adjustment.

Project expenses are reimbursed at actual costs except as indicated below:

- 1) Local travel by employees will be invoiced at the current IRS rate.
- 2) Copying and printing costs will be invoiced at a rate of 15 cents per page.

Annual fee adjustments will be made using the Employment cost Index (ECI), and Consumer Price Index (CPI) based on their pro-rata portion to cover economic increases and decrease. Annual fee adjustments for non-labor will be based on the Consumer Price Index (CPI). Annual fee adjustments for personnel costs will be calculated by the Employment Cost Index (ECI) as published by the U.S. Department of Labor. **Appendix C** details these calculations.

At the conclusion of the contract period, the contract may be extended by mutual consent and negotiation.

### **Payment**

Payment for contract operational services will be based on direct payment at the rate per month as outlined in this Cost Section. The Town of Southern Pines will be invoiced at the fixed fee amount per month, as shown in the table at the end of this section, during the contract period for operation and maintenance of the facility. Project billings for the fixed fee contract amount will be forwarded monthly during the duration of the contract period.

Reimbursement for any additional services that may be requested by the Town of Southern Pines will be based on direct reimbursement at the rate per hour for each personnel classification engaged in performing the work as outlined in the above table. This rate schedule will only apply for work requested by the Town above and beyond the work tasks described in **Section 2.0: Scope of Services** of this Proposal. No work of this type would commence without prior approval from the

Town of Southern Pines. Invoices for any and all approved work beyond the fixed fee contract will generally be divided into two classifications of charges — labor and project expenses. Labor charges will delineate the hourly rate and the hours expended noted. Back-up documentation will be provided to the client for all project expenses beyond routine service.

Payment for all work completed will be due in full amount upon receipt of invoice. Balances remaining unpaid after thirty (30) days may be assessed a charge of 1.5 percent per month until paid.

### ***Value Added Services***

In addition to the requested base operational and maintenance services, SUEZ can provide additional services to further enhance the operational and m facility, as well as support in other fields such as the water distribution, wastewater collection and capital program management.

- **Computerized Maintenance Management System (CMMS):** SUEZ will provide and implement a Computerized Maintenance Management System (CMMS) as a tool to support our current maintenance and business processes. We will include the implementation of a new CMMS at the Southern Pines Facility as part of our base service. The implementation will include entry and verification of all preventive work procedures and timelines as outlined in the manufacturer's literature to automatically generate PM work orders. SUEZ has significant experience with many types of CMMS software systems. We recommend eRPortal as our preferred system for the WTP. The eRPortal system was selected as a result of its ease of use, data mining capabilities, intuitiveness of work flow, schedule generation capabilities, and material and labor allocation processes. The eRPortal system will be utilized to manage and document our maintenance program. Our asset management implementation strategy consists of seven key modules as illustrated in the figure on page 28. Each module is used to manage our maintenance work processes, including work management, asset management, procurement inventory, data management, materials and contract management.

SUEZ will also work with the Town of Southern Pines to implement critical maintenance performance indicator benchmarks. These may include:

- Critical equipment availability
- PM/CM ratio
- PM Completion
- Inventory runs and stockouts
- Work order aging, including work orders open more than 30 days and work orders open more than 90 days
- Warranty information

This CMMS will be provided as an added value service tool by SUEZ as part of the base fee service with no additional cost.

- **Water Treatment Facility 140 MG Raw Water Impoundment Grounds Upkeep:** Currently the town utilizes a contractor to fulfill the grounds upkeep requirements at the 140 MG raw water impoundment. SUEZ will provide this grounds upkeep service for an additional cost of \$3,600.00 per year.

- **Distribution System Water Hydrant Flushing Program:** Fire hydrant maintenance is one of the highest priorities of any distribution system operation and maintenance plan and, accordingly, SUEZ implements a comprehensive fire hydrant maintenance program. The Town of Southern Pines Water Distribution System includes 1,338 hydrants. This program includes annual inspection of all hydrants in the Town's Water Distribution System. SUEZ will provide services relative to the installation and repair, periodic testing, and maintenance of hydrants, and will coordinate and assist the Fire Department with periodic hydrant assistance and training needs.
- In addition, SUEZ will perform a strategic **Unidirectional Flushing (UDF)** Programs as determined for the system every year. All dead-end water mains will be flushed annually or as required. All other water mains shall be flushed as necessary, based on customer complaints and water quality data. SUEZ will continuously strive to identify areas in need of water quality improvement and focus on customer satisfaction. Hydrant flushing will be performed in accordance with AWWA Standards where each hydrant is opened and closed 100%, assuming that there is no potential for property damage resulting from this operation.

We also will evaluate the use of automatic flushing devices that can be used on dead ends or on low flow mains to keep the water flowing and prevent stagnation and resultant water quality deterioration.

SUEZ will utilize our Project Manager to coordinate these hydrant flushing events with the Town . SUEZ will provide the annual hydrant flushing service which will require additional staff which will be provided by SUEZ. The annual cost for this additional service is \$6,164.00 per year.

- **Water Treatment Facility Assessment and Capital Planning Update:** SUEZ has always provided the Town with annual budget recommendations. However, in 2016 SUEZ assembled a larger review team with expertise in various areas such as operations, maintenance, engineering, electrical and instrumentation components, Health and Safety and energy management. This allowed for a more thorough review and recommendation of operational needs, regulatory requirements and capital planning. SUEZ proposes to provide an annual update of this assessment and budget recommendations for the Town that will correspond with the annual budget development and review. This service will be provided as a value added component at no additional charge to the town. SUEZ will prepare an annual report and present these findings to the town.
- **Distribution System Monitoring Stations:** The Town of Southern Pines is considering modifying their existing distribution system to a system which incorporates multiple system pressure zones to accommodate different operating requirements. SUEZ proposes to offer the procurement, installation and management of chlorine and pH monitoring stations in the distribution system. This would allow the staff to monitor the chlorine and pH levels at different pressure zones and locations in the system. The SUEZ price and approach is based on our ability to locate these monitoring units at the elevated water storage tank locations. We recommend placement of these units at all three tank locations. This allows a secure location with radio connectivity for transfer of information. SUEZ has priced these as cost per unit which will allow the Town to determine how many, if any, they desire. The cost to provide and install these analyzers is \$7,185.00 per unit. SUEZ would provide the routine maintenance

for these units. Any repair or replacement cost would be covered under the existing water treatment facility maintenance fund or billed back to the town as directed.

- **Water Treatment Plant Chemical Feed System:** During the recent SUEZ WTP assessment and capital recommendations evaluation, the staff identified the water treatment plant chemical feed area as an area that is in need of replacement. This portion of the treatment process is vital to successful operation. SUEZ proposes providing an upgrade to this area as an additional service option. This work will include replacement of the chemical feed pumps that are approaching the end of their useful life, replacement of the chemical day tanks and replacement of the associated piping from the day tanks and chemical feed pumps. SUEZ will utilize our staff from our “mechanical services” group to lead the maintenance and electrical portions of the work. Area SUEZ maintenance staff will assist and support this project.

The estimated cost for this replacement project is \$45,000.00. The total cost of this option is spread out over the 5-year service period. If accepted, SUEZ will provide the town with a schedule and listing of replacement equipment and materials recommended for final approval.

**COST ESTIMATES FOR OPERATION OF TOWN OF SOUTEHRN PINES WATER TREATMENT AND WATER STROAGE FACILITEIS BASED ON 3.5 MGS AVERAGE PRODUCTION RATE.**

<b>Function</b>	<b>Cost (\$)</b>
PERSONNEL: Direct salary, insurance, payroll taxes, benefits	\$410,814.00
OPERATION, MAINTENANCE, REPAIRS*	\$12,500.00
OPERATIONAL SUPPLIES: Reagents, tools, PPE	\$85,800.00
SLUDGE DISPOSAL	\$16,600.00
LABORATORY SERVICES	\$37,800.00
TRAINING: Annual CEUs, Safety	\$4,200.00
ADMINISTRATION: Vehicle, telephone, insurance, office support, etc.	\$58,568.00
CHEMICALS	\$198,220.00
Base Fee Total Without Value-added Services	\$824,502.00
<b>VALUE-ADDED SERVICES**</b>	
Raw Reservoir Grounds Upkeep	\$3,600.00
Hydrant Flushing Program	\$6,164.00
Distribution Monitoring Stations	\$4,311.00
Replace Chemical Feed System	\$9,000.00
Bi-annual Energy Audit	\$0.00
Annual Capital Assessment	\$0.00
<b>TOTAL ANNUAL COST</b>	<b>\$847,577.00</b>
<b>TOTAL MONTHLLY COST</b>	<b>\$70,631.42</b>

\*NOTE: Contractor will assume responsibility for the costs of repair of breakdown and malfunctions of water plant equipment. Contractor will provide all replacement parts and supplies up to \$500 per breakdown event, not to exceed an annual maximum of \$12,500 for operation of the facility. Major capital costs will be the Town's responsibility.

\*\*Value Added Services are itemized as options. The value added services are priced per year

MEMORANDUM

To: Town Council  
Reagan Parsons, Town Manager  
Crystal Gabric, Finance Director

From: Robert Reeve, Director, Recreation & Parks Department

Date: May 25, 2016

Subject: Pool Park Performance Stage Rental Fees

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As discussed at the May 23, 2016 Town Council Work Session for a rental fee for the new Pool Park Performance Stage, please add to Town Ordinance 32.093 a resident rate (without power) of \$35 for 3 hours; \$10 for additional hour (Non-resident: 2 times resident fee); or with power \$50 for 3 hours; \$10 for additional hour (Non-resident: 2 times resident fee). Please adopt this new fee at the June 14, 2016 regular meeting of Town Council.

Thank you.

**AN ORDINANCE  
AMENDING THE DOWNTOWN PARK PROJECT BUDGET**

**BE IT ORDAINED**, by the Town of Southern Pines Town Council, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project budget is hereby amended:

Section 1: The project authorized is for the purpose of renovating the Downtown Park.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following additional amounts are appropriated for the project:

Construction	<u>\$150,000</u>
Total Additional Project Appropriation	<u>\$150,000</u>

Section 4: The following additional revenues are anticipated to be available for this project:

Transfer In- General Fund	<u>\$150,000</u>
Total Additional Project Revenues	<u>\$150,000</u>

Section 5: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 6: This amended ordinance becomes effective July 1, 2016.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 14, 2016 as shown in the minutes of the Town Council for that date.

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Peggy K. Smith, Town Clerk

North Carolina League of Municipalities  
308 West Jones Street  
Raleigh, NC 27603

**Summary for Blanket Coverage**

Line Item Total			22,538.54
Overhead	@	10.0%	10.73
Profit	@	10.0%	10.73
<b>Replacement Cost Value</b>			<b>\$22,560.00</b>
Less Deductible			(2,500.00)
<b>Net Claim</b>			<b>\$20,060.00</b>

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# Memo

To: Reagan Parsons, Town Manager; Town Council

From: Adam Lindsay, Assistant Town Manager

cc: Bruce Rosenberger, Purchasing/HR Director; Crystal Gabric, Finance Director

Date: May 10, 2016

Re: Budget Amendment

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During this fiscal year two trees fell on the Train House, damaging the roof. Town crews worked in conjunction with a local contractor to repair the damage. The Town paid the **contractor's invoice** of \$20,701.17 to repair the facility. The Town then filed a claim with our insurance provider and received a check for \$20,060.00. We will not be able to absorb this cost in our budget and respectfully ask that you increase line item 10-640-1500 by the \$20,060.00, which is the revenue received to cover the cost of these repairs.

## MEMORANDUM

TO: Town Council  
Reagan Parsons, Town Manager

FROM: Crystal Gabric, Finance Director

DATE: May 24, 2016

SUBJECT: Audit Contract

Attached please find the audit contract for the fiscal year ending 2016 with the firm of Dixon Hughes Goodman LLP.

The rate structure for the contract is the same cost as the last three fiscal years with a fixed cost of \$28,200 for the audit and \$4,050 for the reporting model conversion. Due to Statements on Auditing Standards (SAS) pronouncements, risk assessments are required to be a part of the annual audit. The cost of the risk assessments based upon the current contract is \$145 to \$150 per hour. If a single audit is required, the cost will be \$145 to \$150 per hour as well.

Please approve the contract for the annual audit for the fiscal year ending 2016.

**CONTRACT TO AUDIT ACCOUNTS**

Of the Town of Southern Pines  
Primary Governmental Unit

Discretely Presented Component Unit (DPCU) if applicable

On this 4th day of May, 2016,

Auditor: Dixon Hughes Goodman LLP Auditor Mailing Address: \_\_\_\_\_

1829 Eastchester Drive, High Point, NC 27265 Hereinafter referred to as The Auditor

and Board of Commissioners (Governing Board(s)) of the Town of Southern Pines  
(Primary Government)

and \_\_\_\_\_ : hereinafter referred to as the Governmental Unit(s), agree as follows:  
(Discretely Presented Component Unit)

1. The Auditor shall audit all statements and disclosures required by generally accepted accounting principles (GAAP) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit (s) for the period beginning July 1, 2015, and ending June 30, 2016. The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion will be rendered in relation to (as applicable) the governmental activities, the business-type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).
2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with generally accepted auditing standards. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards, Final Rule, (Uniform Guidance)* and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit and/or audit documentation are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC CPA Board).

County and Multi-County Health Departments: The Office of State Auditor will designate certain programs that have eligibility requirements to be considered major programs in accordance with OMB *Uniform Guidance* for the State of North Carolina. The LGC will notify the auditor and the County and Multi-Health Department of these programs. A County or a Multi-County Health Department may be selected to audit any of these programs as major.

3. If an entity is determined to be a component of another government as defined by the group audit standards - the entity's auditor will make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unqualified opinion being rendered. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards, 2011* revisions, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he has met the requirements for a peer review and continuing education as specified in *Government*

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Discretely Presented Component Units (DPCU) if applicable

*Auditing Standards.* The Auditor agrees to provide a copy of their most recent peer review report regardless of the date of the prior peer review report to the Governmental Unit and the Secretary of the LGC prior to the execution of the audit contract (See Item 22). **If the audit firm received a peer review rating other than pass**, the Auditor shall not contract with the Governmental Unit without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to Government Accounting Standards or if financial statements are not prepared in accordance with GAAP and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment..

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to the State and Local Government Finance Division (SLGFD) within four months of fiscal year end. Audit report is due on: October 31, 2016. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay must be submitted to the secretary of the LGC for approval.
7. It is agreed that generally accepted auditing standards include a review of the Governmental Unit's systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor will make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his findings, together with his recommendations for improvement. That written report must include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. **Invoices for services rendered under these contracts shall not be paid by the Governmental Unit until the invoice has been approved by the Secretary of the LGC.** (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work must be submitted by email in PDF format to the Secretary of the LGC for approval. The invoices must be sent via upload through the current portal address: <http://nctreasurer.slgfd.leapfile.net> Subject line should read "Invoice – [Unit Name]. The PDF invoice marked 'approved' with approval date will be returned by email to the Auditor to present to the Governmental Unit for payment. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. In consideration of the satisfactory performance of the provisions of this contract, the Primary Governmental Unit shall pay to the Auditor, upon approval by the Secretary of the LGC, the fee, which includes any cost the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (Federal and State grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. (Note: **Fees listed on signature pages.**)
10. If the Governmental Unit has outstanding revenue bonds, the Auditor shall include documentation either in the notes to the audited financial statements or as a separate report submitted to the SLGFD along with the audit report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor should be aware that any other bond compliance statements or additional reports required in the authorizing bond documents need to be submitted to the SLGFD simultaneously with the Governmental Unit's audited financial statements unless otherwise specified in the bond documents.

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Discretely Presented Component Units (DPCU) if applicable

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11. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the client or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board as soon as practical after the close of the accounting period.
12. If the audit firm is required by the NC CPA Board or the Secretary of the LGC to have a pre-issuance review of their audit work, there must be a statement added to the engagement letter specifying the pre-issuance review including a statement that the Governmental Unit will not be billed for the pre-issuance review. The pre-issuance review must be performed **prior** to the completed audit being submitted to the LGC. The pre-issuance report must accompany the audit report upon submission to the LGC.
13. The Auditor shall electronically submit the report of audit to the LGC as a text-based PDF file when (or prior to) submitting the invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the SLGFD by any interested parties. Any subsequent revisions to these reports must be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings, by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and other lawful purposes of the Governmental Unit without subsequent consent of the Auditor. If it is determined by the LGC that corrections need to be made to the Governmental Unit's financial statements, they should be provided within three days of notification unless another time frame is agreed to by the LGC.

If the OSA designates certain programs to be audited as major programs, as discussed in item #2, agreed-upon procedures report, a turnaround document and a representation letter addressed to the OSA shall be submitted to the LGC.

The LGC's process for submitting contracts, audit reports and invoices is subject to change. Auditors should use the submission process in effect at the time of submission. The most current instructions will be found on our website: <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx>

14. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be varied or changed to include the increased time and/or compensation as may be agreed upon by the Governing Board and the Auditor
15. If an approved contract needs to be varied or changed for any reason, the change must be made in writing, on the Amended LGC-205 contract form and pre-audited if the change includes a change in audit fee. This amended contract needs to be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract, and then must be submitted through the audit contract portal to the Secretary of the LGC for approval. The portal address to upload your amended contract is <http://nctreasurer.slgfd.leapfile.net>. No change shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.
16. Whenever the Auditor uses an engagement letter with the Governmental Unit, Item #17 is to be completed by referencing the engagement letter and attaching a copy of the engagement letter to the contract to incorporate the engagement letter into the contract. In case of conflict between the terms of the engagement letter and the terms of

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Discretely Presented Component Units (DPCU) if applicable this contract, the terms of this contract will control. Engagement letter terms are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item #24 of this contract. Engagement letters containing indemnification clauses will not be approved by the LGC.

17. Special provisions should be limited. Please list any special provisions in an attachment.

**See attached Appendix A and engagement letter**

18. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU must be named along with the parent government on this audit contract. Signatures from the DPCU Board chairman and finance officer also must be included on this contract.
19. The contract must be executed, pre-audited, physically signed by all parties including Governmental Unit and Auditor signatures and submitted in PDF format to the Secretary of the LGC. The current portal address to upload your contractual documents is <http://nctreasurer.slgfd.leapfile.net> Electronic signatures are not accepted at this time. Included with this contract are instructions to submit contracts and invoices for approval as of October 2015. These instructions are subject to change. Please check the NC Treasurer's web site at [www.nctreasurer.com](http://www.nctreasurer.com) for the most recent instructions.
20. The contract is not valid until it is approved by the LGC Secretary. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. **The audit should not be started before the contract is approved.**
21. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.
22. **E-Verify.** Auditor **shall comply** with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor **shall require** such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.
23. Contractor hereby certifies that Contractor, and all subcontractors, are not on the Iran Final Divestment List ("List") created by the North Carolina State Treasurer pursuant to N.C.G.S. 143-6A-4. Contractor shall not utilize any subcontractor that is identified on the List.
24. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted: (See Item 16 for clarification).

***SIGNATURE PAGES FOLLOW***

Contract to Audit Accounts (cont.)

the Town of Southern Pines

Governmental Unit

Discretely Presented Component Units (DPCU) if applicable

the Town of Southern Pines

- FEES

Year-end bookkeeping assistance – [For audits subject to Government Auditing Standards, this is limited to bookkeeping services permitted by revised Independence Standards]

Audit \$28,200 plus application of risk assessment standards at our hourly rate of \$145-\$150/hr., comp

Preparation of the annual financial Statements \$4,050 plus reporting model conversion at our standard rat

Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees above. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee.

The 75% cap for interim invoice approval for this audit contract is \$ 33,900

\*\* NA if there is to be no interim billing

Communication regarding audit contract requests for modification or official approvals will be sent to the email addresses provided in the spaces below.

Audit Firm Signature:

Dixon Hughes Goodman LLP

Name of Audit Firm

By John A. Frank, CPA

Authorized Audit firm representative name: Type or print

Signature of authorized audit firm representative

Date May 4, 2016

John.Frank@dhgllp.com

Email Address of Audit Firm

Governmental Unit Signatures:

the Town of Southern Pines

Name of Primary Government

By David McNeil, Mayor

Mayor / Chairperson: Type or print name and title

Signature of Mayor/Chairperson of governing board

Date

By

Chair of Audit Committee - Type or print name

\*\*

Signature of Audit Committee Chairperson

Date

\*\* If Governmental Unit has no audit committee, mark this section "N/A"

the Town of Southern Pines

PRE-AUDIT CERTIFICATE: Required by G.S. 159-28

(a)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act. Additionally, the following date is the date this audit contract was approved by the governing body.

By Crystal Gabric

Primary Governmental Unit Finance Officer:

Type or print name

Primary Government Finance Officer Signature

Date

(Pre-audit Certificate must be dated.)

gabric@southernpines.net

Email Address of Finance Officer

Date Primary Government Governing Body Approved Audit Contract - G.S. 159-34(a)

Contract to Audit Accounts (cont.) \_\_\_\_\_ the Town of Southern Pines  
Governmental Unit  
Discretely Presented Component Units (DPCU) if applicable

**\*\* This page to only be completed by Discretely Presented Component Units \*\***

\_\_\_\_\_ FEES  
Year-end bookkeeping assistance – [For audits subject to Government Auditing Standards, this is limited to bookkeeping services permitted by revised Independence Standards] \_\_\_\_\_

Audit \_\_\_\_\_

Preparation of the annual financial Statements \_\_\_\_\_

Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees above. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee.

The 75% cap for interim invoice approval for this audit contract is \$ \_\_\_\_\_

**\*\* NA if there is to be no interim billing**

Communication regarding audit contract requests for modification or official approvals will be sent to the email addresses provided in the spaces below.

DPCU Governmental Unit Signatures:

\_\_\_\_\_  
Name of Discretely Presented Component Unit

By \_\_\_\_\_  
DPCU Board Chairperson: Type or print name and title

\_\_\_\_\_  
Signature of Chairperson of DPCU governing board

Date \_\_\_\_\_

\_\_\_\_\_  
By \_\_\_\_\_  
Chair of Audit Committee - Type or print name

\_\_\_\_\_  
Signature of Audit Committee Chairperson

Date \_\_\_\_\_  
**\*\* If Governmental Unit has no audit committee, mark this section "N/A"**

**PRE-AUDIT CERTIFICATE: Required by G.S. 159-28 (a)**

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act. Additionally, the following date is the date this audit contract was approved by the governing body.

By \_\_\_\_\_  
**DPCU Finance Officer:**  
Type or print name

\_\_\_\_\_  
DPCU Finance Officer Signature

Date \_\_\_\_\_  
*(Pre-audit Certificate must be dated.)*

\_\_\_\_\_  
Email Address of Finance Officer

\_\_\_\_\_  
Date DPCU Governing Body Approved Audit Contract - G.S. 159-34(a )

**Steps to Completing the Audit Contract**

1. Complete the Header Information – **NEW: If a DPCU is subject to the audit requirements as detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not issued for the DPCU and is to be included in the Primary Government's audit, the DPCU must be named with the parent government on this Audit contract. The Board chairman of the DPCU also must sign the Audit contract.**
2. Item No. 1 – Complete the period covered by the audit
3. Item No. 6 – Fill in the audit due date. For Governmental Unit (s), the contract due date can be no later than 4 months after the end of the fiscal year, even though amended contracts may not be required until a later date.
4. Item No. 8 – If the process for invoice approval instructions changed, the Auditor should make sure he and his administrative staff are familiar with the current process. Instructions for each process can be found at the following link. <https://www.nctreasurer.com/slq/Pages/Audit-Forms-and-Resources.aspx>
5. Item No. 9 – **NEW: Please note that the fee section has been moved to the signature pages, Pages 5 & 6.**
6. Item No. 16 – If there is a reference to an engagement letter or other document (ex: Addendum), has the engagement letter or other document been acknowledged by the Governmental Unit and attached to the contract submitted to the SLGFD?
  - a. Do the terms and fees specified in the engagement letter agree with the Audit contract? *“In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract will control.”*
  - b. Does the engagement letter contain an indemnification clause? **The audit contract will not be approved if there is an indemnification clause – refer to LGC Memo # 986.**
7. Complete the fee section for BOTH the Primary Government and the DPCU (if applicable) on the signature pages, please note:
  - The cap on interim payments is 75% of the current audit fee for services rendered if the contracted fee amount is a fixed amount. If any part of the fee is variable, interim payments are limited to 75% of the prior year's total audit fee. If the contract fee is partially variable, we will compare the authorized interim payment on the contract to 75% of last year's actual approved total audit fee amount according to our records. There is a report of audit fees paid by each governmental unit on our web site: <https://www.nctreasurer.com/slq/Pages/Non-Audit-Services-and-Audit-Fees.aspx> - Auditors and Audit Fees.  
Please call or email Steven Holmberg of our office at 919-807-2394 [steven.holmberg@nctreasurer.com](mailto:steven.holmberg@nctreasurer.com) if you have any questions about the fees on this list.
  - For variable fees for services, are the hourly rates or other rates clearly stated in detail? If issued separately in an addendum, has the separate page been acknowledged in writing by the Governmental Unit?

## Discretely Presented Component Units (DPCU) if applicable

- For fees for services that are a combination of fixed and variable fees, are the services to be provided for the fixed portion of the fee clearly stated? Are the hourly rates or other rates clearly stated for the variable portion of the fee? (Note: See previous bullet point regarding variable fees.)
  - If there is to be no interim billing, please indicate N/A instead of leaving the line blank.
8. Signature Area – There are now 2 Signature Pages: one for the Primary Government and one for the DPCU. Send the page(s) that are applicable to your Unit of Government. Make sure all signatures have been obtained, and properly dated. **The contract must be approved by Governing Boards pursuant to G.S. 159-34(a).** NEW - If this contract includes auditing a DPCU that is a Public Authority under the Local Government Budget and Fiscal Control Act it must be named in this Audit contract and the Board chairperson of the DPCU **must also sign** the Audit contract in the area indicated. If the DPCU has a separate Audit, a separate Audit contract is required for the DPCU.
9. Please place the date the Unit's Governing Board and the DPCU's governing Board (if applicable) approved the audit contract in the space provided.
- a. Please make sure that you provide email addresses for the audit firm and finance officer as these will be used to communicate official approval of the contract.
  - b. Has the pre-audit certificate for the Primary Government (and the DPCU if applicable) been signed and dated by the appropriate party?
  - c. Has the name and title of the Mayor or Chairperson of the Unit's Governing Board and the DPCU's Chairperson (if applicable) been typed or printed on the contract and has he/she signed in the correct area directly under the Auditor's signature?
10. If the Auditor is performing an audit under the yellow book or single audit rules, has year-end bookkeeping assistance been limited to those areas permitted under the revised GAO Independence Standards? Although not required, we encourage Governmental Units and Auditors to disclose the nature of these services in the contract or an engagement letter. Fees for these services should be shown in the space indicated on the applicable signature page(s) of the contract.
11. Has the most recently issued peer review report for the audit firm been included with the contract? This is required if the audit firm has received a new peer review report that has not yet been forwarded to us. The audit firm is only required to send the most current Peer Review report to us once – not multiple times.
12. After all the signatures have been obtained and the contract is complete, please convert the contract and all other supporting documentation to be submitted for approval into a PDF file. Peer Review Reports should be submitted in a separate PDF file. These documents should be submitted using the most current submission process which can be obtained at the NC Treasurer's web site – <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx>.
13. NEW: If an audit is unable to be completed by the due date, an Amended Contract should be completed and signed by the unit and auditor, using the new "Amended LGC-205" form (Rev. 2015). The written explanation for the delay is now included on the contract itself to complete, and must be signed by the original parties to the contract.

## Town of Southern Pines

### Appendix A

The following is a list of additional items that may result in additional fees that are variable in nature and thus are not included in the audit figure presented on page 5 of the contract:

1. Any Federal or State award required to be audited as a major program for the year ended June 30, 2016, that was not audited as a major program during the three preceding fiscal years or is required to be audited due to the auditee not being considered low risk will be billed at our standard hourly rates as set forth in page 5 of the contract.
2. Prior to commencement of audit fieldwork we will provide the finance department with a detailed list of schedules required to facilitate the audit. Schedules not prepared by your personnel, for which we must then prepare, will be billed for additionally at our standard hourly rates as set forth in page 5 of the contract.
3. In addition to the fees reflected in page 5 of the contract, we will bill separately for confirmation postage, travel, report production and other reasonable out-of-pocket expenses.
4. Preparation of the Data Collection form, if applicable.
5. Preparation of your Schedule of Federal and State financial assistance, if applicable.

\_\_\_\_\_ David McNeil

\_\_\_\_\_ Crystal Gabric

DAF John Frank

May 4, 2016

Town of Southern Pines  
125 S.E. Broad Street  
Southern Pines, North Carolina 28387

We are pleased to confirm our understanding of the services we are to provide for The Town of Southern Pines (the "Town") for the year ended June 30, 2016. This attachment to item 17, "Contract to Audit Accounts" (LGC-205) is intended to further clarify certain provisions of the Contract.

### **AUDIT SERVICES**

We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of the Town as of and for the year ended June 30, 2016.

### **AUDIT OBJECTIVES**

The objective of our audit is the expression of opinions as to whether the Town's financial statements are fairly presented, in all material respects, in conformity with accounting principles generally accepted in the United States of America. The objective also includes reporting on:

- Internal control related to the financial statements and compliance with laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act, as amended, Title 2 U.S. Code of Federal Regulations ("CFR") Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* ("Uniform Guidance") and the *State Single Audit Implementation Act* (collectively referred to as the "Single Audits").

The *Government Auditing Standards* reports on internal control over financial reporting and on compliance and other matters will include a paragraph that states that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. The reports will state that the report is not suitable for any other purpose. If during our audit we become aware that the Town is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act; the provisions of the Uniform Guidance, and the *State Single Audit Implementation Act*, and will include tests of accounting records, a determination of major program(s) in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions. We will issue written reports upon completion of our audits. Our reports will be addressed to the governing board of the Town. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements or the Single Audits are other than unmodified, we will discuss the reasons with the governing board and/or the appropriate members of management. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or may withdraw from this engagement.

#### **AUDIT PROCEDURES - GENERAL**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from errors, fraudulent financial reporting, misappropriation of assets, or violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for the Single Audits. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures may include tests of documentary evidence supporting the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of certain assets and liabilities by correspondence with selected individuals, creditors, and financial institutions. We may request written representations from the Town's attorneys as part of the engagement, and they may bill the Town for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from management about its responsibilities for the financial statements; schedule of expenditures of federal and state awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards. Because of the importance of management's written or verbal representations to an effective audit, management agrees to release and indemnify Dixon Hughes Goodman LLP and its personnel from any liability and costs relating to our services under this letter attributable to any knowing misrepresentations by management.

In providing our audit services we are required by law and our professional standards to maintain our independence from the Unit. We take this mandate very seriously and thus guard against impermissible relationships which may impair the very independence which management and the users of our report require. As such management should not place upon us special confidence that in the performance of our audit services we will act solely in management's interest. Therefore, management acknowledges and agrees we are not in a fiduciary relationship with management and we have no fiduciary responsibilities to management in the performance of our services described herein.

### **AUDIT PROCEDURES - INTERNAL CONTROLS**

Our audit includes obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control over financial reporting. Accordingly we will express no such opinion. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under auditing standards generally accepted in the United States of America, *Government Auditing Standards*, the Uniform Guidance and the *State Single Audit Implementation Act*.

As required by the Uniform Guidance and the *State Single Audit Implementation Act*, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal and state award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance and the *State Single Audit Implementation Act*.

### **AUDIT PROCEDURES - COMPLIANCE**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Town's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance and the *State Single Audit Implementation Act* require that we also plan and perform the audit to obtain reasonable assurance about whether the Town has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *Office of Management and Budget ("OMB") Compliance Supplement* and the *Audit Manual for Governmental Auditors in North Carolina* for the types of compliance requirements that could have a direct and material effect on each of the Town's major programs. The purpose of these procedures will be to express an opinion on the Town's compliance with requirements applicable to each of its major programs in our reports on compliance issued pursuant to Uniform Guidance and the *State Single Audit Implementation Act*.

### **MANAGEMENT'S RESPONSIBILITIES**

Management is responsible for (1) establishing and maintaining effective internal controls, including internal controls over federal and state awards designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including monitoring ongoing activities; for the selection and application of

accounting principles; and for the preparation and for the fair presentation in the financial statements of the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the Town and the respective changes in financial position and, where applicable, cash flows in conformity with accounting principles generally accepted in the United States of America; and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements. The responsibility for the financial statements and all representations contained therein remains with management and those charged with governance, which includes officers and directors of the Town. Management is also responsible for establishing and maintaining effective internal controls, including internal controls over compliance, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. Management is also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal and state awards, and all accompanying information in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations (including federal statutes) and the provisions of contracts and grant agreements (including award agreements).

Management is responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. Management is also responsible for providing us with access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation and other matters. Management also agrees to provide us with any additional information that we may request from management for the purpose of the audit as well as unrestricted access to any person within the Town from whom we determine it necessary to obtain audit evidence.

Management's responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information. Management's responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

Management is responsible for the design, implementation and maintenance of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the Town involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Management's responsibilities include informing us of its knowledge of any allegations of fraud or suspected fraud affecting the Town received in communications from employees, former employees, grantors, regulators, or others. In addition, management is responsible for identifying and ensuring that the Town complies with applicable laws and regulations, contracts, agreements, and grants for taking timely and appropriate steps to remedy any fraud, illegal acts, violations of contracts or grant agreements, or abuse that we may report. As required by the Uniform Guidance and the *State Single Audit Implementation Act*, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a Summary Schedule of Prior Audit Findings and a Corrective Action Plan if necessary.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed

in the "Audit Objectives" section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. Management is also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as managements' planned corrective actions, for the report, and for the timing and format for providing that information.

Management is responsible for identifying all federal and state awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal and state awards (including notes and noncash assistance received) in conformity with the Uniform Guidance and the *State Single Audit Implementation Act*. Management agrees to include our report on the schedule of expenditures of federal and state awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal and state awards. Management also agrees to include the audited financial statements with any presentation of the schedule of expenditures of federal and state awards that includes our report thereon. Management's responsibilities include acknowledging to us in the written representation letter that (1) management is responsible for presentation of the schedule of expenditures of federal and state awards in accordance with the Uniform Guidance and the *State Single Audit Implementation Act*; (2) management believes the schedule of expenditures of federal and state awards, including its form and content, is stated fairly in accordance with the Uniform Guidance and the *State Single Audit Implementation Act*; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) management has disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal and state awards.

We understand that the Town's employees will prepare all cash, accounts receivable, and other confirmations we request and will locate any documents selected by us for testing.

#### **REQUIRED SUPPLEMENTARY INFORMATION**

Our audit is for the purpose of forming an opinion on the financial statements taken as a whole. Accounting principles generally accepted in the United States ("GAAP") provide for certain required supplementary information ("RSI") to accompany the basic financial statements. We understand the following RSI will accompany the basic financial statements:

1. Management's Discussion and Analysis ("MD&A")
2. Law Enforcement Officers' Special Separation Allowance - Schedule of Funding Progress
3. Law Enforcement Officers' Special Separation Allowance - Schedule of Employer Contributions
4. Law Enforcement Officers' Special Separation Allowance - Notes to the Required Schedules
5. Local Government Employees' Retirement System - Schedule of the Proportionate Share of the Net Pension Liability (Asset)
6. Local Government Employees' Retirement System - Schedule of Contributions

Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context.

The Town's management is responsible for the fair presentation of the RSI. As part of our engagement, we will apply certain limited procedures to the RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our

audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

### **SUPPLEMENTARY INFORMATION**

We understand that the following supplementary information other than RSI will accompany the basic financial statements:

1. Combining non-major and fiduciary fund statements
2. Budgetary schedules for all funds required to adopt a budget other than the General Fund and annually adopted major special revenue funds
3. Schedule of Ad Valorem Taxes Receivable
4. Analysis of Current Tax Levy
5. Schedule of Expenditures of Federal and State Awards

Such information is presented for the purpose of additional analysis of the financial statements and is not a required part of the basic financial statements. The Town's management is responsible for the fair presentation of the supplementary information. We will subject the supplementary information to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the accounting and other records used to prepare the financial statements or to the financial statements themselves in accordance with auditing standards generally accepted in the United States of America.

Management's responsibilities include acknowledging to us in the written representation letter that (a) management is responsible for presentation of the supplementary information in accordance with GAAP; (b) that management believes the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (c) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (d) management has disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Our responsibility is to report whether such information is fairly stated in all material aspects in relation to the basic financial statements taken as a whole. Management agrees to include our report on the supplementary information other than RSI in any document that contains, and indicates that we have reported on, the supplementary information other than RSI. Management also agrees to include the audited financial statements with any presentation of the supplementary information other than RSI that includes our report thereon OR make the audited financial statements readily available to users of the supplementary information other than RSI no later than the date the supplementary information other than RSI is issued with our report thereon.

### **OTHER INFORMATION**

Our audit is for the purpose of forming an opinion on the basic financial statements taken as a whole. We understand the Town will prepare schedules for inclusion in the Comprehensive Annual Financial Report. Such information is presented for the purpose of additional analysis and is not a required part of the basic financial statements. The Town's management is responsible for such information. We will not subject such information to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we will not express an opinion or provide any assurance on it.

## **MANAGEMENT'S RESPONSIBILITY FOR NONATTEST SERVICES**

Management agrees to assume all management responsibilities and to oversee the non-attest services we will provide by designating an individual possessing suitable skill, knowledge and/or experience. Management is responsible for evaluating the adequacy and results of the services performed and accepting responsibility for the results of such services. Management is responsible for designing, implementing, and maintaining internal controls.

We will provide the following non-attest services

- We will assist with preparation of the Town's financial statements, the preparation of fund to accrual accounting adjustments, the Schedule of Expenditures of Federal and State Awards, and related notes.
- We will advise management about appropriate accounting principles and their application and will assist in preparation of the Town's basic financial statements. The responsibility for the basic financial statements and all representations contained therein remains with management, which includes members of the governing board.
- At the conclusion of the engagement, we will complete the appropriate sections of and sign the Data Collection Form that summarizes our audit findings. We will provide to management the required electronic copy of the financial reporting package (including the basic financial statements, Schedule of Expenditures of Federal and State Awards, auditors' reports on internal controls and compliance, Schedule of Findings and Questioned Costs, Corrective Action Plan (if required) and a Summary Schedule of Prior Audit Findings (if required) along with the Data Collection Form) to be uploaded on the federal clearinghouse's website.
- At the conclusion of the engagement, we will upload the audited financial statements and compliance reports on the North Carolina State Treasurer's website.
- We will compile financial statement data for inclusion in the Annual Financial Information Report (AFIR).

Management is responsible for evaluating the adequacy and results of the above non-attest services performed and accepting responsibility for the results of such services. This includes management's review and approval of all adjustments we may propose to the accounting records of the Town or its financial statements as a result of these services.

## **USE OF FINANCIAL STATEMENTS**

If the Town's financial statements are to be included in a client prepared document, other than the Town's Comprehensive Annual Financial Report, which includes other information, the Town should notify us of the nature of the document and allow us to read such document prior to submitting the document to others. An example of another document would be an official statement in connection with a public debt offering.

## **AUDIT ADMINISTRATION, FEES AND OTHER**

In connection with providing our professional services, we may engage the assistance of outside service providers for non-substantive services. We may share confidential information about the Town with these service providers, but remain committed to maintaining the confidentiality and security of the Town's information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of the Town's information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of the Town's information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized

release of the Town's confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, management will be asked to provide its consent prior to the sharing of the Town's confidential information with the third party service provider. Furthermore, we are responsible for the adequate oversight of all services provided by the third party service provider and for ensuring that all services are performed with competence and due professional care.

The audit documentation for this engagement is the property of Dixon Hughes Goodman LLP and constitutes confidential information. However, we may be requested to make certain audit documentation available to the U.S. Department of Health and Human Services or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office or North Carolina Office of the State Auditor pursuant to authority given to it by law or regulation'. If requested, access to such audit documentation will be provided under the supervision of Dixon Hughes Goodman LLP personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

This engagement is limited to the services outlined above. We will perform all services in accordance with applicable professional standards.

John Frank is the engagement director and is responsible for supervising the engagement and signing the report of authorizing another individual to sign. We plan to begin our audit work in August 2016.

Our fee for these services and any additional services is detailed in the "Contract to Audit Accounts" (LGC-205) dated May 4, 2016 between the Town of Southern Pines and Dixon Hughes Goodman, LLP. Our fee is based on the assumption there will be no significant bookkeeping assistance required or significant changes in the Town's operations including (but not limited to): issuance of new debt; new construction projects; creation of new funds; new or "State Mandated" major programs required to be tested for Single Audit; or additional procedures required in response to the discovery of fraud. We will issue contract addendums for additional fees related to any bookkeeping or changes mentioned above. The additional fees will be billed at our standard hourly rates depending on the experience level of the individuals performing the work.

In providing our services we may direct management to provide the Town's information to us through a separate web based client portal in an effort to provide greater security with respect to the information. In the event we request management to provide the Town's information to us through such a client portal, to the extent management fails to do so or in using the client portal management fails to monitor and restrict access only to its authorized personnel (any such failure being referred to herein as a "Portal Failure") we disclaim, and management releases us from, any and all liability for loss and damage, including direct, indirect, consequential, incidental, and special damages such as loss of revenue or anticipated profits, arising from any interception, unintentional disclosure or communication or unauthorized use of such information incident to a Portal Failure. In addition, management agrees not to provide access to the client portal for use by any third party with whom management is affiliated by contract or otherwise without our express prior written consent, and management shall indemnify and hold us harmless from and against any and all claims by any such third party for all damages whatsoever, including direct or indirect damages, consequential, exemplary, incidental, special or punitive damages including lost profits or lost data, arising from such third party's use of materials on, accessed through, or downloaded from the client portal even if we are aware or have been advised of the use of or the access to, the client portal by such third party in contravention of the restrictions set forth herein.

Many of our clients choose to communicate with us by email, and we may use email in connection with this engagement unless management directs us otherwise. We will use reasonable precautions to protect the Town's confidential information, but we have no obligation to employ any measures that the Town does not

regularly employ in protecting its confidential information. As emails can be intercepted and read, disclosed, or otherwise used or communicated by an unintended third party, or may not be delivered to each of the parties to whom they are directed, we cannot guarantee or warrant that email from us will be properly delivered and read only by the addressee. Therefore, we specifically disclaim any liability or responsibility whatsoever for interception or unintentional disclosure or communication of email transmissions, or for the unauthorized use or failed delivery of emails transmitted by us in connection with the performance of this engagement, or the disclosure or communication of confidential or proprietary information arising therefrom (hereinafter collectively referred to as "Email Interruption"). Management agrees that we shall have no liability for any loss or damage to any person or entity resulting from or related to any Email Interruption, including any consequential, incidental, direct, indirect, or special damages, such as loss of revenues or anticipated profits, and management hereby forever release us from any such liability and shall indemnify us from any claim related thereto.

This agreement and any claim arising out of the services provided shall be governed by the laws of the state of North Carolina, exclusive of its conflict of laws rules. The parties agree that any action between them related to or arising out of this engagement shall be brought only in the state or federal courts of North Carolina.

Whenever possible, each provision of this agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision hereof shall be ineffective, or invalid, such ineffectiveness or invalidity shall be only to the extent of such prohibition or invalidity, without invalidating the remainder of the provision or the remaining provisions of this agreement, which shall otherwise remain in full force and effect. The agreements of the Town of Southern Pines and Dixon Hughes Goodman LLP contained in the Contract to Audit Accounts and this attachment shall survive the completion or termination of this engagement.

Summer scheduling is very tight and travel accommodations are difficult to change, therefore, a rescheduling fee of 10% may be charged if fieldwork has to be rescheduled within one month of the rescheduled starting date. In the event we need to reschedule we will try to accommodate management's needs, however, due to other client commitments, we cannot guarantee a timetable that will allow us to complete the audit by the deadline stated in the Contract to Audit Accounts. Progress billings will be submitted to the North Carolina Office of the State Treasurer for approval and then mailed to the Town. All invoices are payable upon presentation.

*Government Auditing Standards* require that we provide management with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2014 peer review report accompanies this letter.

We appreciate the opportunity to be of service to the Town of Southern Pines and believe this letter accurately summarizes the significant terms of our engagement. If management has any questions, please let us know. If management agrees with the terms of our engagement as described in this letter, please sign the enclosed copy and the Contract to Audit Accounts and return it to us.

Very truly yours,

*Dixon Hughes Goodman LLP*

**Dixon Hughes Goodman LLP**

JAF/vll

Town of Southern Pines  
May 4, 2016  
Page 10

**ACKNOWLEDGED:**

This letter correctly sets forth the understanding of the **Town of Southern Pines**

By: \_\_\_\_\_  
David McNeil, Mayor

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

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_  
Crystal Gabric, Finance Officer

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October 31, 2014

Kenneth Max Hughes, CPA  
Dixon Hughes Goodman LLP  
6525 Morrison Blvd Ste 500  
Charlotte, NC 28211

Dear Mr. Hughes:

It is my pleasure to notify you that on October 31, 2014 the National Peer Review Committee accepted the report on the most recent system peer review of your firm. The due date for your next review is August 31, 2017. This is the date by which all review documents should be completed and submitted to the administering entity.

As you know, the report had a peer review rating of pass. The Committee asked me to convey its congratulations to the firm.

Sincerely,



Larry Gray  
Chair, National Peer Review Committee  
nprc@aicpa.org 919 402.4502

cc: Candace E Wright; David W Hinshaw

Firm Number: 10017108

Review Number 359179

Letter ID: 935009

## System Review Report

To the Partners of Dixon Hughes Goodman LLP  
and the National Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of Dixon Hughes Goodman LLP (the firm) applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended February 28, 2014. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. As a part of our peer review, we considered reviews by regulatory entities, if applicable, in determining the nature and extent of our procedures. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at [www.aicpa.org/prsummary](http://www.aicpa.org/prsummary).

As required by the standards, engagements selected for review included (engagements performed under *Government Auditing Standards*; audits of employee benefit plans, audits performed under FDICIA, and examinations of service organizations Service Organizations Control (SOC) 1 and 2 engagements.

In our opinion, the system of quality control for the accounting and auditing practice of Dixon Hughes Goodman LLP applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended February 28, 2014, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Dixon Hughes Goodman LLP has received a peer review rating of *pass*.

Postlethwaite & Netterville

Baton Rouge, Louisiana  
August 15, 2014



## Police Department

450 W. Pennsylvania Avenue  
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)

To: Town Council

From: Robert Temme  
Chief of Police

Date: June 4, 2016

Re: **Awarding of Service Weapon**

North Carolina General Statute 20-187.2 (below) allows for the awarding of a service firearm to a retiring member of the Southern Pines Police Department at a dollar amount determined by the town's "Governing Body." At this time, I am requesting that the Town Council approve the awarding of a service firearm to Lieutenant Chris Burgess who retired on June 1, 2016, for the amount of \$1.00.00.

**§ 20-187.2. Badges and service side arms of deceased or retiring members of State, city and county law-enforcement agencies; weapons of active members.**

(a) Surviving spouses, or in the event such members die unsurvived by a spouse, surviving children of members of North Carolina State, city and county law-enforcement agencies killed in the line of duty or who are members of such agencies at the time of their deaths, and retiring members of such agencies shall receive upon request and at no cost to them, the badge worn or carried by such deceased or retiring member. The governing body of a law-enforcement agency may, in its discretion, also award to a retiring member or surviving relatives as provided herein, upon request, the service side arm of such deceased or retiring members, at a price determined by such governing body, upon determining that the person receiving the weapon is not ineligible to own, possess, or receive a firearm under the provisions of State or federal law, or if the weapon has been rendered incapable of being fired. Governing body shall mean for county and local alcohol beverage control officers, the county or local board of alcoholic control; for all other law-enforcement officers with jurisdiction limited to a municipality or town, the city or town council; for all other law-enforcement officers with countywide jurisdiction, the board of county commissioners; for all State law-enforcement officers, the head of the department.

Thank you for your consideration of this request.

Xc: Town Manager Reagan Parsons  
Director of Administrative Services  
File: Z:Personnel/Retirement



~ A Nationally Accredited Law Enforcement Agency ~



**RESOLUTION DECLARING THE SERVICE WEAPON  
CARRIED BY LIEUTENANT CHRIS BURGESS AS SURPLUS AND  
AWARDING IT TO HIM ON HIS RETIREMENT**

**WHEREAS**, G.S. 20-187.2 provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the sidearm of such retiring members; and

**WHEREAS**, Lieutenant Chris Burgess has served as a member of the Town of Southern Pines Police Department for a period of 26 years and retired from the Town of Southern Pines Police Department on June 1, 2016.

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Southern Pines that the service weapon , a **9mm Glock , model number 17 , serial number BAAE350**, carried by Lieutenant Chris Burgess, be declared surplus and awarded to him on the occasion of his retirement.

**BE IT FURTHER RESOLVED** that appreciation be expressed to Lieutenant Chris Burgess for the dedicated service rendered by him during his employment with the Town of Southern Pines.

**Duly adopted this 14th day of June 2016.**

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

**ATTEST:**

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



# Police Department

450 W. Pennsylvania Avenue  
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  
www.southernpines.net/Police

To: Town Council

From: Robert Temme  
Chief of Police

Date: June 4, 2016

Re: **Awarding of Service Weapon**

North Carolina General Statute 20-187.2 (below) allows for the awarding of a service firearm to a spouse of a deceased member of the Southern Pines Police Department who died in the line of duty at a dollar amount determined by the town's "Governing Body." At this time, I am requesting that the Town Council approve the awarding of a service firearm to the spouse of Lieutenant Stanley Klingenschmidt who died in the line of duty on June 15, 2013, for the amount of \$1,000.00.

**§ 20-187.2. Badges and service side arms of deceased or retiring members of State, city and county law-enforcement agencies; weapons of active members.**

(a) Surviving spouses, or in the event such members die unsurvived by a spouse, surviving children of members of North Carolina State, city and county law-enforcement agencies killed in the line of duty or who are members of such agencies at the time of their deaths, and retiring members of such agencies shall receive upon request and at no cost to them, the badge worn or carried by such deceased or retiring member. The governing body of a law-enforcement agency may, in its discretion, also award to a retiring member or surviving relatives as provided herein, upon request, the service side arm of such deceased or retiring members, at a price determined by such governing body, upon determining that the person receiving the weapon is not ineligible to own, possess, or receive a firearm under the provisions of State or federal law, or if the weapon has been rendered incapable of being fired. Governing body shall mean for county and local alcohol beverage control officers, the county or local board of alcoholic control; for all other law-enforcement officers with jurisdiction limited to a municipality or town, the city or town council; for all other law-enforcement officers with countywide jurisdiction, the board of county commissioners; for all State law-enforcement officers, the head of the department.

Thank you for your consideration of this request.

Xc: Town Manager Reagan Parsons  
Director of Administrative Services  
File/Z: Personnel/Klingenschmidt



~ A Nationally Accredited Law Enforcement Agency ~



**RESOLUTION DECLARING THE SERVICE WEAPON  
CARRIED BY LIEUTENANT STANLEY KLINGENSCHMIDT AS SURPLUS AND  
AWARDING IT TO HIM ON HIS RETIREMENT**

**WHEREAS**, G.S. 20-187.2 provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a surviving spouse of an officer killed in the line of duty, the sidearm of such deceased officer; and

**WHEREAS**, Lieutenant Stanley Klingenschmidt had served as a member of the Town of Southern Pines Police Department for a period exceeding 26 years and died in the line of duty while employed by the Southern Pines Police Department on June 15, 2013.

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Southern Pines that the service weapon, a **.40 caliber Glock , model number 22 , serial number SBF261**, carried by Lieutenant Stanley Klingenschmidt, be declared surplus and awarded to his spouse Mrs. Patricia Klingenschmidt subject to procedures and provisions outlined in NCGS 20-187.2.

**BE IT FURTHER RESOLVED** that appreciation be expressed to Patricia Klingenschmidt for the dedicated service rendered by her husband during his employment with the Town of Southern Pines.

**Duly adopted this 14th day of June 2016.**

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

**ATTEST:**

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