



**Town of Southern Pines
Monday June 27, 2016, 3:00 PM,
C. Michael Haney Community Room, Southern Pines Police Department
450 West Pennsylvania Avenue**

Worksession Agenda

- 1. Discussion of Midland Road Draft Plans – NCDOT**
- 2. Discussion Regarding Proposed Downtown Stage – Sunrise Preservation Group**
- 3. Discussion Regarding Revised Hyland Hills Plan and Potential Rezoning/CUP Application – BC Prime, Inc.**
- 4. Discussion Regarding Proposed Rezoning from RS-3 to RE – Richard Lee Yelverton III**
- 5. Discussion Regarding Bed and Breakfast Code Amendments and 310 Crest Road – Bill Smith**
- 6. Discussion Regarding Potential Conditional Use Permit 2250 E. Connecticut Avenue – Colin Webster**
- 7. Discussion Regarding Single Family Homes and The Code of Ordinances – Staff**
- 8. Review of Draft Request for Proposals Regarding Freight Depot – Staff**
- 9. NCDOT Mowing Agreement – Staff**
- 10. Discussion of CU-02-16 Written Decision and CUP - Staff**

Peggy Smith

From: Adam Lindsay
Sent: Friday, June 24, 2016 2:53 PM
To: Peggy Smith
Subject: NCDOT presentation at work session

Peggy,

Please include in the packet for Monday.

Chuck Dumas and Travis Morgan from NCDOT will present a plan to upgrade the safety and function along the Midland Rd corridor at NC 22 and US 1. The projects were developed in connection with the Midland Rd Corridor Study that is nearing completion. State funding is required and Town commitment to the project is being sought before NCDOT can proceed with their funding request.

Adam Lindsay
Assistant Town Manager
Town of Southern Pines
(910) 692-1983
www.southernpines.net



Proposed Intersection Improvements Midland Road
and NC 22, Midland Road and US 1 Ramps

NCDOT Division 8



Recommendations

- **Construct a Roundabout at the intersection of NC 2 and NC 22**
- **Construct Directional Crossovers (synchronized streets) at NC 2 and US 1 NB and SB Ramps**



ACCIDENT ANALYSIS

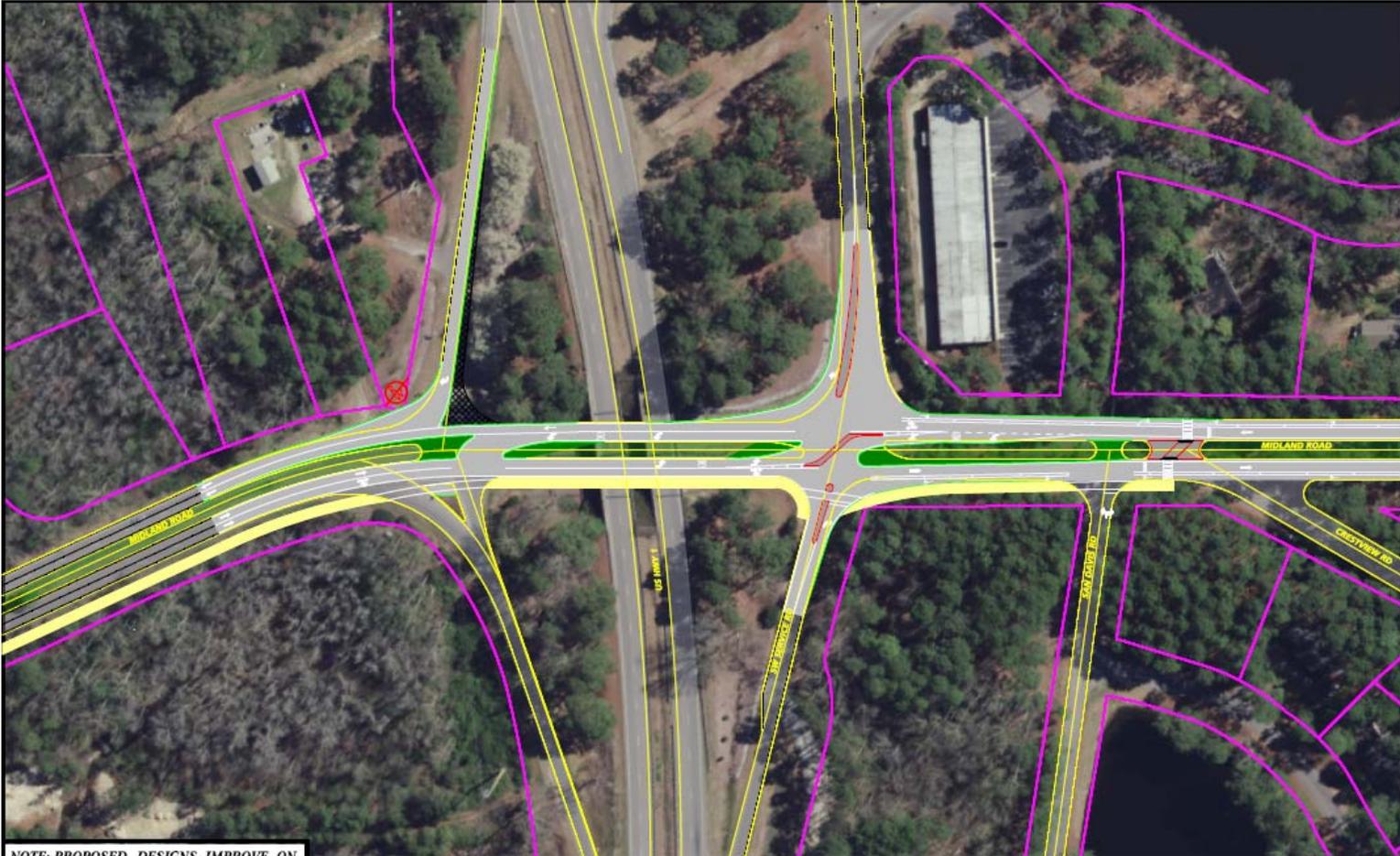
NC 2 and NC 22 ACCIDENT ANALYSIS FROM 3/1/2011 – 2/29/2016				
Total Crashes = 25	5.0 Years			
NC 2 and US 1 SB Ramp ACCIDENT ANALYSIS FROM 3/1/2011 – 2/29/2016				
Total Crashes = 3	5.0 Years			
NC 2 and US 1 NB Ramp ACCIDENT ANALYSIS FROM 3/1/2011 – 2/29/2016				
Total Crashes= 16	5.0 Years			



NC 2 Midland Road and NC 22 Central Drive



NC 2 Midland Road and US 1 Ramps



Project Details

- Anticipated construction date:
2018
- Estimated construction cost:
Approx. \$1.3 million



Comments/Questions?



NC 2/NC 22 Improvement Alternatives

Midland Road Corridor Study

Central Drive Improvement Alternatives

Place a **GREEN** dot by those you like
Place a **RED** dot by those you don't like

<p>Full-Movement, Unsignalized (Interim)</p> <p>Notes:</p> <ul style="list-style-type: none"> Install channelizing islands to improve safety and operations for turning vehicles Expected to operate acceptably until approximately 2030 Less tree clearing than full-movement w/ traffic signal alternative No specific accommodation for U-turns <p><i>*Significantly improved delays for southbound left-turn movements over the existing condition; Long delays expected beyond 2030</i></p>	<p>Full-Movement w/ Traffic Signal</p> <p>Notes:</p> <ul style="list-style-type: none"> Maintains existing laneage Install traffic signal, which will require tree clearing for poles and sight distance (see Knoll Road or Pee Dee Road) No accommodation for U-turns <p><i>*Level-of-service in 2040 = B</i></p>
<p>Synchronized Street w/ Traffic Signal</p> <p>Notes:</p> <ul style="list-style-type: none"> No left turn allowed from Midland Road onto Central Drive (NC 22) Improved safety over full-movement condition <p><i>*Level-of-service in 2040 = B</i></p>	<p>Multi-Lane Roundabout</p> <p>Notes:</p> <ul style="list-style-type: none"> Accommodates U-turns Improved safety over full-movement condition Naturally slows traffic No traffic signals required Center island can be planted Larger footprint requires more widening <p><i>*Level-of-service in 2040 = B</i></p>

Kimley»Horn



NC 2/US 1 Improvement Alternatives

Midland Road Corridor Study

US 1 Ramps Improvement Alternatives Place a GREEN dot by those you like
Place a RED dot by those you don't like

 <p style="background-color: #4F7942; color: white; padding: 2px; text-align: center; font-weight: bold;">Full-Movement w/ Traffic Signal</p> <p>Notes:</p> <ul style="list-style-type: none"> • Widen for left-turn lanes on Midland Road at each of the US 1 ramps • Close the loop ramp currently used to exit US 1 northbound • Close the access road along US 1 and convert the US 1 northbound off-ramp to one-way only • Provide dual left-turn lanes for traffic exiting US 1 northbound • No accommodation for U-turns <p style="font-size: x-small;">*Level-of-service in 2040 = C</p>	 <p style="background-color: #4F7942; color: white; padding: 2px; text-align: center; font-weight: bold;">4-Lane Synchronized Street (Unsignalized)</p> <p>Notes:</p> <ul style="list-style-type: none"> • Widen for left-turn lanes on Midland Road at each of the US 1 ramps • No left turns allowed from US 1 off-ramps • Accommodates U-turns at adjacent bulb-out locations • Improved safety over full-movement condition • No traffic signals required <p style="font-size: x-small;">*No delays for through movements; Long delays for eastbound left-turn onto US 1 northbound ramps; and Short delays for other turning movements in 2040</p>
 <p style="background-color: #4F7942; color: white; padding: 2px; text-align: center; font-weight: bold;">Single-Lane Roundabouts</p> <p>Notes:</p> <ul style="list-style-type: none"> • Accommodates U-turns • Improved safety over full-movement condition • Naturally slows traffic • No traffic signals required • Center islands can be planted • Larger footprint requires more widening <p style="font-size: x-small;">*Level-of-service in 2040 = B/C</p>	 <p style="background-color: #4F7942; color: white; padding: 2px; text-align: center; font-weight: bold;">2-Lane Synchronized Street (Unsignalized)</p> <p>Notes:</p> <ul style="list-style-type: none"> • Convert Midland Road east of US 1 to a two-lane roadway • No left turns allowed from US 1 off-ramps • Accommodates U-turns at adjacent bulb-out locations • Convert the right-turn from southbound US 1 to a free-flow condition • Improved safety over full-movement condition • No traffic signals required <p style="font-size: x-small;">*No delays for through movements; Long delays for eastbound left-turn onto US 1 northbound ramps; and Short to Moderate delays for other turning movements in 2040</p>

Kimley-Horn



Work Session Agenda Item

To: Reagan Parsons, Town Manager
Via: Bart Nuckols, Planning Director
From: Chris Kennedy, Senior Planner
Subject: Discussion of Sunrise Theater Proposed Performance Stage Renderings and Location; Petitioner, Sunrise Theater
Date: June 27, 2016

On behalf of the Sunrise Theater, Mr. Robert Anderson of Anderson Architecture is requesting to speak before the Town Council to present the proposed performance stage for the Sunrise Theater. In November 2015, the Sunrise Theater came before the Town Council to present a proposed performance stage. The Sunrise Theater has revised their proposal and would like to present the new concept to the Town Council at the June 2016 Work Session. The project will be located on the lawn adjacent to the Sunrise Theater. The proposed project must be approved by the Historic District Commission through a Certificate of Appropriateness – Major Works. If on private property, this project could be approved solely by the Historic District Commission without any consent from the Town Council. However the proposed project comes before the Town Council prior to the Historic District Commission hearing as the Sunrise Theater is seeking to locate a portion of the proposed performance stage on existing parking spaces owned by the Town of Southern Pines and consent accompanied with an agreement must be in place with the Town for such placement.

Attachments:

- GIS Location
- Renderings Provided by Petitioner
- Previous Design Submitted by Petitioner from November 2015

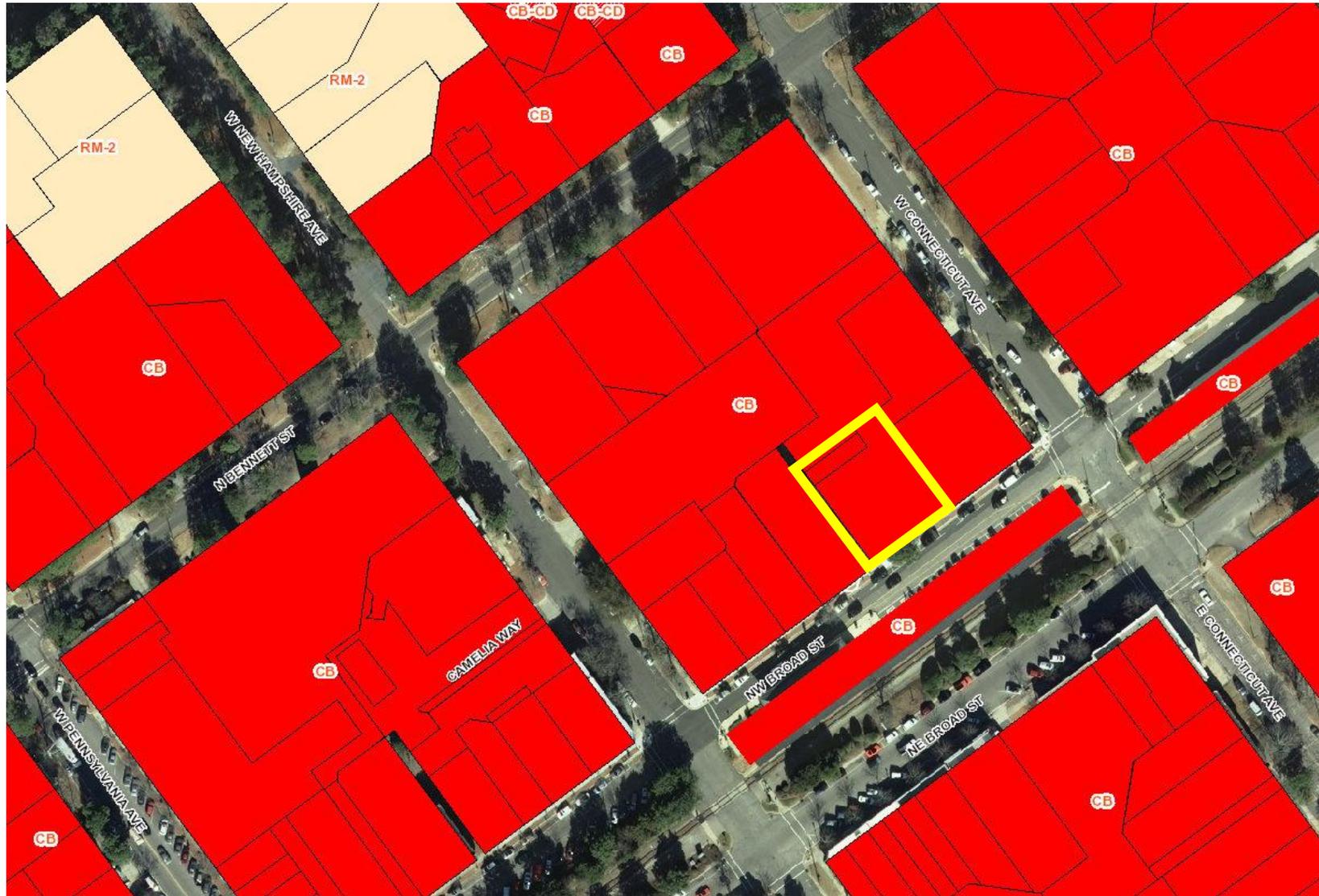
The Town Council may wish to take one of the following actions:

1. No action;
2. Allow the petitioner to pursue this development project through the required Historic District Commission Certificate of Appropriateness – Major Works application processes as outlined in the Town of Southern Pines Unified Development Ordinance and the Historic District Commission Guidelines;
3. An action listed above with the following conditions...
4. Action not listed above...

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Request to Construct Performance Stage: Sunrise Theater

PIN: 858106394002 (PARID:00030926)

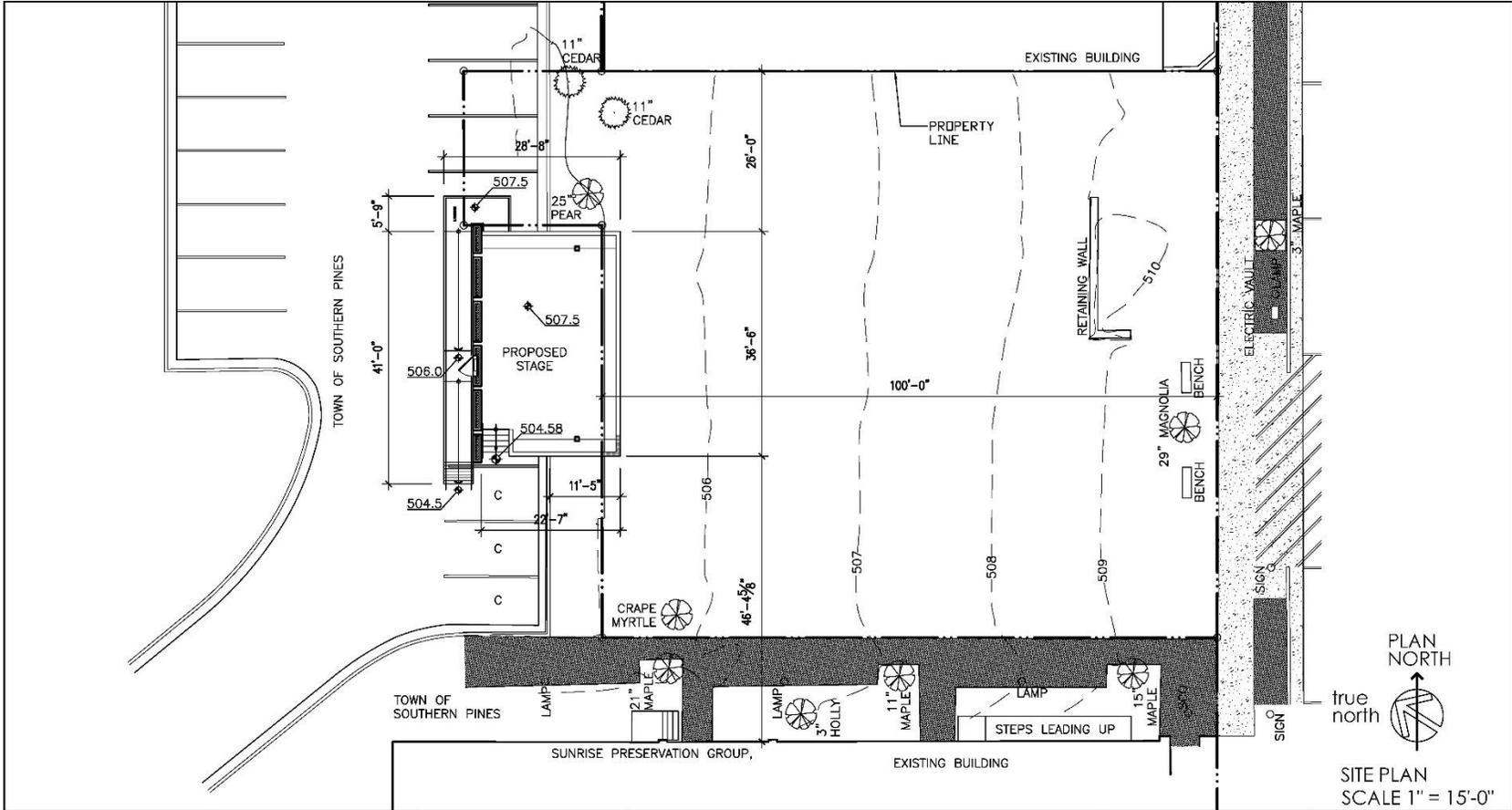


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Request to Construct Performance Stage: Sunrise Theater

PIN: 858106394002 (PARID:00030926)





PLAN NORTH

 true north
 SITE PLAN
 SCALE 1" = 15'-0"



ANDERSON ARCHITECTURE
 135 West Connecticut Avenue
 Southern Pines, North Carolina 28387



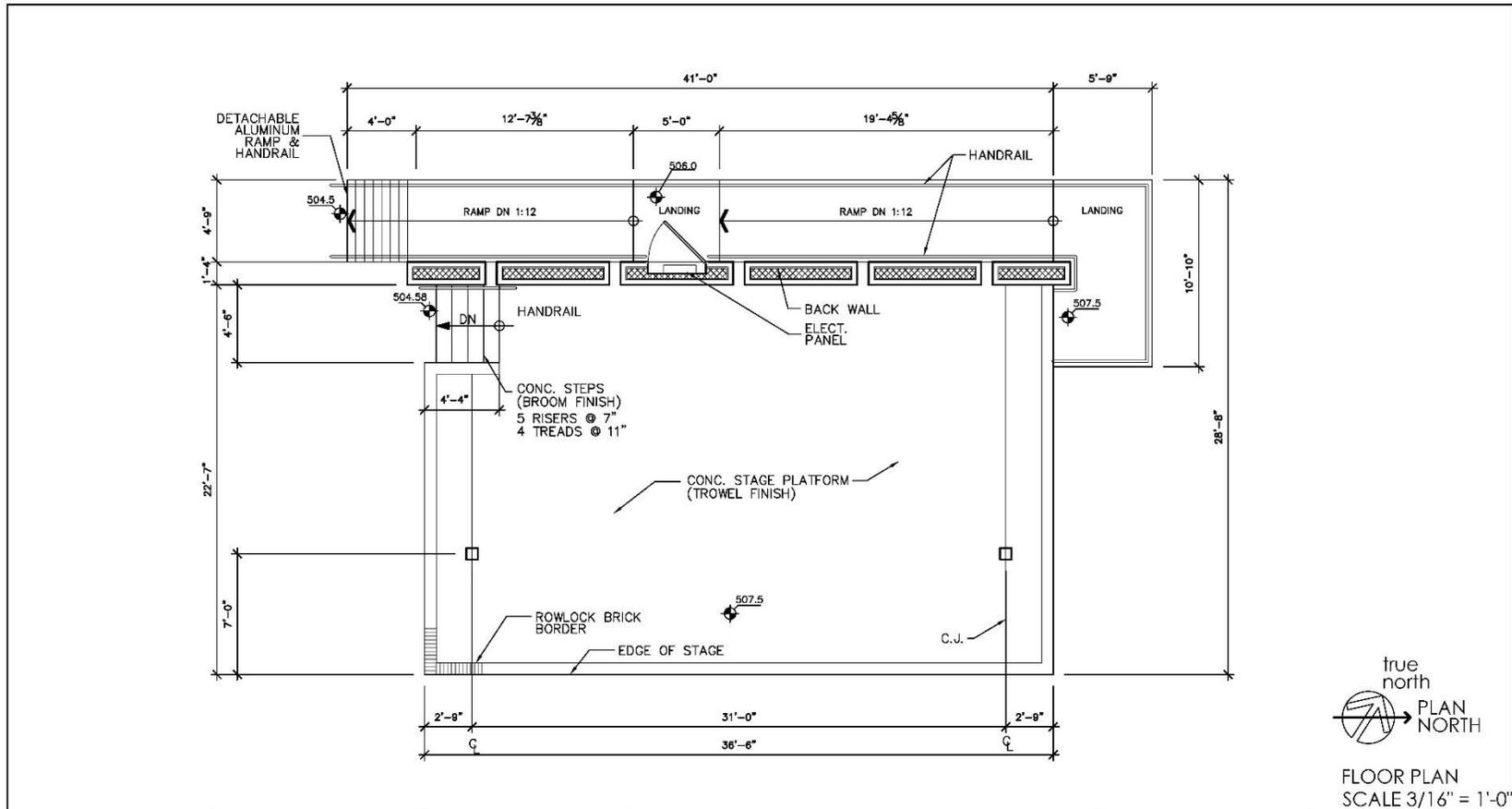
SEALS

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**SUNRISE PRESERVATION GROUP
 OUTDOOR STAGE**
 250 NW BROAD STREET
 Southern Pines, North Carolina

• DATE: 20 JUNE 2016
 • PROJECT NO. 15005
 • DRAWN BY: R. ANDERSON
 K. SPARROW
 M. OTERO
 A. BARRICK

A-1



FLOOR PLAN
SCALE 3/16" = 1'-0"

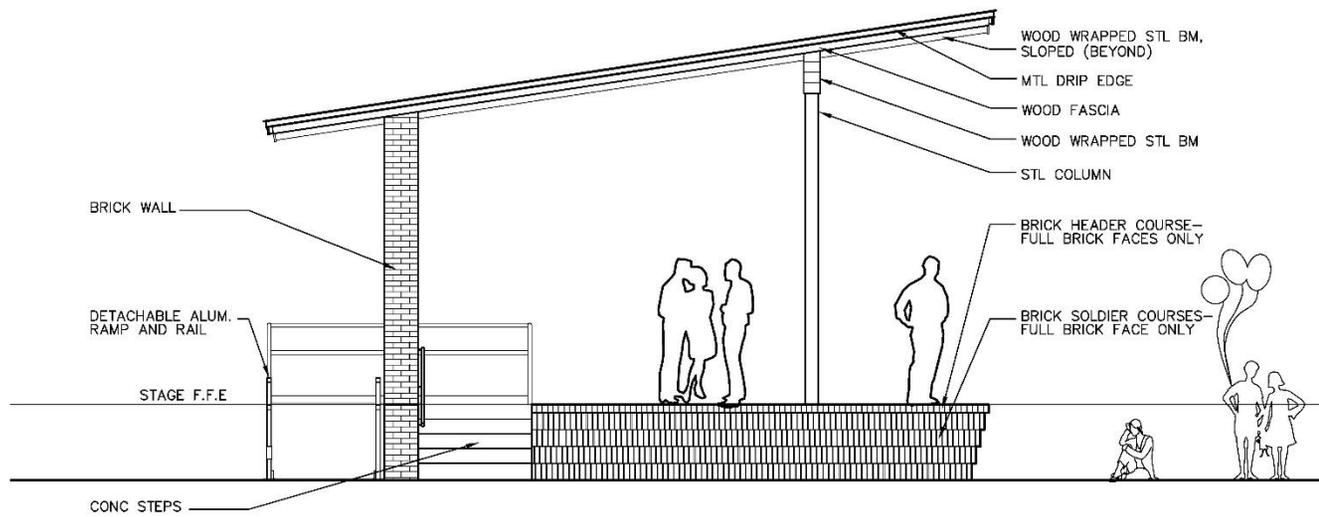


I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM A REGISTERED ARCHITECT AND AM NOT PROVIDING ARCHITECTURAL SERVICES TO ANY OTHER PROJECTS AT THE SAME TIME AS THIS PROJECT. I AM NOT PROVIDING ARCHITECTURAL SERVICES TO ANY OTHER PROJECTS AT THE SAME TIME AS THIS PROJECT. I AM NOT PROVIDING ARCHITECTURAL SERVICES TO ANY OTHER PROJECTS AT THE SAME TIME AS THIS PROJECT.

**SUNRISE PRESERVATION GROUP
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250 NW BROAD STREET
Southern Pines, North Carolina

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K. SPARROW
M. OTERO
A. BARRICK

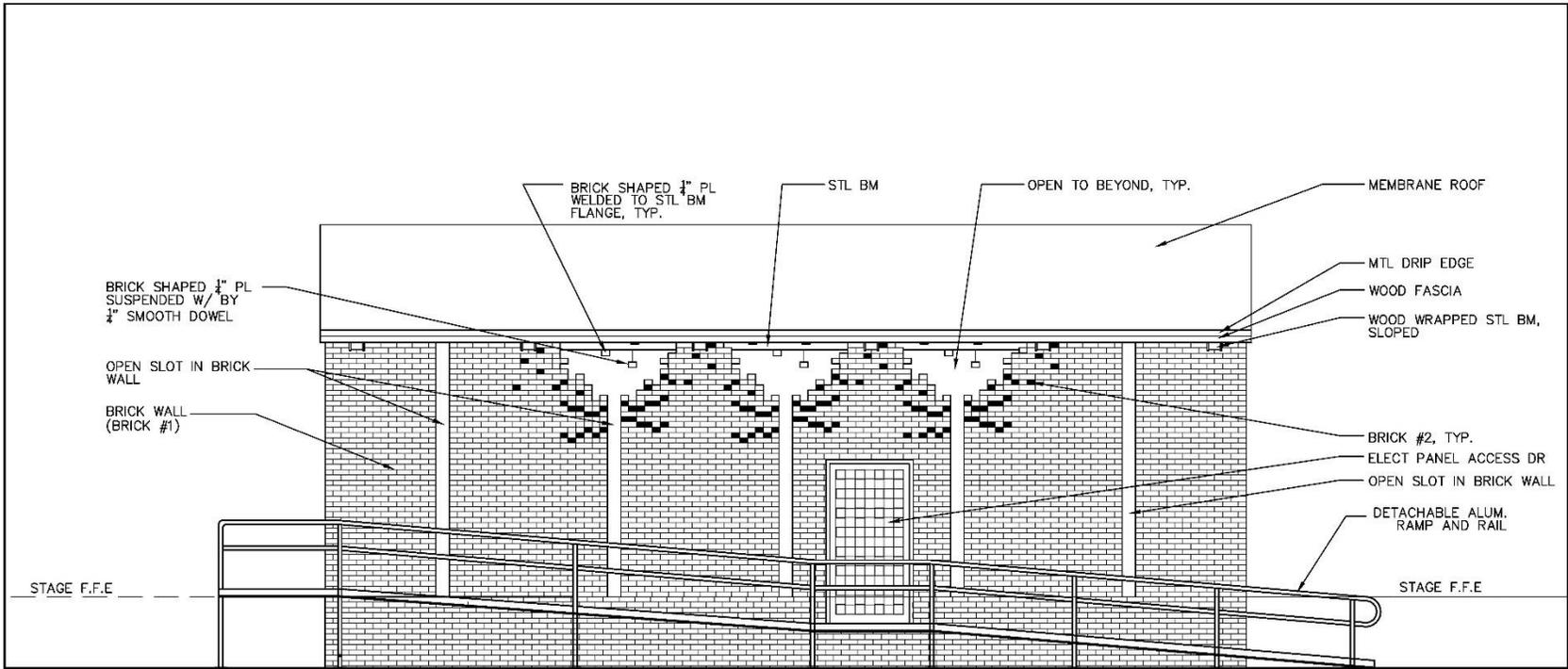
A-2



BASE BID & ALTERNATE

SOUTH ELEVATION
SCALE = 1/4"=1'-0"

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ALTERNATE

WEST ELEVATION
SCALE = 1/4"=1'-0"



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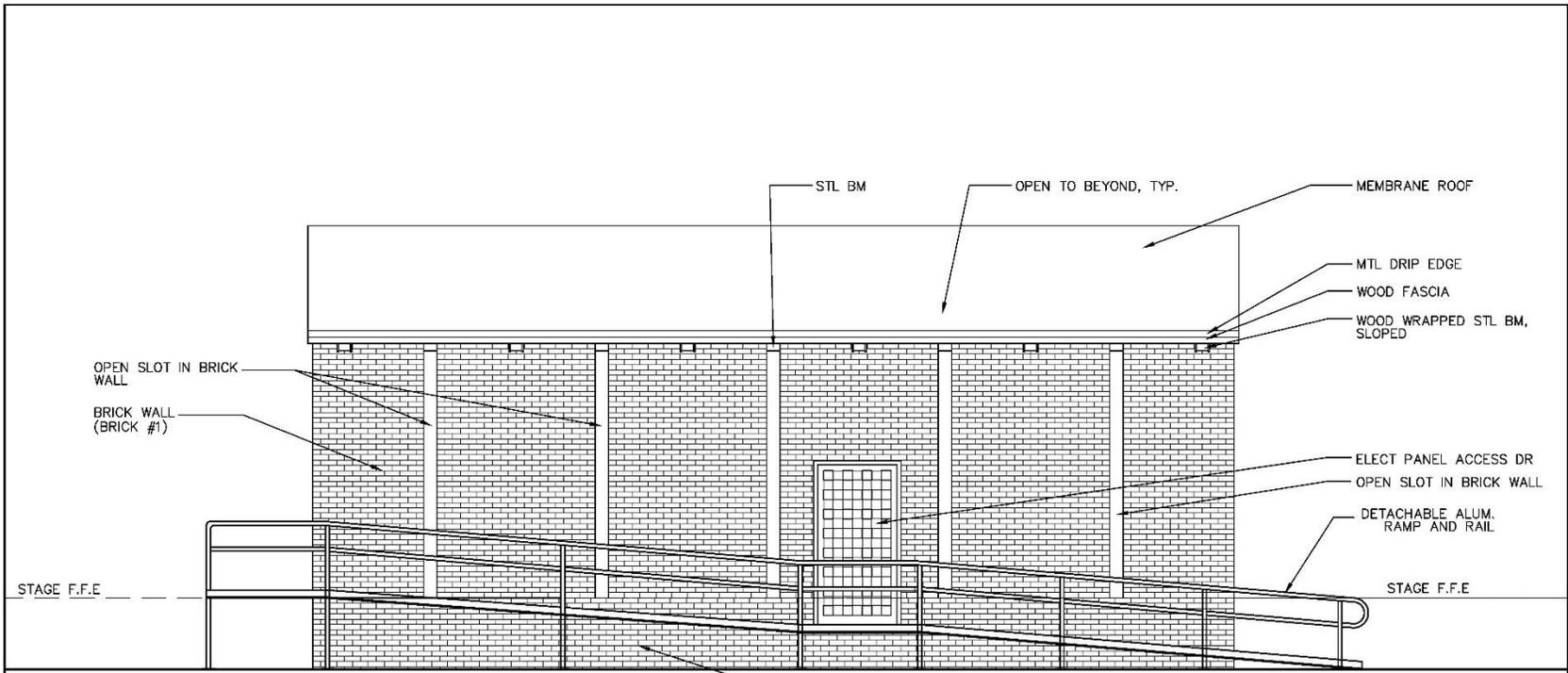


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A. BARRICK

A-4.1



BASE BID

WEST ELEVATION
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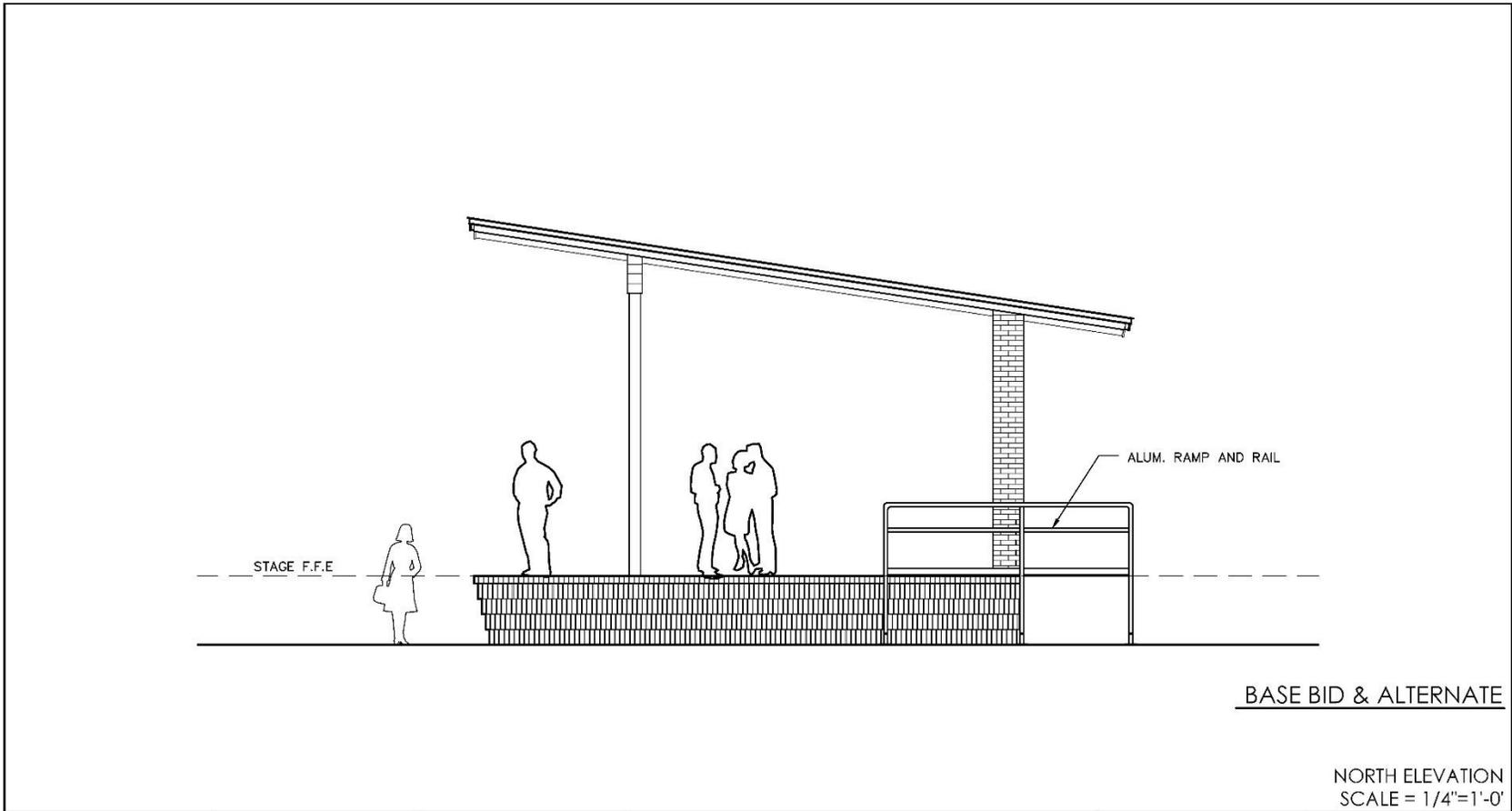
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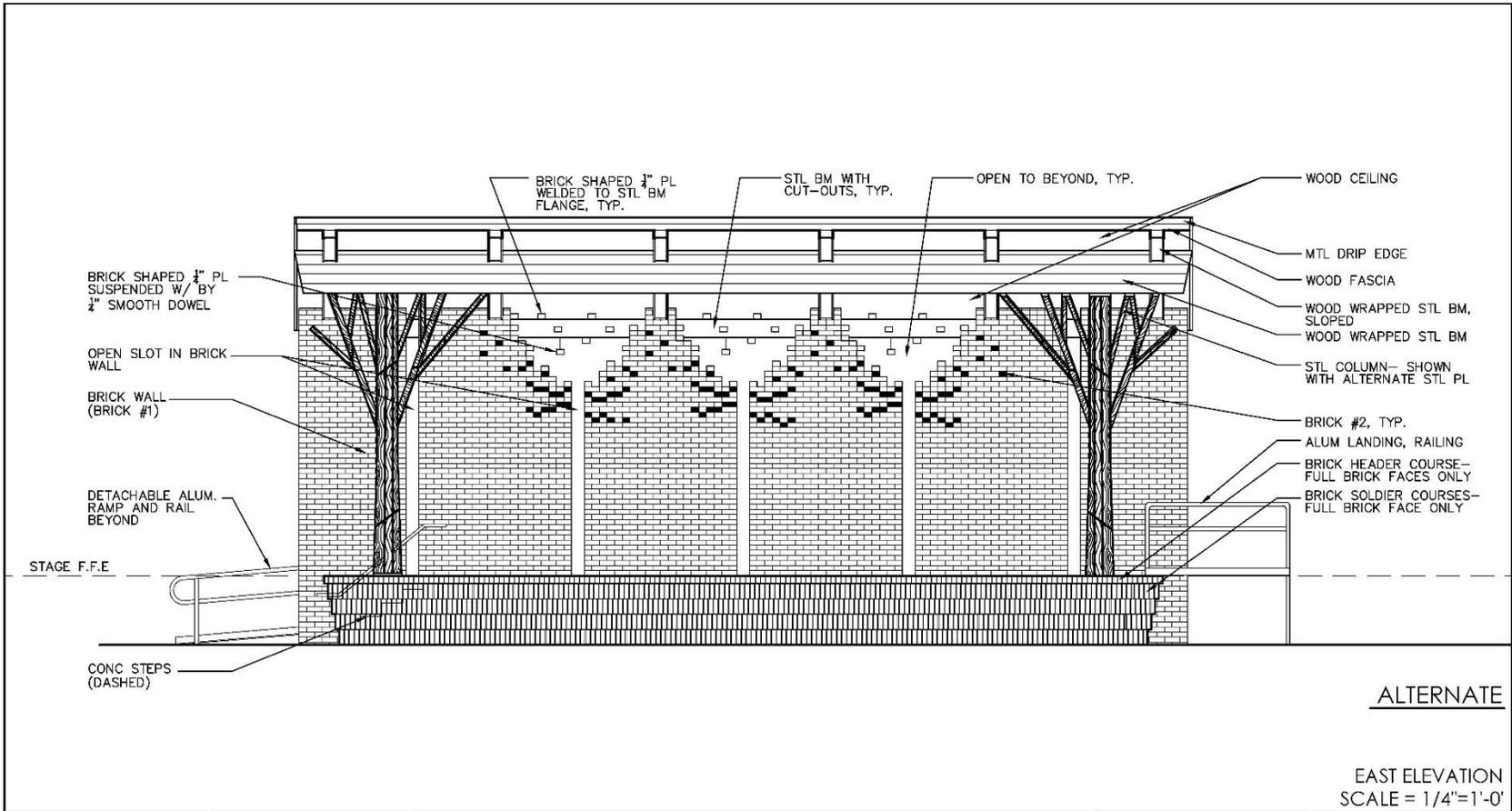
A-4



BASE BID & ALTERNATE

NORTH ELEVATION
SCALE = 1/4"=1'-0"

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SEALS

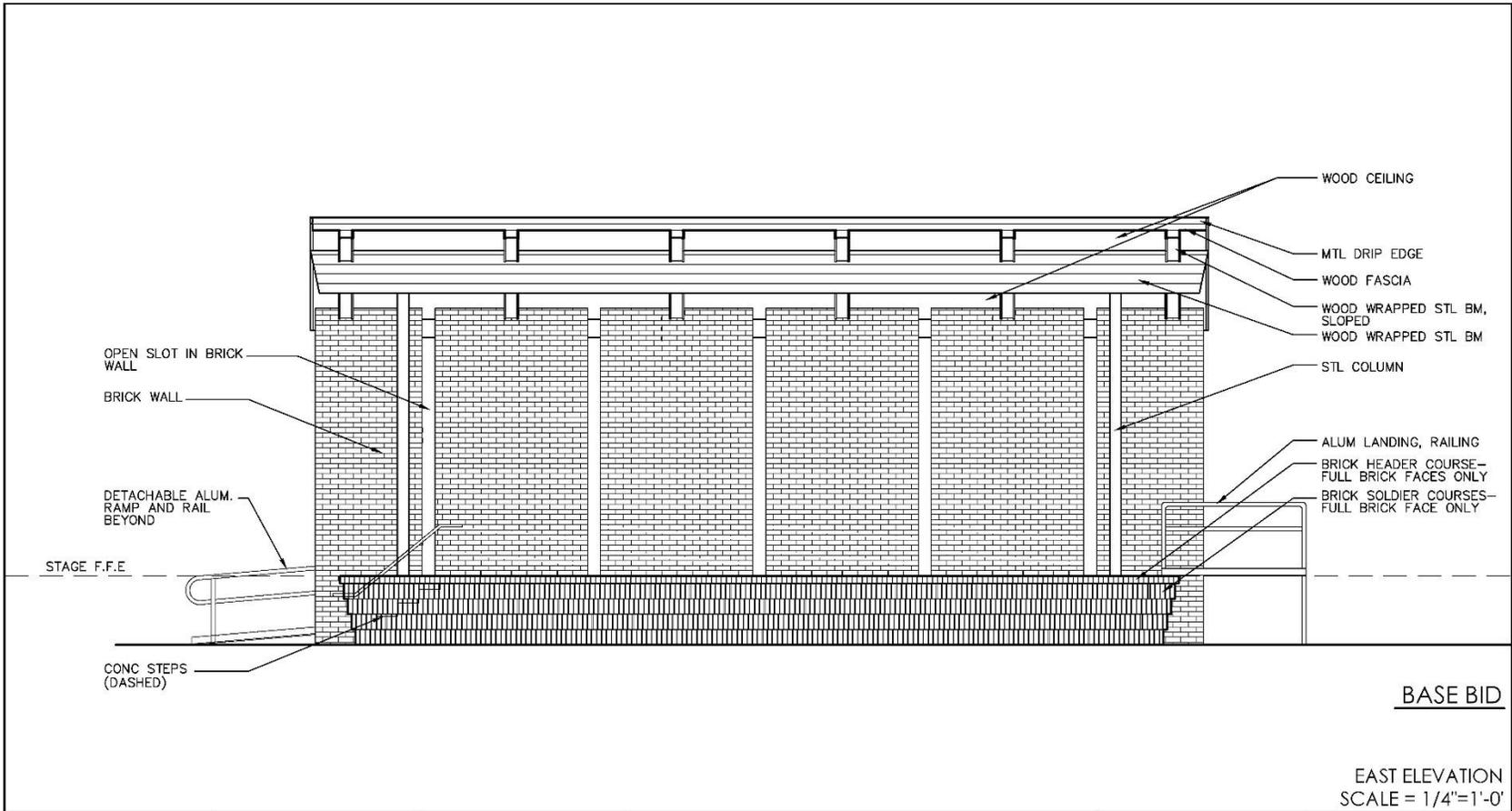
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K. SPARROW
M. OTERO
A. BARRICK

A-6.1



BASE BID

EAST ELEVATION
SCALE = 1/4"=1'-0"

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K. SPARROW
M. OTERO
A. BARRICK

A-6

Sunrise Theater Outdoor Stage



Southern Pines, NC



135 West Connecticut Avenue
Southern Pines, NC 28387
(910) 692-7316
www.andersonarchitecture.net

Submitted by
Robert E Anderson, AIA
LEED-Accredited Professional
R@AndersonArchitecture.Net

Architecture Feasibility Due Diligence Interior Design Construction Management

PREVIOUS SUBMITTAL (NOVEMBER 2015)



View of Site to Southwest

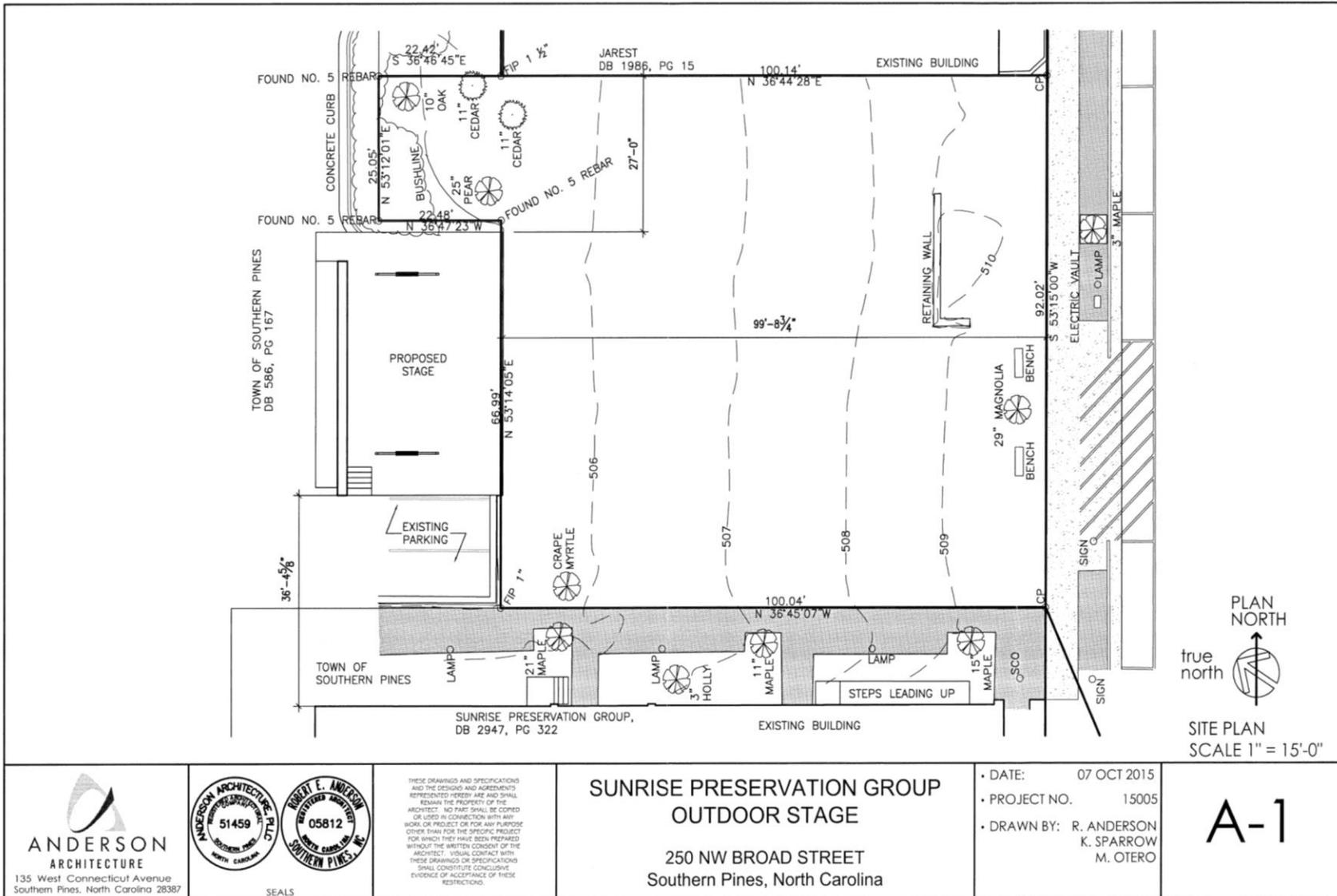


View of Site to Northeast

PREVIOUS SUBMITTAL (NOVEMBER 2015)



PREVIOUS SUBMITTAL (NOVEMBER 2015)



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Southern Pines, North Carolina 28387

ANDERSON ARCHITECTURE, P.L.L.C. 51459
ROBERT E. ANDERSON REGISTERED ARCHITECT 05812
SOUTHERN PINES, NC

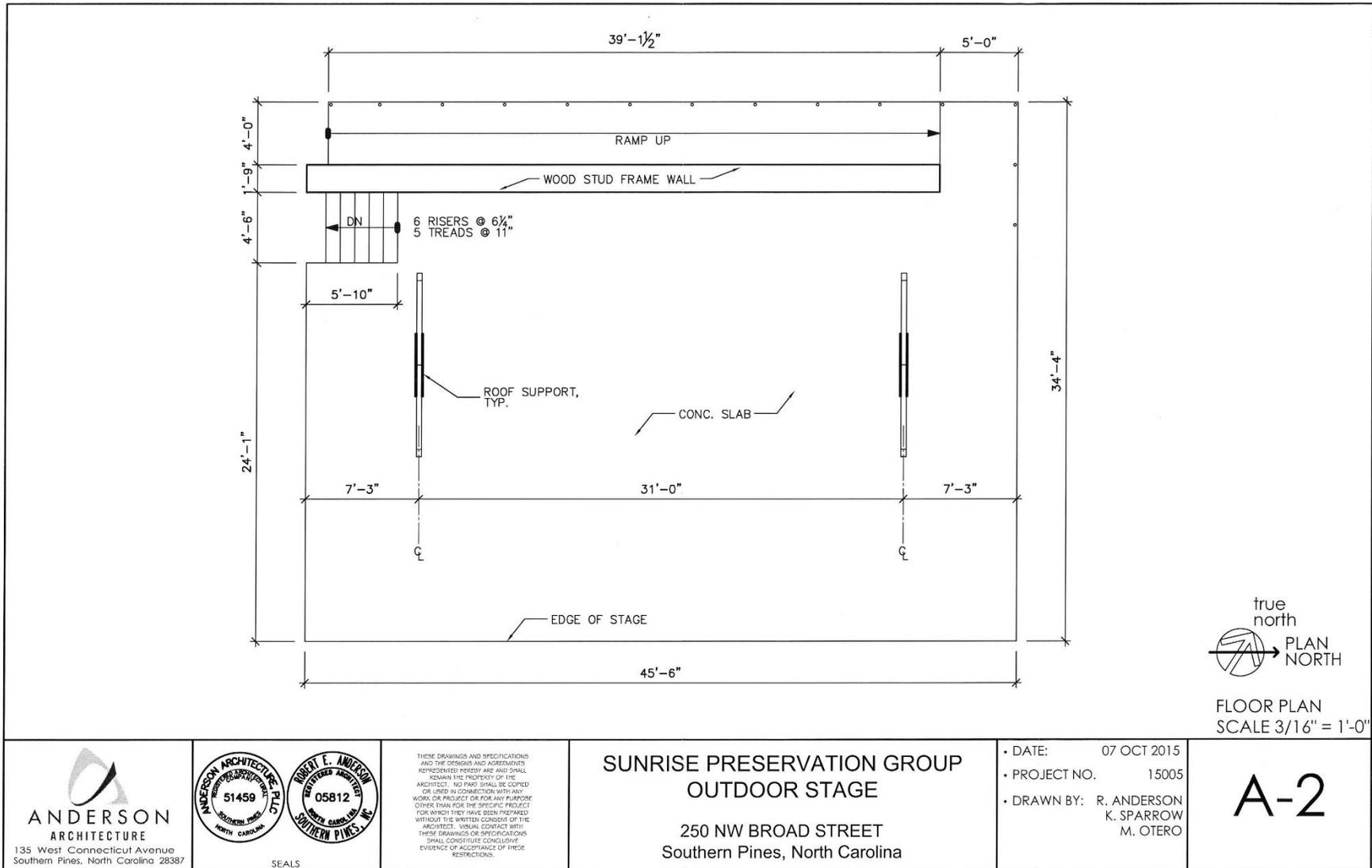
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K. SPARROW
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A-1

PREVIOUS SUBMITTAL (NOVEMBER 2015)



ANDERSON
ARCHITECTURE
135 West Connecticut Avenue
Southern Pines, North Carolina 28387

ANDERSON ARCHITECTURE, P.L.L.C.
51459
NORTH CAROLINA

ROBERT E. ANDERSON
REGISTERED ARCHITECT
05812
SOUTHERN PINES, NC

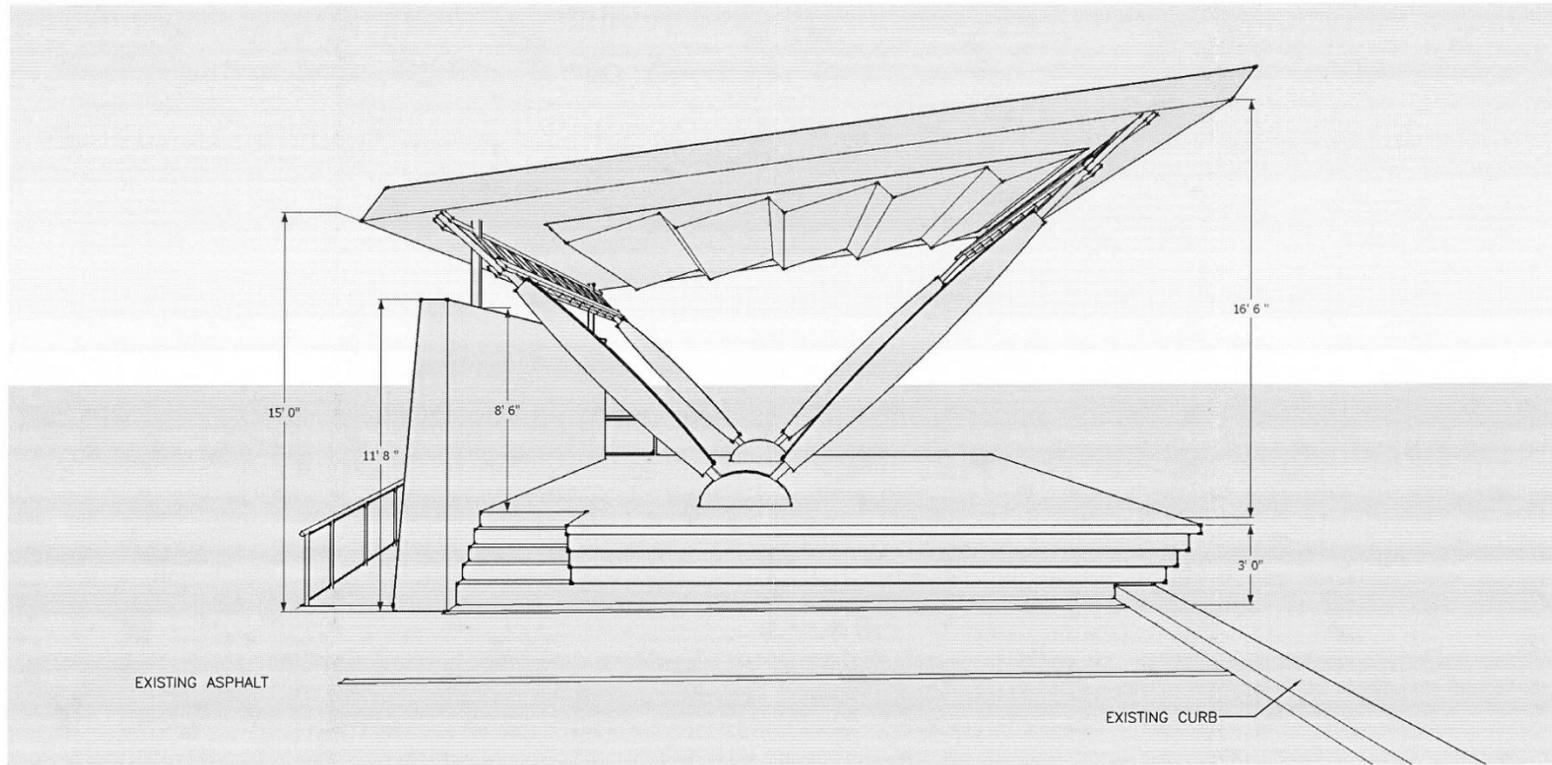
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A-2

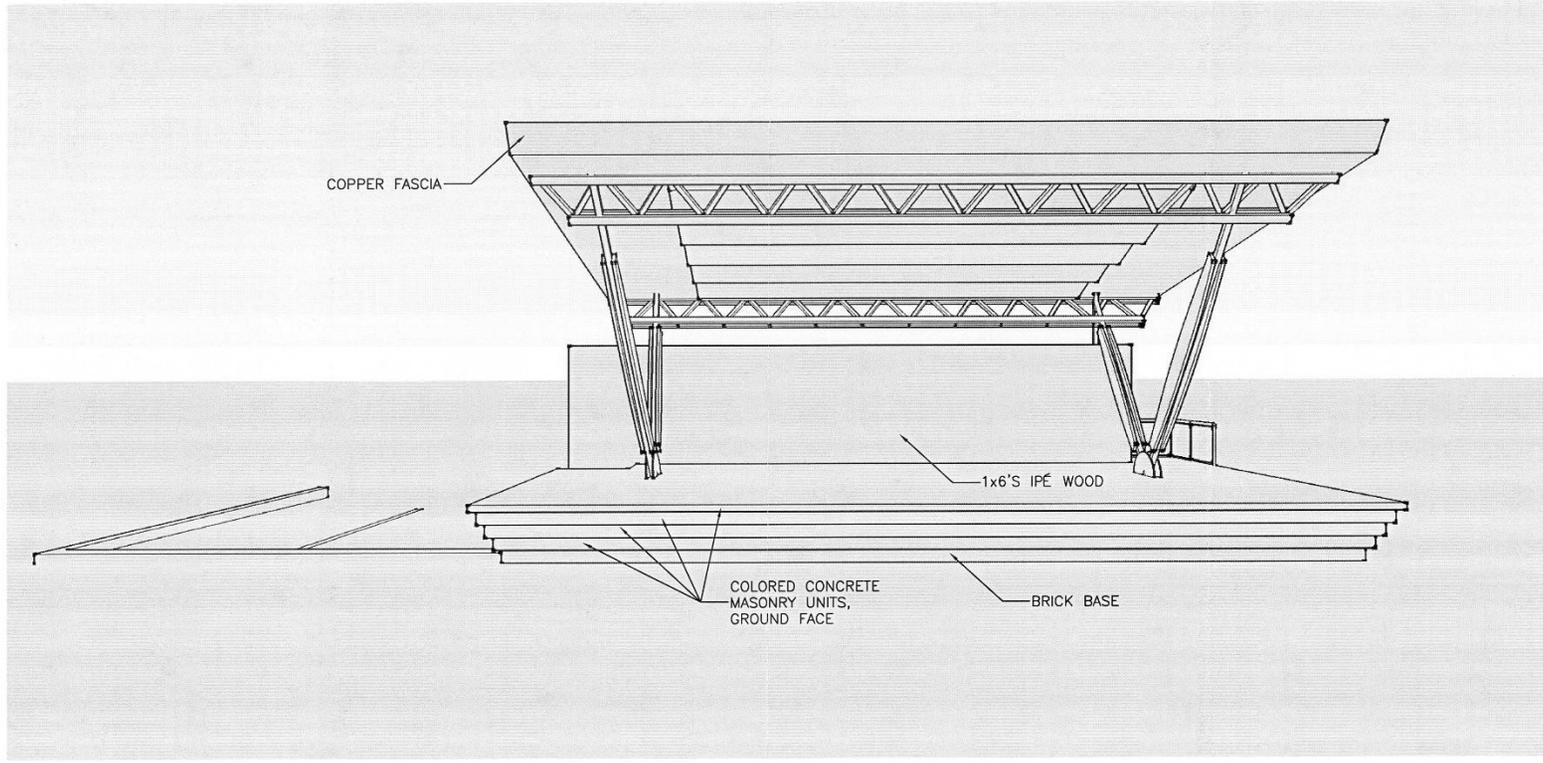
PREVIOUS SUBMITTAL (NOVEMBER 2015)



SOUTH ELEVATION
SCALE = NTS

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PREVIOUS SUBMITTAL (NOVEMBER 2015)



EAST ELEVATION
SCALE = NTS

**ANDERSON
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Southern Pines, North Carolina 28387

SEALS

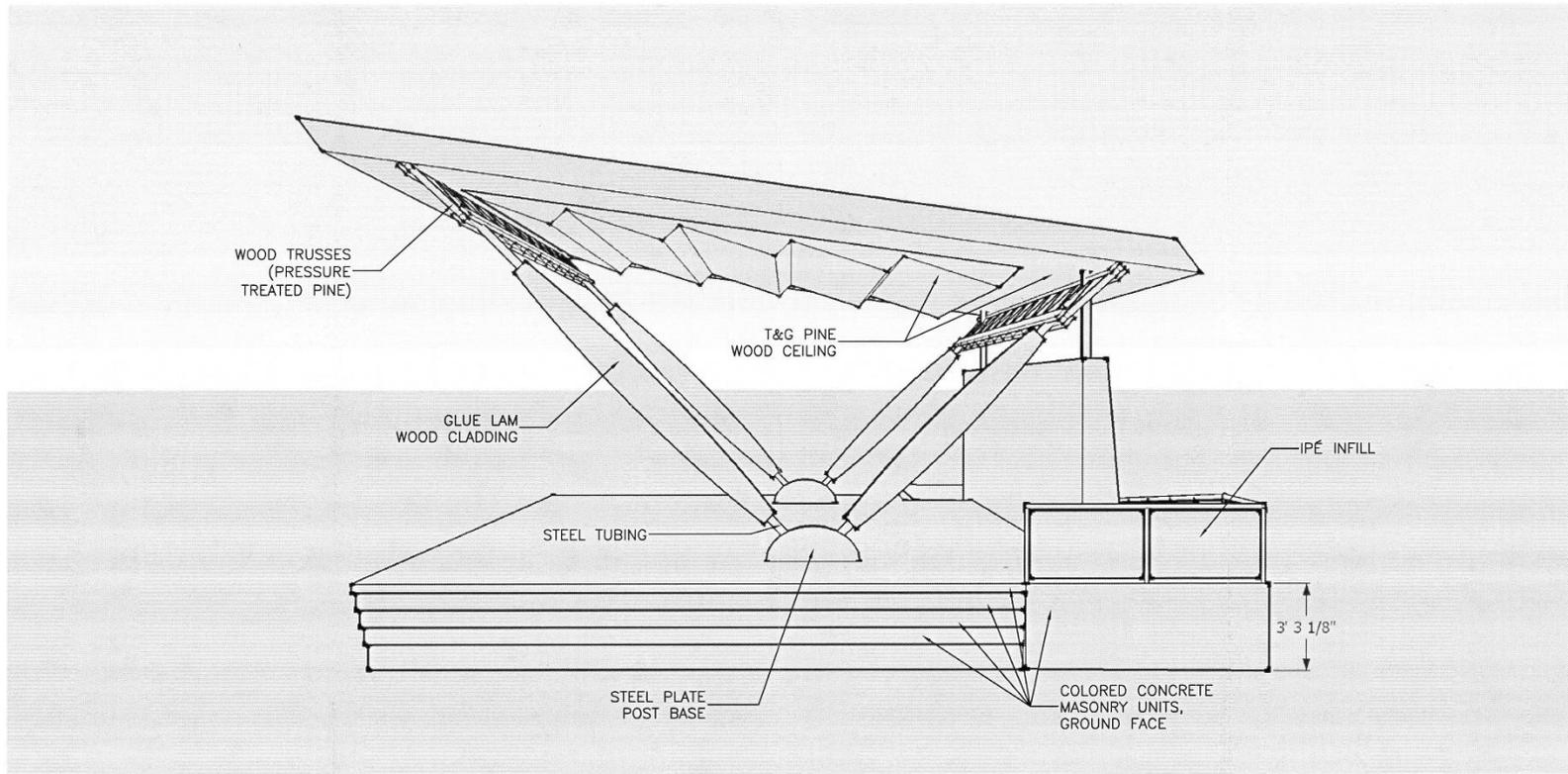
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K. SPARROW
M. OTERO

A-4

PREVIOUS SUBMITTAL (NOVEMBER 2015)



NORTH ELEVATION
SCALE = NTS



**ANDERSON
ARCHITECTURE**
135 West Connecticut Avenue
Southern Pines, North Carolina 28387



SEALS

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M. OTERO

A-5

PREVIOUS SUBMITTAL (NOVEMBER 2015)

SOUTH ELEVATION
SCALE = NTS

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Work Session Agenda Item

To: Reagan Parsons, Town Manager

Via: Bart Nuckols, Planning Director

From: Chris Kennedy, Senior Planner

Subject: Request to Discuss the Potential for a Rezoning and a Conditional Use Permit for a Major Subdivision Application for Single Family Homes; Petitioner, BC Prime, Inc.

Date: June 27, 2016

On behalf of BC Prime, Inc., the petitioners Mr. Brandon Brown and Mr. Scott Clark are requesting to be heard in front of the Town Council to discuss a Rezoning application to rezone the subject property from RR (Rural Residential) to RS-2 (Residential Single Family-2) and a Conditional Use Permit application for a Major Subdivision for forty-one (41) single-family homes adjacent to the Skyline Manor neighborhood off of US Highway 1 North. 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 will require a CUP. In order to obtain the density required to construct forty-one (41) homes, the project requires a rezoning of the property. The subject property is comprised of 22.7 acre tract and a 5.0 acre portion of the adjacent tract totaling 27.7 acres. The subject property is identified by the following: PIN: 859316829951 (PARID: 00040911); PIN: 859300926925 (PARID: 00033128). Per the Moore County Tax records, the property owner(s) are listed as Louis Jesse Williford Jr. and Harold J. and Linda J. Williford; and, Andersong Management, LLC.

Analysis:

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

- **Low-Density Residential:** Low-Density Residential designation applies to those single-family neighborhoods with development densities of between 3/4 –acre to 5-acres per unit, restricting land uses to residential uses, small-scale institutional uses supporting low density residential neighborhoods, and small-scale agricultural uses. Where residential development is already established at densities between 5 and 20 acres per unit, this designation anticipates that those properties will not be subdivided further.

Staff Comments:

- The subject property is comprised of a 22.7 acre tract and a 5.0 acre tract portion of an adjacent 27.1 acre tract, creating a total of 27.7 acres.

- The subject property identified by Parcel ID 00040911 is located in the ETJ (Extraterritorial Jurisdiction) of the Town of Southern Pines.
 - The subject property identified by Parcel ID 00033128 is partially located in the ETJ (Extraterritorial Jurisdiction) of the Town of Southern Pines and partially located outside of the jurisdiction of Southern Pines.
 - The petitioner is seeking to rezone the property from RR to RS-2 to build forty-one (41) single-family residences.
 - The adjoining properties are zoned RS-2 to the west, RR to the north and east, and Moore County zoning to the South.
 - The proposed project includes an access to Tella Drive and an access to Southern Dune Drive.
 - The previous submittal included only one access via Tella Drive.
 - Per UDO Section 3.5.2, the RR zoning classification has a minimum lot size of 30,000 square feet and permits a density of approximately 1.4 dwelling units per acre.
 - The RR zoning classification is established as a district in which to allow a variety of single-family residential building types at very low densities which are interspersed with large, undeveloped open areas. The regulations of the RR district are intended to:
 - Preserve the existing scale and the low-density residential and agricultural character of development on the fringe of the planning region;
 - Discourage traditional urban-scale development that requires a major utility or street improvements; and,
 - Enable the development of single-family detached residential development and class B manufactured homes on individual lots.
 - The petitioner is requesting to rezone the subject property from RR to RS-2. Per UDO Section 3.5.4, the RS-2 zoning classification has a minimum lot size of 20,000 square feet and permits a density of approximately 2.1 dwelling units per acre.
 - The RS-2 zoning classification is established as a district in which to allow primarily low-density single-family residential land uses. The regulation of the RS-2 district are intended to:
 - Preserve existing single-family residential neighborhoods that have developed at a low-density; and,
 - Encourage new residential development that is compatible with that in the existing neighborhoods.
 - Per Section 2.17.7 *Planning Board Action*; The Planning Board shall hold a legislative public hearing and shall render its recommendation in accordance with the procedures set forth in this chapter.
 - Per Section 2.17.8 *Town Council Action*;
- (A) Within thirty (30) days of the Planning Board recommendation, the application shall be submitted to the Council to review at a legislative public hearing.
- (B) The Council is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.

- (C) Following the hearing, the Council may approve, conditionally approve or deny the application. If the Application is denied, the Council shall advise the Applicant of the reason for denial.
- (D) The Council need not await the recommendations of the Planning Board before taking action on a proposed amendment, nor is the Council bound by any recommendations of the Planning Board that are before it at the time it takes action on a proposed amendment.
- (E) At the conclusion of the public hearing on a proposed amendment, the Council may proceed to vote on the proposed ordinance, refer it to a committee for further study or take any other action consistent with its usual rules of procedure.
- (F) Voting on amendments to this chapter shall proceed in the same manner as other ordinances, subject to the provisions for protests to zoning district changes as set forth herein.
- (G) Impacts. The council shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.
 - Per Section 2.17.9 a Rezoning Application must satisfy the following criteria:

2.17.9 *Criteria for Zoning Map Amendments*

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

- (A) *Consistency.* Rezoning shall be consistent with the adopted Comprehensive Plan.
- (B) *Adverse Impacts on Neighboring Lands.* *The Hearing Body shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Town finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings may promote mixed uses subject to a high degree of design control.*
- (C) *Suitability as Presently Zoned.* *The Hearing Body shall consider the suitability or unsuitability of the Tract for its use as presently zoned. This factor, like the others, should be weighed in relation to the other standards, and instances can exist in which the land may be rezoned to meet public need, to reflect substantially changed conditions in the neighborhood, or to effectuate important goals, objectives and policies of the Comprehensive Plan or UDO.*
- (D) *Health, Safety, and Welfare.* *The amending ordinance must bear a substantial relationship to the public health, safety or general welfare, or protect and preserve historical and cultural places and areas. The rezoning may be justified, however, if a substantial public need or purpose exists, even if the private owner of the Tract will also benefit.*
- (E) *Public Policy.* *Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.*

- (F) *Size of Tract. The Hearing Body shall consider the size, shape, and characteristics of the Tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single Lot when there have been no intervening changes or other saving characteristics. Proof that a small Tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify ordinance rezoning.*
- (G) *Other Factors. The Hearing Body may consider any other factors relevant to a rezoning application under state law.*
- (H) *Applicant Representations. Except for rezoning requests submitted in accordance with the provisions herein for conditional use district rezonings, the Hearing Body shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Hearing Body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.*

- Once the Rezoning application has received a decision, the Conditional Use Permit application for a Major Subdivision shall be heard. Per Section 2.20.5 (H) The Town Council shall conduct a quasi-judicial hearing and shall approve, conditionally approve or deny the Preliminary Plat based on the preceding criteria. The Town Council also shall approve, conditionally approve or deny the CUP based on the criteria established in the preceding paragraphs and in Section 2.21.7. The CUP shall not become effective until the Planning Director grants approval of the Final Plat.
- Per Section 2.20.5 a Preliminary Plat must satisfy the following criteria: A Sketch Plat shall be required when an Applicant is applying for the subdivision of less than the entire, contiguous land area held in common ownership.*

2.20.5 (G) *Criteria for a Preliminary Plat*

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

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

2.21.7 *Criteria for a Conditional Use Permit*

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

- (A) *The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;*
 - (B) *The proposed conditional use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;*
 - (C) *Adequate public facilities shall be provided as set forth herein;*
 - (D) *The proposed use shall not impede the orderly Development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;*
 - (E) *The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare; and,*
 - (F) *The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use.*
- The setbacks for the property in the RS-2 zoning classification would be:
 - Front: 30.0'; 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.
 - This project may be required to obtain a Watershed Protection Permit from the Town Council due to its location within the high quality watershed. The Watershed Protection Permit if approved will provide the project with the 5/70 exemption allowing the project to develop up to the 70% impervious surface level.

Attachments:

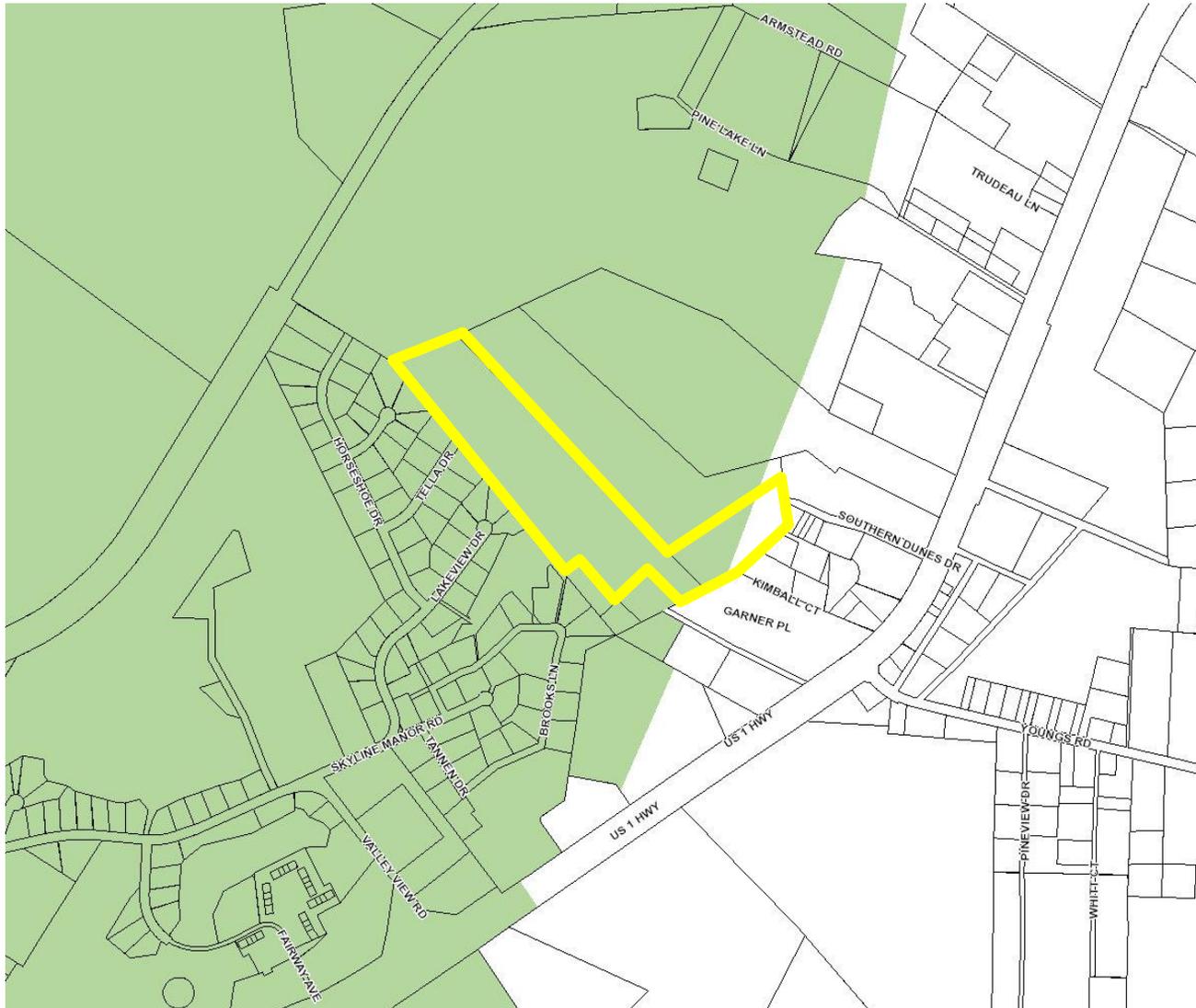
- GIS Location
- Documentation Submitted by Petitioner
- Documentation from Previous Submittal
- Future Land Use Map

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

1. No action;
2. Allow the petitioner to pursue this development project through the required Rezoning and CUP Major Subdivision application processes as outlined in the Town of Southern Pines Unified Development Ordinance;
3. An action listed above with the following conditions...
4. Action not listed above...

BC Prime, Inc. – Proposed Rezoning and CUP
PIN: 859316829951 (PARID:00040911)

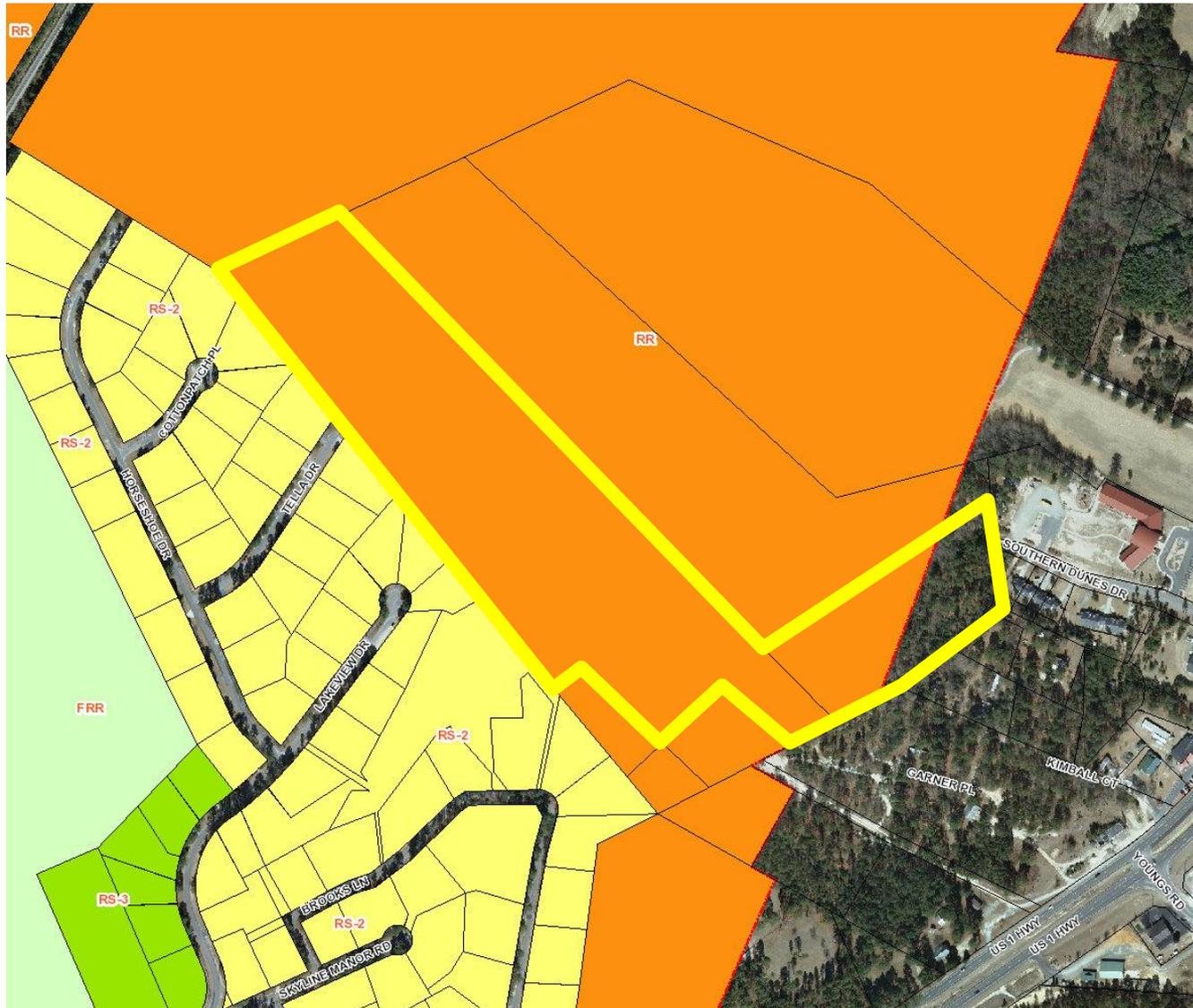
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BC Prime, Inc. – Proposed Rezoning and CUP

PIN: 859316829951 (PARID:00040911)

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PROPOSED RESIDENTIAL DEVELOPMENT

General Information

- 22.7 Acre Tract and 5 Acre Tract
- Property is not in the Southern Pines City Limits, but is located in the Southern Pines ETJ

Zoning / Rezoning

- Currently zoned RR – Rural Residential
- Plan to request rezoning to RS-2 (20,000 sf lots)
 - Adjoining subdivision (Skyline Manor ~75 lots) is zoned RS-2
- Plan to develop 41 lots if rezoning is approved

Water / Sewer

- Adjoining subdivision (Skyline Manor) is serviced by Moore County Water
- Moore County provided modeling for the proposed waterline extension into proposed subdivision
 - Results of model show at least 750 gpm of fire flow (at end of proposed cul-de-sac at the East end of the project) from water line extension serving proposed development
- Anticipating individual septic tanks to serve each lot
 - Soil scientist completed the preliminary soil evaluation and wetland assessment of the property on Sept 1, 2015; USACOE has confirmed and approved the wetland boundaries established by the soil scientist.
 - Initial soil report identifies suitable soils for septic service for the majority of the property

Roads, etc

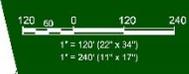
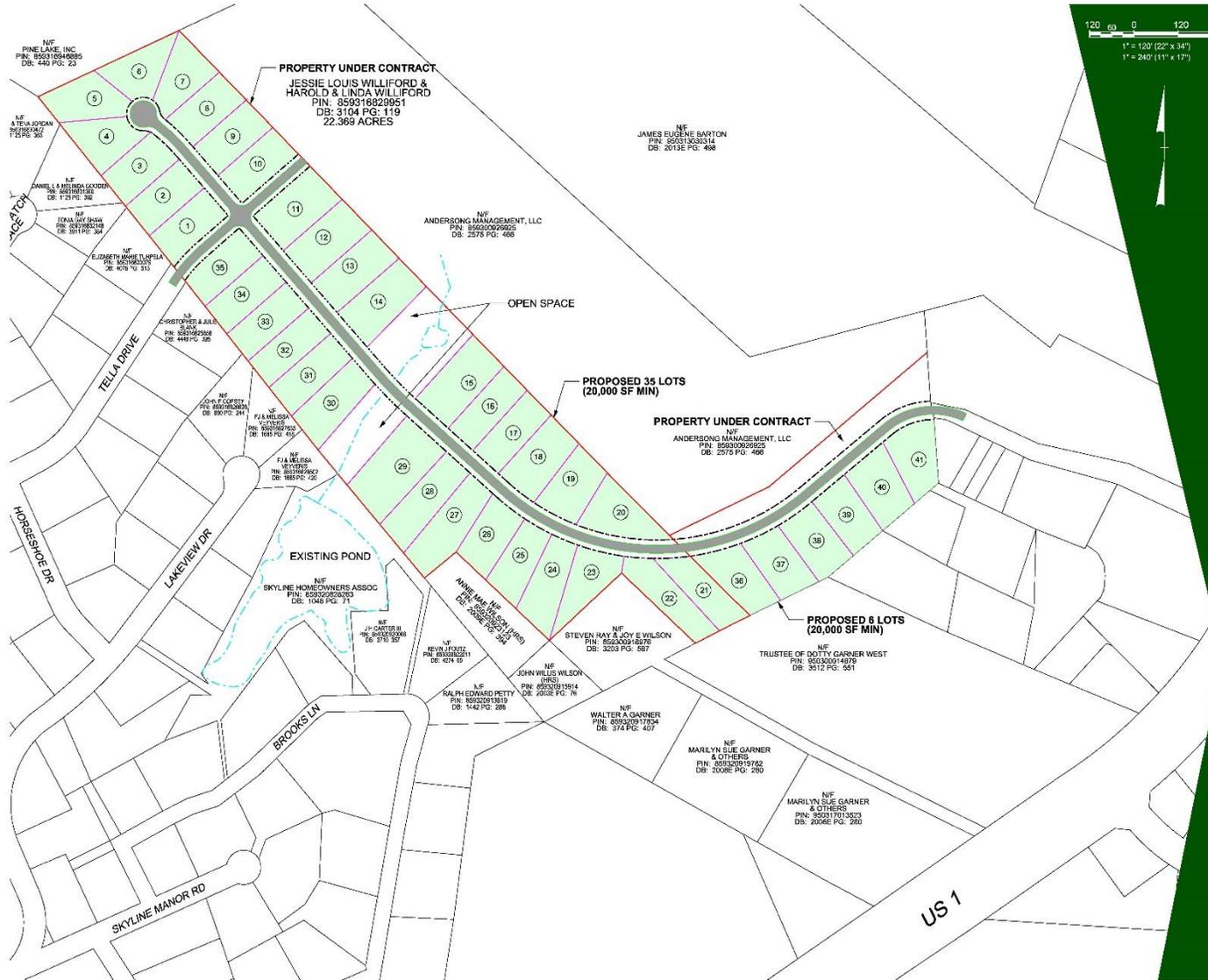
- Proposed typical section of roadway (approved by Southern Pines Engineering and Planning) based on NCDOT Subdivision Standards
 - Right of Way for Shoulder Section: 50'
 - Pavement Width: 18'
 - Shoulder Width: 4' - 6' with ditches/swales and no sidewalk
 - Design Speed: 25 mph
 - Max grade: 12%
 - Min Cul-de-sac Radius R/W: 45'
 - Min Cul-de-sac Radius: 35'
 - Base Course: 6"-8" ABC; Pavement Surface: 1.5"-2" Asphalt (SF 9.5A or SF 9.5B) - (NCDOT Subdivision Roads Minimum Standards)
 - Proposing no sidewalk
- Tella Drive (SR 1939), Horseshoe Drive (SR 1929), Lakeview Drive (SR 1928), etc. are all NCDOT roads
- Current adjacent subdivision, Skyline Manor (over 75 homes) does not currently have sidewalk or curb and gutter within the development

4312 Samantha Drive
Raleigh, NC 27613
919-612-5399
bcprimebb@gmail.com

CURRENT REQUEST



CURRENT REQUEST



CONTACTS:
 SCOTT CLARK, PE
 4515 SAVANNAH DRIVE
 SOUTHERN PINES, NC 27873
 PH: 252-444-1034
 boprimesa@gmail.com

BRANDON BROWN
 4515 SAVANNAH DRIVE
 SOUTHERN PINES, NC 27873
 PH: 252-444-1039
 boprimesa@gmail.com

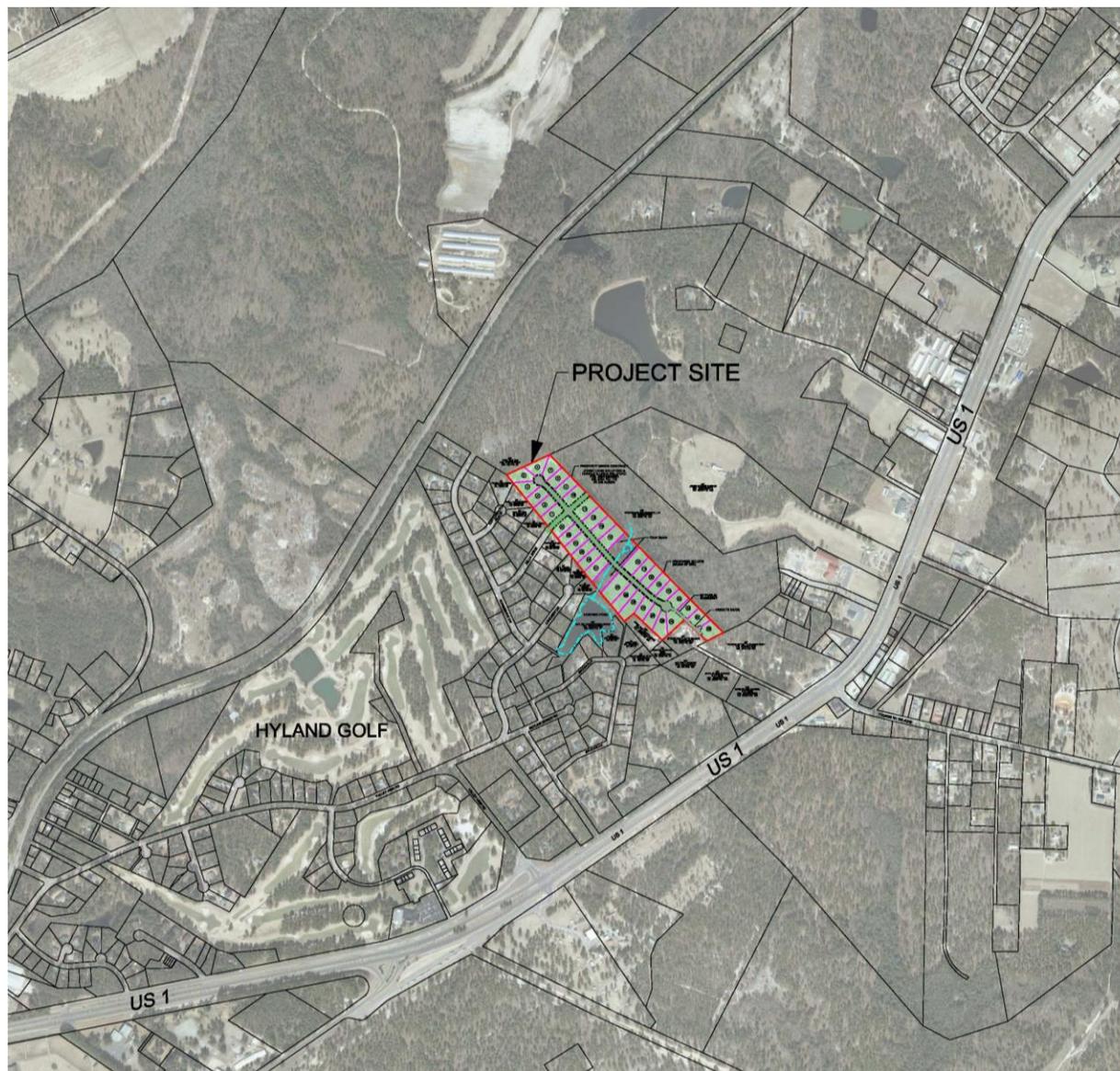
PROJECT:
 RESIDENTIAL DEVELOPMENT
 SOUTHERN PINES, NC

SKETCH PLAN
 6-16-2016

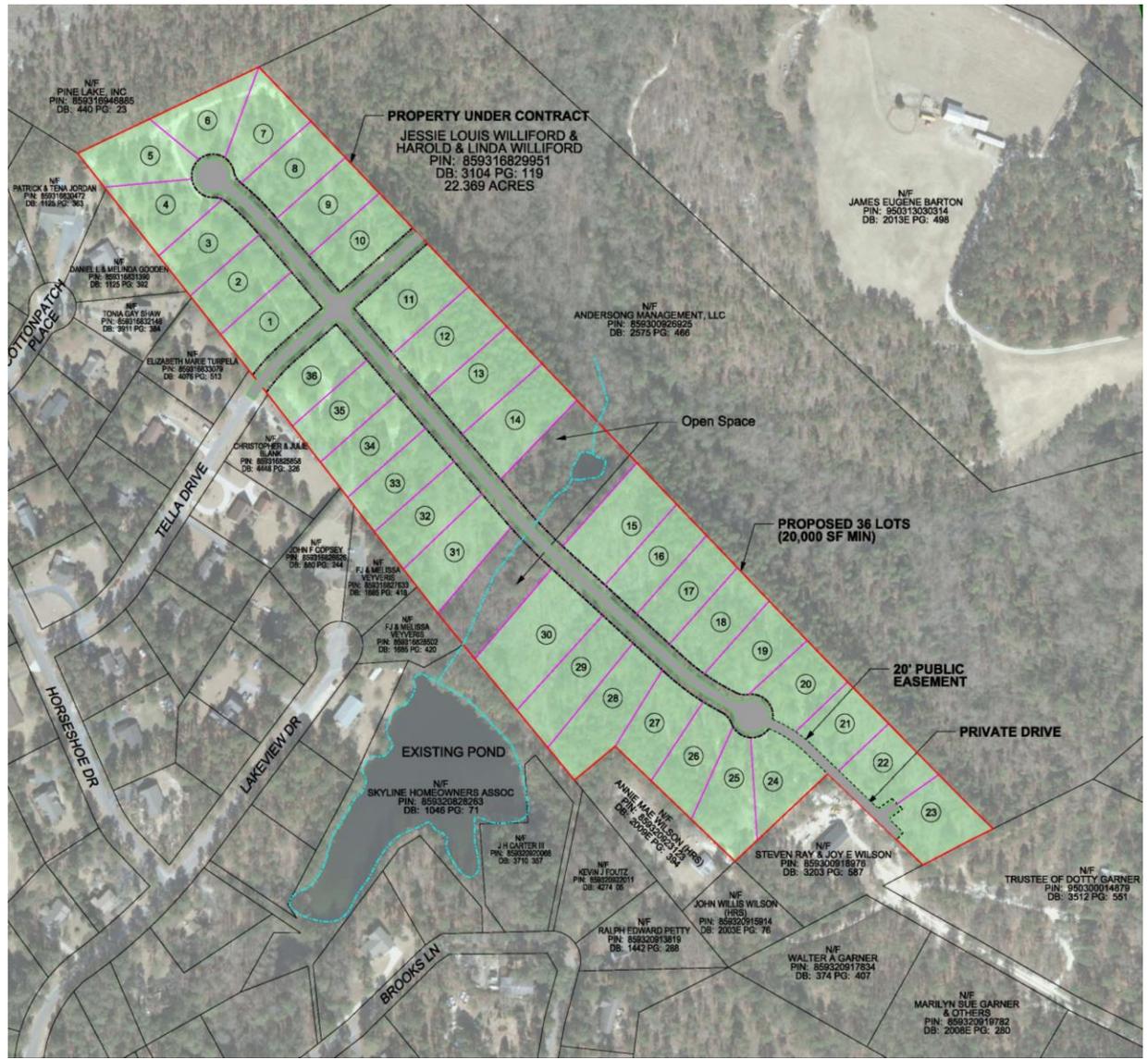
CURRENT REQUEST



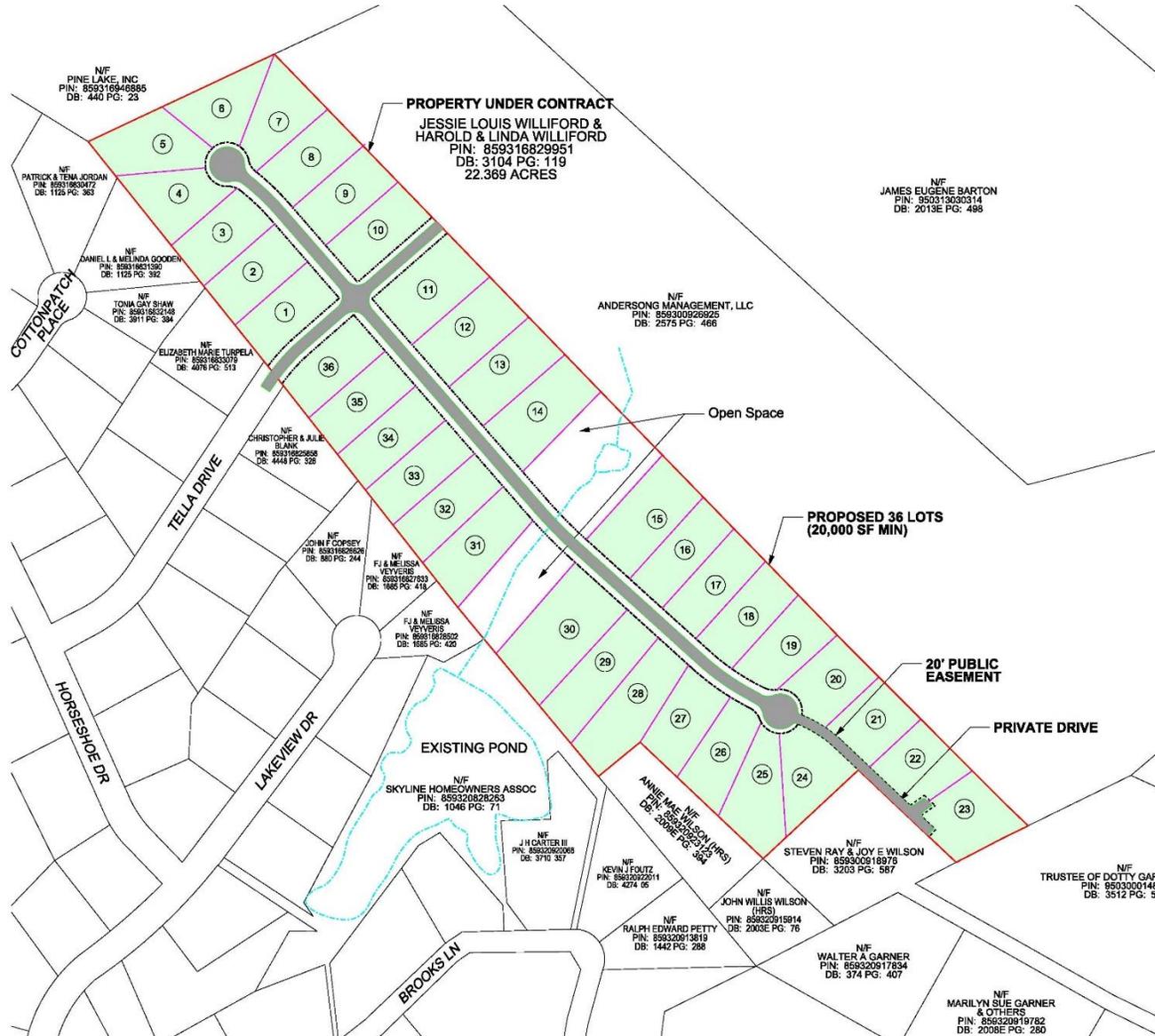
PREVIOUS REQUEST



PREVIOUS REQUEST

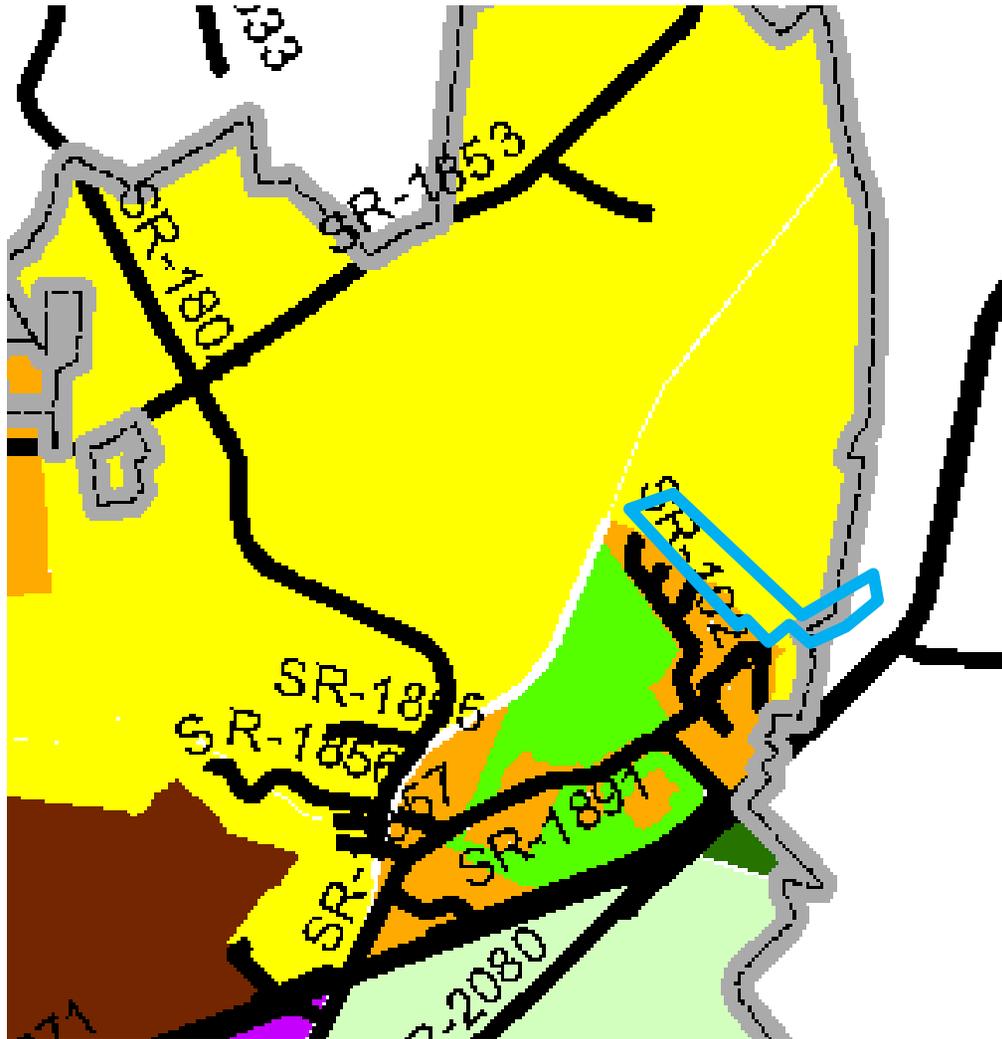


PREVIOUS REQUEST



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Future Land Use Map: Major Subdivision & Rezoning – BC Prime, Inc.



 = 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

Work Session Agenda Item

To: Reagan Parsons, Town Manager
Via: Bart Nuckols, Planning Director
From: Chris Kennedy, Senior Planner
Subject: Request to Discuss the Potential for a Rezoning from RS-3 to RE; 940 E. Connecticut Avenue; Petitioner, Richard Lee Yelverton III
Date: June 27, 2016

On behalf of property owners, the petitioner Mr. Richard Lee Yelverton III is requesting to be heard in front of the Town Council to discuss a Rezoning application to rezone the subject property from RS-3 (Residential Single Family-3) to RE (Rural Estate) The subject property is comprised of 13.53 acre tract identified by the following: PIN: 858111658222 (PARID: 00030993). Per the Moore County Tax records, the property owner(s) are listed as Eddie H. and Sarah Kea Meacham.

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 a 13.53 acre tract along E. Connecticut Avenue.
 - The subject property identified by Parcel ID 00030993 is located within the corporate limits of the Town of Southern Pines.
- The petitioner is seeking to rezone the property from RS-3 to RE.
- The adjoining properties are zoned RS-3 to the west, north, and south, and FRR to the east.
- The closest RE zoned property is approximately 323.00 feet away from the subject property.
- Per UDO Section 3.5.5, the RS-3 zoning classification has a minimum lot size of 30,000 square feet and permits a density of approximately 1.4 dwelling units per acre.
 - The RS-3 zoning classification is established as a district in which to allow

primarily very low single-family residential land uses (approximately 1.4 dwelling units per acre). The regulations of the RS-3 district are intended to:

1. Preserve the existing single-family residential neighborhoods that developed at a low density; and,
 2. Encourage new residential development that is compatible with that in the existing neighborhoods.
- Per UDO Section 3.5.1, the RE zoning classification has a minimum lot size of five (5) acres.
 - The RE zoning classification is established as a district in which the principal use of land is for low density residential purposes and for horse farms, horse stables, and related activity purposes. The regulation of the RE district are intended to:
 1. Preserve the existing scale of the low density residential and agricultural character of development in the area referred to as “Horse Country”;
 2. Discourage the conventional subdivision of existing large tracts into small building lots;
 3. Preserve existing horse farms and agricultural uses; and,
 4. Discourage traditional urban development uses that require major utility extensions and street improvements.
 - Per Section 2.17.7 *Planning Board Action*; The Planning Board shall hold a legislative public hearing and shall render its recommendation in accordance with the procedures set forth in this chapter.
 - Per Section 2.17.8 *Town Council Action*;
- (A) Within thirty (30) days of the Planning Board recommendation, the application shall be submitted to the Council to review at a legislative public hearing.
- (B) The Council is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.
- (C) Following the hearing, the Council may approve, conditionally approve or deny the application. If the Application is denied, the Council shall advise the Applicant of the reason for denial.
- (D) The Council need not await the recommendations of the Planning Board before taking action on a proposed amendment, nor is the Council bound by any recommendations of the Planning Board that are before it at the time it takes action on a proposed amendment.
- (E) At the conclusion of the public hearing on a proposed amendment, the Council may proceed to vote on the proposed ordinance, refer it to a committee for further study or take any other action consistent with its usual rules of procedure.
- (F) Voting on amendments to this chapter shall proceed in the same manner as other ordinances, subject to the provisions for protests to zoning district changes as set forth herein.
- (G) Impacts. The council shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.
- Per Section 2.17.9 a Rezoning Application must satisfy the following criteria:

2.17.9 Criteria for Zoning Map Amendments

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

- (A) *Consistency.* Rezoning shall be consistent with the adopted Comprehensive Plan.
- (B) *Adverse Impacts on Neighboring Lands.* The Hearing Body shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Town finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings may promote mixed uses subject to a high degree of design control.
- (C) *Suitability as Presently Zoned.* The Hearing Body shall consider the suitability or unsuitability of the Tract for its use as presently zoned. This factor, like the others, should be weighed in relation to the other standards, and instances can exist in which the land may be rezoned to meet public need, to reflect substantially changed conditions in the neighborhood, or to effectuate important goals, objectives and policies of the Comprehensive Plan or UDO.
- (D) *Health, Safety, and Welfare.* The amending ordinance must bear a substantial relationship to the public health, safety or general welfare, or protect and preserve historical and cultural places and areas. The rezoning may be justified, however, if a substantial public need or purpose exists, even if the private owner of the Tract will also benefit.
- (E) *Public Policy.* Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.
- (F) *Size of Tract.* The Hearing Body shall consider the size, shape, and characteristics of the Tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single Lot when there have been no intervening changes or other saving characteristics. Proof that a small Tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify ordinance rezoning.
- (G) *Other Factors.* The Hearing Body may consider any other factors relevant to a rezoning application under state law.
- (H) *Applicant Representations.* Except for rezoning requests submitted in accordance with the provisions herein for conditional use district rezonings, the Hearing Body shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Hearing Body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.

Attachments:

- GIS Location
- Future Land Use Map

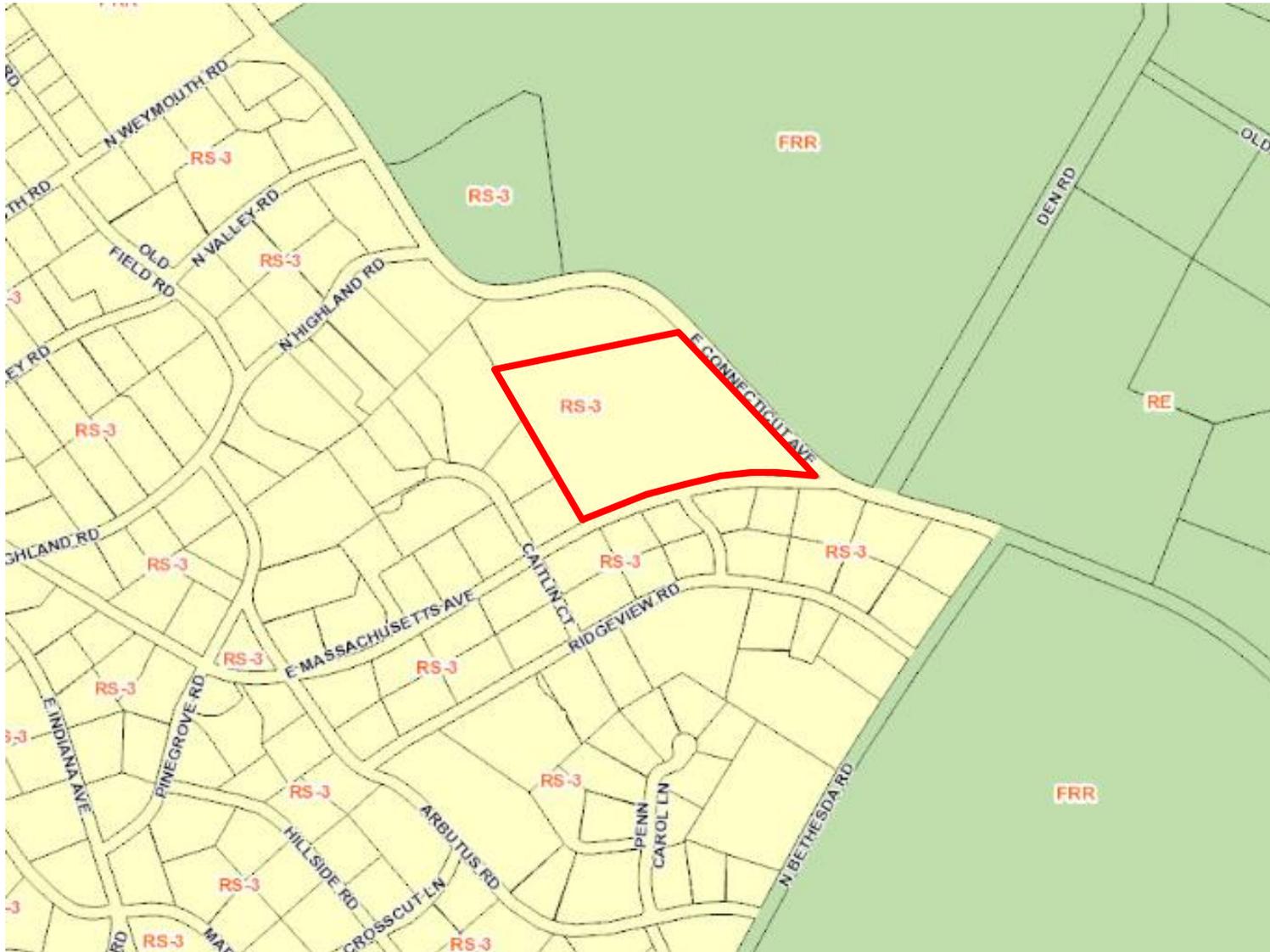
The Town Council may wish to take one of the following actions:

1. No action;
2. Allow the petitioner to pursue this development project through the required Rezoning and application processes as outlined in the Town of Southern Pines Unified Development Ordinance;
3. An action listed above with the following conditions...
4. Action not listed above...

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940 E. Connecticut Avenue – Proposed Rezoning

PIN: 858111658222 (PARID: 00030993)



940 E. Connecticut Avenue – Proposed Rezoning

PIN: 858111658222 (PARID: 00030993)

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940 E. Connecticut Avenue – Proposed Rezoning

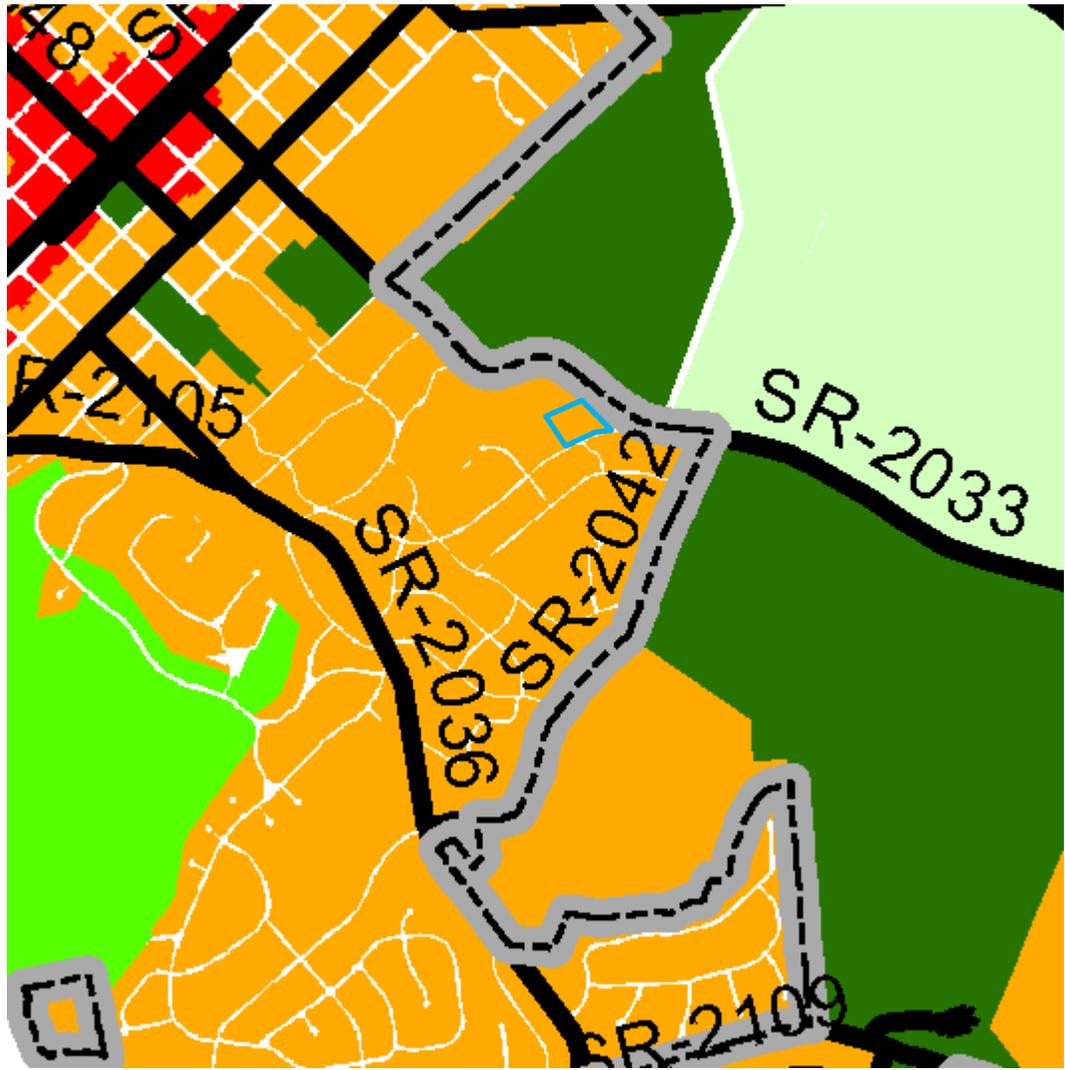
PIN: 858111658222 (PARID: 00030993)

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Future Land Use Map: Rezoning – 940 E. Connecticut Avenue

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 = 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

Work Session Agenda Item

To: Reagan Parsons, Town Manager
Via: Bart Nuckols, Planning Director
From: Chris Kennedy, Senior Planner
Subject: Request to Discuss a CUP application for a Bed & Breakfast Inn; 310 Crest Road; Petitioner, Bill Smith
Date: June 27, 2016

Mr. Bill Smith of Berkshire Hathaway HS Pinehurst Realty Group has requested to speak in front of the Town Council to discuss a Conditional Use Permit application for a new Bed & Breakfast Inn to be located at 310 Crest Road. The subject property is identified by the following: PIN: 858209076326 (PARID: 00036005). Per the Moore County Tax records, the property owner(s) are listed as Christopher N. & Christa M. Gilder.

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:

- Per UDO Exhibit 3-15 *Table of Authorized Land Uses*, Bed & Breakfast Inns are classified under LBCS 1312.
- LBCS 1312 is listed as a “C” in the RS-3 (Residential Single-Family – 3) zoning classification.
 - “C” denotes that the land use must receive a Conditional Use Permit approval.
- The subject property is zoned RS-3 (Residential Single-Family – 3) therefore the subject property must obtain a Conditional Use Permit approval in order to operate a Bed & Breakfast Inn establishment.
- The subject property consists of 7.431 acres.
- The adjoining properties are zoned RS-3.
- Per UDO 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.*
- Per UDO Section 5.5 an application for a Bed & Breakfast Establishment must satisfy the following criteria:

5.5 BED & BREAKFAST ESTABLISHMENTS

Bed & Breakfast establishments, where allowed, are subject to the following standards:

- (A) Bed and Breakfast Home: A private home of not more than four (4) guest rooms that offers bed and breakfast accommodations, and that:
 - (a) Does not serve food or drink to the general public for pay;
 - (b) Serves only the breakfast meal, and that meal is served to overnight guests of the business;
 - (c) Includes the price of breakfast in the rate; and,
 - (d) Is the permanent residence of the owner or manager of the business.
- (B) Bed and Breakfast Inn: A private home of more than four (4) but not more than twelve (12) guest rooms that offers bed and breakfast accommodations, and that:
 - (a) Does not serve food or drink to the general public for pay;
 - (b) Serves only the breakfast meal, and that meal is served to overnight guests of the business;
 - (c) Includes the price of breakfast in the rate; and,
 - (d) Is the permanent residence of the owner or manager of the business.

5.5.1 Maximum Number of Guests

- (A) The maximum number of guest rooms in a Bed & Breakfast Home shall be four (4) with not more than one (1) guestroom permitted in an existing detached structure on the same property.
- (B) The maximum number of guest rooms in a Bed & Breakfast Inn shall be more than four (4) but not more than twelve (12) with not more than one (1) guestroom permitted in an existing detached structure on the same property.

5.5.2 Performance Standards

- (A) The following standards shall apply to Bed & Breakfast Homes and Bed & Breakfast Inns:
 - (1) A Bed and Breakfast establishment shall be permitted only in a residential structure with a minimum gross living area of three thousand (3,000) square feet.

- (2) In any residential zoning district, establishment must be located that is located on a Lot with a minimum area of forty thousand (40,000) square feet.
- (3) Food service shall be limited to the breakfast meal and shall be available only to guests and not to the general public in any residential district.
- (4) Signage shall be limited to a nameplate not to exceed two (2) square feet.
- (5) To avoid a concentration of Bed and Breakfast establishments in any residential district, no new Bed and Breakfast shall be located within one thousand three hundred twenty (1,320 feet) of another pre-existing Bed and Breakfast establishment, measured along a straight line from property line to property line.
- (6) A Bed and Breakfast shall have vehicular access to a collector or arterial street.
- (7) One off street parking space shall be provided for each guest room.

Exhibit 3-15: Table of Authorized Land Uses

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Hotels, Motels, or Other Accommodation Services	1300	Lodging and short-term accommodation for travelers													
Bed and breakfast home	1311	Primarily in private homes and small buildings	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS		
Bed and breakfast inn	1312	Primarily in private homes and small buildings	Z	C	C	C	C	C	C	Z	Z	Z			

Attachments:

- GIS Aerial Vicinity Maps
- Images Provided by Petitioner

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

1. No action;
2. Allow the petitioner to pursue this project through the required CUP processes as outlined in the Town of Southern Pines Unified Development Ordinance;
3. An action listed above with the following conditions...
4. Action not listed above...

Request for Conditional Use Permit: Bed & Breakfast Inn

310 Crest Road

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Request for Conditional Use Permit: Bed & Breakfast Inn

310 Crest Road

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310 CREST ROAD SOUTHERN PINES, NC 28387

OWNERS: Chris and Christa Gilder

PARCEL ID: 00036005

LEGAL DESCRIPTION: Lot 207 A B 208 -212

DEED RECORDED: 06/08/2011

BOOK/PAGE: 661/174

NEIGHBORHOOD: Knollwood Heights

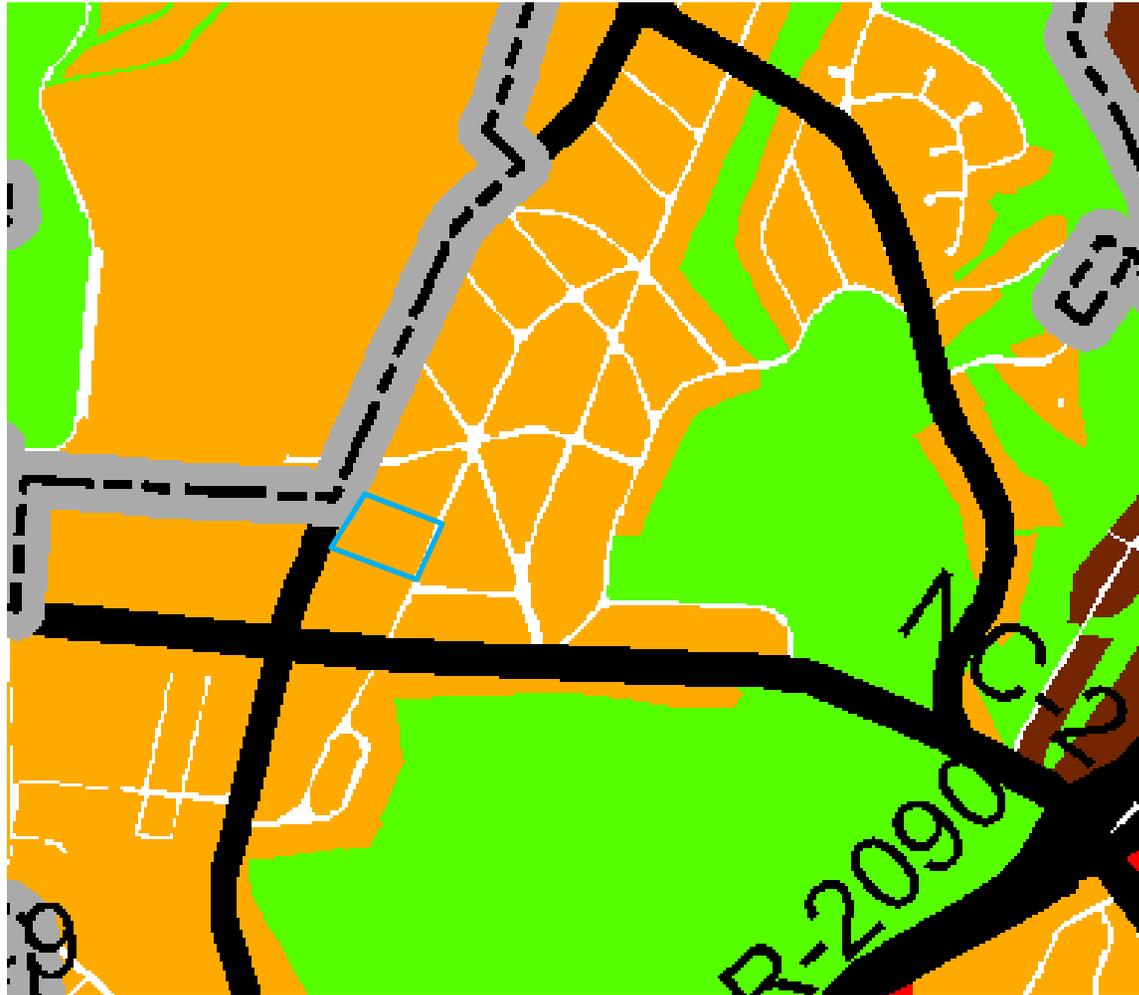


310 CREST ROAD SOUTHERN PINES, NC 28387



Future Land Use Map: Rezoning – 940 E. Connecticut Avenue

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 = 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

Work Session Agenda Item

To: Reagan Parsons, Town Manager
Via: Bart Nuckols, Planning Director
From: Chris Kennedy, Senior Planner
Subject: Request to Discuss the Potential for a Conditional Use Permit for a Major Subdivision Application for Single Family Homes; 2250 E. Connecticut Avenue; Petitioner, Colin Webster
Date: June 27, 2016

The petitioner, Mr. Colin Webster, is requesting to be heard in front of the Town Council to discuss a Conditional Use Permit Major Subdivision application for single-family detached dwellings on the property of 2250 E. Connecticut Avenue and an adjacent tract. The petitioner has provided two concepts, one with fourteen (14) lots and the second with thirty-four (34) lots. 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; therefore proposed development will require a CUP with either concept. The subject property is comprised of 38.75 acre tract and a 5.33 acre portion of the adjacent tract totaling 44.08 acres. The subject property is identified by the following: PIN: 859104509304 (PARID: 00055976); PIN: 859104607413 (PARID: 00055975). Per the Moore County Tax records, the property owner(s) are listed as Edna M. Stanley.

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 a 38.75 acre tract and a 5.33 acre tract, creating a total of 44.08 acres.
 - The subject property is located in the ETJ (Extraterritorial Jurisdiction) of the Town of Southern Pines.

- The petitioner is seeking the approval of a Major Subdivision to construct single-family detached residences.
 - The petitioner has provided two concepts, one with fourteen (14) lots and the second with thirty-four (34) lots.
- The adjoining properties are zoned RS-3 to the northwest, RE to the north, south, and west, with Fort Bragg to the east.
- The subject property lies within an active red-cockaded woodpecker (RCW) partition.
 - All projects located within the active partition must be reviewed by the US Fish & Wildlife Service (USFWS) Sandhills Sub-office for approval.
- Fort Bragg and USFWS will likely have significant comments on any proposed development on the subject property with the military impacts as the property is located directly adjacent to the base and with the property being within an active red-cockaded woodpecker partition.
- The proposed project includes an access to E. Connecticut Avenue and Fort Bragg Road.
- Per UDO Section 3.5.5, the RS-3 zoning classification has a minimum lot size of 30,000 square feet and permits a density of approximately 1.4 dwelling units per acre.
 - The RS-3 zoning classification is established as a district in which to allow primarily very low single-family residential land uses (approximately 1.4 dwelling units per acre). The regulations of the RS-3 district are intended to:
 - Preserve the existing single-family residential neighborhoods that developed at a low density; and,
 - Encourage new residential development that is compatible with that in the existing neighborhoods.
- In a Major Subdivision application for a Conditional Use Permit the applicant must meet the criteria of UDO Section 2.20.5 (G) and UDO Section 2.21.7.
- Per Section 2.20.5 a Preliminary Plat must satisfy the following criteria: A Sketch Plat shall be required when an Applicant is applying for the subdivision of less than the entire, contiguous land area held in common ownership.*

2.20.5 (G) *Criteria for a Preliminary Plat*

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

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

- Per Section 2.21.7 an Application for a Conditional Use Permit must satisfy the following criteria:

2.21.7 *Criteria for a Conditional Use Permit*

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

- (A) *The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;*
- (B) *The proposed conditional use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;*
- (C) *Adequate public facilities shall be provided as set forth herein;*
- (D) *The proposed use shall not impede the orderly Development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;*
- (E) *The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare; and,*
- (F) *The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use.*

- The setbacks for the property in the RS-3 zoning classification would be:
 - Front: 30.0'; 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.
- This project may be required to obtain a Watershed Protection Permit from the Town Council due to its location within the high quality watershed. The Watershed Protection Permit if approved will provide the project with the 5/70 exemption allowing the project to develop up to the 70% impervious surface level.
- One of the proposed development plans submitted by the petitioner seeks to utilize the Cluster Subdivision development pattern as set forth in UDO Section 6.1.
- 6.1 Cluster Subdivision:

A. In any single-family residential subdivision in the zones indicated below, a developer may create lots that are smaller than those required by in the RS zoning districts if such developer complies with the provisions of this section and if the lots so created are not smaller than the minimums set forth in Exhibit 6-1: Minimum Lot Size for Cluster Subdivisions:

Exhibit 6-1: Minimum Lot Size for Cluster Subdivisions

Zoning District	Minimum Lot Size
RS-1	7,500 sq. ft.
RS-2	15,000 sq. ft.
RS-3	22,500 sq. ft.

B. The intent of this section is to authorize the developer to decrease lot sizes and leave the land “saved” by so doing as usable open space, thereby lowering the development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into the size of lots required by each applicable zoning district.

- C. The amount of usable open space that must be set aside shall be determined by:
1. Multiplying the number of lots that are smaller than the minimum area for lots in the applicable district by the minimum area required per lot in that district;
 2. Totaling the square footage of all lots that are smaller than that standard specified for the applicable zoning district;
 3. Subtracting the result in paragraph (1) from the result in paragraph (2).

Example for a 100 Lot subdivision in an RS-1 District	
Number of Lots smaller than the minimum Lot size for the district	100 Lots
Minimum area per Lot required	10,000 sq. ft./lot
Product (number of Lots times the minimum area per Lot)	1,000,000 sq. ft.
Total area of Lots that are smaller than the minimum. Assume that the Lots average 8,000 sq. ft. (100 x 8,000)	800,000 sq. ft.
Total amount of Usable Open Space required (1,000,000 – 800,000)	200,000 sq. ft.

- D. The provisions of this section may only be used if the usable open space set aside in a subdivision comprises at least ten thousand (10,000) square feet of space that complies with UDO Section 4.9.
- E. The setback requirements for the applicable zoning districts shall apply in Cluster Subdivisions.

Attachments:

- GIS Location
- Documentation Submitted by Petitioner
- Future Land Use Map

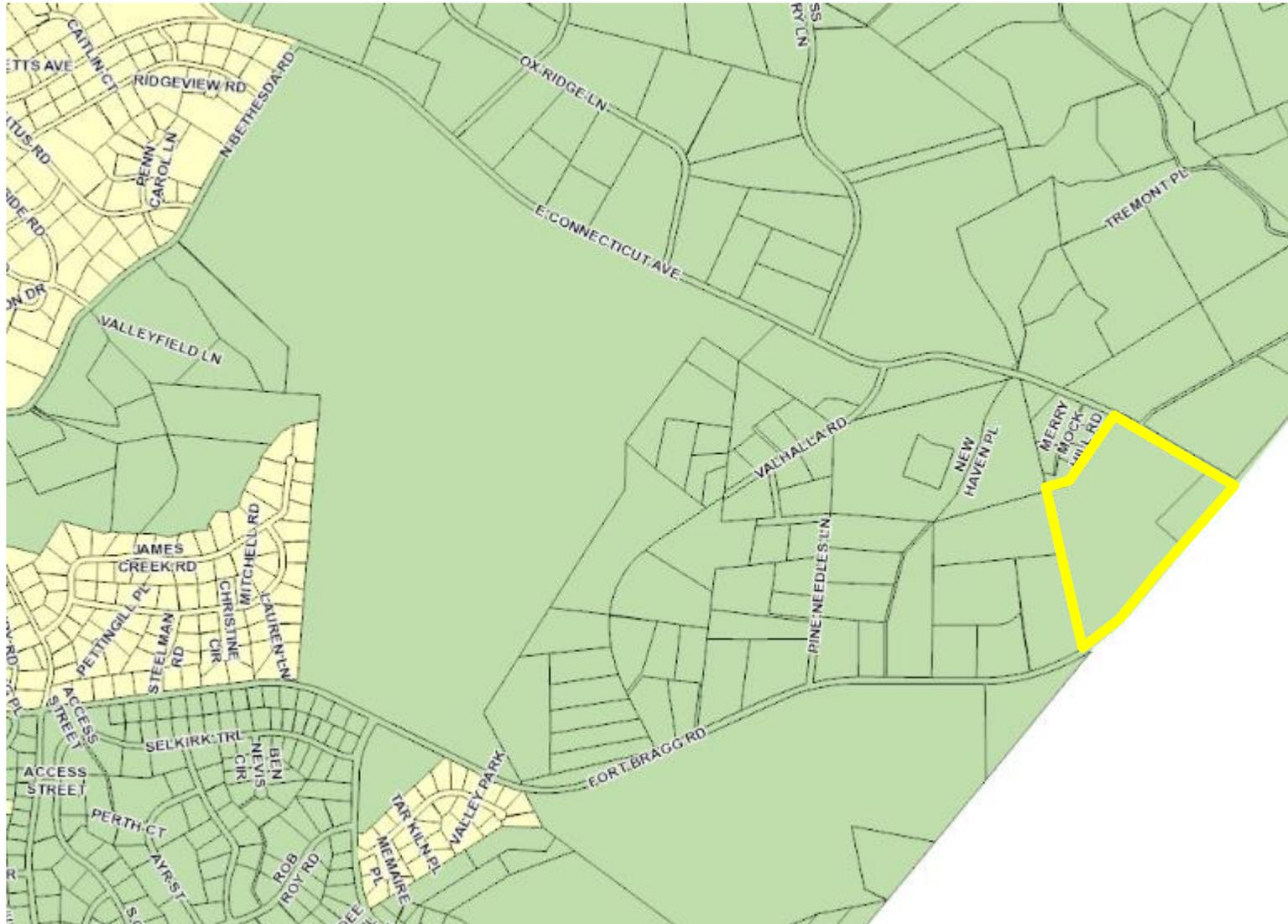
The Town Council may wish to take one of the following actions:

1. No action;
2. Allow the petitioner to pursue this development project through the required Conditional Use Permit Major Subdivision application processes as outlined in the Town of Southern Pines Unified Development Ordinance;
3. An action listed above with the following conditions...
4. Action not listed above...

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Proposed Rezoning and CUP: 2250 E. Connecticut Avenue

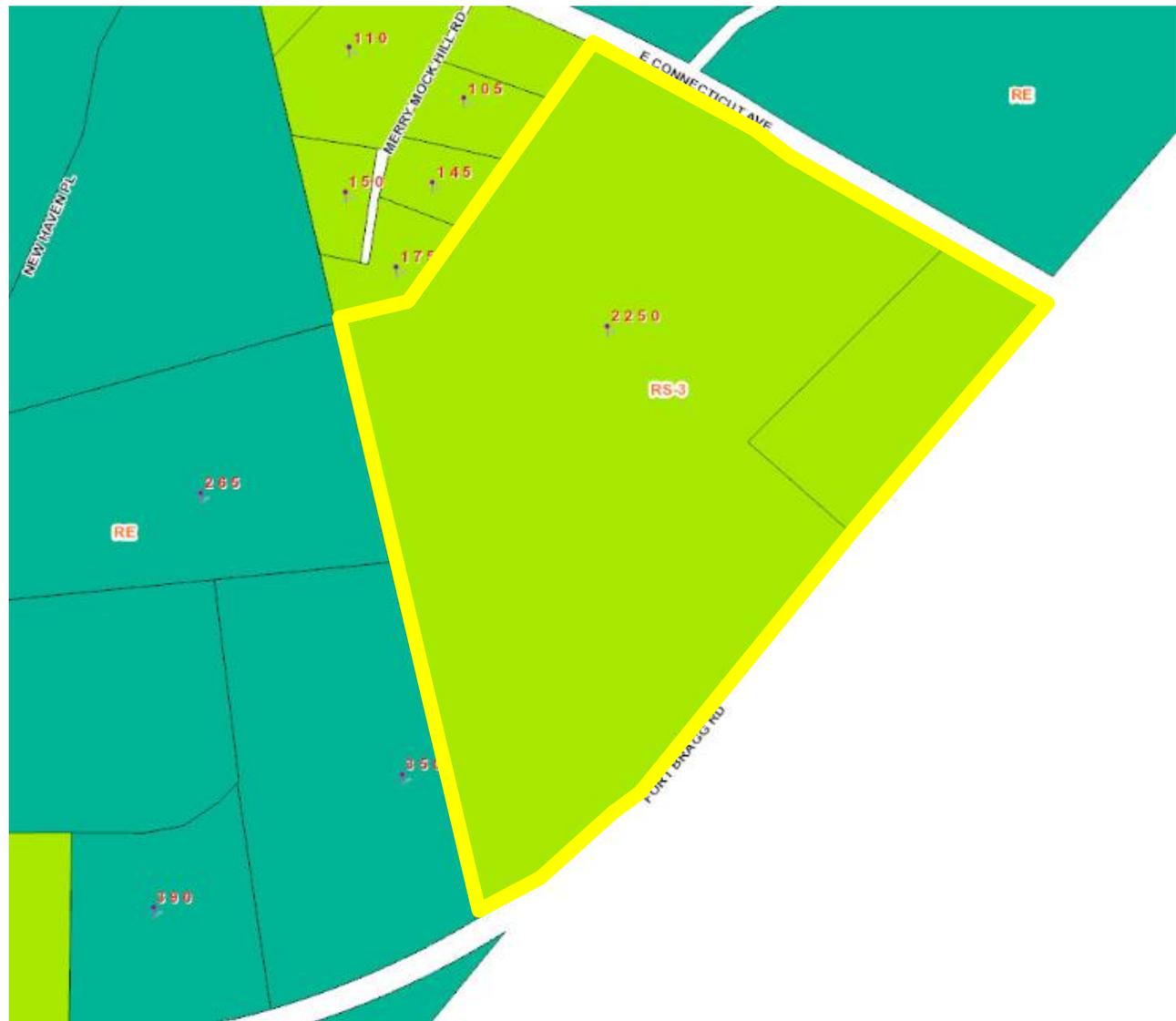
PIN: 859104509304 (PARID: 00055976); PIN: 859104607413 (PARID: 00055975)



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Proposed Rezoning and CUP: 2250 E. Connecticut Avenue

PIN: 859104509304 (PARID: 00055976); PIN: 859104607413 (PARID: 00055975)



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Proposed Rezoning and CUP: 2250 E. Connecticut Avenue

PIN: 859104509304 (PARID: 00055976); PIN: 859104607413 (PARID: 00055975)



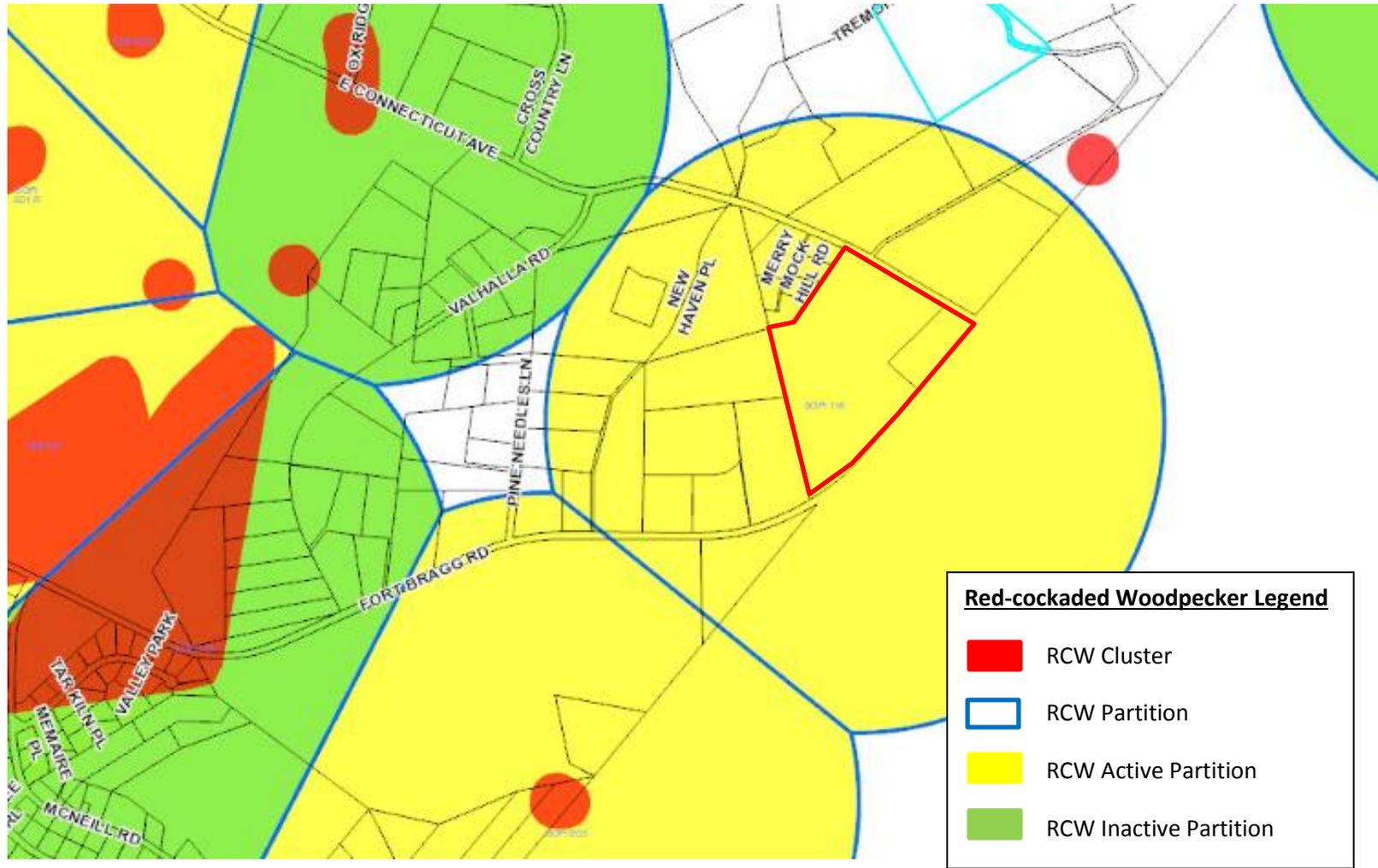
Proposed Rezoning and CUP: 2250 E. Connecticut Avenue Watershed Map

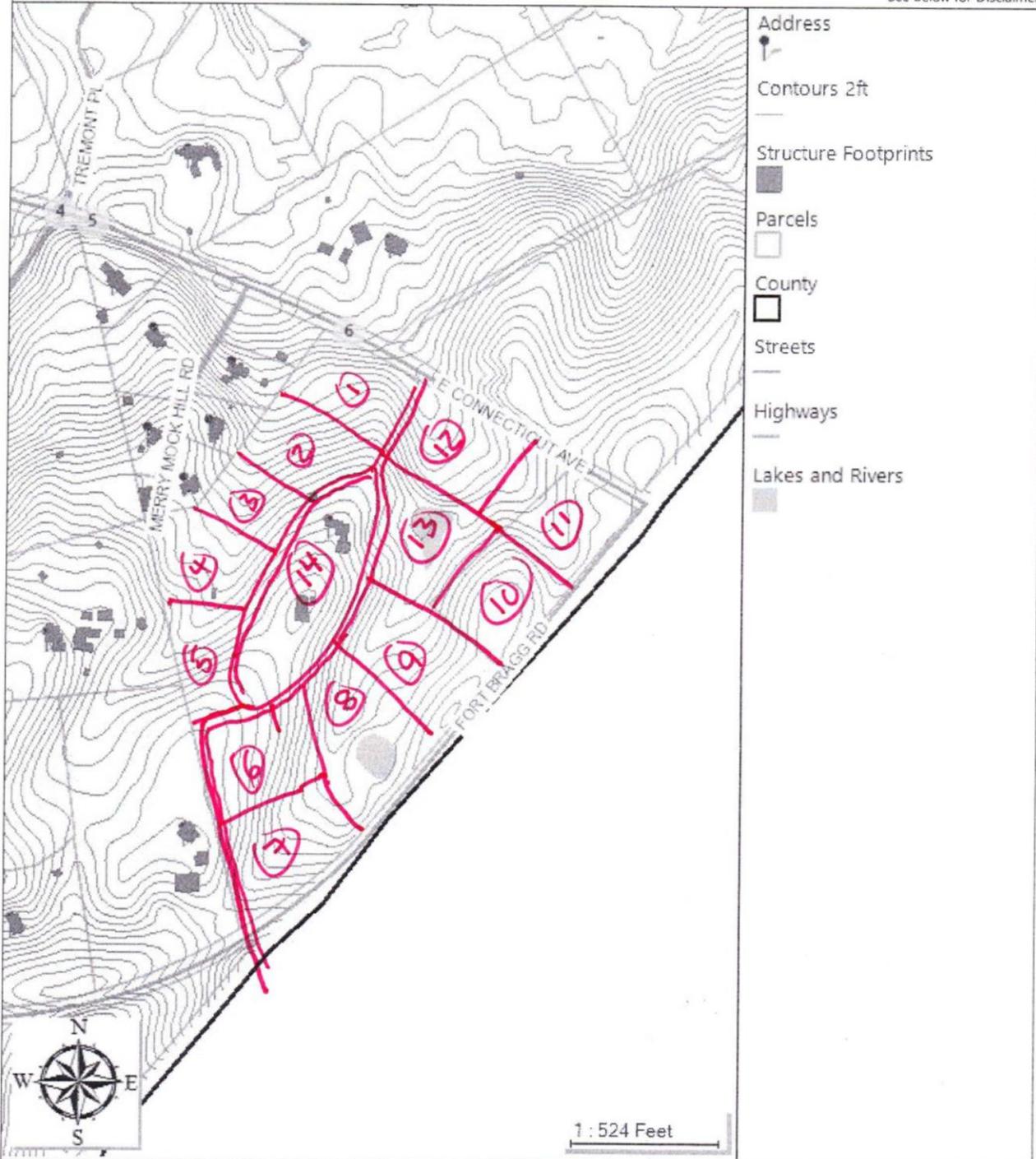
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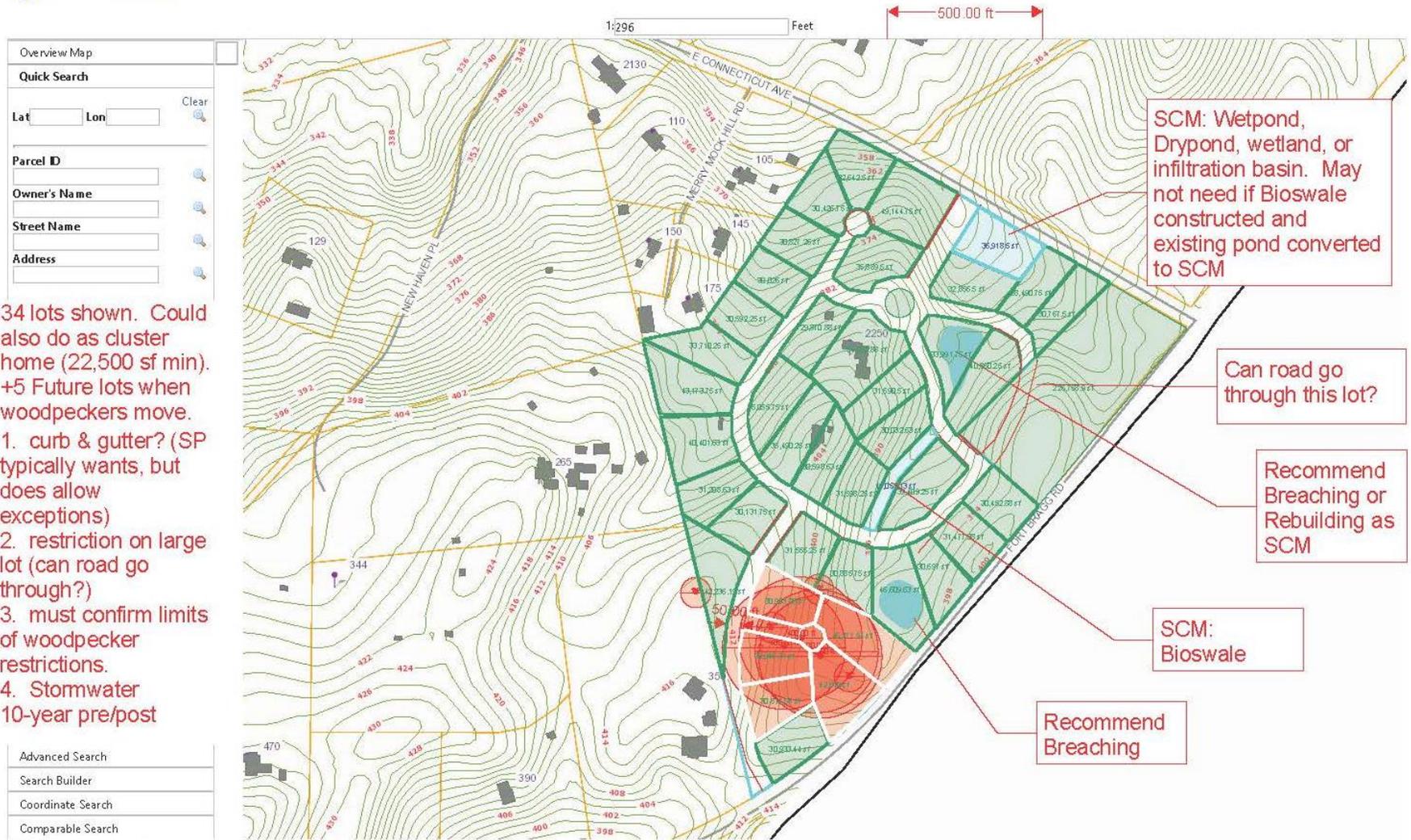
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Proposed Rezoning and CUP: 2250 E. Connecticut Avenue RCW Map



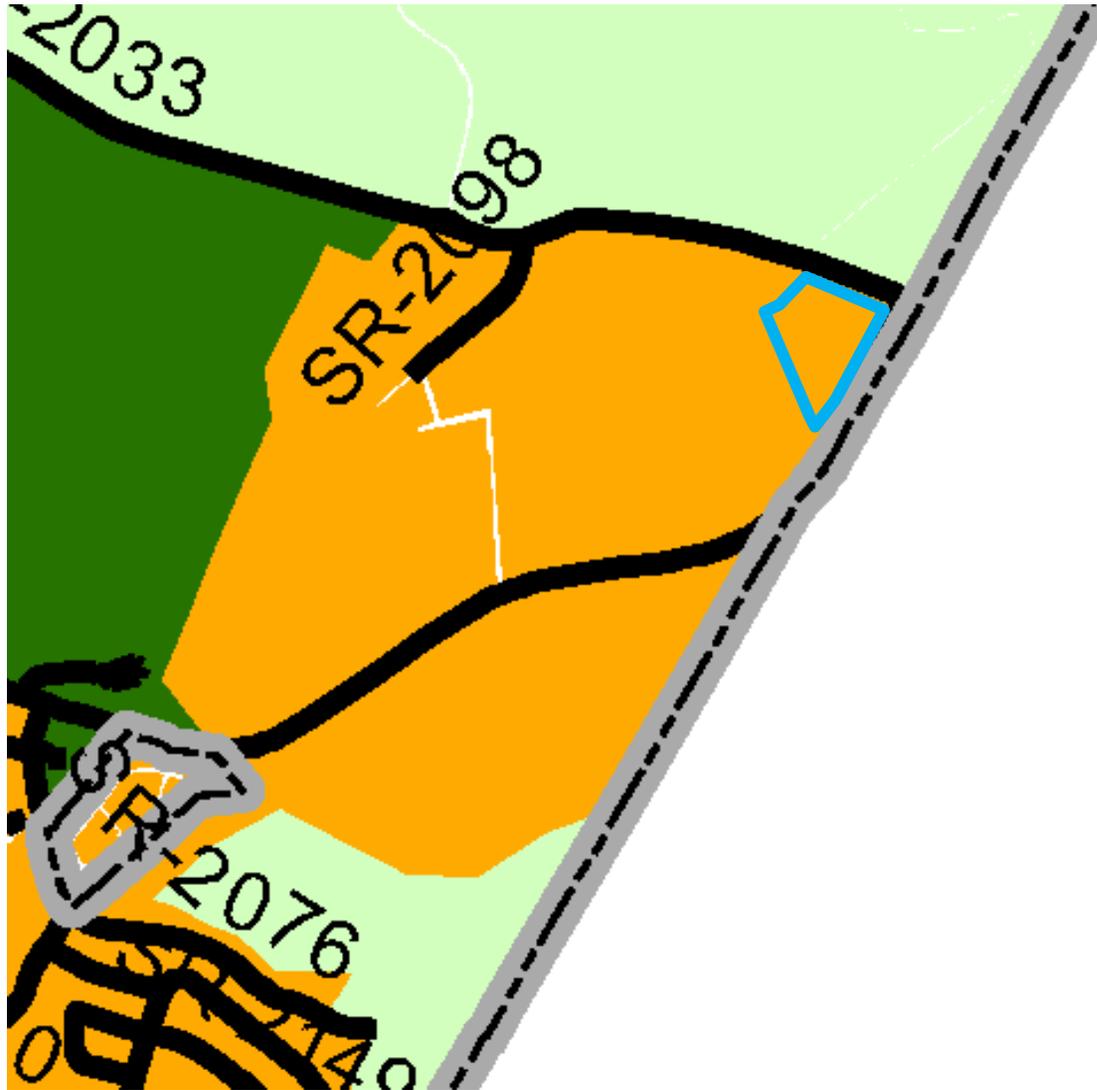


GIS DISCLAIMER All the information contained on this media is prepared for the inventory of real property found within Moore County. All data is compiled from recorded deeds, plats, and other public records and data. Users of this data are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information. All information contained herein was created for the County's internal use. Moore County, its agents and employees make NO warranty as to the correctness or accuracy of the information set forth on this media whether express 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).



Future Land Use Map: Major Subdivision & Rezoning: 2250 E. Connecticut Avenue

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 = 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

MEMO

TO: Town Council
FROM: Town Manager
Date: 06-21-16

RE: Work Session Item – SF Homes

You may recall that local resident Jim Crawford appeared at a recent Town Council Meeting very upset about what he believed to be a weakness in our Code of Ordinances and a lack of protection of single family homes in zoning districts designated as such. Mr. Crawford has since forwarded a number of materials that I have sent to Attorney Gill. At this point, staff is looking for direction from the Town Council as to whether or not you wish to pursue Code changes, and if so, to what extent you wish to take these amendments.

Doug has initially offered the following suggestion, which would essentially lay out a process by which anyone could file a complaint against a property they felt was being utilized in a manner inconsistent with the Zoning Code (regardless of whether it was a single family issue or even maybe a business or office):

**ORDINANCE FOR PROCEDURE TO ESTABLISH UDO VIOLATIONS AS
REBUTTABLE PRESUMPTION**

1. Whenever the Planning Director receives a written, signed complaint alleging that premises are being used in violation of the UDO, the Planning Director shall direct a code enforcement officer to make a non-intrusive inspection of the premises in question.
2. If that inspection reveals conditions, circumstances, or activities that appear to be inconsistent with a use permitted in that zoning district, but are not conclusive, the Planning Director shall serve written notice upon the owner or occupant of the premises, directing that person to appear at a hearing before the planning director at a specified time and location to present evidence that the premises are being used in compliance with the UDO.
3. Unless at that hearing evidence is presented that satisfies the Planning Director that the premises are being used in compliance with the UDO, the Planning Director shall conclude that there is a violation of the UDO and proceed in the manner called for when violations are found to exist.

This language might be a very useful addition to the UDO, although it would likely fall far short of what Mr. Crawford is most concerned with. His greater concern is with the Southern Pines definition related to single family, and he has forwarded case law involving ordinances that he believes provide better (i.e. tighter) definitions, with most specifically speaking to relation by things such as “blood” or “marriage.” It goes without saying that defining the term “family” in 2016 generates a wider range of conversations than it did decades ago, and the question is whether or not Council wishes to dive into the potential of having to defend a citation against someone reportedly violating a definition of “single family living” that relied on very specific ties between the individuals residing in a household. To be perfectly fair, our current language is very open and for the most part we would deal with any “issues” caused by a rental situation through other ordinances (noise, nuisance, etc.) that would also apply regardless of who was living in a particular home.

This issue may require extensive additional research and work, so before going any further with staff time and effort I wanted to gage Council’s interest and concern and receive further directive regarding what you might want to see.

MEMO

TO: Town Council
FROM: Town Manager
Date: 06-21-16

RE: Work Session Item – Depot RFP

In response to Council's initial interest in the potential leasing of the Old Freight Station as discussed at a previous Work Session presentation by Mrs. Mary Kay Lambeth and Mrs. Tori King, I have drafted a single page Request For Proposals that I am offering for Council Review. The approach would be to run a very short advertisement in the Pilot directing interested parties to the Office or the website where they could find the more detailed Request as drafted. This same notice could be forwarded to local commercial Realtors that might be aware of potential interest. A sixty to ninety day period would be set for the acceptance of Proposals.

Conversation during internal reviews of the draft have for the most part centered around just how specific to ask proposers to be on the front end relative to items like involved parties and parking specifics. As stated, any and all details are subject to be worked out at the time of lease negotiations, so it's really a function of just how much detail the Council wishes to review initially. We can discuss the pros and cons of each approach, in addition to anything else you might like to add or remove in the draft, at Monday's meeting.

REQUEST FOR PROPOSALS

The Town of Southern Pines is interested in receiving proposals for the rent and use of the historic Railroad Warehouse/Depot structure located on Northwest Broad Street in downtown Southern Pines. Specifically, the Town will entertain offers to lease 2,000 +/- square feet of covered warehousing space along with the 1992 square feet of covered loading dock and 553 square feet of ramp. The balance of the warehouse square footage and office space will remain in use by CSX and is unavailable for lease.

Each proposal submitted shall include the following information:

1. Name and address of the proposed leasing entity (and names of all partners, board members, or specific individuals who comprise said entity and hold decision making and financial authority and responsibility for it.)
2. Intended Use of the space
3. Proposed Days and Hours of Operation
4. Proposed approach to Parking considerations, including letters of agreement from facilities offering any shared parking arrangements
5. Conceptual renderings of any proposed up-fits to either the exterior or interior of the structure*
6. Proposed Signage*
7. Proposed Financial Terms of any lease (seeking market rates with no lease exceeding a five year term with one five year renewal, or any combination of terms/renewals exceeding ten years. The value of any permanent improvements to the structure may be considered when reviewing proposed leasing rates. All Utilities and Maintenance will become the responsibility of lesee in addition to Insurance requirements being met.)

*All signage and construction will be subject to normal and customary permitting and Board approvals prior to commencement of any work.

In addition to items one thru seven, Town Council may consider additional information to include Letters of Support from downtown businesses, adjacent neighborhoods, or organizations, how a particular business or use integrates, supports, or is otherwise congruent with existing downtown entities, or any reputational or other matters – positive or negative – related to individuals involved with the proposed leasing entity. The Town Council reserves the right to reject any and all proposals, and to negotiate any final terms of a lease above and beyond those initially submitted through this proposal process.

Appointments to look over the space may be made through Public Works by contacting Assistant Town Manager Adam Lindsay at 910-692-1983. The deadline for submittal of proposals shall be (allow 60 days? 90 days?). Three hardcopies and one electronic file of all proposals should be submitted to the Southern Pines Town Administration Office, att: Town Manager Parsons, 125 SE Broad Street SP 28387 parsons@southernpines.net

Peggy Smith

From: Adam Lindsay
Sent: Thursday, June 23, 2016 3:51 PM
To: Peggy Smith
Subject: NCDOT mowing maintenance agreement
Attachments: ncdot row mowing agreement.pdf

Peggy,

Please include Mowing Maintenance Agreement on Work Session Agenda next Monday.

Use this email as the memo.

The Town currently mows State right-of-way shoulders within Town limits. When the Town added a Right-of-Way program a few years ago it was with the understanding that we would supplement NCDOT mowing schedules. In reality, the NCDOT contractors were sometimes bypassing their scheduled within Town limits mows because the Town staff had just recently mowed.

This agreement will take them out of the schedule and it will now fall to us completely and we will be reimbursed what NCDOT was paying contractors for the year to do the same.

Adam Lindsay
Assistant Town Manager
Town of Southern Pines
(910) 692-1983
www.southernpines.net

NORTH CAROLINA
MOORE COUNTY

MOWING MAINTENANCE AGREEMENT

DATE: 6/13/2016

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

AND

WBS Elements: 8.106315 and 8.206315

TOWN OF SOUTHERN PINES

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the Town of Southern Pines, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, the Municipality has requested to perform "routine" and/or "clean-up" mowing of vegetation within the rights of way of certain State maintained routes; and.

WHEREAS, the Municipality has agreed to perform said mowing with reimbursement from the Department subject to the conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the premises and the benefits accruing to the Department and the Municipality as the result of the construction of the Project it is agreed as follows:

1. The Municipality, and/or its contractor, shall provide the personnel, equipment, labor, materials, and traffic control devices to perform said mowing service in accordance with Departmental standards and specifications. The mowing maintenance will be performed on the routes listed on Attachment A. These routes may be amended each year with locations added or deleted as mutually agreed upon by both parties in writing, prior to performing the work for each year as described herein.
2. All work shall be performed in accordance with generally accepted horticultural practices and Departmental standards and specifications as shown in the NCDOT Routine Maintenance Mowing Requirements. The Division Engineer may approve any requests by the Municipality for changes to NCDOT mowing requirements including but not limited to mowing time frames, mowing heights, mowing equipment, etc.
3. The Division Engineer shall notify the Municipality in writing at the beginning of the annual performance period or as soon thereafter, of the amount of allocated funds estimated to be available to the Municipality for mowing maintenance on the locations identified. The available

allocation shall be based upon and shall not exceed estimated cost of the work if performed by the Department. Costs may be amended in writing by the Department each year to include agreed upon changes and increases or decreases in reimbursable costs. No Supplemental Agreement is required.

4. The Department shall reimburse the Municipality up to \$7,500 for the first year (see Attachment A). Reimbursement may be made quarterly. The Municipality shall submit an itemized invoice to the Department upon completion of the work. Reimbursement shall be made upon approval of said invoice by the Department's Division Engineer and Financial Management Division. Any additional cost beyond the approved amount will be the Town's responsibility.
5. At the end of the first year, upon written mutual consent, this Agreement may be renewed every year subject to the provisions herein. If the Municipality desires to continue the mowing service described in this agreement, the Municipality and the Department may re-negotiate the costs if needed. This Agreement may be amended in writing without needing a Supplemental Agreement for each performance period, and may include agreed-upon changes to routes and increases or decreases in reimbursable costs, as described below:
 - (A) The Division Engineer shall notify the Municipality in writing through a letter or invoice at the beginning of the performance period, of the amount of allocated funds estimated to be available to the Municipality for mowing maintenance. The available allocation shall be based upon and shall not exceed estimated cost of the work if the work was performed by the Department.
 - (B) The Department, at its option, may elect to increase or decrease the reimbursement rates each year the Agreement is in force in consideration of inflation rates, cost increases and decreases, changes in funding, etc., subject to the availability of funds and the performance of the Municipality.
6. This Agreement shall continue thereafter with automatic yearly renewal extensions subject to the following termination conditions:
 - (A) At any time either party may cancel the Agreement with a thirty (30) day written notice to the opposite party. On behalf of the Municipality, this Agreement may be canceled by the Town Manager and/or his designee.
 - (B) Upon the effective date of the cancellation, neither party shall owe any obligations under this Agreement, except that all obligations performed under this Agreement, including but not limited to invoicing, record retention, and payment for work performed prior to the effective date of cancellation, shall remain in effect.

7. Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Minority Businesses, Women Businesses, or Small Professional Services Firms (SPSF) as required by G.S. 136-28.4 and the North Carolina Administrative Code. The Department will provide the appropriate provisions to be contained in those contracts.
 - (A) No advertisement shall be made nor any contract be entered into for services to be performed as part of this Agreement without prior written approval of the advertisement or contents of the contract by the Department.
 - (B) Failure to comply with these requirements will result in funding being withheld until such time as these requirements are met.
8. The Municipality agrees to provide traffic control devices, lane closures, road closures, positive protection and/or any other warning or positive protection devices necessary for the safety of road users during performance of the work including any construction and subsequent maintenance. This work shall be performed in conformance with the latest NCDOT Roadway Standard Drawings and Standard Specifications for Road and Structures and Amendments or Supplements thereto. When there is no guidance provided in Roadway Standard Drawings or Specifications, work shall be in compliance with the Manual on Uniform Traffic Control Devices for Streets and Highways and Amendment or Supplement thereto. Information regarding these rules and regulations may be obtained from the Department's Division Engineer.
9. The Municipality's invoice to the Department shall show actual costs for labor, equipment, and contracted services for work completed, not to exceed the amount allocated. The invoice should be itemized by date, mowing route, and costs for performing each mowing cycle, no later than three months after the scheduled invoicing date for eligible reimbursable costs. All final invoices must be submitted within one year after the work is performed or said work will not be reimbursed by the Department. Reimbursement shall be made upon approval of said invoice by the Department's District Engineer or designee and Financial Management Division.
10. The Municipality shall comply with all applicable federal, state and local environmental regulations, and shall obtain all necessary federal, state and local environmental permits, including but not limited to, those related to sediment control, storm water, wetland, streams, endangered species, and historical sites.
11. The Municipality, and or its agent, shall maintain adequate records and documentation to support the work performed under this Agreement and shall permit free access to its records

by official representatives of the State of North Carolina. Furthermore, the Municipality, or its agent, shall maintain all pertinent records and documentation for a period of not less than five (5) years following the close of the fiscal year during which the services were performed.

12. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Department or Agency.
13. This Agreement is solely for the benefit of the Department and the Municipality and is not for the benefit of any other persons or any entities, and no other persons or entities shall have any rights, claims, or entitlements under this Agreement.
14. The Department must approve any assignment or transfer of the responsibilities of the Municipality set forth in this Agreement to other parties or entities in writing.
15. The Municipality agrees to indemnify and save harmless, the Department, for all damages and claims for damage that may arise as result of performance of mowing operations by its employees and/or contractors.
16. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).
18. Pursuant to G.S. 147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to G.S. 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, G.S. 147-86.55 *et seq.* requires that each vendor, prior to contracting with the State, certify that the contracting party meets the requirements of the Iran Disinvestment Act. The State Treasurer's Final Divestment List can be found on the State Treasurer's website at the address www.nctreasurer.com/Iran and will be updated every 180 days.
 - By execution of this Agreement each Party certifies that neither it nor its Agents or Contactors/Subcontractors 1) are on the Final Divestment List of entities that the State

Treasurer has determined engages in investment activities in Iran; 2) shall not utilize on any contract with the State agency any subcontractor that is identified on the Final Divestment List; and 3) that the undersigned are authorized by the Parties to make this Certification.

- During the term of this Agreement, should the Parties receive information that a person is in violation of the Act as stated above, the Department will offer the person an opportunity to respond and the Department will take action as appropriate and provided for by law, rule, or contract. Should this Act be voided by NC General Statute, this Agreement will remain valid; however this certification will no longer be required.

IT IS UNDERSTOOD AND AGREED that the approval of the project by the Department is subject to the conditions of this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

ATTEST:

TOWN OF SOUTHERN PINES

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

Approved by the Town of Southern Pines as attested to by the signature of _____

Clerk of the _____ (governing body) on _____ (Date)

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Federal Tax Identification Number

(SEAL)

Remittance Address:

Town of Southern Pines

DEPARTMENT OF TRANSPORTATION

BY: _____

(CHIEF ENGINEER)

DATE: _____

PRESENTED TO BOARD OF TRANSPORTATION ITEM O: _____

TOWN OF SOUTHERN PINES

MOWING LOCATIONS

ATTACHMENT A

PAGE 1 OF 2

STATE ROADS INSIDE CITY LIMITS

<u>Road Name</u>	<u>SR</u>	<u>SMI</u>	<u>Description</u>
Voit Gilmore Lane	1905	1.46	US 15/501 to Round About
Felton Capel Lane	1905	1.56	Round About to W. Morganton Rd.
W. Morganton Road	1309	4.10	US 15/501 to E. Morganton Rd.
E. Morganton Road	2105	1.10	W. Morganton to Indiana Ave.
Indiana Ave	2036	2.72	E. Morganton to Fort Bragg Rd.
Pee Dee Road	1848	3.36	N. Glover St. to NC 22
NC 22		6.90	Midland Rd to Waynor Rd.
NC 2 (Midland Road)		6.56	Dr. Neal Road to Clark St.
Connecticut Ave	2033	1.92	N. Ridge St. to Bethesda Rd.
US 15/501		4.90	Turner St. to Pinehurst City Limits
Airport Road	1843	4.08	NC 22 to Gaeta Dr.
Knoll Road	1912	0.34	NC 22 to End of Maintance
TOTAL SHOULDER MILES		39	

TOWN OF SOUTHERN PINES MOWING COSTS
AGREEMENT #6550
 8.106515,
 8.206315

ATTACHMENT A
PAGE 2 OF 2

Cost per contract for three (3) routine cycles and two (2) clean-up cycles

<u>Cycle</u>	<u>SMI</u>	<u>Number of cycles</u>	<u>Unit Cost</u>	<u>Total</u>
Routine Mowing (Secondary)	15.44	3	30.41	1,408.59
Clean-up Mowing (Secondary)	15.44	2	32.51	1,003.91
Routine Mowing (Primary)	12.90	3	48.23	1,866.50
Clean-up Mowing (Primary)	12.90	2	53.48	1,379.78
Routine Mowing (Multi-Ln Divided)	10.66	3	32.51	1,039.67
Clean-up Mowing (Multi-Ln Divided)	10.66	2	36.71	782.66
Total for one year per contract				\$7,481.11

Work Session Agenda Item

To: Reagan Parsons, Town Manger

Via: Bart Nuckols, Planning Director

From: Chris Kennedy, Senior Planner

Subject: CU-02-16; Written Decision and Conditional Use Permit for Major Subdivision for Single Family Attached Dwellings Along W. Maine Avenue; Petitioner, Goneau Construction

Date: June 27, 2016

CU-02-16; Written Decision and Conditional Use Permit for Major Subdivision for Single Family Attached Dwellings Along W. Maine Avenue; Petitioner, Goneau Construction

Per Section 2.14.6 (F) (11) “A written decision must be approved for every quasi-judicial application, either by entering the decision at the end of the hearing or at a subsequent meeting of the Hearing Body, which shall generally be the next scheduled meeting. As part of the written decision, the Hearing Body must make findings of fact and conclusions as to applicable standards and any conditions. The Chair may direct the Planning Director or Town Attorney to draft a written decision for approval by the Hearing Body at its next regularly scheduled meeting, which approval may be on a consent agenda.” Staff has prepared both the Written Decision and the Conditional Use Permit document for the application CU-02-16. If the Written Decision is approved by the Town Council, the Mayor will sign the Written Decision and the original will be delivered to the petitioner with staff maintaining a copy of the document in the file. If the Conditional Use Permit document is approved by the Town Council, a copy of the Conditional Use Permit document will be delivered to the petitioner who will then be required to record the document and deliver a copy of the recorded instrument to the Planning Department for the file.

Attachments:

- Written Decision for CU-02-16
- Conditional Use Permit for CU-02-16

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

1. No action;
2. Accept the Conditional Use Permit and the Written Decision for CU-02-16 as prepared by the Town staff;
3. An action listed above with the following conditions...
4. Action not listed above...

TOWN OF SOUTHERN PINES

REGULAR BUSINESS MEETING OF THE PLANNING BOARD

June 14, 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 five (5) 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.

Town Council 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 for parks or playgrounds are required by land plan or the UDO, however the petitioner is providing the required open space. Utility and street extensions will be required and the proposed project is consistent with the adopted plans for streets and utilities as the project ties into existing streets and public 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 Town Council 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 circumstances affecting the W. Maine Avenue extension, including the conditions of any approval discussed by the Town Council, the relief may be permitted and reasonable and should not inhibit adjacent property. 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, and 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 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; thereby mitigating any detrimental impact on adjacent 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.

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 Town Council 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 Town Council 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 Town Council voted to approve 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 5-0, the Town Council voted to recommend to the Town Council the approval of the Preliminary Plat and Watershed Protection Permit application WP-02-16 with the following condition:

1. The petitioner install a pedestrian facility approved by the Town Engineer in the right-of-way for the entirety of the length of W. Maine Avenue between N. Mechanic Street and N. Hale Street, an approximate length of four hundred (400) feet. The type of surface of the pedestrian facility and exact location will be determined during the site plan review process with Town staff.
-

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 circumstances affecting the W. Maine Avenue extension, including the conditions of any approval discussed by the Town Council, 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 subject property is zoned RM-2; 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 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 circumstances affecting the W. Maine Avenue extension, including the conditions of any approval discussed by the Town Council, the relief may be permitted and reasonable. The remainder of design for 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 Town Council 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. Utility and street extensions will be required and the proposed project is consistent with the adopted plans for streets and utilities as the project ties into existing streets and public utilities are readily available adjacent to the subject property.

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 close 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 Town Council 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 Town Council voted that the proposed *Conditional Use Permit Application* CU-02-16 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 5-0, the Town Council voted to approve the Conditional Use Permit CU-02-16 and Watershed Protection Permit application WP-02-16 with the following conditions:

1. The petitioner cause and the bear the expense to improve W. Maine Avenue to a Town standard for a street from its existing termination to the full extent of the subject property at the right-of-way of N. Mechanic Street 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 a Town standard for a street to the ingress/egress as proposed in the application CU-02-16 and per the requirements of UDO Section 4.11.7(B).
 2. The petitioner install a pedestrian facility approved by the Town Engineer in the right-of-way for the entirety of the length of W. Maine Avenue between N. Mechanic Street and N. Hale Street, an approximate length of four hundred (400) feet. The type of surface of the pedestrian facility and exact location will be determined during the site plan review process with Town staff.
-

Decision of the Board:

The requests under application CU-02-16 for Preliminary Plat approval and Conditional Use Permit approval, including Watershed Protection Permit WP-02-16, were approved by the Town Council with the following conditions:

1. The petitioner cause and the bear the expense to improve W. Maine Avenue to a Town standard for a street from its existing termination to the full extent of the subject property at the right-of-way of N. Mechanic Street 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 a Town standard for a street to the ingress/egress as proposed in the application CU-02-16 and per the requirements of UDO Section 4.11.7(B).
2. The petitioner install a pedestrian facility approved by the Town Engineer in the right-of-way for the entirety of the length of W. Maine Avenue between N. Mechanic Street and N. Hale Street, an approximate length of four hundred (400) feet. The type of surface of the pedestrian facility and exact location will be determined during the site plan review process with Town staff.

This is the 27th day of June, 2016.

FOR THE TOWN COUNCIL:

David McNeill, Mayor

cc: Douglas Gill, Esq.
Southern Pines Planning Department
Southern Pines Planning Board
Reagan Parsons, Town Manager
Southern Pines Town Clerk
David McNeill, Mayor
Mike Fields, Mayor Pro Tem
Fred Walden
Jim Simeon
Teresa Van Camp

Goneau Construction
Silver Ridge Holdings, LLC

Having heard all evidence and arguments presented at the hearing and having considered other relevant factors, the Town Council found that the application is complete, complies with all the applicable requirements of the Town of Southern Pines Unified Development Ordinance and, the evidence having satisfied the established criteria under sub-section 2.21.7 of the Unified Development Ordinance, the Conditional Use Permit to make use of the above-described property for the purpose stated was approved and issued, subject to all applicable provisions of the Unified Development Ordinance.

THIS CONDITIONAL USE PERMIT MUST BE RECORDED AND PROOF OF RECORDATION PROVIDED TO THE TOWN OF SOUTHERN PINES PRIOR TO THE ISSUANCE OF ANY PERMITS.

The undersigned owners of the above-described property acknowledge the receipt and issuance of the Conditional Use Permit and the conditions as set forth in this document.

SILVER RIDGE HOLDINGS, LLC

By: _____

MARCEL O. GONEAU, JR., Registered Agent

By: _____

When recording show owners as Silver Ridge Holdings, LLC

STATE OF NORTH CAROLINA

COUNTY OF MOORE

I certify that the following person personally appeared before me this date, acknowledging to me that he/she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: SILVER RIDGE HOLDINGS, LLC

Date: _____

Notary Public

Printed name of Notary Public

{Official Seal}

My Commission Expires: _____

When recording show owners as Silver Ridge Holdings, LLC

STATE OF NORTH CAROLINA

COUNTY OF MOORE

I, _____, a notary public, certify that MARCEL O. GONEAU, JR., either personally known to me or proven by satisfactory evidence (said evidence being _____), personally came before me this day and acknowledged that he/she is the REGISTERED AGENT OF SILVER RIDGE HOLDINGS, LLC, a North Carolina corporation and he/she, as Manager, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the _____ day of _____, 20__.

(SEAL)

Notary Public

My Commission Expires: _____