

## AGENDA

Regular Business Meeting of the Southern Pines Town Council  
July 12, 2016, 7:00 PM, Douglass Community Center, 1185 W. Pennsylvania  
Avenue

Call To Order

Pledge of Allegiance

### 1. Manager's Comments

### 2. Consent Agenda

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

- A. Adopt Worksession Meeting Minutes of May 23, 2016, Agenda Meeting Minutes of June 8, 2016 and Regular Business Meeting Minutes of June 14, 2016 as written.
- B. NCDOT Mowing Agreement
- C. Right-of-Way Abandonment of N. Ridge Street to Springwood Way
- D. AX-03-16 – 325 Sheldon Road
  - Resolution Directing the Clerk
  - Resolution Calling a Public Hearing August 9, 2016

### 3. Public Hearings

- A. Continuation of CU-01-16 Conditional Use Permit: Major Subdivision Application for a Multi-Family Residential Development to include 288 Apartments; Petitioner, Caviness & Cates Building and Development Company
- B. Right of Way Abandonment of portions of N. Mechanic Street and W. Rhode Island Ave.
- C. OA-02-16 Ordinance Amendment to Chapter 4: Section 4.11. Transportation: Section 4.11.3 Access Lots; Petitioner, Nancy Garner
- D. AX-02-16: Voluntary Annexation Request for the Property Along Clark Street; Petitioner, Bailey Pines LLC and Dabbs Brothers Development LLC

### 4. Miscellaneous

- A. Right of Way Withdrawal - Blue Lane

### 5. Public Comment

## **PUBLIC COMMENT PROCEDURES**

*The Southern Pines Town Council is committed to allowing members of the public an opportunity to offer comments and suggestions. In addition to public hearings, a special time is set aside for the purpose of receiving such comments and suggestions. All comments and suggestions addressed to the Council during the Public Comment Period shall be subject to the following procedures:*

- 1. The Public Comment Period will be held at the end of the Council Meeting.*
- 2. Each person choosing to speak is asked to keep their statements to a reasonable length in time in recognition that others may also wish to speak and that the Council requires time to conduct its normal business. The Chair retains the right to limit discussion as he/she deems necessary.*
- 3. Speakers will be acknowledged by the Mayor/Chair. Speakers will address the Council from the lectern at the front of the room and begin their remarks by stating their name and address for the record.*
- 4. Public comment is not intended to require the Council and/or staff to answer any impromptu questions. Speakers will address all comments to the entire Council as whole and not one individual member. Discussions between speakers and members of the audience will not be permitted.*
- 5. Speakers will be courteous in their language and presentation. Matters or comments which are harmful, discriminatory or embarrassing to any citizens, official or employee of the Town shall not be allowed. Speaker must be respectful and courteous in their remarks and must refrain from personal attacks and the use of profanity.*
- 6. Any applause will be held until the end of the Public Comment Period.*
- 7. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Clerk to the Council.*
- 8. Speakers shall not discuss any of the following: matters which concern the candidacy of any person seeking public office, including the candidacy of the person addressing the Council; matters which are closed session matters, including but not limited to matters within the attorney-client privilege, anticipated or pending litigation, personnel, property acquisition, matters which are made confidential by law; **matters which are the subject of public hearings.***
- 9. Action on items brought up during the Public Comment Period will be at the discretion of the Council.*

**MINUTES**  
**Worksession Meeting of the Southern Pines Town Council**  
**May 23, 2016, 3:00 PM, Douglass Community Center**  
**1185 W. Pennsylvania Avenue**

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

**Absent:** None

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

Mayor McNeill gave an overview of the continuation of CU-01-16 and explained the public hearing procedures.

Mayor McNeill swore in witnesses requesting to offer relevant testimony regarding CU-01-16.

Mayor McNeill asked Councilmembers for any disclosures that may have a conflict of interest pertaining to CU-01-16.

Mayor Pro Tem Fields stated he has made another site visit since the last open public hearing meeting of May 10, 2016.

Mayor McNeill stated he has made a site visit on the service road and he has received two emails regarding CU-01-16 this afternoon that he will not respond to.

Councilmember Walden responded in the negative.

Councilmember Simeon responded in the negative.

Councilwoman VanCamp responded in the negative.

Senior Town Planner Chris Kennedy provided a brief overview of the continuation of CU-01-16 and provided a site plan map. Mr. Kennedy explained the criteria requirements needed for the Conditional Use Permit approval. Mr. Kennedy also stated this is not a re-zoning hearing and explained the difference between a Conditional Use Hearing and a re-zoning hearing.

Bob Koontz was present representing Caviness & Cates Building and Development Company. Mr. Koontz stated he would attempt to answer some questions today, but he would prefer to delay questions until a later date, due to the fact that their development team and the traffic study engineer are not present today.

Mayor Pro Tem Fields commented that many of the questions that may be relevant involves traffic and safety.

Mr. Koontz stated he would take notes and follow up with the development team.

Mayor Pro Tem Fields stated there appears to be concern regarding potential widening of Rhode Island and bringing it up to standard. Mr. Fields also inquired if Main Avenue could possibly be opened and if the traffic engineer could address this suggestion. Mr. Fields inquired if the service road could be connected to Connecticut Avenue to provide another ingress and egress point. Mr. Fields also requested that the approval letter from the Department of Transportation be submitted into evidence or their recommendations in writing as to what needs to be done regarding this project before Council can approve this CUP. Mr. Fields also commented that Council would request in writing the client's agreement to the recommendations of DOT before Council considers approval of CU—01-16.

Mr. Koontz commented he would pass the notes on to the development team.

Councilwoman VanCamp referred to criteria F in the CUP and stated she is not convinced that the criteria in section F has ~~not~~ been demonstrated ~~nor~~ met.

Mr. Koontz stated he would take Ms. VanCamp's statement into consideration.

Benjamin Sineath of 600 W. Rhode Island Avenue, Southern Pines stated he has resided here for the last four years and he feels this will not be beneficial to the neighborhood and he does not want a Fayetteville feeling Town (that's why he moved here) and the citizens are depending on Town Council to keep it a quant town.

Mayor Pro Tem Fields commented opinion testimony cannot be submitted without fact or evidence that apply to the ordinances.

Mayor McNeill asked Mr. Sineath if he had any evidence with him today that provides evidence that at least 90% of the neighborhood is against this project as he has stated under testimony.

Mr. Sineath replied that he doesn't have anything in writing with him today, but he has verbally spoken with most of the neighborhood and they all have voiced that they are in opposition of the project and he would be happy to gather the information in writing.

Kathleen Asbury of 600 W. Rhode Island Avenue, Southern Pines inquired what the actual distance is from the center and sides of the road for the right-of-way. Ms. Asbury stated she was told here at a meeting that it was 80 feet across and 40 feet from each side to the center. Ms. Asbury stated it is her understanding that it's actually 50 feet across and 25 feet from each side. Ms. Ashbury asked if the community is going to be a gated community, how are they going to control the visitors, by way of manned house or signing in? Ms. Asbury inquired how far do they estimate that traffic will be backed up at this gate because the entrance to her home will be located directly in front of this traffic.

Deborah French of 12 Village in the Woods, Southern Pines stated she ~~is~~ formerly served on the homeowner's association board of Village in the Woods. Ms. French commented that the current roads in the neighborhood are narrow and have ditches with underbrush on the sides that cause it to be difficult to walk on safely.

Ms. French stated there are very few sidewalks for pedestrians, which makes it difficult for drivers because they have to avoid the pedestrians walking in the roads. Ms. French stated currently there are no white lines or center lines marked on the roads. Ms. French inquired if DOT agrees to this project, could they conduct a safety study of deceleration and acceleration ramps because this is an area of great safety concern regarding US#1. Ms. French commented she is very agitated that none of the other two adjacent homeowner communities were invited to a neighborhood meeting with developers except Village on the Green. Ms. French stated they made no attempts to meet with residents of Village of the Woods, Village by the Lake or any of the other individual homeowners in this large area that will be impacted by this development in one way or another and explained the current neighborhood feel. Ms. French commented that there is nothing in this large neighborhood that is three stories high and this proposed complex has 12 three-story buildings.

Ellen Dickey of 16 Village Green Circle, Southern Pines, stated she has master's degrees in Library Science and Education Administration. Ms. Dickey discussed her education credentials, the Moore County standard enrollment requirements, teacher to student ratios, school turnover rates and her opinion of how this proposed increase in population will affect the area.

Mary Ann Halstead of 30 Village in the Woods, Southern Pines stated she has lived here for 23 years and discussed the current conditions of the roads in this neighborhood and asked if consideration has been given in regard to the service vehicles, emergency vehicles, bikers, pedestrians, etc. that would be increased with this project. Ms. Halstead referred to the CLRP to protect parks and open spaces in-keeping of the character of Southern Pines. Ms. Halstead discussed her concerns of this project not being in harmony or character of the existing neighborhood.

Sarah Jane Harmon of 31 Village in the Woods, Southern Pines stated she respectfully requests that this hearing be continued to allow time to gather the extensive necessary data and information regarding this very large proposed project. Ms. Harmon discussed her concerns regarding the impact of increased population, increased traffic, Federally subsidized housing, etc.

Fred Papa, of 8 Village Green Circle, Southern Pines state he has a background in Engineering Construction of residential and commercial development. Mr. Papa discussed his concerns regarding the zoning classification, carrying capacity of Midland Road and the sight distance when you egress from Midland Road.

Luba Cehelska, of 1051 Inverness Road, Southern Pines submitted Exhibit K - a self-typed letter voicing her opposition of CU-01-16 and explained her history while living in Southern Pines. Ms. Cehelska stated she moved to Southern Pines because of the greenery, the sophistication of the population, and beautiful landscaping. Ms. Cehelska expressed her concerns with the huge increase in traffic in the existing small strip of land allotted for ingress and egress, increase of noise, cutting down trees, construction pollution, school buses, etc. Ms. Cehelska said this proposed complex would be a defilement of an entire neighborhood and would not be fitting in with the current neighborhood that is peaceful and joyful for the many residents. Ms. Cehelska referred to UDO, CLRP and Town ordinances required for CUP approval and stated this proposed plan would totally clear cut all of the trees on Route 1 leaving it completely bare. Ms. Cehelska stated this plan creates safety issues and listed several items that she feels are criteria violations of the Town Ordinances. Ms. Cehelska commented that she requests that this plan be rejected as it will be detrimental to the Town as well as the existing neighborhood.

Mr. Koontz stated he is requesting to defer any questions until a later date, due to the fact they need to compile additional research and TIA data.

Councilmember Walden asked Mr. Koontz if they have considered another access entry for egress and ingress for the proposed project.

Mr. Koontz replied they are in the process of evaluating other possible entrances and will have more information in June.

Mayor McNeill stated more information will need to be gathered and further considered regarding the ingress and egress locations, etc. Mr. McNeill stated Mayor Pro Tem Fields has addressed some noted issues that require more data. Mr. McNeill commended Mr. Koontz on representing his client very well and attempting to maximize the use of the property, he, as the Mayor has to represent the citizens of the Town of Southern Pines from a Town standpoint.

Mayor McNeill commented that this project is very similar to the one on Morganton Road and will be operated by the same company. Mr. McNeill stated this causes deep concerns with the location being adjacent to well established communities that have been in long existence in Southern Pines. Mr. McNeill stated this issue has brought many topics up for discussion that he had not previously considered. Southern Pines is rapidly growing and is an ideal location that people are seeking out both commercially and residentially. Mr. McNeill discussed the fact that the property is eventually going to be developed and he stated its Town Council's job to determine how best it's to be developed for the welfare of the Town. Mr. McNeill also discussed the addressed traffic concerns, access roads and the voiced concerns of the community.

Mayor McNeill asked Mr. Koontz to collaborate with his client regarding more available green space, fewer units, utilization of the service road, etc. to make the project more fitting or if the client would like to move forward as presented.

Councilmember Simeon asked Mr. Koontz if the proposed apartment complex will house school aged children.

Mr. Koontz responded he would assume yes.

Councilmember Simeon inquired then how would school buses approach the proposed complex in a safe manner with the existing concerns.

Mr. Koontz stated there would be different designated access points and commented that school buses and service vehicles will be included in the traffic study information will be addressed by Mr. Adams at the June meeting. Mr. Koontz commented that they would work with Moore County Schools to incorporate the safest options.

Mayor Pro Tem Fields reminded everyone that decisions regarding this item will be based on evidentiary statements in reference to the ordinances.

Councilmember Walden asked for clarification on the actual width of the streets and if there is any research data to support this.

Senior Town Planner Kennedy discussed the width of the streets and right-of-ways and stated he is currently working on compiling additional data.

Town Manager Parsons requested that GIS detailed layered maps and pedestrian sidewalk plans information be included in the June packet.

Upon motion by Mayor Pro Tem Fields, seconded by Councilmember VanCamp and carried unanimously 5-0, it was agreed that this public hearing for CU-01-16 will be continued at the June 14, 2016 at 7:00 PM Regular Business Meeting at the Douglass Community Center, 1185 West Pennsylvania Avenue.

Council retired to a brief recess at 4:10 PM.

Council reconvened at 4:14 PM.

**2. Request to Discuss a CUP application for a Concept High School – Advanced Career Center on the campus of Sandhills Community College; Petitioner, Moore County Public Schools**

Senior Town Planner Kennedy provided an overview of the item and stated the proposed high school will house around 800 students. Mr. Kennedy referred to a site plan and the ariel map.

Councilmember Simeon inquired if the requirements for a high school are different from the requirements of a community college.

Senior Town Planner Kennedy responded in the affirmative.

Town Manager Parsons commented that the Town has previously received some 5/70 allocation credits several years ago that have been banked and will be available for use if this project proceeds forward.

Mayor Pro Tem Fields asked if a traffic analysis study would be required for this proposed project.

Senior Town Planner replied in affirmative.

Renee Pfeifer of CLH Design, P.A. was present to discuss the description of the project, landscaping, screening, parking spaces, shuttle services, ingress and egress points, size and design of building and the plans to purchase an additional adjacent 20 acres. Ms. Pfeifer explained the additional access connections that will be needed and other possibilities of design layout.

Discussion ensued regarding the proposed site layout plans, design, traffic concerns and long-term plans.

Council unanimously decided to discuss at a later date after more data is gathered from the traffic study.

**3. Request to Discuss a Major Amendment to CU-04-88; Longleaf Golf & Family Club; Petitioners, Floyd Properties & Development**

Senior Town Planner Kennedy gave a brief overview of the item with a map. Mr. Kennedy stated that one of the issues with the overall Longleaf project and property is that there have been several major amendments with the property over the years. Mr. Kennedy stated staff is requesting that the developer be required to provide existing inventory to verify conformance with the original approval of 1988.

Mayor Pro Tem Fields inquired if this is the last parcel of property that has not been developed in Long Leaf.

Senior Town Planner Kennedy stated yes.

David Wilson and Shane Sanders representing the developer were present to discuss the details of the requested modification.

Discussion ensued regarding original density, access points, current owners, acreage, modifications, amount of trees to remain, wetlands, speed limit on Knoll Road, original and current zoning, etc.

#### **4. BPAC Discussion of Cut Sheet #3 from Bicycle Plan: Director Reeve**

Recreation and Parks Director Robert Reeve provided a brief update on the BPAC paving project on HWY 22. BPAC members Jodi Heimrich, Robert Farrell, and John Mueller were also present for discussion of this item. Mr. Mueller explained the funding cut sheet and discussed possible cost savings with the project.

Town Manager Parsons commented that if the Town had received prior knowledge of the ongoing paving project on HWY 22, they could have possibly obtained a significantly lower price quote.

Mayor Pro Tem Fields stated the Town has requested that DOT communicate with staff so the Town could incorporate projects such as this at a considerably less price if done during their resurfacing.

Discussion ensued.

Town Manager Parsons stated at this point if construction is to be done out there now, the cost would be totally incurred by the Town and it's very possible that this price would increase in the future due to the current lower fuel prices.

Mayor McNeill suggested that Town Manager Parsons compose a letter and ask the DOT engineers to communicate more effectively with Town staff to let them know when construction, resurfacing, etc. will be taking place prior to the projects starting to allow more time for our end to evaluate possible projects to be incorporated.

Mayor Pro Tem Fields stated this would be a very large cost for the Town to incur now on this road because DOT has almost completed their project in that location.

Councilwoman VanCamp inquired if there could be other volunteer contributors to this project.

Senior Town Planner responded yes and discussed the scoring process for matching funds.

Mayor McNeill thanked the members of the BPAC that were present and stated they just may have missed an opportunity to participate in this project because DOT is almost finished on that site.

#### **5. Pool Park Performance Stage Rental Fees Discussion: Director Reeve**

Recreation and Parks Director Robert Reeve provided an update review of the suggested pool park performance stage rental fees.

Councilmember Walden asked how the power is managed for this stage.

Mr. Reeve stated the stage is on a breaker that would normally be shut off and when rented, the breaker would be turned on and additional outlets would be able to be used.

Discussion ensued regarding allotted rental times, fee amounts, reservations, number of attendees, parking spaces, renter's insurance issues, etc.

**6. Tree Ordinance Discussion: ATM Lindsay**

Assistant Town Manager Adam Lindsay provided an overview of the suggested updated tree ordinance that would provide better understanding for the public.

Discussion ensued regarding tree removal criteria, tree circumference interpretation, replacement requirements, etc.

**7. Contract Renewal of Water Treatment Plant Discussion: ATM Lindsay**

Assistant Town Manager Lindsay gave a brief overview of the proposed renewed contract of the Water Treatment Plant. Mr. Lindsay stated the services with the present contractor has been very satisfactory and staff feels very comfortable extending their contract for an additional 5 years.

Town Manager Parsons commended Mr. Lindsay as well as Town staff and Suez for their continued great service.

**8. FY 2016-2017 Budget Updates**

Town Manager Reagan Parsons provided a brief overview of the Fiscal Year 2016-2017 budget updates and thanked Finance Director Crystal Gabric for a job well done on this project.

As so incorporated to these minutes of May 23, 2016 are exact copies as so recorded in the ordinance and resolution books of the Town of Southern Pines as if fully set out in the minutes.

There being no further business the meeting adjourned at 5:44 p.m.

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Peggy K. Smith  
Town Clerk

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

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

**Absent:** None

Call to Order

**1. Manager's Comments**

Town Manager Reagan Parsons commented that the agenda today will be a little different than customary due to a number of the Consent Items being related to the FY 16-17 Budget that should technically be adopted before a number of those are formally handled. He stated that the annual Citizens' Academy will meet with the Council at 6:00 PM prior to the June 14, 2016 Regular Business Meeting, which will include recognition of graduates of this year's program.

**2. Architectural Reviews**

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

Tom Martin, Secretary of the Board of Directors of Sandhills Classical Christian School of 34 Shadow Lane, Whispering Pines was present to discuss his request for a commercial accessory Structure to be located on the St. Anthony of Padua Catholic Church property that will be utilized as a temporary modular classroom.

Senior Town Planner Chris Kennedy provided a brief overview of the item, discussed what the current code allows, provided an ariel map, and referred to submitted site plan renderings of the temporary structure. Mr. Kennedy stated the code does allow Council to deviate from the required 80% required brick due to equal or greater durability of the proposed structure. Mr. Kennedy commented this temporary structure would qualify for this and they have offered up the sunset provision.

Mr. Martin explained the history of the school and how the population of the school is growing.

Town Manager Parsons asked Mr. Martin how this new site will affect the school's long and short range plans relative to their location on Pennsylvania Avenue.

Mr. Martin replied that as soon as they receive approval for the zoning from Whispering Pines, they hope to complete their due diligence survey for utilities, close escrow, then close the current site and move that into a 10,000 square feet building on site. Mr. Martin continued by stating, then the second phase would consist of building out another 10,000-12,000 square feet and move the location across the street to that site, etc. Mr. Martin stated there is still a lot of things in the air and we have a lot of money invested in rent, therefore the goal is to have a consolidated campus and convert this money into a mortgage.

Councilwoman Teresa VanCamp asked Mr. Martin to elaborate on the terms of the suggested sunset provision.

Mr. Martin stated the temporary structure will be rented and provided a copy of the one-year rental agreement for the structure then stated, they will agree to have the structure removed within 1 year and this gives them extra time within the next year to get everything into place.

Discussion ensued regarding color of the structure and a previous sunset provision on the same property.

Mayor McNeill stated council will allow Mr. Martin to move forward with his request.

### 3. Public Hearings

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

Town Manager Parsons stated Council is currently in receipt of an amended concept plan for CU-01-16 and an amended application that will change some of the language to the responses to the listed criteria. Mr. Parsons commented that the updated TIA may not be available by Friday to be placed in the outgoing packet. Mr. Parsons gave a brief overview regarding requests by the Mayor and resulting applicant changes to the original application and stated all of these updates will be discussed at the Regular Business Meeting of June 14, 2016.

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

Town Manager Parsons provided a brief overview of the item.

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

Town Manager Parsons gave a brief overview of the item.

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

Town Manager Parsons stated this item is specifically related to any ultimate decision regarding CU-01-16 and will be addressed accordingly.

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

Town Manager Parsons gave a brief overview of the item and stated no changes have been made on this item since the Worksession.

Council consensually agreed to draft a resolution in support of opposing Senate Bill 846 and add it to the Consent Agenda.

### 4. Consent Agenda

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

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

Corrections to minutes were noted by the Town Clerk.

**B. Capital Project Fund Ordinances**

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

**C. Budget Amendments**

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

**D. Code of Ordinance Amendments**

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

**E. Updated Tree Ordinance**

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

**G. Board Appointments**

- Planning Board
- Historic District

Mayor Pro Tem Fields nominated Larry Harward for the Planning Board ETJ.

Mayor McNeill suggested holding off on the Historic District Commission until he can speak with a potential candidate.

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

**I. Train House Repairs**

**J. Audit Contract Approval**

**K. Awarding of Service Weapons**

Town Manager Parsons reviewed the Consent Agenda items.

**5. Miscellaneous**

Town Manager Parsons stated Council has received an annexation for Clark Street (AX-02-16) to be added to the Consent Agenda.

General discussion ensued regarding the Suez contract history.

Councilmember Fred Walden stated that several business owners in Town voiced concerns that the paving company that did work in Town failed to contact neighboring residents of the work being conducted in the area.

Town Manager Parsons stated he would follow up with this.

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

There being no further business the meeting adjourned at 7:39 p.m.

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Peggy K. Smith  
Town Clerk

## Minutes

### Regular Business Meeting of the Southern Pines Town Council June 14, 2016, 7:00 PM, Douglass Community Center, 1185 W. Pennsylvania Avenue

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

**Absent:** None

Call To Order

Mayor McNeill called for a moment of silence in respect for the victim's and their families affected by the horrible event in Orlando, Florida this past week.

#### Pledge of Allegiance

#### Recognition: 2015-2016 Citizen's Academy Graduates

Town Manager Parsons provided an overview of the procedures of graduation of the annual citizen's academy.

Mayor McNeill and Town Manager Parsons presented the following graduates certificates of completion and congratulated them.

Patricia Green  
Mable Miller  
Jack Parkhurst

Mary Schmid successfully completed the program, but was not in attendance.

Town Manager Parsons stated the agenda format tonight will be arranged a little different from customary due to the request of adoption of item E – Fiscal Year 2016-2017 Budget Ordinance and setting of the tax rate.

#### Architectural Reviews

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

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

Senior Town Planner Chris Kennedy provided an overview of the item and explained the 80% brick requirement waiver that is accompanied with a volunteer 2-year sunset provision and stated staff doesn't foresee any issues with this request given Council has the ability to waiver per request and approve. Mr. Kennedy stated should this be approved with the sunset provision of 2 years, the temporary structure will have to be removed by June 14, 2018 or an extension applied for prior to that date.

Mayor Pro Tem Fields stated he moves to approve AR-07-16 Commercial Accessory Structure – Temporary Modular Classroom Addition; 320 N. Ashe Street with a 2-year sunset provision through June 15, 2018, this motion was seconded by Councilmember Walden and carried unanimously 5-0 being approved.

## 2. Public Hearings

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

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

Mayor McNeill gave an overview of the item and reviewed the required Quasi-Judicial proceeding procedures. Mr. McNeill commented that if a decision is not met tonight on this item, this hearing will be continued to the July 12, 2016 Regular Business Meeting.

Mayor Pro Tem Fields referenced the book Introduction to Zoning and Development Regulation and cited the process for making Quasi-Judicial decisions.

Mayor McNeill swore in all persons wishing to offer testimony regarding CU-01-16.

Mayor McNeill asked for disclosures of Council that may warrant any site visits, ex parte communications or specialized knowledge that may be relevant to the case or if any conflict of interest exist.

Councilmember Walden stated he drove down the service road this past week.

Councilmember Simeon stated he drove around the area of discussion and he also received a letter in the mail from a neighboring resident and did not respond.

Mayor McNeill stated he also received a letter and an email regarding an opinion on the project and did not respond to either one.

Councilmember Walden stated he received two letters and did not respond.

Mayor Pro Tem Fields stated on May 28, 2016 he received a letter from Mr. Tommy Jessup and only responded regarding a past rezoning of the Leith property. Mr. Fields stated on June 5, 2016 he received an email from Jim Halstead that he did not respond to, however the next day he ran into Mr. Halstead publically and had a short conversation regarding the past rezoning of the Leith property and stated to Mr. Halstead that this issue involves a conditional use permit hearing and he could not speak on the item. Mr. Fields stated he received two letters in the mail and did not respond.

Lacey Reeves with Smith Anderson Law Firm, 150 Fayetteville Street, Raleigh stated he is present on behalf of the applicant.

Mayor McNeill asked if there was any one representing the opposition. No one came forward.

Senior Town Planner Kennedy provided an overview of the item. Mr. Kennedy explained the required Quasi-Judicial hearing procedures. Mr. Kennedy stated staff has just received a traffic study that was submitted this afternoon prior to this meeting and staff have not had time to properly review the data and therefore would not be able to comment on the item regarding the newly submitted TIA data. Mr. Kennedy requested that should CU-01-16 be denied, staff is suggesting the request of the right-of-way abandonment of N. Mechanic Street and W. Rhode Island Avenue be denied as well. Mr. Kennedy discussed the sidewalks, curb & gutter, road widths, pavement widths and other data that had been added to the Staff Report.

Mayor McNeill stated the updated 5/70 Watershed Tally Sheet submitted by Mr. Kennedy will replace the original tally sheet as Exhibit A, Exhibit L is the Sidewalk Handout, Exhibit M is the Development Comparison Information on the screen.

Mayor Pro Tem Fields asked Mr. Kennedy if it was his opinion that staff would not be able to professionally comment on CU-01-16 tonight in light of receiving the updated TIA this afternoon.

Senior Town Planner Kennedy stated staff would suggest that the hearing be continued to allow staff appropriate time to review the amended submitted data.

Town Manager Parsons explained his credentials and background information. Mr. Parsons provided the documented time line of events of the MLC Automotive Leith Tract that states references and testimonies that took place relative to how they got to this point today which will be submitted as Exhibit N.

Town Manager Parsons provided Exhibit O – time line information regarding the sale of Town Parcels 32829 and 32830.

Town Manager Parsons provided Exhibit P – CU-01-16 Potential Public Services Impacts as requested by Councilwoman VanCamp and explained the document.

Mayor Pro Tem Fields asked Town Manager Parsons if in his opinion, regarding water and sewer, is there adequate capacity to accommodate the requested number of units to the current system without creating any problems for the current residents.

Town Manager Parsons responded absolutely yes and explained the current peak demand and current available capacity.

Councilwoman VanCamp thanked Town Manager Parsons for compiling the requested data and stated the information is important to know.

Town Manager Parsons stated he will provide a copy of this information to the applicant's attorney and can provide additional copies if needed.

Mayor McNeill asked Senior Town Planner Kennedy to review the OS Zoning of the acreage of this tract to explain the table of authorized uses as to what is permitted by right and by conditional use.

Senior Town Planner Kennedy stated the property is 22.85 acres of OS and 2.74 acres of RM-2. Mr. Kennedy reviewed and explained the permitted land uses of OS and RM-2.

Bob Koontz requested in good faith efforts to address citizen and Council concerns and in consideration of time restraints regarding the TIA that was just received today, he is requesting the hearing be continued to the July 12, 2016 Regular Business Meeting to allow staff and others to respectfully review the amended submitted data.

Councilmember VanCamp asked Mr. Koontz if he anticipates any further amendments.

Mr. Koontz responded in the negative.

Mayor Pro Tem Fields asked Mr. Koontz if he is requesting to defer from speaking on the item tonight.

Mr. Koontz responded in the affirmative.

Mayor McNeill stated staff has received the amended plans in lieu of the amended TIA that needs staff review, but people are present that want to hear your presentation and may want to respond.

Mr. Koontz stated after staff review, more changes may be requested and would prefer to defer until the next meeting.

Councilwoman VanCamp commented that it may be prudent to wait until the amended material has been evaluated.

Town Manager Parsons asked Mr. Koontz what his concerns were regarding.

Mr. Koontz stated he would be willing to present the concept plan this evening, but would be reluctant to comment at this time.

Councilmember Walden commented it would be helpful for the public to see your recent changes, but if you anticipate more changes, it's a toss-up either way.

Councilmember Simeon stated it would be good to hear the presentation given the amount of citizen's in attendance. Mr. Simeon asked if the TIA was the only item that has not been reviewed by staff.

Senior Town Planner Kennedy stated he has received the TIA this afternoon, but staff has not had enough time to properly review it or comment on it.

Mr. Reese stated they would be happy to summarize what they have to date if it is the will of Council, but the traffic engineer that conducted the revised traffic analysis is not present to provide feedback.

Mr. Reese stated they are concerned with the State Law Provisions and statutes in this proceeding that govern the necessity for expert testimony in this type of proceeding in particular regard to the traffic impacts and affects upon value that only demonstrated expert testimony can be received.

Councilmember Simeon stated he would not want anyone speaking regarding the TIA without staff being able to properly review.

Discussion ensued regarding continuing the hearing.

Upon motion by Mayor Pro Tem Fields, seconded by Councilwoman VanCamp and carried unanimously 5-0, the hearing for CU-01-16 was continued to the July 12, 2016 7:00 PM Regular Business Meeting at the Douglass Community Center, 1185 W. Pennsylvania Avenue.

Council retired to recess at 8:25 PM.

Council reconvened at 8:34 PM.

**B. 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.

Mayor McNeill reviewed the hearing process. Mr. McNeill ask if any attorneys were present representing any other parties and there were none voiced. Mr. McNeill swore in all witnesses and staff wishing to speak on the item.

Mayor McNeill asked Council of any disclosures. None were voiced.

Senior Town Planner Kennedy gave an overview of the item while referring to the UDO and map and also explained the hearing proceedings.

Discussion ensued regarding access points and sidewalks requirements.

Senior Town Planner Kennedy submitted Exhibit A – 5/70 Tally Sheet and Exhibit B – Proposed and Existing Sidewalks Sheet.

Mayor Pro Tem Fields inquired why they would not require a sidewalk.

Senior Town Planner Kennedy stated they have enough room for sidewalks and could discuss this with the petitioner.

Mayor Pro Tem Fields asked if there was a required neighborhood meeting. Mr. Kennedy responded in the negative.

Discussion ensued regarding the UDO and single family dwellings.

Marcel Goneau of 125 Williams Road, Southern Pines stated his credentials. Mr. Goneau provided a copy of the narrative of the item and described a general property description of 14 residential duplex townhomes.

Mayor McNeill stated Exhibit C – handout from Mr. Goneau and Exhibit D – is the presentation Mr. Goneau has submitted.

Mr. Goneau explained his presentation while referring to the slides.

Mayor Pro Tem Fields inquired about the sidewalks that are required.

Mr. Goneau stated there may not be enough of room on West Main due to the existing ditches.

Mayor Pro Tem Fields suggested incorporating a greenway trail.

Mr. Goneau stated he will further investigate this issue and would be glad to accommodate is space is allowed.

Town Manager stated that in the event that CU-01-16 does not get approved, and ultimately the abandonment of Mechanic Street does not take place, staff should maintain the ability to continue to enforce the UDO requirement that Main Street be developed out to the intersection, because Mechanic Street could be ultimately opened back up to the service road with another development in the future. Mr. Parsons asked Mr. Goneau if he fully understands that this might be a requirement in the event that Mechanic Street is not ultimately abandoned and the reasoning behind it. Mr. Goneau responded yes, he completely understands.

Mayor Pro Tem Fields asked Mr. Goneau if he would be in agreement to installing some type of greenway path or sidewalk.

Town Manager Parsons suggested pedestrian facility subject to TRC review.

Mr. Goneau continued with his narrative presentation.

Councilmember Walden inquired about the swales on Maine Street.

Mr. Goneau explained the drainage direction.

Mr. Simeon inquired as to the design of the homes.

Mr. Goneau described the size and design of the homes.

Mayor McNeill asked if there were any other persons wishing to provide testimony. No additional persons stepped forward.

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

Mayor Pro Tem Fields stated under Finding of Fact #1 he moves that as a finding of fact that the application is complete and that the facts submitted are relevant to the case in that the request has met the specified submittal requirements as required by the Town of Southern Pines UDO appendices and the facts submitted are relevant to the case as the evidence submitted as sworn testimony done so by qualified experts or provided through substantiated documentation. This motion was seconded by Councilmember Walden and carried unanimously 5-0

Mayor Pro Tem Fields stated under Finding of Fact #2 he moves 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 Criteria 1 that it is not applicable, Criteria 2 that the proposed project is consistent with the goals and objectives of the comprehensive long range plan as the project incorporates many of the goals and objectives of the comprehensive long range plan. The proposed subdivision includes a product that is consistent with the scale and context of the surrounding neighborhood of downtown Southern Pines. The proposed project is not located on property where public recreational amenities are required by the land plan or the UDO, however the petitioner is providing the required open space, utility and street extensions will be required, but the proposed project is consistent with the adopted plan as the project ties in to existing streets and public utilities.

Criteria 3 the proposed preliminary plat does not fully comply with the UDO standards as the petitioner is requesting relief on the rear set-backs for the southern boundary of the property, however the petitioner has framed the relief request in a manner in which the intent of the set-back ordinances are met with the installation of buffer plantings and a fence to screen neighboring views. The petitioner is also requesting that West Maine Avenue not be required to be improved to the full extent of the property. The Town Council recognizes that the feasibility of such may permit the applicant to proceed with an alternative length road construction as set forth in the Street Section of the UDO, which is section 4.11.7 and the remainder of the application complies with the restrictions of the UDO and complies with State and Federal regulations. Criteria 4 the proposed subdivision does not fully comply with the UDO standards as the petitioner is requesting relief on the set-backs as previously discussed, however the design and conditions affecting West Maine extension, the relief may be permitted and is reasonable. The remainder of the application applies with the restrictions including density, lot size, buffers and the like. The comprehensive long range plan designates this area and such property as residential. The proposed use is listed as permitted use in the RM-2 classification and the proposed subdivision is compatible with the existing and future land uses of adjacent property. Criteria 5 the proposed subdivision is compatible with the existing and future land uses of adjacent properties and will not be detrimental to the adjacent properties as the project complies with the approved density as well as the buffer requirements set forth in the UDO. The CLRP designates this area and subject property as residential and the proposed use is listed as a permitted use in the RM-2 classification and the proposed subdivision is compatible with the existing and future land uses of adjacent properties. Criteria 6 public water and sewer utilities are readily available for the project and the cost will be borne by the developer as proposed roadway connections and improvements will be made at the termination of the existing paved section of the right-of-way on West Maine Avenue to the entrance of the proposed subdivision. The petitioner is requesting that West Maine Avenue not have to be completed to the full extent of the property, the Town Council recognizes that feasibility of such or lack thereof may permit the applicant to proceed with an alternative length for road construction as set forth in the street section of the UDO. This motion was seconded by Councilmember Walden and carried unanimously 5-0 to approve.

Mayor Pro Tem Fields stated he moves that the proposed Preliminary Plat 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 CLRP including policy P-4, P-12, P-15 and P-16. This motion was seconded by Councilmember Walden and carried unanimously 5-0 to approve.

Mayor Pro Tem Fields stated he moves to approve the Preliminary Plat with the following additional conditions: that a pedestrian facility approved by the Town Engineer be installed for a distance of 400 feet between Mechanic Street to Hale Street along West Maine Avenue, that a temporary turn-around be constructed at the end of the pavement on West Maine Avenue and Council must approve the watershed protection permit WP-02-16. This motion was seconded by Councilmember Walden and carried unanimously 5-0 to approve.

Mayor Pro Tem Fields stated as a Finding of Fact # 1 that the application is complete and the facts submitted are relevant to the case because the request for the conditional use permit approval has met the specified requirements of the Town of Southern Pines appendices and the facts submitted are relevant to the case as evidence submitted was sworn testimony done so by qualified experts provided through substantiated documentation. This motion was seconded by Councilwoman VanCamp and carried unanimously 5-0 to approve.

Mayor Pro Tem Fields stated as a Finding of Fact #2 he moves 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 Criteria A the applicants demonstrated that the property is currently zoned RM-2, residential land uses are permitted under the RM-2 zoning classification at a density of 5 to 7 dwelling units per acre, proposed subdivision does not comply with the UDO standards as the petitioner is asking for relief from the rear set-back for the southern boundary of the property as well as the extension of West Maine Avenue, however due to the petitioner's design of the set-back area and the conditions affecting West Maine Avenue extension, the relief may be permitted and is 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. Criteria B, the RM-2 classification permits single family, multifamily uses at a density of 5-7 dwelling units per acre. The proposed conditional uses are designed in a manner that will fit within the character of the surrounding neighborhood. Concerns such as density, building height, traffic, noise and 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 of and enjoyment of the neighboring properties. Criteria C the public water and sewer utilities are readily available for the project and 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 the right-of-way on West Maine Avenue to the entrance of the proposed subdivision. The petitioner is requesting that West Maine Avenue not have to be completed to the full extent of the property, the Town Council recognizes that feasibility of such or lack thereof may permit the applicant to proceed with

an alternative length for road construction as set forth in the street section of the UDO. Criteria D the proposed project is an infill project in the proximity of the downtown Southern Pines, the development of the proposed project including the road and utility extension should enhance not impede the viability of the development of surrounding properties. The CLRP designates this area and subject property as residential. The proposed use is listed as a permitted use as RM-2 classification. The proposed subdivision is compatible with existing and future land uses of adjacent property. Consequently, the proposed property should not diminish or impair the property values of the existing neighborhood. Criteria E the proposed project will provide an infill development that will comply with the UDO and CLRP standards in the instances where the application deviates from the UDO. The UDO allows such deviations 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 policy standards and restrictions. As a result, the proposed project conforms to those policies, standards and restrictions and the use shall not be detrimental to or endanger the public health, safety, comfort or general welfare of the surrounding neighborhood or public at large. Criteria F 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 area should be viewed as a positive impact. Development general can contribute to what some may perceive to be negative externalities and thereby inverse 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 health, safety and general welfare of the public, therefore the public interests and welfare supporting the proposed project is sufficient to outweigh any individual interests that may be adversely affected. This motion was seconded by Councilwoman VanCamp and carried unanimously 5-0 to approve.

Mayor Pro Tem Fields stated he moves that the proposed Conditional Use Permit Application is consistent with those documents that constitute the officially adopted land development plan and other applicable plans and the proposed project meets the objectives of the CLRP including policy P-4, P-12, P-15 and P-16. This motion was seconded by Councilmember Walden and carried unanimously 5-0 to approve.

Mayor Pro Tem Fields stated he moves to approve the Conditional Use Permit with the condition that West Maine Avenue be improved to a Town standard to the full extent of the property should the right-of-way abandonment for N. Mechanic Street between the NE service road and W Maine Avenue be denied by Council. Such request is included in a separate request outside of the application for CU-02-16. Should the Town Council approve the right-of-way abandonment for N. Mechanic Street between the NE service road and W Maine Avenue, then the petitioner may only need to improve W. Maine Avenue to the ingress egress as proposed in his application CU-02-16 and per the requirements of UDO section 4.11.7. Additionally, a pedestrian facility will be installed the 400 feet distance between Mechanic and Hale Streets subject to the Town Engineer TRC approval on W. Maine Avenue and that the watershed protection permit WP-02-16 be approved. This motion was seconded by Councilmember Walden and carried unanimously 5-0 to approve.

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

Senior Town Planner Kennedy gave a brief overview of the item.

Mayor McNeill opened the public hearing. There were no voiced public comments.

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

Upon motion by Mayor Pro Tem Fields, seconded by Councilmember Walden and carried unanimously 5-0, AX-01-16 was approved.

### **D. Right of Way Abandonment of portions of N. Mechanic Street and W. Rhode Island Ave.**

In April 2016, the Town of Southern Pines Public Works Department received a request that the Town Council consider two sections of road for a right-of-way abandonment. The first section identified for right-of-way abandonment is comprised of the one and one-half (1.5) block portion of N. Mechanic Street extending from the eastern boundary of the intersection with W. Maine Avenue and N. Mechanic Street to the termination of N. Mechanic Street at the NE Service Road. The second section identified for right-of-way abandonment includes the portion of W. Rhode Island Avenue extending from the northern boundary of the intersection of W. Rhode Island Avenue and N. Mechanic Street extending to the termination of W. Rhode Island Avenue at the NE Service

Road. Both portions included in the request are unopened sections of right-of-way (See

attachment). At the April 12, 2016 Regular Business Meeting of the Town Council the Town Council adopted a resolution to review the request for this abandonment at the May 2016 Regular Business Meeting of the Town Council.

Both sections of right-of-way listed in this request are considered "paper" streets in that the areas designated for a street are not currently improved or easily accessible for most types of transportation. These sections of street are not included in Powell Bill funding calculations. The Town does not have future plans to improve these portions of unopened road. The Town does have a sewer line that runs east to west along W. Maine Avenue that will require an easement if the abandonment is approved.

Upon motion by Mayor Pro Tem Fields, seconded by Councilwoman VanCamp and carried unanimously 5-0, the public hearing for Right of Way Abandonment of portions of N. Mechanic Street and W. Rhode Island Avenue was deferred to the July 12, 2106 Regular Business Meeting.

#### **E. Fiscal Year 2016-2017 Budget Presentation and Hearing**

- Adoption of the Ordinance and Setting of the Tax rate

Town Manager Parsons gave a brief overview of the item and thanked Finance Director Crystal Gabric on her continued great work on this project.

Mayor McNeill opened the public hearing and no voiced public comments were made.

Upon motion by Councilmember Walden, seconded by Councilmember Simeon and carried unanimously 5-0, the public hearing was closed.

Upon motion by Mayor Pro Tem Fields, seconded by Councilmember Simeon and carried unanimously 5-0, the fiscal year 2016-2017 budget ordinance was adopted and a levying of tax rate of .38 cents on each \$100 valuation of taxable property as listed for taxes in January of 2016 were approved.

### **3. Managers Comments**

### **4. Consent Agenda**

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

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

#### **B. Capital Project Fund Ordinances**

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

#### **C. FY 2015-2016 Budget Amendments**

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

**D. Code of Ordinance Amendments**

- Amendment to Chapter 50, Water and Sewer Use, Appendix: Rates, Fees and Charges
- Updates to Chapter 101 Tree Ordinance
- Amendment to 32.093 establishing rental fees for Pool Park Performance Stage

**E. Resolution Opposing Senate Bill 846**

**F. Five Year Contract Renewal for Water Treatment Plant Operations - Suez**

**G. Board Appointments**

- **Planning Board**

Larry Harward – ETJ – 06/14/16 – 06/14/19 – 1<sup>st</sup> Appointment

- **Historic District**

Martin “Mart” Gibson – 06/14/16 – 06/14/20 – 2<sup>nd</sup> Appointment

**H. AX-02-16 Clark Street**

- Resolution Directing the Clerk
- Resolution Calling a Public Hearing July 12, 2016

**I. Audit Contract Approval – Dixon, Hughes, Goodman**

**J. Resolutions Awarding Service Weapons**

Town Manager Parsons gave an overview of the consent agenda.

Upon motion by Councilmember Simeon, seconded by Councilmember Walden and carried unanimously 5-0, the consent agenda was approved.

**5. Public Comment**

No public comments were voiced.

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

As so incorporated to these minutes of June 14, 2016 are exact copies as so recorded in the ordinance and resolution books of the Town of Southern Pines as fully set out in the minutes.

There being no further business the meeting adjourned at 9:57 p.m.

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Peggy K. Smith  
Town Clerk

## **Peggy Smith**

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**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](http://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](http://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

## **Agenda Item**

**To:** Reagan Parsons, Town Manager  
**Via:** Bart Nuckols, Planning Director  
**From:** Chris Kennedy, Senior Planner  
**Subject:** Right-of-Way Abandonment for a Portion of N. Ridge Street  
**Date:** July 12, 2016

---

The Town has received a request to abandon an approximate 575' foot section of N. Ridge Street. The section of right-of-way to be vacated is N. Ridge Street, the portion of N. Ridge Street extending from the southern boundary of the intersection of N. Ridge Street and Springwood Way to the southernmost property corner of parcel 00038821 adjoining N. Ridge Street extending directly across to the southernmost property corner of parcel 20100351 adjoining N. Ridge Street in the Town of Southern Pines (See attachment 1).

This section of right-of-way is considered a “paper” street in that it is not currently improved or easily accessible for most types of transportation. This section of street is not included in Powell Bill funding calculations. The Town does not have future plans to improve these portions of unopened road. The Town does have a sewer line that runs to this right-of-way, however the Town shall maintain the ability to secure any necessary utility easements per UDO requirements. Per UDO Section 2.29.6 (C), the Town may reserve its right, title, and interest in any utility improvement or easement within a street closed pursuant to this section. Such reservation shall be stated in the order of closing. Such reservation also extends to utility improvements or easements owned by private utilities which at the time of street closing have a utility agreement or franchise with the Town. To retain such easements, the Town Council shall, after public hearing, approve a “declaration of retention of utility easements” specifically describing such easements.

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

### **Attachments:**

- Resolution to Set Public Hearing
- Attachment 1
- Applicant’s Request Letter
- Exhibit A Submitted by Applicant

**Town Council Action:**

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

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

BE IT RESOLVED BY the Town Council of the Town of Southern Pines that, having considered the apparent advantages to the Town and its citizens in doing so, hereby declares its intent to vacate a section of N. Ridge Street as described below and to hold a public hearing upon such action. There shall be a public hearing on the 9<sup>th</sup> day of August, 2016, to address the issues of whether vacating that section of street will be detrimental to the public interest or will be detrimental to anyone's ability to have ingress or egress from that person's property.

The street to be vacated is N. Ridge Street, the portion of N. Ridge Street extending from the southern boundary of the intersection of N. Ridge Street and Springwood Way to the southernmost property corner of parcel 00038821 adjoining N. Ridge Street extending directly across to the southernmost property corner of parcel 20100351 adjoining N. Ridge Street in the Town of Southern Pines.

The public hearing which is hereby called shall be held at the Douglass Community Center, 1185 W Pennsylvania Avenue, Southern Pines, on August 9, 2016, at 7:00pm.

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

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David McNeill, Mayor

ATTEST:

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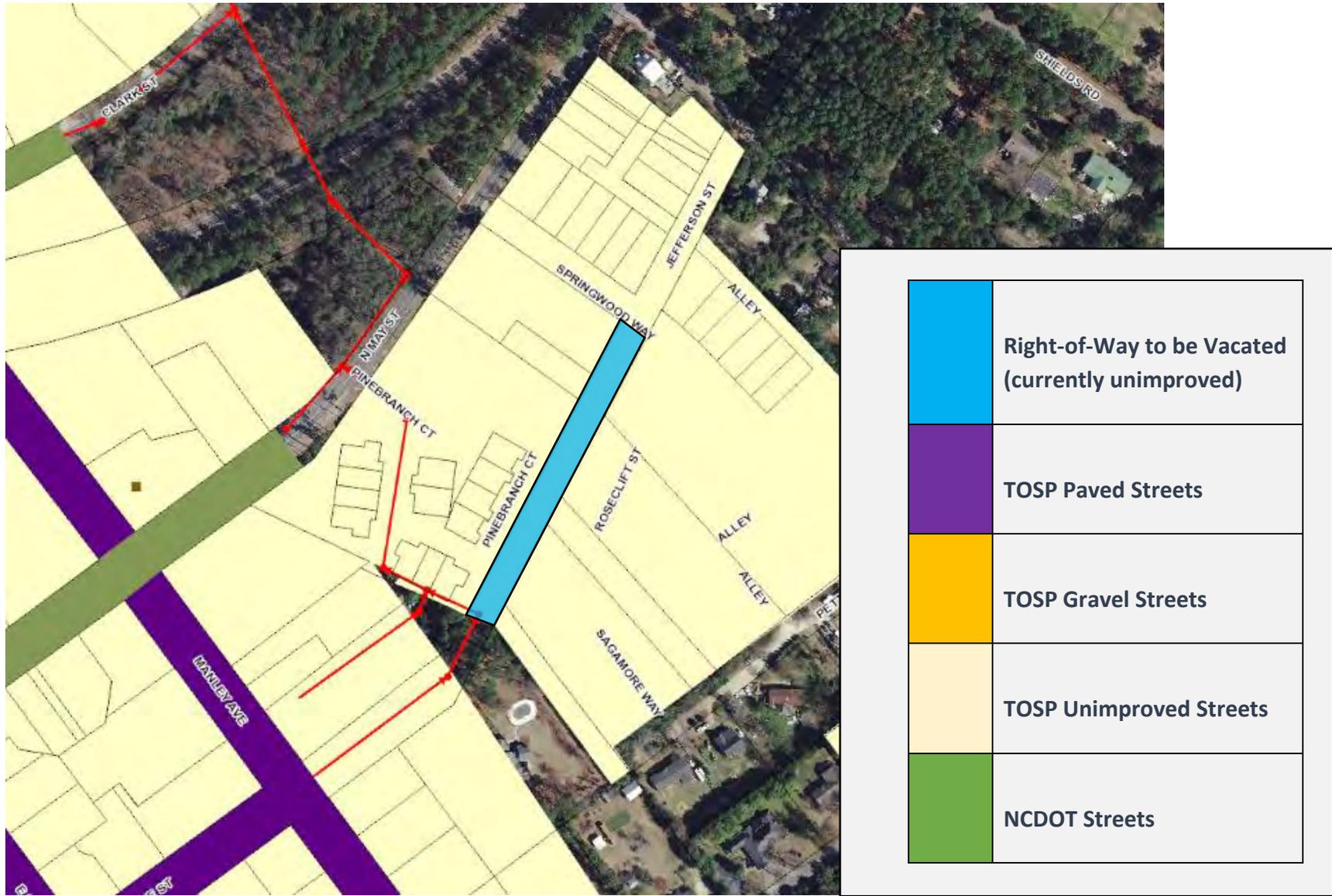
Peggy Smith, Town Clerk

APPROVED AS TO FORM:

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Douglas R. Gill, Town Attorney

# Attachment 1



June 27, 2016

Town of Southern Pines  
Attn: Reagan Parsons, Manager  
125 SE Broad Street  
Southern Pines, NC 28387

Re: Right-of-Way Abandonment Request  
(N. Ridge Street)

Mr. Parsons,

Moore HL Properties, Inc. would like to request right-of-way abandonment for a portion of North Ridge Street, from Springwood Way to the overall project boundary, as shown on the attached exhibit. We would like to add this request to the next scheduled Town Council meeting for further consideration. Please let me know if there are any additional fees for public notice advertisement and we will provide those applicable fees.

If there are any additional questions, please let me know.

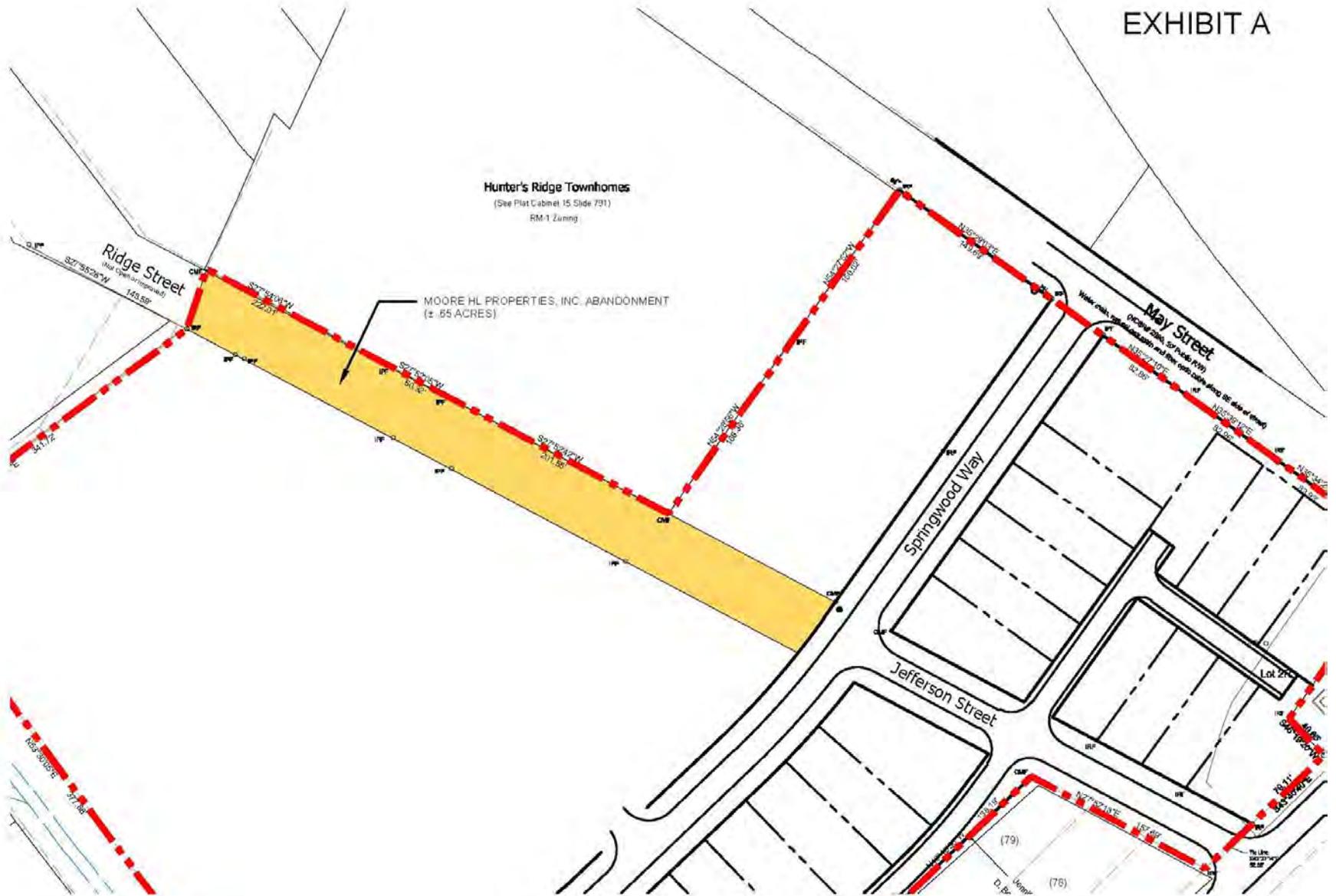
Best Regards,



Robert E. Koontz, PLA



EXHIBIT A



**RESOLUTION DECLARING INTENT TO VACATE  
PORTIONS OF RIGHT OF WAY OF N. RIDGE STREET  
TO SPRINGWOOD WAY AND CALLING A PUBLIC  
HEARING THEREON**

BE IT RESOLVED BY the Town Council of the Town of Southern Pines that, having considered the apparent advantages to the Town and its citizens in doing so, hereby declares its intent to vacate N. Ridge Street to Springwood Way as described below and to hold a public hearing upon such action. There shall be a public hearing on the 12th day of July, 2016, to address the issues of whether vacating that street will be detrimental to the public interest or will be detrimental to anyone's ability to have ingress or egress from that person's property.

The street to be vacated is portions of right of way of N. Ridge Street to Springwood Way, lying in the Town of Southern Pines.

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

This 12th day of July, 2016.

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

ATTEST:

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

APPROVED AS TO FORM:

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

## **Agenda Item**

**To:** Reagan Parsons, Town Manager  
**Via:** Bart Nuckols, Planning Director  
**From:** Chris Kennedy, Senior Planner  
**Subject:** AX-03-16; Voluntary Annexation Request for the 325 Sheldon Road; Non-Contiguous Annexation; Petitioner, Moore HL Properties Inc.  
**Date:** July 12, 2016

---

### **AX-03-16; Voluntary Annexation Request for the 325 Sheldon Road; Non-Contiguous Annexation; Petitioner, Moore HL Properties Inc.**

The petitioner, Moore HL Properties Inc. is requesting voluntary annexation for property located at 325 Sheldon Road. The request is for a non-contiguous annexation. The total acreage of the subject property is 1.31 acres. The property is identified by the following: PIN: 858108891571 (PARID: 00038287) and portions of PIN: 858108893610 (PARID: 96000473). Per the Moore County Tax records, the property owner(s) are listed as Moore HL Properties, Inc.

#### **Staff Comments:**

- The purpose of this item on the July 2016 Town Council agenda is to set a hearing for the August 2016 Town Council meeting for AX-03-16.
- The applicant has submitted an application with a plat map and a written metes and bounds description.

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

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

- 1) I move to approve the Voluntary Annexation request in the application AX-03-16 for the property as defined in the submitted written metes and bounds.

**Or**

- 2) I move to deny the Voluntary Annexation request in the application AX-03-16 for the property as defined in the submitted written metes and bounds.

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

# AX-03-16 Voluntary Annexation for 325 Sheldon Road PIN: 858108891571 (Parcel ID: 00038287)



**AX-03-16 Voluntary Annexation for 325 Sheldon Road  
PIN: 858108891571 (Parcel ID: 00038287)**

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

June 23, \_\_\_\_\_, 2016

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

- 1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Southern Pines, North Carolina, pursuant to G. S. 160A-58.**
  
- 2. The area requested to be annexed is non - contiguous to the Town of Southern Pines, and the boundary of such territory is described by metes and bounds as follows:**

A legal metes and bounds description of boundaries of annexation, or a legal metes and bounds description of boundaries must be included.

<u>Name &amp; Signature of Owner</u>	<u>Address of Owner</u> <small>(Owner)</small>
Moore HL Properties, Inc	55 Walnut Creek Dr.
<i>Law John</i>	Pinhurst, NC 28374
_____	(property location)
_____	325 Sheldon Rd.
_____	Southern Pines, NC 28387
_____	_____
_____	_____
_____	_____

**Two copies of the petition, an 11" x 17" map showing location and boundaries of the area requested to be annexed, a legal metes and bounds description and physical address for the property (new projects or properties that are being subdivided are to obtain address numbers from the Southern Pines Planning office while properties with existing structures are to obtain/confirm those addresses through the Southern Pines Fire Department) are to be filed with the Town Clerk, 125 S. E. Broad Street, Southern Pines, NC 28387.**

Legal description of property to be considered for Voluntary Annexation into the Town of Southern Pines, North Carolina.

Certain parcels of land situate in McNeill Township, Moore County, North Carolina, fronting and lying on the southeast side of Shelton Road (a.k.a. Sheldon Road), being further described by metes and bounds as follows:

BEGINNING at a concrete monument found in the southeast right of way line of Shelton Road, also known as Sheldon Road, as well as SR 2133, said monument being the North corner of Lot 1R as shown in Plat Cabinet 15 Slide 940 in the Moore County Registry, said monument also being the West corner of Tract 1R, as shown in Plat Cabinet 16 Slide 804;

running thence from said beginning corner with said right of way line of Shelton Road, North 55°12'13"East for a distance of 208.86 feet to an iron pipe found;

thence continuing with said right of way line, North 55°03'00"East for a distance of 23.77 feet to an iron rod found, said iron rod being the common corner of said Tract 1R and Lot 1, as shown on said map recorded in Plat Cabinet 16 Slide 804;

thence continuing with said right of way line, North 55°03'00"East for a distance of 75.67 feet to an iron rod found, said iron rod being the common corner of said Lot 1 and Tract 2R, as shown on said map;

thence leaving said right of way line with a common line of said Lot 1 and Tract 2R, South 20°55'51"East for a distance of 209.55 feet to an iron rod found, another common corner of said Lot 1 and Tract 2R;

thence with another common line of said common line of said Lot 1 and Tract 2R, South 55°08'40"West for a distance of 50.36 feet to an iron rod found, said iron rod being the common corner of said Lot 1 and said Tract 1R situate in a line of said Tract 2R;

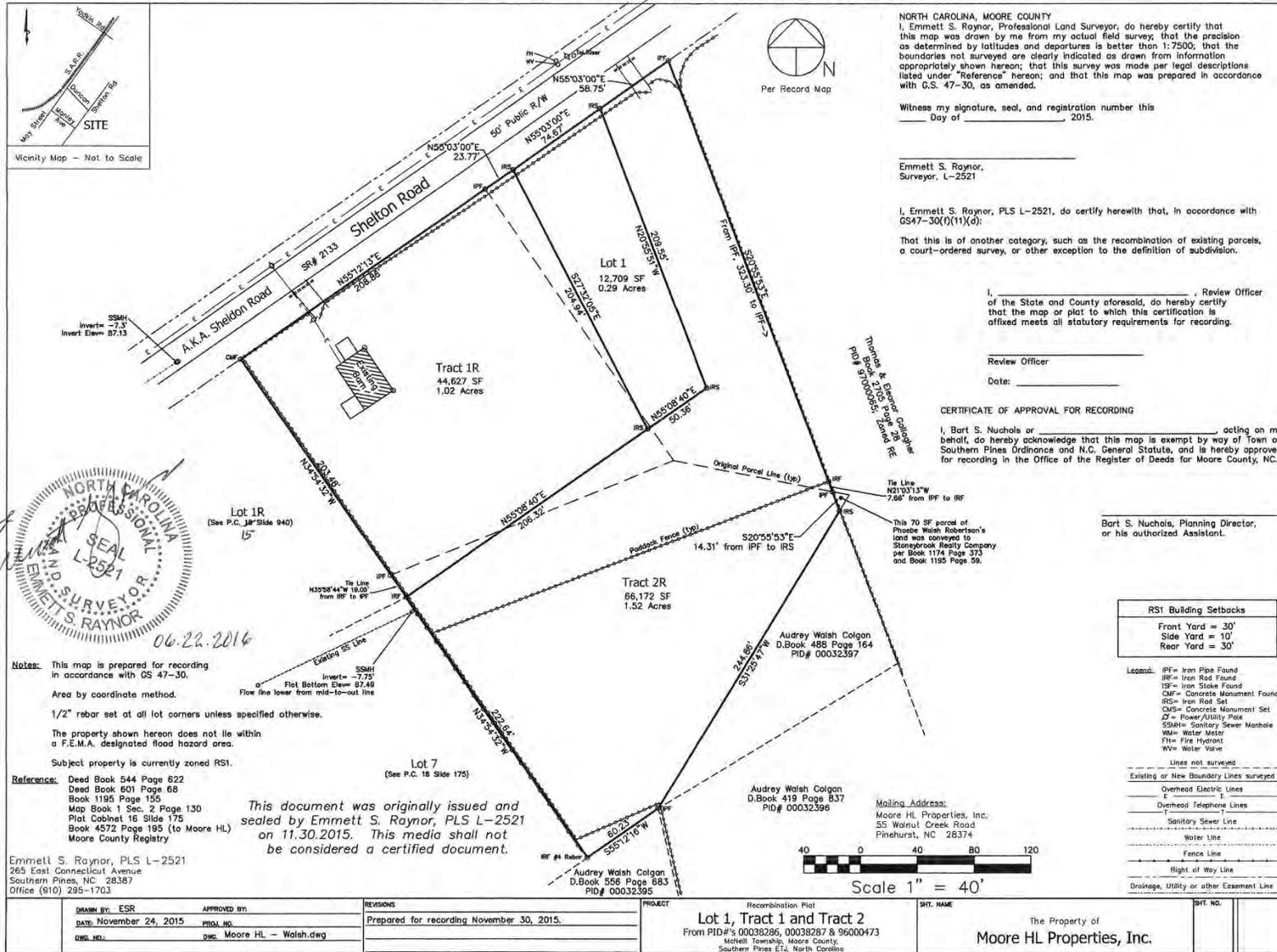
thence with the common line of said Tract 1R and said Tract 2R, South 55°08'40"West for a distance of 206.32 feet to an iron rod found, said iron rod being the common corner of said Lot 1R, Tract 1R, Tract 2R and Lot 7 (see Plat Cabinet 16 Slide 175 as reference for said Lot 7);

thence with the common line of said Lot 1R and Tract 1R, North 34°54'32"West for a distance of 203.48 feet to the BEGINNING, containing 1.31 acres, more or less.



06.22.2016

This map is recorded in Plat Cabinet 16 Slide 804 in the Moore County Registry.



NORTH CAROLINA, MOORE COUNTY  
 I, Emmett S. Raynor, Professional Land Surveyor, do hereby certify that this map was drawn by me from my actual field survey, that the precision as determined by latitudes and departures is better than 1:7500; that the boundaries not surveyed are clearly indicated as drawn from information appropriately shown hereon; that this survey was made per legal descriptions listed under "Reference" hereon; and that this map was prepared in accordance with G.S. 47-30, as amended.

Witness my signature, seal, and registration number this  
 Day of \_\_\_\_\_, 2015.

Emmett S. Raynor,  
 Surveyor, L-2521

I, Emmett S. Raynor, PLS L-2521, do certify herewith that, in accordance with GS47-30(f)(11)(d):

That this is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision.

I, \_\_\_\_\_, Review Officer of the State and County aforesaid, do hereby certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer \_\_\_\_\_

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

**CERTIFICATE OF APPROVAL FOR RECORDING**

I, Bart S. Nichols or \_\_\_\_\_, acting on my behalf, do hereby acknowledge that this map is exempt by way of Town of Southern Pines Ordinances and N.C. General Statute, and is hereby approved for recording in the Office of the Register of Deeds for Moore County, NC.

Bart S. Nichols, Planning Director, or his authorized Assistant.

RS1 Building Setbacks	
Front Yard	= 30'
Side Yard	= 10'
Rear Yard	= 30'

Legend:	
IPF	= Iron Pipe Found
IRF	= Iron Rod Found
ISF	= Iron Stake Found
CMF	= Concrete Monument Found
IRS	= Iron Rod Set
CMSS	= Concrete Monument Set
UP	= Power/Utility Pole
SM	= Sanitary Sewer Manhole
WM	= Water Meter
FW	= Fire Hydrant
WV	= Water Valve
---	Lines not surveyed
- - - -	Existing or New Boundary Lines surveyed
---	Overhead Electric Lines
---	Overhead Telephone Lines
---	Sanitary Sewer Line
---	Water Line
---	Fence Line
---	Right of Way Line
---	Drainage, Utility or other Easement Line

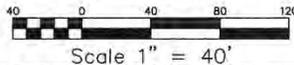


**Notes:** This map is prepared for recording in accordance with GS 47-30.  
 Area by coordinate method.  
 1/2" rebar set at all lot corners unless specified otherwise.  
 The property shown hereon does not lie within a F.E.M.A. designated flood hazard area.  
 Subject property is currently zoned RS1.

**Reference:** Deed Book 544 Page 622  
 Deed Book 601 Page 68  
 Book 1195 Page 155  
 Map Book 1 Sec. 2 Page 130  
 Plat Cabinet 16 Slide 175  
 Book 4572 Page 195 (to Moore HL)  
 Moore County Registry

Emmett S. Raynor, PLS L-2521  
 265 East Connecticut Avenue  
 Southern Pines, NC 28387  
 Office (910) 295-1703

*This document was originally issued and sealed by Emmett S. Raynor, PLS L-2521 on 11.30.2015. This media shall not be considered a certified document.*



<b>DRAWN BY:</b> ESR	<b>APPROVED BY:</b>	<b>REVISIONS:</b>	<b>PROJECT:</b>	<b>DIST. NAME:</b>	<b>DIST. NO.:</b>
<b>DATE:</b> November 24, 2015	<b>PROJ. NO.:</b>	Prepared for recording November 30, 2015.	Recombination Plat <b>Lot 1, Tract 1 and Tract 2</b> From PID#s 00038286, 00038287 & 96000473 McNeill Township, Moore County, Southern Pines E.T.d., North Carolina	The Property of <b>Moore HL Properties, Inc.</b>	
<b>DWG. NO.:</b>	<b>DWG. DATE:</b> Moore HL - Walsh.dwg				

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

# Future Land Use Map: AX-03-16

## 325 Sheldon Road



 = 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

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION  
RECEIVED UNDER G.S. 160A-31**

**WHEREAS**, a petition requesting annexation of an area described in said petition has been received on March 30, 2016, by the Southern Pines Town Council; and

**WHEREAS**, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

**WHEREAS**, the Town Council of the Town of Southern Pines deems it advisable to proceed in response to this request for annexation;

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

That the Town Clerk is hereby directed to investigate the sufficiency of the petition as property so described:

Legal description of property to be considered for Voluntary Annexation  
into the Town of  
Southern Pines, North  
Carolina.

Certain parcels of land situate in McNeill Township, Moore County, North Carolina, fronting and lying on the southeast side of Shelton Road (a.k.a. Sheldon Road), being further described by metes and bounds as follows:

BEGINNING at a concrete monument found in the southeast right of way line of Shelton Road, also known as Sheldon Road, as well as SR 2133, said monument being the North corner of Lot 1R as shown in Plat Cabinet 15 Slide 940 in the Moore County Registry, said monument also being the West corner of Tract 1R. as shown in Plat Cabinet 16 Slide 804;

running thence from said beginning corner with said right of way line of Shelton Road, North  
55°12'13"East for a distance of 208.86 feet to an iron pipe found;

thence continuing with said right of way line, North 55°03'00"East for a distance of 23.77 feet to an iron rod found, said iron rod being the common corner of said Tract 1R and Lot 1, as shown on said map recorded in Plat Cabinet 16 Slide 804;

thence continuing with said right of way line, North 55°03'00"East for a distance of 75.67 feet to an iron rod found, said iron rod being the common corner of said Lot 1 and Tract 2R, as shown on said map;

thence leaving said right of way line with a common line of said Lot 1 and Tract 2R, South 20°55'51"East for a distance of 209.55 feet to an iron rod found, another common corner of said Lot 1 and Tract 2R;

thence with another common line of said common line of said Lot 1 and Tract 2R, South 55°08'40"West for a distance of 50.36 feet to an iron rod found, said iron rod being the common corner of said Lot 1 and said Tract 1R situate in a line of said Tract 2R;

thence with the common line of said Tract 1R and said Tract 2R, South 55°08'40"West for a distance of 206.32 feet to an iron rod found, said iron rod being the common corner of said Lot 1R, Tract 1R, Tract 2R and Lot 7 (see Plat Cabinet 16 Slide 175 as reference for said Lot 7);

thence with the common line of said Lot 1R and Tract 1R, North 34°54'32"West for a distance of 203.48 feet to the BEGINNING, containing 1.31 acres, more or less.



ATTEST:

TOWN OF SOUTHERN PINES

---

Peggy K. Smith, Town Clerk

---

W. David McNeill, Mayor

APPROVED AS TO FORM:

---

Douglas Gill, Town Attorney

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

---

Peggy K. Smith, Town Clerk

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF  
ANNEXATION PURSUANT TO G.S. 160A-31 AS AMENDED**

**WHEREAS**, a petition requesting annexation of an area described herein has been received; and

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

**WHEREAS**, certification by the Town Clerk as to the sufficiency of said petition has been made;

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Southern Pines, North Carolina:

**Section 1.** That a public hearing on the question of annexation of the area described herein will be held at the Douglass Community Center at 7:00 o'clock, p.m. on the 9<sup>th</sup> of August, 2016.

**Section 2.** The area proposed for annexation is described as follows:

Legal description of property to be considered for Voluntary Annexation into the Town of Southern Pines, North Carolina.

Certain parcels of land situate in McNeill Township, Moore County, North Carolina, fronting and lying on the southeast side of Shelton Road (a.k.a. Sheldon Road), being further described by metes and bounds as follows:

BEGINNING at a concrete monument found in the southeast right of way line of Shelton Road, also known as Sheldon Road, as well as SR 2133, said monument being the North corner of Lot 1R as shown in Plat Cabinet 15 Slide 940 in the Moore County Registry, said monument also being the West corner of Tract 1R, as shown in Plat Cabinet 16 Slide 804;

running thence from said beginning corner with said right of way line of Shelton Road, North 55°12'13"East for a distance of 208.86 feet to an iron pipe found;

thence continuing with said right of way line, North 55°03'00"East for a distance of 23.77 feet to an iron rod found, said iron rod being the common corner of said Tract 1R and Lot 1, as shown on said map recorded in Plat Cabinet 16 Slide 804;

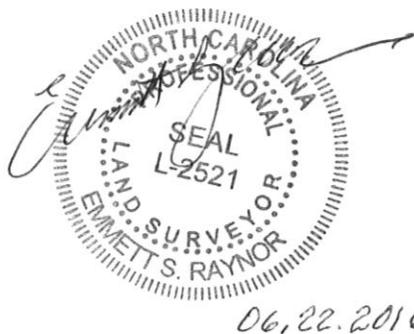
thence continuing with said right of way line, North 55°03'00"East for a distance of 75.67 feet to an iron rod found, said iron rod being the common corner of said Lot 1 and Tract 2R, as shown on said map;

thence leaving said right of way line with a common line of said Lot 1 and Tract 2R, South 20°55'51"East for a distance of 209.55 feet to an iron rod found, another common corner of said Lot 1 and Tract 2R;

thence with another common line of said common line of said Lot 1 and Tract 2R, South 55°08'40"West for a distance of 50.36 feet to an iron rod found, said iron rod being the common corner of said Lot 1 and said Tract 1R situate in a line of said Tract 2R;

thence with the common line of said Tract 1R and said Tract 2R, South 55°08'40"West for a distance of 206.32 feet to an iron rod found, said iron rod being the common corner of said Lot 1R, Tract 1R, Tract 2R and Lot 7 (see Plat Cabinet 16 Slide 175 as reference for said Lot 7);

thence with the common line of said Lot 1R and Tract 1R, North 34°54'32"West for a distance of 203.48 feet to the BEGINNING, containing 1.31 acres, more or less.



**Section 3.** Notice of said public hearing shall be published in The Pilot, a newspaper having general circulation in the Town of Southern Pines, at least ten (10) days prior to the date of said public hearing.

ATTEST:

TOWN OF SOUTHERN PINES

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Peggy K. Smith, Town Clerk

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W. David McNeill, Mayor

APPROVED AS TO FORM:

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Douglas Gill, Town Attorney

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

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Peggy K. Smith, Town Clerk

## **Agenda Item**

**To:** Reagan Parsons, Town Manager

**Via:** Bart Nuckols, Planning Director

**From:** Chris Kennedy, Senior Planner

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

**Date:** July 12, 2016

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

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

### **Town Council Hearing – June 14, 2016 (June 2016 Regular Business Meeting of the Town Council):**

At the June 14, 2016 Regular Business Meeting of the Town Council, the Town Council continued the quasi-judicial public hearing and received evidence from those in attendance regarding Conditional Use Permit application CU-01-16. The Planning Department staff opened the public hearing with the staff report. In addition to the staff report, planning staff entered into evidence and presented documentation for the proposed and existing sidewalks in the immediate vicinity of the proposed development, a chart depicting right-of-ways in the immediate vicinity of the proposed development, and a development comparison chart showing similar projects within the Town as compared to the proposed project. The Town Manager provided historical evidence of the previous MLC Automotive/Leith litigation against the Town, presented a report on the effect of the proposed development on public services, and presented a timeline for the sale

of formerly Town owned property included in the request to Caviness & Cates Building and Development Company. The petitioner submitted updated renderings, narratives, and a revised TIA report to address the previously stated concerns of both the Town Council and the public. However, the petitioner requested of the Town Council that the public hearing be continued until the July 2016 Regular Business Meeting of the Town Council to allow Town staff and the public to review the revised documentation. No presentations or any submittal of evidence from the public took place at the June portion of hearing. After an extensive discussion relative to whether or not to continue the public hearing, the Town Council decided to continue the public hearing to the July 12, 2016 Regular Business Meeting of the Town Council.

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

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

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

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

**Planning Board Recommendation:**

At the April 21, 2016 Regular Meeting of the Planning Board, the Planning Board held a quasi-judicial public hearing and heard evidence from those in attendance regarding the application CU-01-16. The Planning Board voted on a recommendation for the Preliminary Plat and then voted on a recommendation for the CU-01-16 application for a major subdivision.

The Board voted on two findings of fact for the application before voting on whether to recommend approval or denial of the Preliminary Plat. First, the Board unanimously voted (5-0) to recommend that as a finding of fact the application was complete and the facts submitted were relevant to the case. Second, the Board unanimously voted (5-0) to recommend that as a finding of fact the application complies with Section 2.20.5 (G) Criteria for a Preliminary Plat, Criteria 1-6. Next,

the Board unanimously voted (5-0) to recommend that the proposed Preliminary Plat is consistent with those documents that constitute the officially adopted land development plan and other applicable plans. The Planning Board unanimously voted (5-0) to recommend approval of the Preliminary Plat with no conditions.

The Board voted on two findings of fact for the application before voting on whether to recommend approval or denial of the Conditional Use Permit application. The Board unanimously voted (5-0) to recommend that as a finding of fact the application is complete and the facts submitted were relevant to the case. Then, the Board unanimously voted (5-0) to recommend that as a finding of fact the application complies with Section 2.21.7 Criteria for a Conditional Use Permit, Criteria A-F. Next, the Board unanimously voted (5-0) to recommend that the proposed Conditional Use Permit Application is consistent with those documents that constitute the officially adopted land development plan and other applicable plans. The Planning Board unanimously voted (5-0) to recommend approval of CU-01-16 with no conditions.

### **Analysis:**

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

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

### **Staff Comments:**

- The petitioner has submitted an updated site plan based upon the comments and concerns conveyed during the public hearing to date. The petitioner has delivered a revised conceptual plan along with a revised narrative and revised exhibits for Exhibit A, Exhibit B, Exhibit C, and Exhibit D.
  - The revised site plan will necessitate a revision to the previously submitted Traffic Impact Analysis (TIA).
  - Staff is in receipt of the revised TIA however at the publishing of this packet the final recommendation from the Town Engineer is not yet available. The initial results and findings of the Town Engineer suggest that the TIA is complete and all Town streets and intersections affected are compliant with the UDO level of service standards.

- However the Town Engineer is awaiting final comment from NCDOT relative to the streets and intersections maintained by NCDOT included within the TIA. Additionally, the Town is awaiting NCDOT approval of an access permit for the project for access to US 1. The ultimate recommendation from the Town Engineer on the TIA, and the application in general, will not be finalized until NCDOT provides written comments to the aforementioned items.
- The Town Engineer’s final recommendation on the TIA will be included as an addendum to the packet prior to the July 12, 2016 public hearing.
- RLUAC (Regional Land Use Advisory Commission) provided the following comments on the application:
  - The parcel is identified as IMPORTANT TO CONSERVE on the Joint Land Use Study maps since it is identified as “highly suitable” for both Natural Area (7 out of 9 points) and Forest (6 out of 9 points).
  - [The project] is not affected by any identified military impacts.
- The US Fish & Wildlife Service provided the following comments:
  - With the likelihood that the parcel contains red-cockaded woodpecker clusters, the developer is encouraged to request a US Fish and Wildlife Service survey of the site before any mature pine trees are removed. A link to the survey protocol for the red-cockaded woodpecker recovery plan can be accessed by linking onto the following:  
[http://www.fws.gov/rcwrecovery/files/RecoveryPlan/survey\\_protocol.pdf](http://www.fws.gov/rcwrecovery/files/RecoveryPlan/survey_protocol.pdf).
- The subject property is comprised of 25.59 acres and is located within the corporate limits of the Town of Southern Pines.
  - The subject property consists of 22.85 acres of OS zoned property and 2.74 acres of RM-2 zoned property.
- Multi-Family land uses are classified under LBCS 1151 in UDO Exhibit 3-15 Table of Authorized Land Uses. LBCS 1151 is listed a “ZC” in the OS and RM-2 zoning classifications.
  - The “ZC” designation denotes that LBCS 1151 is a permitted land use in the OS and RM-2 zoning districts but once the land use reaches a certain threshold or intensity, greater than ten (10) dwelling units in this case, a Conditional Use Permit is triggered.
- The adjoining properties are zoned RM-2 to the East, South, and West. The property across US Highway 1 is zoned RS-1 and FRR.
- The approved density for the OS zoning district is calculated by factoring 10,000 square feet of land area for the first dwelling unit and an additional 3,600 square feet of land area for each additional dwelling unit. The OS zoning district permits approximately thirteen (10-12) dwelling units per acre.
- The approved density for the RM-2 zoning district is calculated by factoring 10,000 square feet of land area for the first dwelling unit and then 6,000 square feet of land area for each additional dwelling unit. The RM-2 zoning district permits approximately five-to-seven (5-7) dwelling units per acre.
- Per UDO Section 3.5.11, the OS zoning classification is designed to accommodate office and service uses as well as medium-density residential uses. The major

objectives of the district are to:

1. Encourage land uses that buffer residential districts from intensive non-residential uses and arterial streets;
  2. Provide aesthetic controls and dimensional requirements to ensure compatible office and service development with surrounding residential uses;
  3. Encourage a mixture of medium-density residential uses with offices and services; and,
  4. Allow for single-family dwellings in business corridors to be used for business or residential purposes.
- Per UDO Section 3.5.7, the RM-2 zoning classification is established as a district in which to allow primarily single-family and multi-family residences at a moderate-density (approximately 5-7 dwelling units per acre) in areas served by adequate public water and sewer systems. The regulations of this district are intended to:
    1. Encourage single-family and multi-family residences; and,
    2. Encourage new residential development that is compatible with that in the existing neighborhoods.
  - The property is within the Urban Transition Highway Corridor Overlay; which shall be developed with a balance of residential, recreational, and commercial uses. These sections are best suited for providing a balance of naturalized and manmade conditions. The visual quality of these sections depends on quality site planning, landscaping, and preservation of natural features.
  - The Highway Corridor Overlay standards are set forth in UDO Section 3.6.5 and UDO Exhibit 3-13.
  - The Urban Transition Highway Corridor Overlay (UT-HCO), shall extend 400' from the edge of the right-of-way and run parallel to the right-of-way.
  - The setbacks for the UT-HCO are as follows:
    - Building Setback: 75.0';
    - Parking Area Setback: 50.0';
    - Landscape Buffer: 50.0';
    - Buffer from Residential Zones: 50.0';
    - Buffer from Non-Residential Zones: 25.0'
  - Other Urban Transition Highway Corridor Overlay standards include:
    - Maximum Building Height: 35.0';
    - Maximum Built upon Surface: 65.0%;
    - Maximum Building Footprint: 30.0%;
    - Highway Yard Parking Maximum: 40.0% of total spaces;
    - Maximum Parking: 5 spaces/1000 square feet of building area
  - Per UDO Exhibit 4-1, the setbacks for the OS zoning classification are as follows:
    - Front: 35.0'; Side: 15.0'; Exterior Side: 15.0'; Rear: 15.0'
  - Per UDO Exhibit 4-1, the setbacks for the RM-2 zoning classification are as follows:
    - Front: 25.0'; Side: 10.0'; Exterior Side: 15.0'; Rear: 30.0'
  - The entirety of the property is within the Little River #2 Intake (LR#2) Watershed and is therefore subject to Watershed Protection Overlay District and the standards set forth in UDO Section 3.6.8.
  - This project may be required to obtain a Watershed Protection Permit from the Town Council due to its location within the high quality watershed. Should the project exceed

the 12% impervious level the project will be required to utilize BMPs for storm water management. Should the project exceed the 24% impervious level the project will be required to apply for the 5/70 Exemption from the Town Council as part of the CUP application.

- The Watershed Protection Permit if approved will provide the project with the 5/70 exemption allowing the project to develop up to the 70% impervious surface level.
  - The development is proposed at 48.9% impervious.
- Nearly half of the property is within the study area of the Downtown Neighborhood Development Plan as specified in the Comprehensive Long Range Plan, however the subject property is not within the boundaries of the Downtown Transition Overlay.
- As part of the requests under CU-01-16 the petitioner is also seeking to abandon/vacate portions of right-of-way adjacent to the proposed project. The proposed site plan reflects an approval of the abandonment; the acreage and subsequent land to be amassed into the subject property should an approval be granted is shown in the proposed site plans. Staff advises the Town Council to withhold judgement on the proposed right-of-way abandonment until the requests under CU-01-16 are resolved, resulting in either an approval or a denial. Should application CU-01-16 receive a denial, staff would recommend to the Town Council that the request for right-of-way abandonment also be denied.
  - The petitioner has submitted a request to abandon the one and one-half (1.5) block portion of N. Mechanic Street extending from the eastern boundary of the intersection with W. Maine Avenue and N. Mechanic Street to the termination of N. Mechanic Street at the NE Service Road. The request also includes the proposed abandonment of W. Rhode Island Avenue extending from the northern boundary of the intersection of W. Rhode Island Avenue and N. Mechanic Street extending to the termination of W. Rhode Island Avenue at the NE Service Road. Both portions included in the request are unopened sections of right-of-way.
  - The entirety of N. Mechanic Street between NE Service Road and W. Rhode Island Avenue and W. Rhode Island between N. Mechanic Street and NE Service Road is considered a “paper” street in that it is not currently improved or easily accessible for most types of transportation. This section of street is not included in Powell Bill funding calculations. The Town does not have future plans to improve these portions of unopened road. The Town does have a sewer line that runs east to west along W. Maine Avenue that will be impacted by this action, however the Town ensure its ability to secure a utilities easement prior to any abandonment of right-of-way. Per UDO Section 2.29.6 (C), the Town may reserve its right, title, and interest in any utility improvement or easement within a street closed pursuant to this section. Such reservation shall be stated in the order of closing. Such reservation also extends to utility improvements or easements owned by private utilities which at the time of street closing have a utility agreement or franchise with the Town. To retain such easements, the Town Council shall, after public hearing, approve a “declaration of retention of utility easements” specifically describing such easements.
  - Per UDO Section 2.29, the procedure to abandon streets, no matter their condition or utility, requires an adopted resolution (see attached), public notices, and a public hearing. Per UDO Section 2.29.2, the process for abandonment may be initiated

by the Town Council or the owner of property abutting the street or alley. The Town Council shall adopt a resolution declaring its intent to close a street or alley and call for a public hearing. If the abandonment is approved, the areas abandoned revert automatically to the adjoining property owners to the midway point of the right-of-way on their side of the street for the length of their property on that right-of-way.

- Per Section 2.20.5 a Preliminary Plat must satisfy the following criteria: A Sketch Plat shall be required when an Applicant is applying for the subdivision of less than the entire, contiguous land area held in common ownership. \*

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

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

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

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

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

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

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

#### 4.10.8 Multi-Family Development Standards

##### (A) Applicability

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

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

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

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

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

- (9) *The private open space of all Dwelling Units shall be visually and functionally accessible from inside the Dwelling.*
- (10) *Provide screening for yards where private activities are likely to occur and to delimit private from common open space.*

**(D) Pedestrian Improvements**

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

**(E) Parking**

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

**(F) Open Space**

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

- Per Section 4.12, the proposed development must provide a Traffic Impact Analysis that complies with the following standards:

4.12.2 (A) Traffic Impact Analysis (TIA):

- (1) Purposes: the purpose of a TIA will be to:
  - a) Evaluate traffic operations and impacts at site access points under projected traffic loads;
  - b) Evaluate the impact of site-generated traffic on affected intersections in the impact area;
  - c) Evaluate the impact of site-generated traffic on the quality of traffic flow on public streets located in the impact area;
  - d) Evaluate the impact of the proposed development on residential streets in the impact area;
  - e) Ensure that site access and other improvements needed to mitigate the traffic impact of the development meet commonly accepted engineering design standards;
  - f) Ensure that adequate facilities for pedestrians, transit users, and bicyclists, have been provided; and,
  - g) Identify transportation infrastructure needs and related costs created by the development and costs sharing for needed improvements.
- (2) Applicability: a TIA will be required prior to approval of a Preliminary Plat, Architectural Compliance Permit, Zoning Map Amendment, or Conditional Use Permit for development that exceeds the following thresholds in one or more development applications submitted for a parcel or contiguous parcels under common ownership at the time of adoption of this UDO or at the time of the development application:
  - a) The proposed development will generate more than 1,000 average daily trips at full occupancy, according to the most current version of the ITE trip generation informational report or comparable research data approved by the Town Engineer; or,
  - b) The proposed development will concentrate 300 or more trips per day through a single access point.

#### 4.12.4 Preparation

The cost of TIA or TDA preparation shall be the responsibility of the Applicant. The Applicant shall retain the services of a qualified traffic engineer approved by the Town Engineer. A TIA shall be sealed by a licensed professional engineer.

#### 4.12.5 Traffic Level of Service Standards

The standards for traffic service that shall be used to evaluate the findings of a TIA or TDA are:

- (A) Level of Service: Level of Service D (LOS D) or less congested shall be maintained on all arterial and collector street segments and intersections. LOS C or less congested shall be maintained on all other street segments and intersections. For multi-phase developments, the applicable levels of service shall be maintained for each phase. No development shall result in the decline in the level of service of an adjacent street by more than two (2) letters (e.g., a drop from LOS A to LOS D) unless specifically approved by the Town Council.
- (B) Number of Access Points: The spacing of access points shall comply with applicable Town, state and AASHTO standards.
- (C) Internal Circulation: On-site vehicle circulation and parking patterns shall be designed so as not to interfere with the flow of traffic on any public street and shall accommodate all anticipated types of site traffic at projected volumes.

- (D) Safety: Access points shall be designed to provide for adequate sight distance and appropriate facilities to accommodate acceleration and deceleration of site traffic pursuant to Section 4.11.5.
- (E) Curb Space Use Plan: Details shall be provided on curb space use on public streets along the edge of the development site when it is intended that such areas be used for parking, parking space access, delivery and loading zones, passenger zones, bus stops, fire zones and/or other official/emergency zones. This review shall include a description of existing conditions prior to development, and proposed changes resulting from the development, including a description of any loss or gain in curb space use by the activities intended.

#### 4.12.6 Traffic Analysis Contents

- (A) A TIA shall be based on peak hour traffic and shall contain information addressing the factors listed below:
  - (1) Project and Site Description: The analysis shall contain illustrations and narrative that describe the characteristics of the site and adjacent land uses as well as expected development in the Impact area that will influence future traffic conditions. A description of the proposed development including access plans, staging plans and an indication of land use and intensity, shall be provided.
  - (2) Study Area: The analysis shall identify the geographic area under study and identify the roadway segments, critical intersections and access points to be analyzed. The study shall include: all street segments, intersections and driveways on or within 150 feet of the site; all collector or arterial streets and street intersections within one-quarter (1/4) mile of the site; and all arterial streets and intersections that the proposed development is projected generate five (5) percent or more of the peak hour traffic.
  - (3) Existing Traffic Conditions: The analysis shall contain a summary of the data used in the analysis of existing traffic conditions, including:
    - a) Existing demand, including traffic count and turning movement information, including the source of and date when traffic count information was collected;
    - b) Roadway characteristics, including the design configuration of existing roadways, existing traffic control measures (speed limits, traffic Signals, etc.) and existing driveways and turning movement conflicts in the Impact area; and
    - c) The existing LOS for roadways and intersections without project development traffic using methods documented in the Special Report 209: Highway Capacity Manual, published by the Transportation Research Board, or comparable accepted methods of evaluation. LOS shall be calculated for the weekday am and pm peak hours and, in the case of uses generating high levels of weekend traffic, the Saturday or Sunday peak hour as determined by the Town Engineer.
  - (4) Traffic Assignment. The TIA shall identify projected peak hour traffic volumes for applicable roadway segments, intersections and driveways in the study area. Applicable road segments, intersections and driveways and traffic distribution assumptions shall be identified by the Town Engineer prior to completion of the study. Projected trip generation shall be based on latest data from the ITE or other studies approved in writing by the Town Engineer. This section will document all assumptions affecting the direction, volume and mode split of traffic generated by the project.
- (B) Analysis: The analysis shall be based on ten (10) and twenty (20) year projections. The

analysis shall compare existing demand plus projected demand plus proposed demand with planned capacity for the applicable projections.

(C) Mitigation Alternatives: In situations where the LOS standards are projected to be exceeded, the analysis shall evaluate each of the following alternatives for achieving the traffic service standards:

- (1) Identify additional right-of-way and street improvements needed to implement mitigation strategies;
- (2) Identify suggested phasing of development and transportation improvements where needed to maintain compliance with LOS standards;
- (3) Identify the anticipated cost of recommended improvements; and,
- (4) For developments impacting constrained facilities, identify access, pedestrian, transit or other improvements required to mitigate the impacts of the proposed development on the constrained facility.

#### 4.12.7 Process for the Review and Preparation

The following steps provide an outline of the steps to be included in the preparation and review of a Traffic Impact Analysis:

- (A) The applicant shall meet or correspond with the Town Engineer to determine whether a TIA needs to be prepared for a proposed development application, and to identify study issues, assumptions, projections, time periods to be analyzed, analysis procedures, available sources of data, past and related studies, report requirements and other topics relevant to study requirements. NCDOT shall be contacted and coordinated with as appropriate when the TIA includes state or federal highways as points of access for a development.
- (B) Following initial completion of TIA, the report shall be submitted to the Planning Director for distribution to all jurisdictions involved in the construction and maintenance of public roadways serving the development. If direct access is being proposed to a state highway, the applicant shall submit a highway access permit application to NCDOT when submitting the TIA, if not previously submitted.
- (C) Within five (5) business days, the Town Engineer shall complete an initial review to determine the completeness of the analysis and shall provide a written summary to the applicant outlining the need for any supplemental study or analysis to adequately address any deficiencies. A meeting to discuss the contents and findings of the report and the need for additional study may be requested by the applicant. NCDOT approval shall be required for any traffic mitigation involving the state system.
- (D) Within thirty (30) days of submittal of a complete application, the Town Engineer shall prepare a report outlining recommendations that have been developed to address the findings and conclusions included in the analysis regarding the proposed development's access needs and impacts on the transportation system. Depending on the type of application, the recommendations may be presented to the Planning Board and/or Town Council.
- (E) In the case of a TIA or TDA showing deficiencies requiring mitigation within the public right-of-way, negotiations based on the conclusions and finding resulting from the TIA or TDA shall be held with appropriate Town staff. The subsequent development approval or, at the option of the applicant, a Subdivision Improvement Agreement or Development Agreement, shall identify the applicant's and Town's responsibilities for implementing identified mitigation measures.

#### 4.12.8 Findings

If the proposed development will not meet applicable service level standards, the Town Engineer shall recommend denial of the application unless the applicant submits a mitigation plan that, in the opinion of the Town Engineer, addresses the deficiency through one or more of the following actions:

- (A) Reduce the size, scale, scope or density of the development to reduce traffic generation;
- (B) Divide the project into phases and with only one phase at a time being authorized until traffic capacity is adequate for the next phase of development;
- (C) Dedicate right-of-way for street improvements;
- (D) Construct new street improvements;
- (E) Expand the capacity of existing streets and/or intersections;
- (F) Redesign ingress and egress to the project to reduce traffic conflicts;
- (G) Alter the use and type of development to reduce peak hour traffic;
- (H) Reduce background (existing) traffic;
- (I) Eliminate the potential for additional traffic generation from undeveloped properties in the impact area; or,
- (J) Integrate non-vehicular design components (e.g. pedestrian and bicycle paths or transit improvements) to reduce trip generation.

#### **Attachments:**

- Watershed Protection Permit (WP-01-16)
- TOSP Existing & Proposed Sidewalks
- TOSP Right-of-Way Information
- Development Comparisons
- Revised Narrative
- Revised Exhibit A
- Revised Exhibit B
- Revised Exhibit C
- Revised Exhibit D
- Revised Conceptual Plan
- Existing Conditions
- Revised Layout
- Revised Preliminary Plat
- TIA Analysis of US 1 Ramps with Midland Road Corridor Study Improvements
- Revised TIA (Excerpt includes only through Appendix A)
- RLUAC Response
- Written Decision of the Planning Board
- Planning Board Memo and Packet

## **Town Council Actions:**

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

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

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

**Or**

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

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

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

**Or**

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

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

### **I move that:**

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

### **I move to:**

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

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

**Finding of Fact #1**

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

**Or**

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

**Finding of Fact #2**

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

**Or**

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

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

**I move that:**

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

**I move to:**

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

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

Date Received: 3/21/2016

Case: WP- 01-16

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

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

1. Name of Project: US 1 PROPERTY
2. Project Street Address: US 1 IN SOUTHERN PINES
3. PIN # 858217213440, 858217214672 LRK 06039174, 00032830, 00032829
4. Watershed: LITTLE RIVER (INTAKE NO. 2) WS11-BW
5. Type of Commercial Building (i.e. retail, office, etc.): MULTI-FAMILY RESIDENTIAL

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

Name of Petitioner: Christopher Cates Signature:   
Please Print

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

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

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

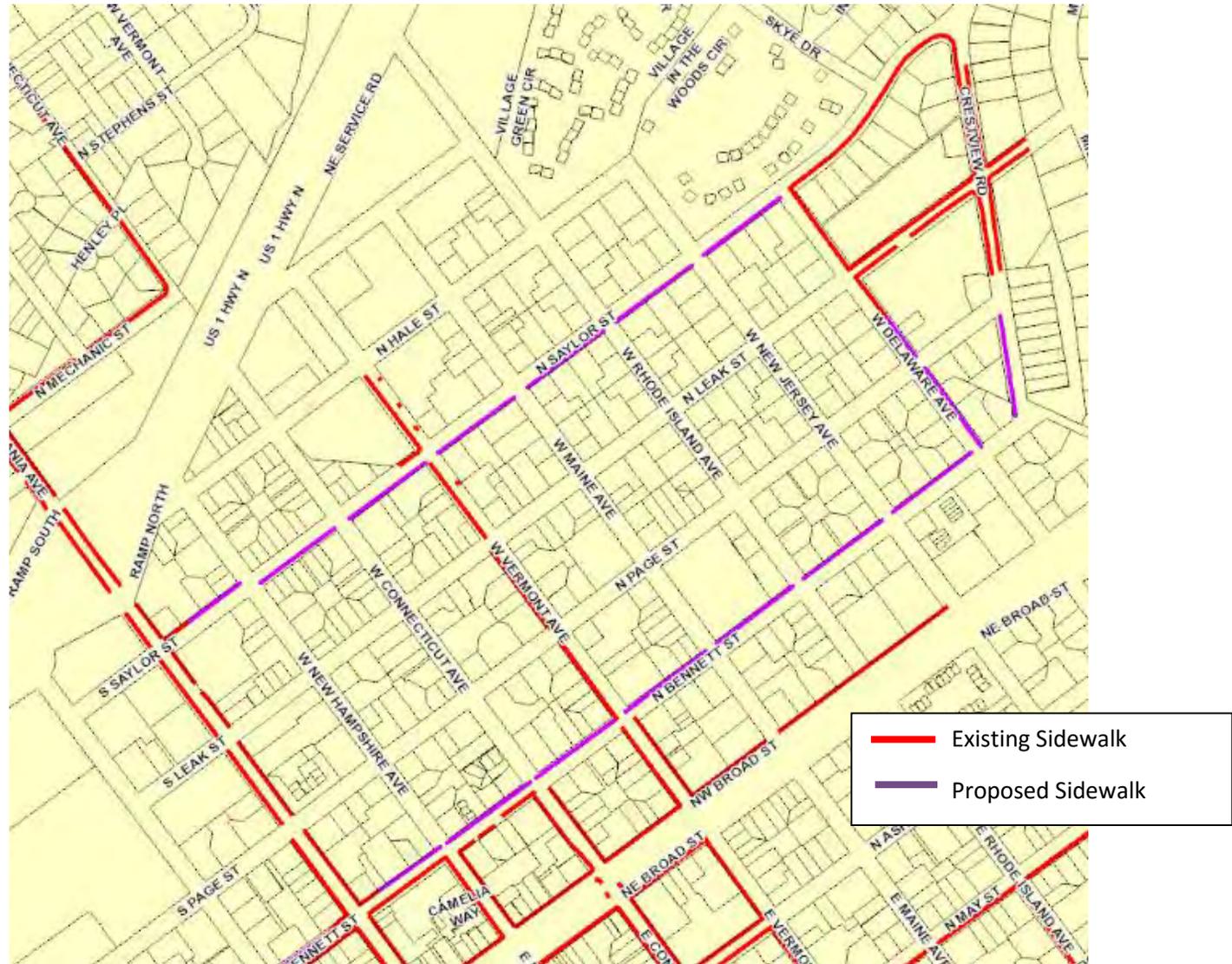
Name of legal owner of Property Owner  
(If different from Petitioner) MLC AUTOMOTIVE, LLC  
Please Print

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

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

Form updated December 13, 2013

## Proposed and Existing Sidewalks



## Right-of-Way Information

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

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

## Development Comparison

Development	Number of Dwelling Units	Deed Acreage	Calculated Acreage	Zoning Classification
Village in the Woods	31	13.021	11.92	RM-2
Village by the Lake	20	5.43	5.47	RM-2
Village on the Green	60	14.54	14.54	RM-2
Knollwood in the Pines	69	10.685	10.692	RM-2
Southern Pines Housing Authority (this area only)	31	5.7532	5.587	RM-2
Tyler's Ridge Apartments	216	33.24	32.61	PD
Legends at Morganton Park	288	18.49	18.46	PD
Tanglewood Apartments	136	18.02	18.352	RM-1
500 N. Bennett Street	20	2.83	2.83	RM-2
Southern Pines Gracious Living Apartments	124	10.16	9.577	OS-CD
Brownstones on Bennett	25	2.86	2.86	CB
US-1 Apartments (proposed under CU-01-16)	288	25.59	25.59	OS & RM-2

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

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

This conditional use permit application proposes 288 multi-family residential units to be developed on the property. The development will meet the development standards for OS and RM-2 district projects as well as supplementary standards for multi-family development established in the Town’s UDO. Adequate parking will be provided on site to meet UDO standards. The main entrance to the site will be provided at the US 1 access location. The existing gravel service road from the US 1 access location will be paved to NCDOT standards and tie back to West Connecticut Avenue. A secondary access location will be provided for emergency services along the service road. This street will be turned over to NCDOT and become a publicly maintained street. Access from US 1 and the public service road will provide the only vehicular access to the site. Pedestrian access gates will be provided at West Rhode Island Avenue and West Maine Avenue to allow residents to connect to the neighborhood street network in order to walk and bike to downtown Southern Pines. Sidewalks to downtown are available along West Vermont Avenue.

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

Design elements for the project are described below.

- **Pedestrian Connectivity**

- Pedestrian connectivity will be provided throughout the community. Pedestrian access gates will be provided at West Rhode Island Avenue and West Maine Avenue to allow residents to connect to the neighborhood street and sidewalk network in order to walk and bike to downtown Southern Pines. The property is five (5) blocks from Broad Street and the West Maine Avenue and West Rhode Island Avenue gates connection are in close proximity to the sidewalk connections at West Vermont Avenue that lead into downtown.



- **Parking Areas**

- o The multi-family residential buildings will have surface parking at a ratio that meets the UDO standards. These standards are as follows from Section 4.5 of the Town’s Udo:

Landuse	Minimum Vehicle Parking Spaces	Minimum Bicycle Parking Spaces
Multi-Family		
0-1 bedrooms	1 space per Dwelling Unit plus 1 space per 5 Dwelling Units for visitors	1 space per 10 Dwelling Unit
2-3 bedrooms	2 spaces per Dwelling Unit plus 1 space per 5 Dwelling Units for visitors	
4 or more bedrooms	2.5 spaces per Dwelling Unit plus 1 space per 5 Dwelling Units for visitors	

- **Streets and Access**

- o The main entrance to the site will be provided at the US 1 access location. The existing gravel service road from the US 1 access location will be paved to NCDOT standards and tie back to West Connecticut Avenue. A secondary access location will be provided for emergency services along the service road. This street will be turned over to NCDOT and become a publicly maintained street. Access from US 1 and the public service road will provide the only vehicular access to the site. The property will be gated at both of these entrances. Appropriate emergency access controls will be provided for the development as required by the Town of Southern Pines Fire Marshal.

- **Landscaping and Fencing**

- o Landscaping will be provided as required by the Town of Southern Pines UDO. Much of the site is currently wooded. Due to the topography of the site, many trees within the property boundary will be removed.
- o Planting buffers and screening will be provided on adjacent property boundaries where necessary and required by the Town’s UDO. Effort will be taken to preserve existing trees in the buffer areas of the project where feasible. This tree save area may count toward planting credit as permitted in the UDO.
- o Fencing will be placed along the entire eastern property boundary of the site.
- o The developer will work with NCDOT to provide streetscape plantings between the service road and US 1 for the project’s length of frontage on US 1. The developer will install and maintain plantings in this area similar to those installed in other areas of the Town of Southern Pines US 1 right-of-way.

- **Open Space**

- o Multi-family residential development is required to have 10% open space. The development will provide approximately 53% open space as indicated on the preliminary plat hatching. This open space will be located in buffer areas, stormwater features, parks and amenity areas throughout the property as indicated on the preliminary plat. The total amount of usable open space included in the amenity areas totals 17.5% of the total open space. This number does not reflect areas with sidewalks and trails that would also be considered usable open space within the community.

- **Buffers/Setbacks**
  - Buffers and setbacks will be provided at a minimum per the requirements of the OS district standards and Highway Corridor Overlay District. All setbacks will be met and in many instances the setbacks for the property exceed the required setback requirements. The standards of the overlay district in Section 3.6.5 of the UDO are significantly greater than those of the standard zoning district and are as follows:
    - All US 1 frontage requires a 75' building setback, 50' parking lot setback and 50' landscape buffer.
    - The overall property from all other residential districts requires a 50' setback.
- **Stormwater**
  - Stormwater management best practices will be applied on the site as necessary and required to control stormwater runoff throughout the project. All stormwater will be handled on site in a series of ponds, basins or other devices.
- **Utility Service**
  - Adequate water and sewer service can be provided by the Town of Southern Pines to service this development. Utilities are currently within close proximity, along the streets and adjacent properties near the proposed site. All utilities on the site will be located underground.
- **Architectural Character**
  - Multi-family residential units will be designed to fit the character of downtown Southern Pines. Design of the project is intended to blend into the surrounding area and add to the surrounding neighborhood. It is also intended that the project will be visually appealing from US Highway 1. Materials are intended to be a mixture of brick and cementitious siding material that will blend with other downtown development.
  - The project will comply with the Town of Southern Pines architectural standards and be reviewed by the architectural review board as required by the UDO.
- **Signage**
  - A single subdivision sign will be placed at the main entrance off of US 1. These signs will indicate the name of the community. Any additional directional or on site signage for parking area, parks or amenities will follow the Town of Southern Pines sign ordinance guidelines for size, materials and height.

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

## EXHIBIT A – revised 6/10/2016

### US Highway 1 Property Conditional Use Permit Justification

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

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

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

The property is currently zoned OS and would permit office and service uses on the property by right as well as multi-family residential development through a conditional use permit. Residential uses are permitted under the OS zoning classification at a density comparable to RM-1 density (10-12 dwelling units per acre). This density would allow for 294 residential units to be developed on the site. Multi-family residential units are permitted at the proposed density are permitted through a Conditional Use Permit for the site. The proposed plan includes 288 total multi-family residential units which complies with the regulations of the zoning district. The proposed development also complies with all supplemental use regulations for multi-family residential units.

- (B) The proposed conditional use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;

All structures will be designed to meet the standards for multi-family development described in Section 4.10.8 Multi-Family Development Standards. Structures will be designed to meet the existing character of the RM-1 zoned properties in the surrounding neighborhood and other homes in the vicinity. Buildings will meet all UDO standards for building height.

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

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

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

## EXHIBIT A – revised 6/10/2016

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

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

Public water and sewer utilities are readily available for the project, the cost of which will be borne by the developer. Parks, open spaces, trails, sidewalks and amenities will be provided by the developer for the residents.

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

This is an infill project along the US 1 corridor in close proximity to downtown Southern Pines. All properties surrounding this property are zoned RM-2 and permit multi-family, townhome and single-family detached development at a density of 5-7 dwelling units per acre. This project will not impede the development of these surrounding properties to meet their full development potential. The higher density of this property and the screening and noise abatement that will be provided by this development from US 1 will be a benefit to the neighborhood and act as a transition area from the US 1 corridor.

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

This residential neighborhood will continue the existing development pattern of the surrounding neighborhood, which is all zoned RM-2 Residential Mixed Housing (5-7 dwelling units per acre). This project meets all standards set forth in the Town's CLRP and UDO pertaining to landuse and density. Based on the standards set forth in these publicly reviewed and approved documents this project will not be detrimental to or endanger the public health, safety, comfort or general welfare of the surrounding neighborhood or downtown Southern Pines. The development incorporates many of the goals of the CLRP.

Traffic volumes will not endanger the residents of the Town of Southern Pines as all vehicular access will be provided to the site via US 1 and not connect to the surrounding neighborhoods. Low traffic volumes on local Town streets will not create any adverse impact on existing neighborhoods or streets.

Project buffers will be provided around the entirety of the property and planted to the Town of Southern Pines standards and requirements. These buffers, due to the projects location within the Highway Corridor Overlay District are significantly increased. This allows for additional screening and setbacks far beyond those required in the adjoining RM-2 Mixed Housing (5-7 dwelling units per acre) zoned properties. These standards protect adjoining property owners from any detrimental impacts.

- (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 proposed use and project density have already been established in both the Town of Southern Pines CLRP adopted on March 8, 2016 and incorporated in the Town of Southern Pines UDO under the OS zoning district classification. This proposal does not seek to deviate from the permitted density or uses prescribed in these documents. These documents were developed as a result of many hours of public input, hours of staff review and hours of Town Council deliberation in order to protect the public interest and welfare of the community.

This project incorporates many goals and objectives of the CLRP and establishes a development pattern that is consistent with these planning and guiding documents. All properties surrounding this development are zoned for multi-family development based on the CLRP and UDO. This proposed multi-family

## EXHIBIT A – revised 6/10/2016

development is consistent with these zoning classifications and shall serve as a buffer between these multi-family zoned parcels and US 1. The development pattern also meets the landuse goals defined by the CLRP as it is an infill project and makes efficient use of the towns existing infrastructure and remaining high density watershed allocation to encourage housing diversity throughout Southern Pines. This housing diversity and efficient use of land will be needed to meet the demands of projected growth of Southern Pines and the surrounding area.

Of the potential uses permitted by the CLRP and the UDO for this parcel, multi-family development is significantly less intense than most others. Other by-right uses for this zoning district use more acreage, provide less open space and generate more traffic than the proposed multi-family use and density. All access to this property will be provided via US 1 and the associated service road which will limit traffic impacts and bypass the surrounding neighborhood to the greatest extent possible.

Any connecting utility and roadway infrastructure, including the paving of the NCDOT service road will be provided for the development and the cost borne by the developer.

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

## EXHIBIT B – revised 6/10/2016

### US Highway 1 Property Major Subdivision Justification

Below are listed the six (6) criteria required to approve a Major Subdivision application as described in Section 2.20.5 (G) Criteria of the Town of Southern Pines UDO. Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

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

Not Applicable.

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

This project incorporates many of the goals and objectives of the CLRP and establishes a development pattern that is consistent with the surrounding neighborhood and downtown Southern Pines. All standards set forth in the UDO and supplemental multi-family standards are also met with the proposed multi-family development. The development pattern is compatible with the surrounding area and zoning classifications. The project also meets the landuse goals defined by the CLRP and is in harmony with the surrounding neighborhood. The project is an infill community and efficiently utilizes a property in close proximity to downtown Southern Pines to promote multiple methods of transportation, including vehicular, pedestrian and bicycle transportation. Based on the location and density of the project it fully meets goal P-C.01 as stated in the CLRP. The project favors higher-density development within the urbanized area over development on the perimeter, limiting sprawl and helping the Town provide affordable services. The project Further explanation of consistency is offered in Exhibit C for CLRP consistency.

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

This major subdivision plan complies with the UDO based on the requests for a Conditional Use Permit (CUP). The project falls below the maximum number of residential units permitted on the property based on the underlying zoning categories. The request also complies with all applicable Town of Southern Pines, state and federal regulations. The project is in compliance with all sections of the UDO related to CUP's, major subdivisions, multi-family development, density, setbacks, buffers, highway corridor overlays, parking and any other standards. No waivers or exceptions to the UDO are being requested.

(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 development's density, landuse and proposed plan are consistent with all standards set forth in the UDO and all zoning documents of Southern Pines. Based on the densities and zoning classifications of all surrounding properties and the site's proximity to US 1, the proposed development is compatible and consistent with the surrounding neighborhood. Current zoning for the overall property falls within the OS and RM-2 districts. OS districts permit office and service uses as well as residential/multi-family at a density of 10-12 dwelling units an acre. RM-2 districts permit single-family and multi-family residences at a density of 5-7 dwelling units per acre. The surrounding neighborhood is a residential neighborhood zoned as RM-2 (Residential Mixed Housing) and includes several higher density and attached residential units.

All vehicular access to the property will be accommodated on the state maintained service road adjacent to US 1. This service road connects directly to West Connecticut Avenue and ties to the Southern Pines grid at this location to provide direct access for the residents to downtown Southern Pines. Pedestrian and bicycle gates will be provided through property fencing to connect to West Maine Avenue and West Rhode Island Avenue to promote alternate modes of transportation to downtown.

## EXHIBIT B – revised 6/10/2016

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

This proposed subdivision is compatible with the adjacent properties. The proposed density, landuse and proposed plan are consistent with all standards set forth in the UDO and all zoning documents of Southern Pines. Based on the densities and zoning classifications of all surrounding properties and the site's proximity to US 1, the proposed development is compatible and consistent with the surrounding neighborhood. Current zoning for the overall property falls within the OS and RM-2 districts. OS districts permit office and service uses as well as residential/multi-family at a density of 10-12 dwelling units an acre. RM-2 districts permit single-family and multi-family residences at a density of 5-7 dwelling units per acre. The surrounding neighborhood is a residential neighborhood zoned as RM-2 (Residential Mixed Housing) and includes several higher density and attached residential units.

All vehicular access to the property will be accommodated on the state maintained service road adjacent to US 1. This service road connects directly to West Connecticut Avenue and ties to the Southern Pines grid at this location to provide direct access for the residents to downtown Southern Pines. Traffic access will limit to the greatest extent possible vehicles entering into the surrounding neighborhoods. Pedestrian and bicycle gates will be provided through property fencing to connect to West Maine Avenue and West Rhode Island Avenue to promote alternate modes of transportation to downtown.

(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. All costs associated with the extension of these utilities will be borne by the developer. Upon completion and acceptance by the Town of Southern Pines all utility improvements will be dedicated to the Town of Southern Pines.

All vehicular access to the property will be accommodated on the state maintained service road adjacent to US 1. This service road connects directly to West Connecticut Avenue and ties to the Southern Pines grid at t and ties to the Southern Pines grid at this location to provide direct access for the residents to downtown Southern Pines. All costs of the required improvements to the service road will be borne by the developer and dedicated to NCDOT upon completion and acceptance of the roadway.

All entrances and parking areas within the development will be gated and private. Parks, open spaces, trails, sidewalks and other amenities will be provided by the developer for the residents of the community.

## EXHIBIT C – revised 6/10/2016

### Compliance with Comprehensive Long Range Plan Objectives

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

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

The project's architecture, site design and neighborhood character fits into the surrounding neighborhood and is intended to blend in to the Southern Pines vernacular. Elements of building design and scale will be comparable with recently-completed regional projects. All vehicular access will be directed away from the existing neighborhood and toward publicly maintained roadways while pedestrian and bicycle travel will be encouraged throughout the neighborhood and connect to adjoining Town of Southern Pines streets.

The scale of the buildings will be diminished due to site conditions. A large cut, +/- 20' will be required to place buildings on the site. This cut, coupled with the Town of Southern Pines planting and buffering standards and the sites location within the Highway Corridor Overlay District will create a condition that will screen and buffer the project from adjoining property owners.

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

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

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

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

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

The project will provide for its residents, parks and amenities including open play areas, pool and clubhouse area, shade structure, pocket parks and dog park area as well as internal trails and sidewalks. This reduces the need for the Town of Southern Pines to provide amenities for the residents of this develop. All costs associated with the construction of these amenities will be borne by the developer.

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

## EXHIBIT C – revised 6/10/2016

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

The development pattern also meets the landuse goals defined in this section of the CLRP as it makes efficient use of the town's remaining high density watershed allocation to encourage housing diversity throughout Southern Pines. This housing diversity and efficient use of land will be needed to meet the demands of projected growth of Southern Pines and the surrounding area.

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

The property provides an interconnected street network within the property and a street connection to US Highway 1 and the service road. The service road connects to West Connecticut Avenue and makes a full vehicular connection to downtown Southern Pines. Sidewalks will be added throughout the development to connect all internal amenities and encourage walking within the community. Pedestrian and bicycle gates located on the eastern property boundary will connect residents with the Town of Southern Pines street grid and promote biking and walking to downtown Southern Pines. This will help facilitate pedestrian and bicycle travel connecting to downtown.

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

The project's proximity to Downtown Southern Pines encourages walking and biking on the property. Internal sidewalk connections throughout the development encourage residents to walk and bike to amenity areas located throughout the site. Pedestrian and bicycle gates located on the eastern property boundary will connect residents with the Town of Southern Pines street grid and promote biking and walking to downtown Southern Pines.

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

The project's proximity to Downtown Southern Pines encourages walking and biking on the property. Internal sidewalk connections throughout the development encourage residents to walk and bike to amenity areas located throughout the site. Pedestrian and bicycle gates located on the eastern property boundary will connect residents with the Town of Southern Pines street grid and promote biking and walking to downtown Southern Pines.

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

It is intended that the development will maintain plants when appropriate and utilize native plants in all areas of the development. Use of native plants will be consistent with the surrounding neighborhood character and promote a project that looks like Southern Pines. Native plant utilization also reduces the

## EXHIBIT C – revised 6/10/2016

amount of maintenance, pruning and irrigation that these plants need for survival. Native plants are more adapted to the local environment and are conditioned to meet the local environmental conditions including drought tolerance, pests and diseases.

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

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

## EXHIBIT D – revised 6/10/2016

### US Highway 1 Property Multifamily Development Standards

Below are listed the six (6) multi-family development standards and their subsections from Section 4.10.8 of the Town of Southern Pines UDO. Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

#### (A) Applicability

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

(2) No Multi-Family Development may include more than ten (10) Dwelling Units, except pursuant to a Planned Development or Conditional Use Permit approval. **This property is seeking a Conditional Use Permit as permitted by the UDO in the OS zoning district.**

(3) The Development standards in this section may be modified pursuant to a PD or Conditional Use Permit approval. **The proposed Conditional Use Permit follows these development standards to the greatest extent possible. Any variations are listed below and permitted as part of the Conditional Use Permit.**

(4) In the RM-1 and RM-2 districts, no Multi-Family Residence may be located within two hundred (200) feet of the closest point of any other Multi-Family Residence, unless both structures are part of an integrated complex that includes no more than ten (10) Dwelling Units. **One building is located in the RM-2 zoning district. This building is in excess of 200' from the closest multi-family building. All other buildings within the community are included in the OS district which is not governed by this standard.**

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

(1) Buildings shall be set back a minimum of ten (10) feet and a maximum of fifteen (15) feet from sidewalks public walkways or street right-of-way. Setbacks may be greater than fifteen (15) feet if the intervening distance consists of common open space. **All multi-family buildings on the property meet this standard. The clubhouse building is setback beyond 15' to allow for additional landscaping area in front of the building.**

(2) The minimum spacing between the sides of Multi-Family Residential structures shall be twenty (20) feet. **All buildings exceed 20' in separation.**

(3) Where practical, Dwellings should be located to face each other across common landscaped space with buildings no closer than (30) feet. **Due to the narrow shape of this site, buildings have been placed in a linear fashion for most of the site. Where possible, buildings were across from each other. Most buildings backup to landscape areas and planted buffers. Where possible planted landscape islands have been provided to break up parking areas and add trees/landscaping.**

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

(1) Include variations in heights, color, setback, rooflines, trim, and building sizes to create visual diversity between structures; **Proposed architecture will meet these specifications.**

(2) Group buildings in clusters; **Due to the narrow shape of this site buildings are dispersed in a more linear fashion. Buildings are grouped closely together in an effort to share parking and provide additional open space throughout the site.**

(3) Articulate façades by including projections of at least five (5) feet at least once every fifty (50) feet along the façade, **Proposed architecture will meet these specifications.**

(4) Locate windows to provide easy surveillance of open spaces and walkways, without placing such windows within direct alignment with windows of adjacent structures; **Windows are located on all facades of the building and near walkways in order to allow for surveillance.**

## EXHIBIT D – revised 6/10/2016

(5) Units above grade level should have access to private balconies of usable dimensions no smaller than ten (10) feet by six (6) feet; **Proposed architecture will meet these specifications.**

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

(7) Design entrances to.

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

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

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

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

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

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

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

### (D) Pedestrian Improvements

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

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

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

### (E) Parking

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

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

## EXHIBIT D – revised 6/10/2016

### (F) Open Space

- (1) Common usable open space shall comprise ten (10) percent of the total project area. The project has in excess of 50% open space and 17.5% of this open space is usable open space included in the amenity areas as indicated on the preliminary plat included in the submission documents.
- (2) Open spaces shall be configured so that the ratio of building height to open space width is in the range of 1:3 or greater. Ratios as tight as 1:2 may be approved if landscaping effectively screens buildings from each other. The open space areas meet these standards.
- (3) Common open space shall be configured in square or nearly square areas with sides of at least one hundred (100) feet. Common open space and amenity areas are not configured as square areas as the topography and narrow site area prohibit this configuration. Open space areas are configured to fit the land, work with the topography and work within the plan structure to provide recreation opportunities for the residents of the community. The larger recreation/amenity areas exceed 100 feet on all sides.
- (4) To the greatest extent practicable, Dwelling Units shall have access to common open space without having to cross a street. No public streets are provided within the development.
- (5) Play Areas
  - (a) Play areas for young children should be physically separated from potential traffic hazards. The play area is located at the end of the property in a park area. This will allow for children's safety and separate children from vehicular traffic. The sidewalk system throughout the project will connect to this park area.
  - (b) Provide a variety of hard-surfaces areas in the form pathways that are least five (5) feet wide and small areas off the circulation system for various children's activities. The play area will provide these items.
  - (6) For Developments with more than twenty (20) Dwellings, provide on-site; well-equipped and challenging play areas for school age children within a five (5) minute walk from each Dwelling Unit. A play area will be provided as described above. Due to the linear nature and topography of this site, a flat area located outside of the main vehicular circulation pattern was identified for the playground. This area also has several large trees that will be maintained to create a shaded play area. Access to this area may exceed 5 minutes from the northernmost building. The clubhouse and pool area, however, are within five minutes' walk of all units. Children of all ages will be permitted to utilize these areas as well as the park area.
    - (a) Provide places for school age children to sit. Benches and sitting areas will be provided for children and adults.
    - (b) Where possible include a space for ball games on site (minimum 80 feet x 40 feet). Due to the topography and narrow site a flat area of this size will not be provided. However, the pool and clubhouse will provide a fitness room, theater room, game room and other amenities open to children. This properties proximity to downtown Southern Pines open spaces and parks will permit residents to have ball games if desired.
- (7) Provide retaining walls that can also be used for casual seating. Retaining walls or site furniture will be used to provide casual seating.
- (8) Where cluster Dwellings are included in a project, ensure some uniqueness for each cluster. Vary the design (size, dimensions, grading, planting, site furniture and play equipment) of the common open spaces of each cluster. This does not apply to this site.
- (9) The number of Dwelling Units grouped around common and open space should range between twenty (20) to one hundred (100) Several units are grouped within close proximity of the clubhouse and pool area.

# Revised Conceptual Plan









July 7, 2016

Travis Morgan, PE  
902 N Sandhills Blvd  
PO Box 1067  
Aberdeen, NC 28315



DocuSigned by:  
*Richard Childs Adams*  
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7/7/2016

**RE: *Midland Road at US 1 Northbound Ramps Analysis for the US 1 Residential Development in Southern Pines, NC***

This letter report is intended to provide further detail related to the projected Level-of-Service of the intersection of Midland Road at US 1 Northbound Ramps in Southern Pines, NC as it pertains to the Town's UDO, as well as provide an analysis of how the intersection is projected to operate with the recommended Midland Road Corridor Study improvements in place.

**Southern Pines Unified Development Ordinance (UDO)**

The Town's UDO Section 4.12.5 (A) states that: *"Level of Service D (LOS D) or less congested shall be maintained on all arterial and collector street segments and intersections. LOS C or less congested shall be maintained on all other street segments and intersections."*

The *US 1 Residential Development TIA* lists LOS and delay by approach at each intersection. At unsignalized intersections, LOS and delay is not typically reported for the intersection as a whole because mainline movements are operating in free-flow and as such do not experience delay. To address the Town's UDO see Table 1 attached, which provides overall intersection delay and LOS in all scenarios.

While the northbound approach at the intersection of Midland Road at US 1 Northbound Ramps is projected to operate at LOS F in the AM and PM peak hours in the 2026 background and build-out conditions, the overall intersection is projected to operate at LOS C in both conditions, meeting the UDO standard noted above.

The overall delay for each intersection studied as part of the *US 1 Residential Development TIA* is included in SimTraffic print-outs contained in the TIA's Appendix.

Level of Service is typically not reported for street segments, but, based on projected volumes, all street segments in the study area are expected to operate at LOS C or better based on commonly accepted LOS thresholds.

## Analysis of Midland Road Corridor Study Improvements

Per your request, Kimley-Horn has analyzed the intersection of Midland Road at US 1 Northbound Ramps with the improvements recommended in the Midland Road Corridor Study in place. We understand that NCDOT has identified safety funding to construct these and related improvements on Midland Road.

The recommended improvements at this intersection include the following:

- Convert intersection to directional crossovers
- Re-sign US 1 Northbound off-ramps: first ramp east to Southern Pines, second ramp west to Pinehurst

The recommended improvements convert the northbound left-turn movements from the US 1 Northbound Off-Ramps into right-turn movements, which significantly reduces the delay at each approach. As shown on Table 1, with the recommended improvements in place in the year 2026, the overall intersection and all approaches are projected to operate at LOS A. The Synchro and SimTraffic outputs for the analysis with these improvements are attached.

Please let me know if you have any questions or require any further information regarding this analysis. We are pleased to have the opportunity to work with you on this project.

Sincerely,



Richard C. Adams, PE

Vice President

Cc: Chris Kennedy and Brent Lockamy (Town of Southern Pines)

Attachments (3):

- Midland Road at US 1 Northbound Ramps Level-of-Service Summary Table
- Synchro Outputs
- SimTraffic Outputs

<b>Table 1: Midland Road at US 1 Northbound Ramps Level-of-Service Summary</b>		
<b>Condition</b>	<b>AM Peak Hour LOS (Delay)</b>	<b>PM Peak Hour LOS (Delay)</b>
<b>Midland Road at US 1 Northbound Ramps</b>		
Existing (2016) Traffic	NB – D (31.0) SB – A (6.4) OVERALL INT. – A (7.0)	NB – E (35.4) SB – A (8.4) OVERALL INT. – A (8.0)
Future (2026) Background Traffic	NB – F (67.1) SB – A (9.4) OVERALL INT. – B (12.4)	NB – F (117.4) SB – A (7.8) OVERALL INT. – C (19.1)
Future (2026) Build-out Traffic	NB – F (93.4) SB – B (12.8) OVERALL INT. – C (17.3)	NB – F (136.2) SB – B (14.9) OVERALL INT. – C (22.7)
<b>Midland Road at US 1 Northbound Ramps (w/ Midland Road Improvements)</b>		
Future (2026) Build-out Traffic	NB – A (3.4) SB – A (4.9) OVERALL INT. – A (2.9)	NB – A (3.0) SB – A (4.3) OVERALL INT. – A (3.5)

US 1 Residential Development Revised TIA 2026 Build AM - with Midland Road Improvements  
 1: US 1 NB Ramp & Midland Road 7/7/2016

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	268	333	4	4	303	27	0	0	15	0	0	352
Future Volume (vph)	268	333	4	4	303	27	0	0	15	0	0	352
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Satd. Flow (prot)	1687	1824	0	1805	1827	0	0	0	1429	0	0	1565
Flt Permitted	0.950			0.950								
Satd. Flow (perm)	1687	1824	0	1805	1827	0	0	0	1429	0	0	1565
Link Speed (mph)		45			45			35				35
Link Distance (ft)		880			355			313				424
Travel Time (s)		13.3			5.4			6.1				8.3
Peak Hour Factor	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87
Heavy Vehicles (%)	7%	4%	0%	0%	3%	0%	2%	0%	15%	0%	0%	5%
Shared Lane Traffic (%)												
Lane Group Flow (vph)	308	388	0	5	379	0	0	0	17	0	0	405
Sign Control		Free			Free			Stop				Stop
<b>Intersection Summary</b>												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	46.0%					ICU Level of Service A						
Analysis Period (min)	15											

US 1 Residential Development Revised TIA 2026 Build AM - with Midland Road Improvements  
 1: US 1 NB Ramp & Midland Road 7/7/2016

Intersection												
Int Delay, s/veh	6.9											

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Traffic Vol, veh/h	268	333	4	4	303	27	0	0	15	0	0	352
Future Vol, veh/h	268	333	4	4	303	27	0	0	15	0	0	352
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None									
Storage Length	0	-	-	0	-	-	-	-	0	-	-	0
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	87	87	87	87	87	87	87	87	87	87	87	87
Heavy Vehicles, %	7	4	0	0	3	0	2	0	15	0	0	5
Mvmt Flow	308	383	5	5	348	31	0	0	17	0	0	405

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	379	0	0	387	0	0	1374	1390	385	1374	1376	364
Stage 1	-	-	-	-	-	-	1001	1001	-	373	373	-
Stage 2	-	-	-	-	-	-	373	389	-	1001	1003	-
Critical Hdwy	4.17	-	-	4.1	-	-	7.12	6.5	6.35	7.1	6.5	6.25
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.5	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.5	-	6.1	5.5	-
Follow-up Hdwy	2.263	-	-	2.2	-	-	3.518	4	3.435	3.5	4	3.345
Pot Cap-1 Maneuver	1153	-	-	1183	-	-	123	144	635	124	146	674
Stage 1	-	-	-	-	-	-	293	323	-	652	622	-
Stage 2	-	-	-	-	-	-	648	612	-	295	322	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1153	-	-	1183	-	-	39	105	635	95	107	674
Mov Cap-2 Maneuver	-	-	-	-	-	-	39	105	-	95	107	-
Stage 1	-	-	-	-	-	-	215	237	-	478	619	-
Stage 2	-	-	-	-	-	-	258	609	-	210	236	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	4.1	0.1	10.8	18
HCM LOS			B	C

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	635	1153	-	-	1183	-	-	674
HCM Lane V/C Ratio	0.027	0.267	-	-	0.004	-	-	0.6
HCM Control Delay (s)	10.8	9.3	-	-	8.1	-	-	18
HCM Lane LOS	B	A	-	-	A	-	-	C
HCM 95th %tile Q(veh)	0.1	1.1	-	-	0	-	-	4

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Lane Configurations												
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Future Volume (vph)	349	292	4	4	317	42	0	0	21	0	0	286
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
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Flt Permitted	0.950			0.950								
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Heavy Vehicles (%)	7%	4%	0%	0%	3%	0%	2%	0%	15%	0%	0%	5%
Shared Lane Traffic (%)												
Lane Group Flow (vph)	401	341	0	5	412	0	0	0	24	0	0	329
Sign Control		Free			Free			Stop				Stop
<b>Intersection Summary</b>												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	45.2%					ICU Level of Service A						
Analysis Period (min)	15											

US 1 Residential Development Revised TIA 2026 Build PM - with Midland Road Improvements  
 1: US 1 NB Ramp & Midland Road 7/7/2016

<b>Intersection</b>												
Int Delay, s/veh	6.3											

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Traffic Vol, veh/h	349	292	4	4	317	42	0	0	21	0	0	286
Future Vol, veh/h	349	292	4	4	317	42	0	0	21	0	0	286
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None									
Storage Length	0	-	-	0	-	-	-	-	0	-	-	0
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	87	87	87	87	87	87	87	87	87	87	87	87
Heavy Vehicles, %	7	4	0	0	3	0	2	0	15	0	0	5
Mvmt Flow	401	336	5	5	364	48	0	0	24	0	0	329

Major/Minor	Major1	Major2	Minor1	Minor2								
Conflicting Flow All	413	0	0	340	0	0	1538	1562	338	1538	1541	389
Stage 1	-	-	-	-	-	-	1140	1140	-	398	398	-
Stage 2	-	-	-	-	-	-	398	422	-	1140	1143	-
Critical Hdwy	4.17	-	-	4.1	-	-	7.12	6.5	6.35	7.1	6.5	6.25
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.5	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.5	-	6.1	5.5	-
Follow-up Hdwy	2.263	-	-	2.2	-	-	3.518	4	3.435	3.5	4	3.345
Pot Cap-1 Maneuver	1119	-	-	1230	-	-	94	113	675	95	116	653
Stage 1	-	-	-	-	-	-	244	278	-	632	606	-
Stage 2	-	-	-	-	-	-	628	592	-	247	277	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1119	-	-	1230	-	-	34	72	675	66	74	653
Mov Cap-2 Maneuver	-	-	-	-	-	-	34	72	-	66	74	-
Stage 1	-	-	-	-	-	-	157	178	-	406	604	-
Stage 2	-	-	-	-	-	-	311	590	-	153	178	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	5.4	0.1	10.5	16
HCM LOS			B	C

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	675	1119	-	-	1230	-	-	653
HCM Lane V/C Ratio	0.036	0.358	-	-	0.004	-	-	0.503
HCM Control Delay (s)	10.5	10	-	-	7.9	-	-	16
HCM Lane LOS	B	B	-	-	A	-	-	C
HCM 95th %tile Q(veh)	0.1	1.6	-	-	0	-	-	2.8

1: US 1 NB Ramp & Midland Road Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBR	SBR	All
Denied Del/Veh (s)	0.2	0.3	0.2	0.0	0.0	0.0	0.0	0.4	0.2
Total Del/Veh (s)	5.4	0.9	0.3	1.7	0.9	0.2	3.4	4.9	2.9

Queuing and Blocking Report  
 2026 Build AM - with Midland Road Improvements

7/7/2016

Intersection: 1: US 1 NB Ramp & Midland Road

Movement	EB	WB	WB	NB	SB
Directions Served	L	L	TR	R	R
Maximum Queue (ft)	133	10	12	45	101
Average Queue (ft)	43	0	1	8	56
95th Queue (ft)	94	5	7	28	86
Link Distance (ft)	840	298	298	240	377
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)					
Storage Blk Time (%)					
Queuing Penalty (veh)					

1: US 1 NB Ramp & Midland Road Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBR	SBR	All
Denied Del/Veh (s)	0.3	0.3	0.2	0.0	0.0	0.0	0.0	0.3	0.2
Total Del/Veh (s)	7.2	0.9	0.2	1.5	1.3	0.3	3.0	4.3	3.5

Queuing and Blocking Report  
 2026 Build PM - with Midland Road Improvements

7/7/2016

Intersection: 1: US 1 NB Ramp & Midland Road

Movement	EB	WB	WB	NB	SB
Directions Served	L	L	TR	R	R
Maximum Queue (ft)	184	10	28	53	102
Average Queue (ft)	64	1	2	13	53
95th Queue (ft)	131	7	13	39	84
Link Distance (ft)	840	298	298	240	377
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)					
Storage Blk Time (%)					
Queuing Penalty (veh)					

*Revised Traffic Impact Analysis*

# US 1 Residential Development Southern Pines, NC

Prepared for:

Caviness and Cates Building and Development Co.

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

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

**Prepared By:  
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**June 2016**



Designed by:  
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6/14/2016

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**Executive Summary**

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

This site was originally studied as a part of the *US 1 Residential Development TIA*, completed by Kimley-Horn in April 2016. After the completion of the original study, the site plan was revised to address some public concerns regarding the proposed site access points. As a result, a revised analysis which reflects the new site access points was completed and is summarized herein.

This report presents trip generation, distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands. The traffic conditions studied include the existing (2016), future (2026) background, and future (2026) build-out. While the Town’s TIA guidelines reference both 10- and 20-year projections, with the short buildout timeline expected for this project, a 10-year projection time horizon was agreed upon as a part of the scoping of this study and is consistent with the original *US 1 Residential Development TIA*. The weekday AM and PM peak hours were studied.

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

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

There is an ongoing discussion regarding the US 1 Service Road and whether its existing access to the US 1 Northbound Off-Ramp will remain open in the future. The new site plan proposes to sever access to the US 1 Service Road just north of Proposed Site Driveway #1. From discussions with the North Carolina Department of Transportation (NCDOT), it is understood that the US 1 Service Road connection at the US 1 Northbound Off-Ramp will remain open for the time being. Therefore, for the purposes of these analyses, all study intersections were evaluated under the assumption of severing the US 1 Service Road north of

the primary site access and keeping access between the US 1 Service Road and the US 1 Northbound Off-Ramp open.

Analysis indicates that all intersections in the study area are expected to operate acceptably with the proposed development in place with the exception of Midland Road at US 1 Northbound Off-Ramps. The northbound approach (US 1 Northbound Off-Ramp) at this unsignalized intersection is expected to operate with long delays in the year 2026 with or without the proposed development in place. Site traffic is expected to account for less than 5% of the total traffic at this intersection in the AM and PM peak hours. Analysis results are summarized in Table ES-2. The delay reported for the intersections in the study area, all of which are unsignalized, was determined using an average of five SimTraffic simulation runs. Intersections with approaches that have a reported delay greater than 50 seconds are considered to operate at LOS F. These approaches are noted in the summary table below with red text.

<b>Table ES-2 Level-of-Service Summary</b>		
<b>Condition</b>	<b>AM Peak Hour LOS (Delay)</b>	<b>PM Peak Hour LOS (Delay)</b>
<b>Midland Road at US 1 Northbound Ramps</b>		
Existing (2016) Traffic	NB – D (31.0) SB – A (6.4)	NB – E (35.4) SB – A (8.4)
Future (2026) Background Traffic	NB – F (67.1) SB – A (9.4)	NB – F (117.4) SB – A (7.8)
Future (2026) Build-out Traffic	NB – F (93.4) SB – B (12.8)	NB – F (136.2) SB – B (14.9)
<b>Midland Road at Crestview Road</b>		
Existing (2016) Traffic	NB – A (9.8)	NB – A (9.4)
Future (2026) Background Traffic	NB – A (9.3)	NB – B (12.2)
Future (2026) Build-out Traffic	NB – B (10.4)	NB – B (12.1)
<b>N Saylor Street at Crestview Road</b>		
Existing (2016) Traffic	NB – A (3.2)	NB – A (2.4)
Future (2026) Background Traffic	NB – A (2.8)	NB – A (2.9)
Future (2026) Build-out Traffic	NB – A (2.8)	NB – A (2.7)

<b>Table ES-2 (cont.) Level-of-Service Summary</b>		
<b>Condition</b>	<b>AM Peak Hour LOS (Delay)</b>	<b>PM Peak Hour LOS (Delay)</b>
<b>N Saylor Street at W Rhode Island Avenue</b>		
Existing (2016) Traffic	EB - A (3.7) WB - A (4.9)	EB - A (3.8) WB - A (4.3)
Future (2026) Background Traffic	EB - A (3.8) WB - A (4.3)	EB - A (3.9) WB - A (4.3)
Future (2026) Build-out Traffic	EB - A (3.8) WB - A (3.8)	EB - A (4.1) WB - A (4.4)
<b>N Saylor Street at Vermont Avenue</b>		
Existing (2016) Traffic	EB - A (3.7) WB - A (4.0)	EB - A (4.1) WB - A (4.4)
Future (2026) Background Traffic	EB - A (3.9) WB - A (4.1)	EB - A (4.0) WB - A (3.8)
Future (2026) Build-out Traffic	EB - A (3.7) WB - A (4.2)	EB - A (3.9) WB - A (3.9)
<b>N Saylor Street at W Pennsylvania Avenue</b>		
Existing (2016) Traffic	NB - A (8.6) SB - A (5.2)	NB - A (8.6) SB - A (6.3)
Future (2026) Background Traffic	NB - A (10.0) SB - A (5.7)	NB - B (10.1) SB - A (9.2)
Future (2026) Build-out Traffic	NB - B (12.6) SB - A (9.7)	NB - B (11.0) SB - B (10.7)
<b>US 1 Northbound at US 1 Northbound Service Road Access / Proposed Site Driveway #1</b>		
Existing (2016) Traffic	WB - A (1.2)	WB - A (3.4)
Future (2026) Background Traffic	WB - A (3.1)	WB - A (4.7)
Future (2026) Build-out Traffic	WB - A (5.6)	WB - A (7.0)
<b>US 1 Northbound Service Road at US 1 Northbound Service Road Access / Proposed Site Driveway #1</b>		
Existing (2016) Traffic	EB - A (2.5)	EB - A (2.7)
Future (2026) Background Traffic	EB - A (2.5)	EB - A (2.4)
Future (2026) Build-out Traffic	WB - A (1.2) NB - A (3.0)	WB - A (1.3) NB - A (2.9)
<b>US 1 Northbound Service Road at Proposed Site Driveway #2</b>		
Future (2026) Build-out Traffic	WB - A (4.1)	WB - A (3.8)

ES-3



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

*US 1 Northbound Service Road*

- Pave from Site Driveway #1 to existing pavement at W Connecticut Avenue

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

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

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

- Operate the eastbound and westbound approaches (US 1 Northbound Service Road Access/Proposed Site Driveway #1) as free-flow movements so that vehicles will not queue back onto mainline US 1 when attempting to enter the proposed site. This will require that the northbound movement at this intersection be under STOP control.
- Sever access to the US 1 Northbound Service Road north of this intersection. As a result, this will become a 3-leg intersection with northbound, eastbound, and westbound movements only.

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

- Pave and stripe the northbound approach on the US 1 Northbound Service Road as a shared through/right-turn lane
- Pave and stripe the southbound approach on the US 1 Northbound Service Road as a shared through/left-turn lane

Analysis indicates that the unsignalized intersection of Midland Road at US 1 Northbound Ramps is projected to operate with long delays in the AM and PM peak hours for the northbound minor street approach (US 1 Northbound Off Ramps) in the year 2026 for the background and build-out conditions. Site traffic is expected to account for less than 5% of the total traffic at this intersection in the 2026 AM and PM peak hours. Given the low impact of this project, there are no recommendations for mitigation at this intersection.

It is typical for stop sign controlled side streets and driveways intersecting major streets to experience long delays during peak hours, while the majority of the traffic moving through the intersection on the major street experiences little or no delay. A traffic signal would mitigate side street delay, but this intersection is not expected to meet 8-hour signal warrants with development of this project. Another mitigating factor is that no shift of traffic to the US 1 Northbound Loop Ramp was assumed as part of this analysis, but some traffic is likely to make this shift if the US 1 Northbound Off-Ramp is experiencing long delays.

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

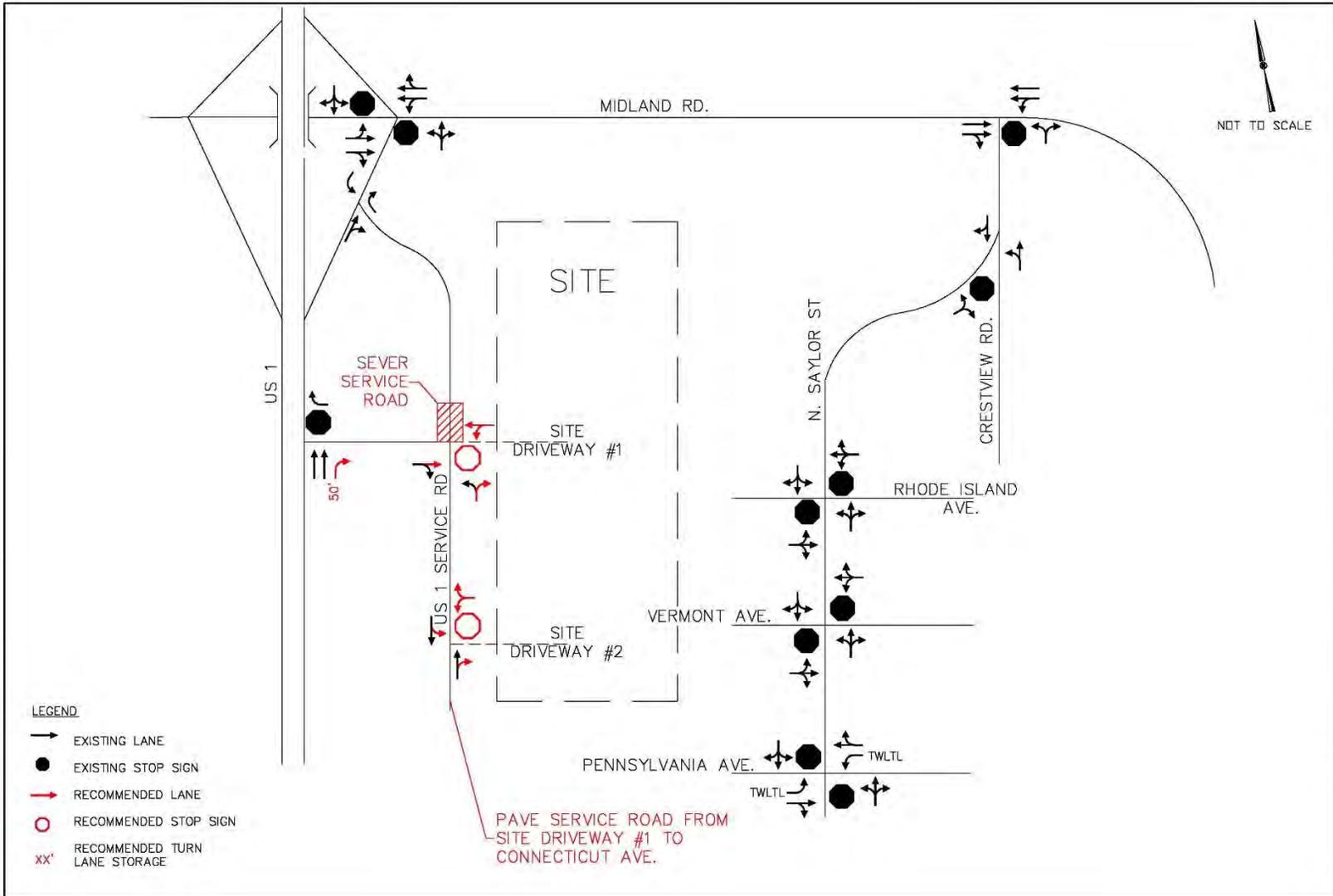


FIGURE  
ES-1

RECOMMENDED LANES

US 1 RESIDENTIAL DEVELOPMENT  
SOUTHERN PINES, NC

**Kimley»Horn**

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## 1.0 Introduction

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

This site was originally studied as a part of the *US 1 Residential Development TIA*, completed by Kimley-Horn in April 2016. After the completion of the original study, the site plan was revised to address some public concerns regarding the proposed site access points. As a result, a revised analysis which reflects the new site access points was completed and is summarized herein.

This report presents trip generation, distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands. The traffic conditions studied include the existing (2016), future (2026) background, and future (2026) build-out. While the Town's TIA guidelines reference both 10- and 20-year projections, with the short buildout timeline expected for this project, a 10-year projection time horizon was agreed upon as a part of the scoping of this study and is consistent with the original *US 1 Residential Development TIA*. The weekday AM and PM peak hours were studied.

There is an ongoing discussion regarding the US 1 Service Road and whether its existing access to the US 1 Northbound Off-Ramp will remain open in the future. The new site plan proposes to sever access to the US 1 Service Road just north of the Proposed Site Driveway #1. From discussions with NCDOT, it is understood that the US 1 Service Road connection at the US 1 Northbound Off-Ramp will remain open for the time being. Therefore, for the purposes of these analyses, all study intersections were evaluated under the assumption of severing the US 1 Service Road north of the primary site access, and keeping access between the US 1 Service Road and the US 1 Northbound Off-Ramp open.

NCDOT and Town of Southern Pines staff were consulted to obtain background information and to ascertain the elements covered in this traffic impact analysis (TIA). Methodologies consistent with the original *US 1 Residential Development TIA* (Kimley-Horn, April 2016) were used where applicable.

## 2.0 Inventory

### 2.1 Study Area

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

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

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

### 2.2 Existing Conditions

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

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

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

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

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



	<p style="text-align: center;">US 1 RESIDENTIAL DEVELOPMENT SOUTHERN PINES, NC</p>	<p style="text-align: center;">SITE LOCATION</p>	<p style="text-align: center;">FIGURE 1</p>
--	--	--	---

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FIGURE  
2

SITE PLAN

US 1 RESIDENTIAL DEVELOPMENT  
SOUTHERN PINES, NC

**Kimley»Horn**

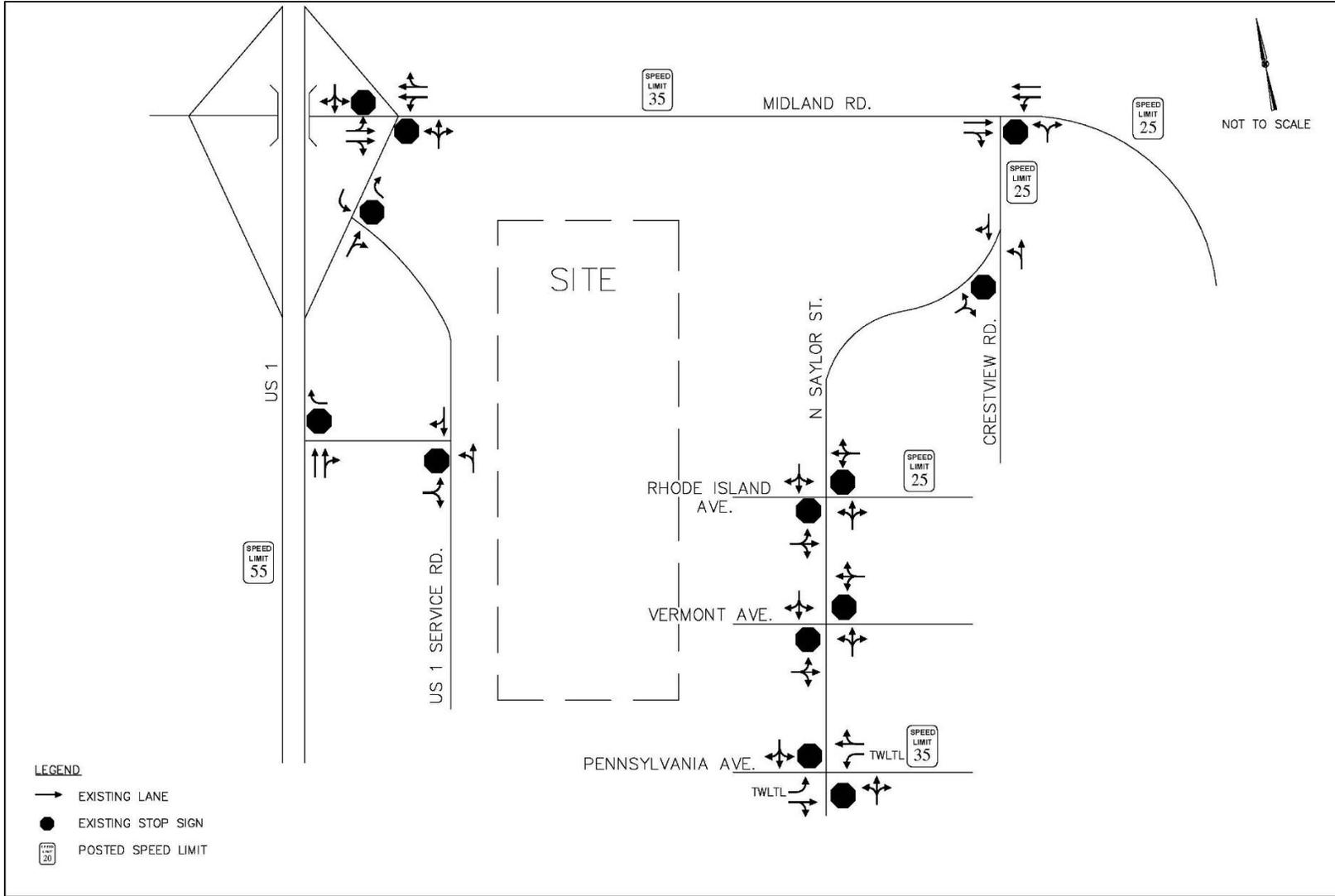


FIGURE 3

EXISTING LANEAGE

US 1 RESIDENTIAL DEVELOPMENT  
SOUTHERN PINES, NC



### 3.0 Traffic Generation

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

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

#### **4.0 Site Traffic Distribution**

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

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

This distribution is consistent with the distribution used in the original *US 1 Residential Development TIA*. Figure 4 shows the site traffic distribution and percent assignment at the study intersections.

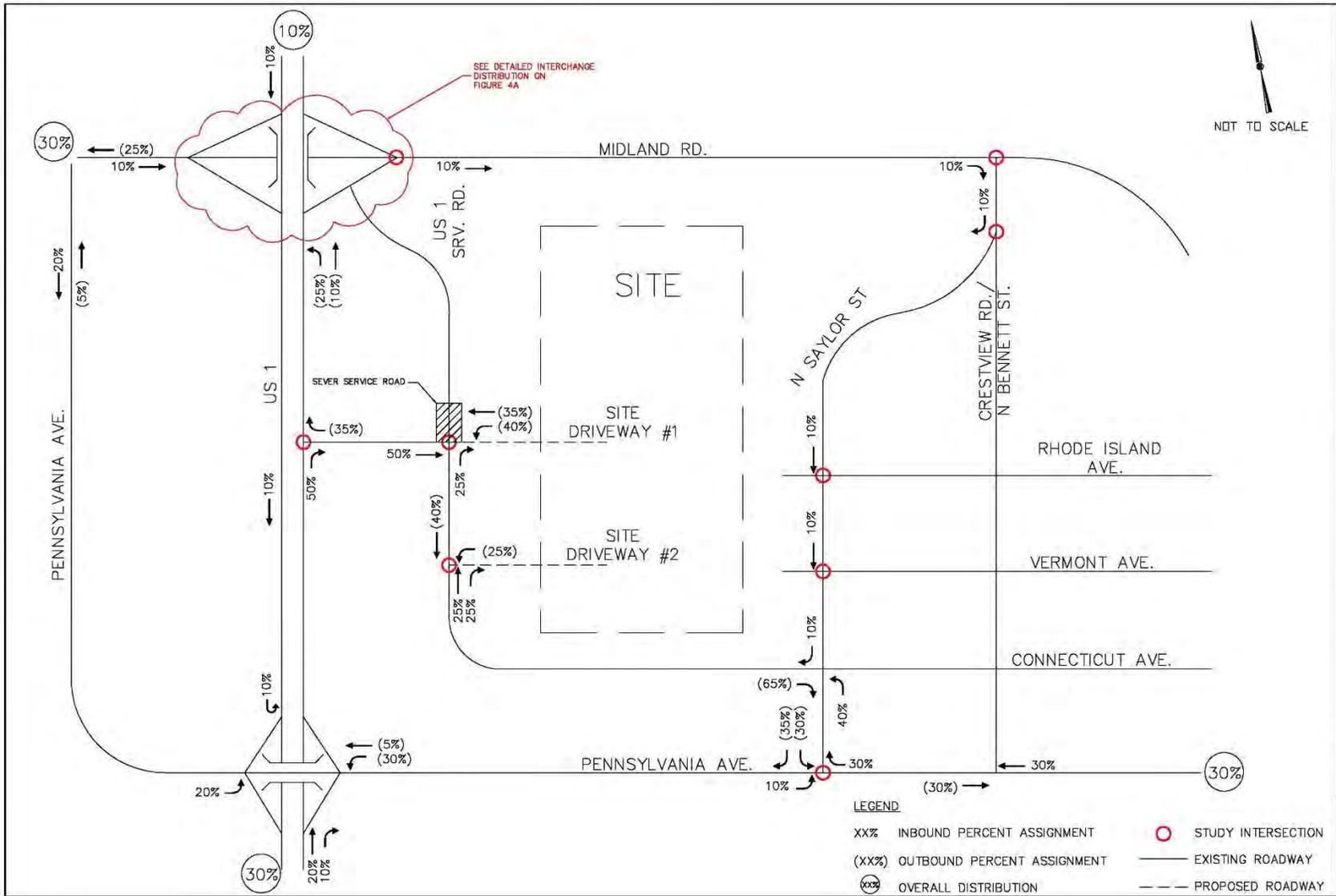
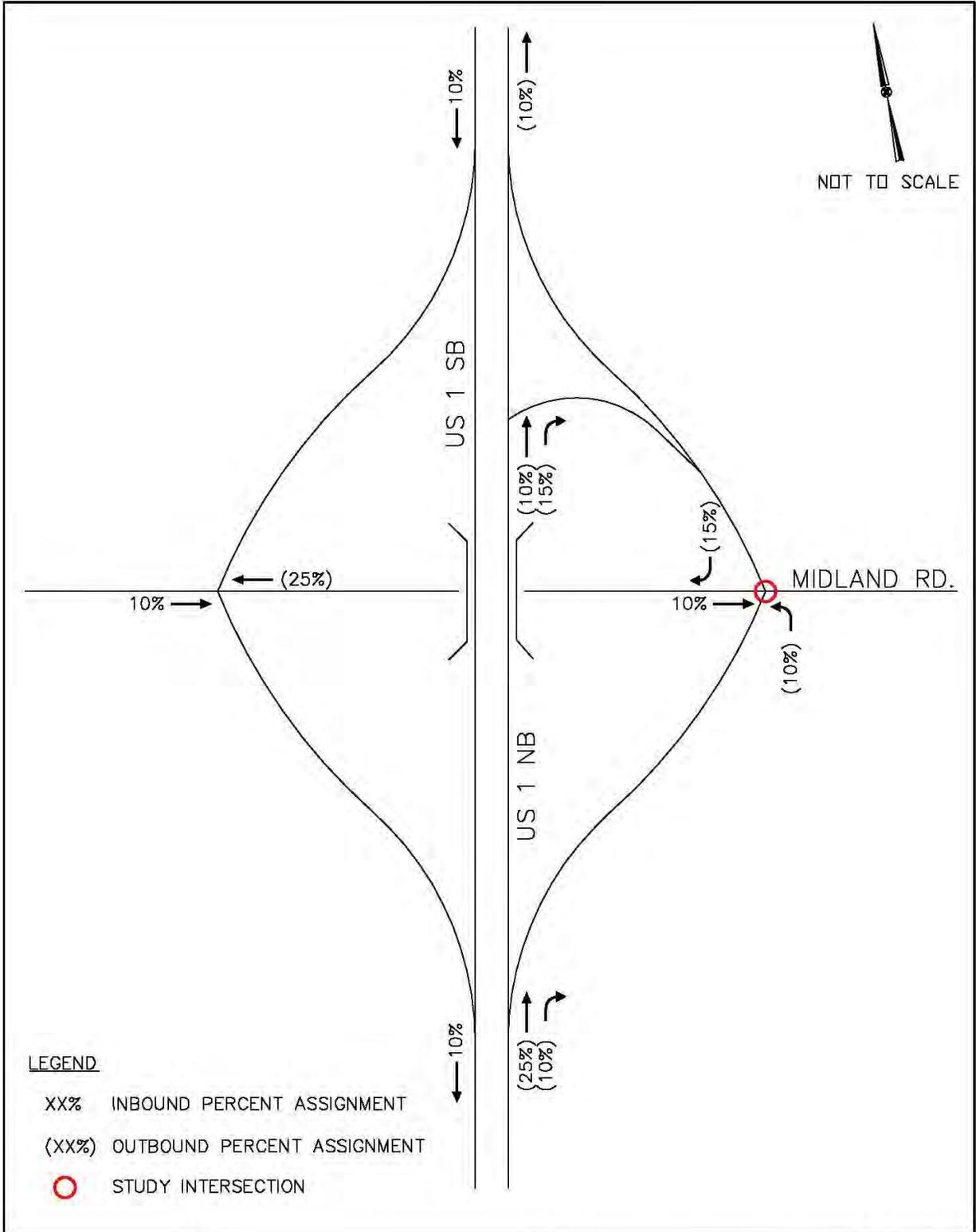


FIGURE 4

SITE TRAFFIC DISTRIBUTION

US 1 RESIDENTIAL DEVELOPMENT SOUTHERN PINES, NC





US 1  
RESIDENTIAL DEVELOPMENT  
SOUTHERN PINES, NC

SITE TRAFFIC DISTRIBUTION –  
US 1 AT MIDLAND ROAD  
INTERCHANGE

FIGURE  
4A

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

## 5.0 Projected Traffic Volumes

### 5.1 Existing Traffic

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

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

Additionally, a 24-hour tube count was conducted along US 1 Northbound, just south of the US 1 Northbound Service Road Access, on April 5, 2016. No intersections were added to the study area used in the previous *US 1 Residential Development TIA* analysis. Traffic counts are typically conducted while traditional-calendar schools are in session, which was not possible with the timeline of this analysis. Based on available data, however, no other intersections near the site are expected to experience significant operational issues.

The existing AM and PM peak hour traffic volumes at the study intersections are shown in Figures 5 and 6, respectively, and the traffic count data are included in the Appendix. Existing peak hour factors (PHF) were used in the analysis when available. Otherwise, a PHF of 0.90 was used.

### 5.2 Historic Growth Traffic

Based on historic ADT volumes in the area, the existing volumes were grown at an annual growth rate of 1.5% through the 2026 horizon year. This is consistent with the growth rate assumed in the area as a part of the Midland Road Corridor Study traffic analyses and the original *US 1 Residential Development TIA*. The AM and PM peak hour background traffic growth and total background traffic volumes are shown in Figures 5 and 6, respectively.

### 5.3 Site Traffic

The proposed site traffic was generated and assigned to the adjacent roadway network according to the distribution discussed previously in Section 4.0. The site traffic volumes for the AM and PM peak hours are shown in Figures 7 and 8, respectively.

### 5.4 Projected Build-Out Traffic

To estimate the projected build-out peak hour traffic volumes, site-generated traffic volumes were added to the background traffic volumes. Figures 7 and 8 reflect the projected build-out traffic volumes for the AM and PM peak hours, respectively.



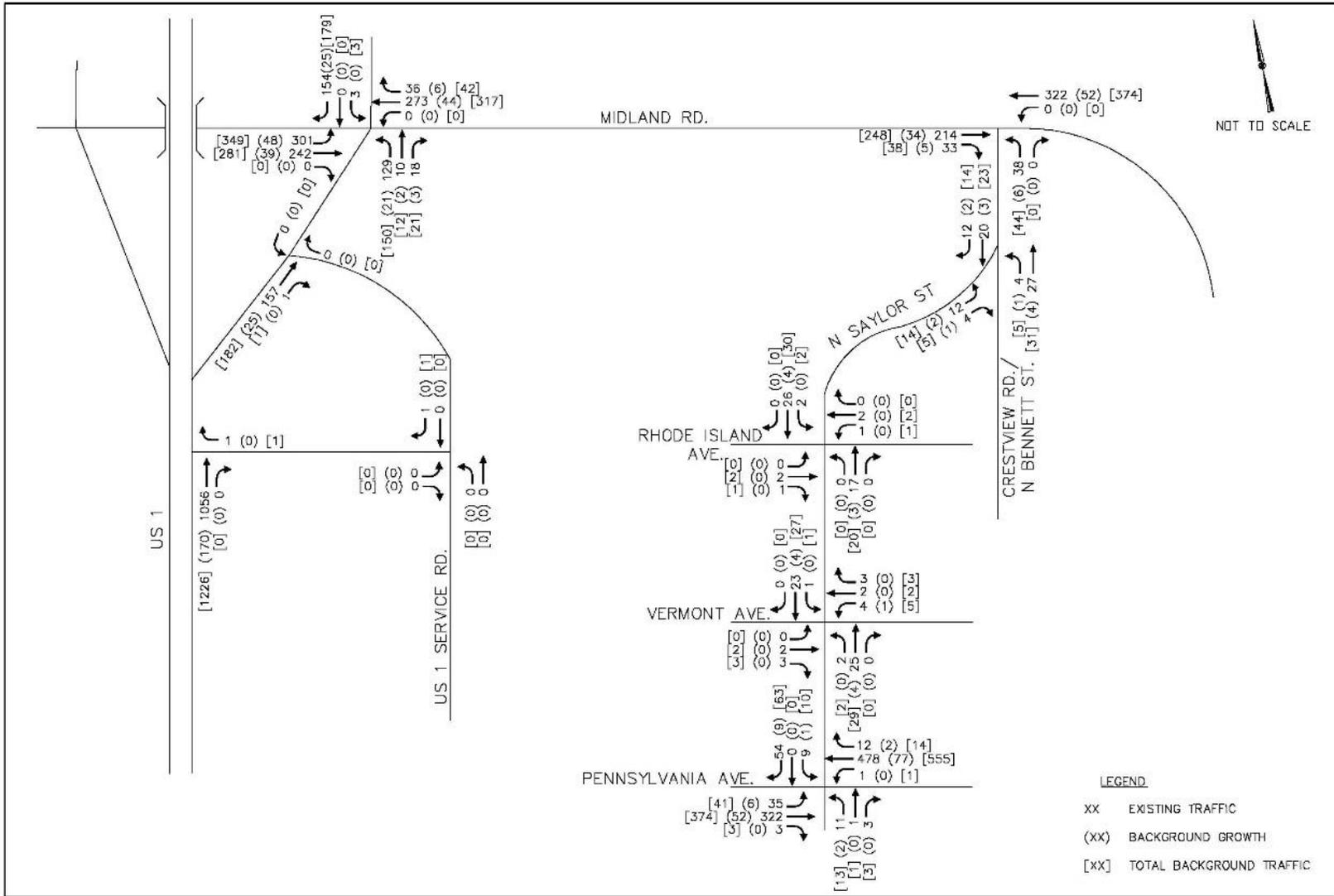
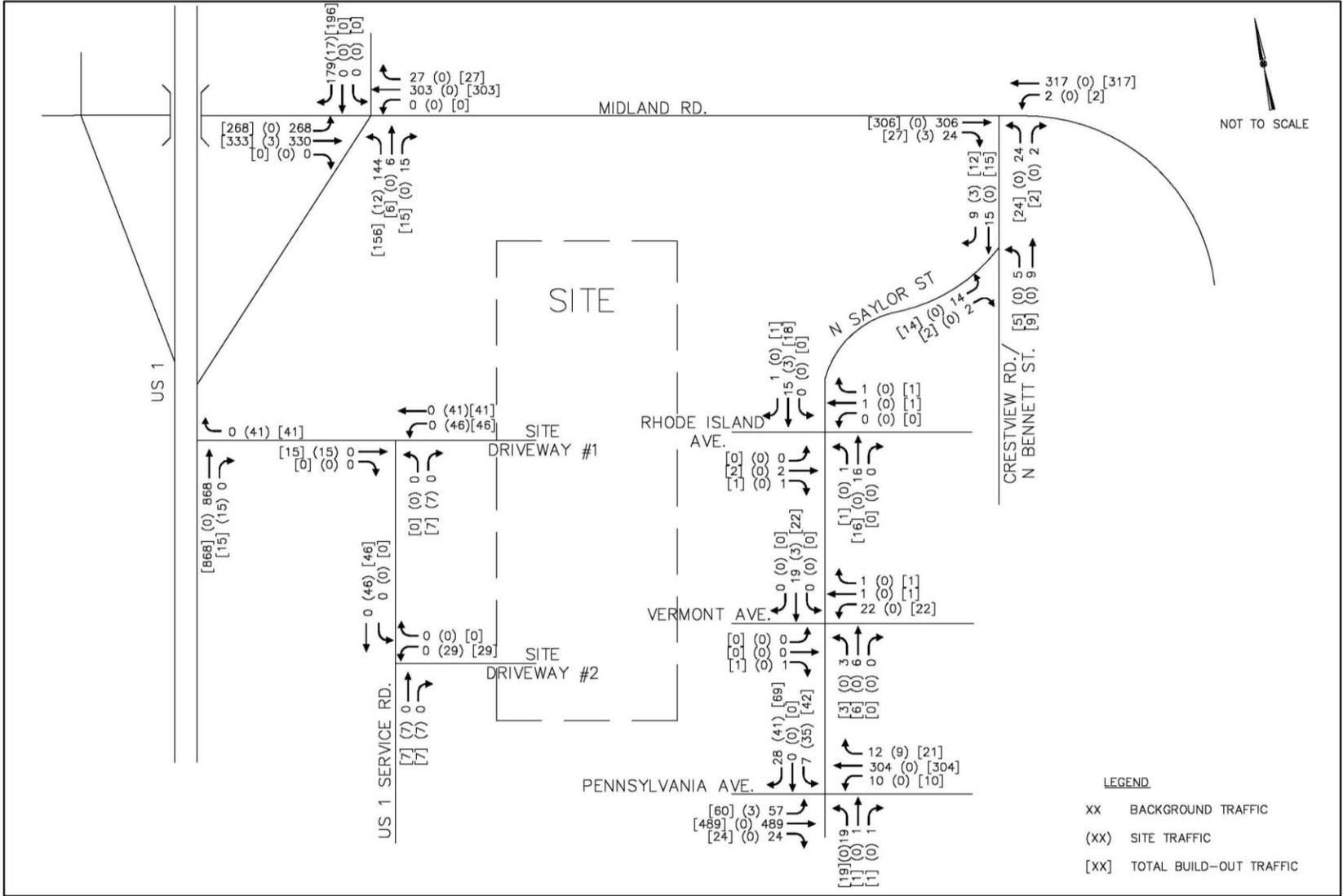


FIGURE 6

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

US 1 RESIDENTIAL DEVELOPMENT SOUTHERN PINES, NC





US 1 RESIDENTIAL DEVELOPMENT  
SOUTHERN PINES, NC

PROJECTED (2026) BUILD-OUT  
AM PEAK HOUR TRAFFIC VOLUMES

FIGURE  
7

**Kimley»Horn**



## 6.0 Capacity Analysis

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

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

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

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

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

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

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

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

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

<b>Table 6.0-B Level-of-Service Summary</b>		
<b>Condition</b>	<b>AM Peak Hour LOS (Delay)</b>	<b>PM Peak Hour LOS (Delay)</b>
<b>Midland Road at US 1 Northbound Ramps</b>		
Existing (2016) Traffic	NB – D (31.0) SB – A (6.4)	NB – E (35.4) SB – A (8.4)
Future (2026) Background Traffic	NB – F (67.1) SB – A (9.4)	NB – F (117.4) SB – A (7.8)
Future (2026) Build-out Traffic	NB – F (93.4) SB – B (12.8)	NB – F (136.2) SB – B (14.9)
<b>Midland Road at Crestview Road</b>		
Existing (2016) Traffic	NB – A (9.8)	NB – A (9.4)
Future (2026) Background Traffic	NB – A (9.3)	NB – B (12.2)
Future (2026) Build-out Traffic	NB – B (10.4)	NB – B (12.1)
<b>N Saylor Street at Crestview Road</b>		
Existing (2016) Traffic	NB – A (3.2)	NB – A (2.4)
Future (2026) Background Traffic	NB – A (2.8)	NB – A (2.9)
Future (2026) Build-out Traffic	NB – A (2.8)	NB – A (2.7)
<b>N Saylor Street at W Rhode Island Avenue</b>		
Existing (2016) Traffic	EB – A (3.7) WB – A (4.9)	EB – A (3.8) WB – A (4.3)
Future (2026) Background Traffic	EB – A (3.8) WB – A (4.3)	EB – A (3.9) WB – A (4.3)
Future (2026) Build-out Traffic	EB – A (3.8) WB – A (3.8)	EB – A (4.1) WB – A (4.4)
<b>N Saylor Street at Vermont Avenue</b>		
Existing (2016) Traffic	EB – A (3.7) WB – A (4.0)	EB – A (4.1) WB – A (4.4)
Future (2026) Background Traffic	EB – A (3.9) WB – A (4.1)	EB – A (4.0) WB – A (3.8)
Future (2026) Build-out Traffic	EB – A (3.7) WB – A (4.2)	EB – A (3.9) WB – A (3.9)

<b>Table ES-2 (cont.) Level-of-Service Summary</b>		
<b>Condition</b>	<b>AM Peak Hour LOS (Delay)</b>	<b>PM Peak Hour LOS (Delay)</b>
<b>N Saylor Street at W Pennsylvania Avenue</b>		
Existing (2016) Traffic	NB – A (8.6) SB – A (5.2)	NB – A (8.6) SB – A (6.3)
Future (2026) Background Traffic	NB – A (10.0) SB – A (5.7)	NB – B (10.1) SB – A (9.2)
Future (2026) Build-out Traffic	NB – B (12.6) SB – A (9.7)	NB – B (11.0) SB – B (10.7)
<b>US 1 Northbound at US 1 Northbound Service Road Access / Proposed Site Driveway #1</b>		
Existing (2016) Traffic	WB – A (1.2)	WB – A (3.4)
Future (2026) Background Traffic	WB – A (3.1)	WB – A (4.7)
Future (2026) Build-out Traffic	WB – A (5.6)	WB – A (7.0)
<b>US 1 Northbound Service Road at US 1 Northbound Service Road Access / Proposed Site Driveway #1</b>		
Existing (2016) Traffic	EB – A (2.5)	EB – A (2.7)
Future (2026) Background Traffic	EB – A (2.5)	EB – A (2.4)
Future (2026) Build-out Traffic	WB – A (1.2) NB – A (3.0)	WB – A (1.3) NB – A (2.9)
<b>US 1 Northbound Service Road at Proposed Site Driveway #2</b>		
Future (2026) Build-out Traffic	WB – A (4.1)	WB – A (3.8)

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

Analysis indicates that this unsignalized intersection currently operates with moderate delays for the northbound minor street approach (US 1 Northbound Ramp) and with short delays for the southbound minor street approach (US 1 Northbound Ramp) in the AM and PM peak hours. In the year 2026, the intersection is expected to operate with long delays for the northbound minor street approach and short delays for the southbound minor street approach in the AM and PM peak hours for the background traffic condition. At project build-out, this intersection is expected to continue to operate with long delays for the northbound minor street approach, and the southbound minor street approach is expected to operate with short delays.

There is an ongoing discussion regarding the US 1 Service Road and whether its existing access to the US 1 Northbound Off-Ramp will remain open in the future. While closure of the existing access

would allow for the existing US 1 Northbound Off-Ramp to be restriped with separate left- and right-turn lanes, the timeline for this improvement is still unknown. Given the timeline of the proposed development and the low impact of projected development traffic at this intersection, it is not recommended that this closure be implemented as a part of the US 1 Residential Development project.

A traffic signal would mitigate side street delay, but this intersection is not expected to meet 8-hour signal warrants. In addition, no shift of traffic to the US 1 Northbound Loop Ramp was assumed as part of this analysis, but some traffic is likely to make this shift if the US 1 Northbound Off-Ramp is experiencing long delays.

Site traffic is expected to account for less than 5% of the total traffic at this intersection in the 2026 AM and PM peak hours. Given the low impact of this project, there are no recommendations for mitigation at this intersection. It is typical for stop sign controlled side streets and driveways intersecting major streets to experience long delays during peak hours, while the majority of the traffic moving through the intersection on the major street experiences little or no delay.

#### *6.2 Midland Road at Crestview Road*

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

#### *6.3 N Saylor Street at Crestview Road*

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

#### *6.4 N Saylor Street at W Rhode Island Avenue*

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

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

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

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

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

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

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

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

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

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

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

Analysis indicates that this unsignalized intersection currently operates with short delays for the eastbound minor street approach (US 1 Northbound Service Road Access) in the AM and PM peak

hours. In the year 2026, the intersection is expected to continue to operate with short delays for the minor street approach in the AM and PM peak hours for the background traffic condition.

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

- Operate the eastbound and westbound approaches (US 1 Northbound Service Road Access/Proposed Site Driveway #1) as free-flow movements so that vehicles will not queue back onto mainline US 1 when attempting to enter the proposed site. This will require that the northbound movement at this intersection be under STOP control.

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

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

Proposed Site Driveway #2 is proposed to tie into the US 1 Northbound Service Road approximately 1,000 feet south of Proposed Site Driveway #1. To accommodate site traffic at this intersection, the following roadway improvements are recommended:

- Pave and stripe the northbound approach on the US 1 Northbound Service Road as a shared through/right-turn lane
- Pave and stripe the southbound approach on the US 1 Northbound Service Road as a shared through/left-turn lane

With the recommended improvements in place, the intersection is expected to operate with short delays for the minor street approach (Proposed Site Driveway #2) in the AM and PM peak hours for the 2026 build-out traffic condition. No queuing issues are expected at this intersection.

### **7.0 Conclusions and Recommendations**

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

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

*US 1 Northbound Service Road*

- Pave from Site Driveway #1 to existing pavement at W Connecticut Avenue

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

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

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

- Operate the eastbound and westbound approaches (US 1 Northbound Service Road Access/Proposed Site Driveway #1) as free-flow movements so that vehicles will not queue back onto mainline US 1 when attempting to enter the proposed site. This will require that the northbound movement at this intersection be under STOP control.
- Sever access to the US 1 Northbound Service Road north of this intersection. As a result, this will become a 3-leg intersection with northbound, eastbound, and westbound movements only.

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

- Pave and stripe the northbound approach on the US 1 Northbound Service Road as a shared through/right-turn lane
- Pave and stripe the southbound approach on the US 1 Northbound Service Road as a shared through/left-turn lane

The recommended roadway laneage is shown on Figure 9.

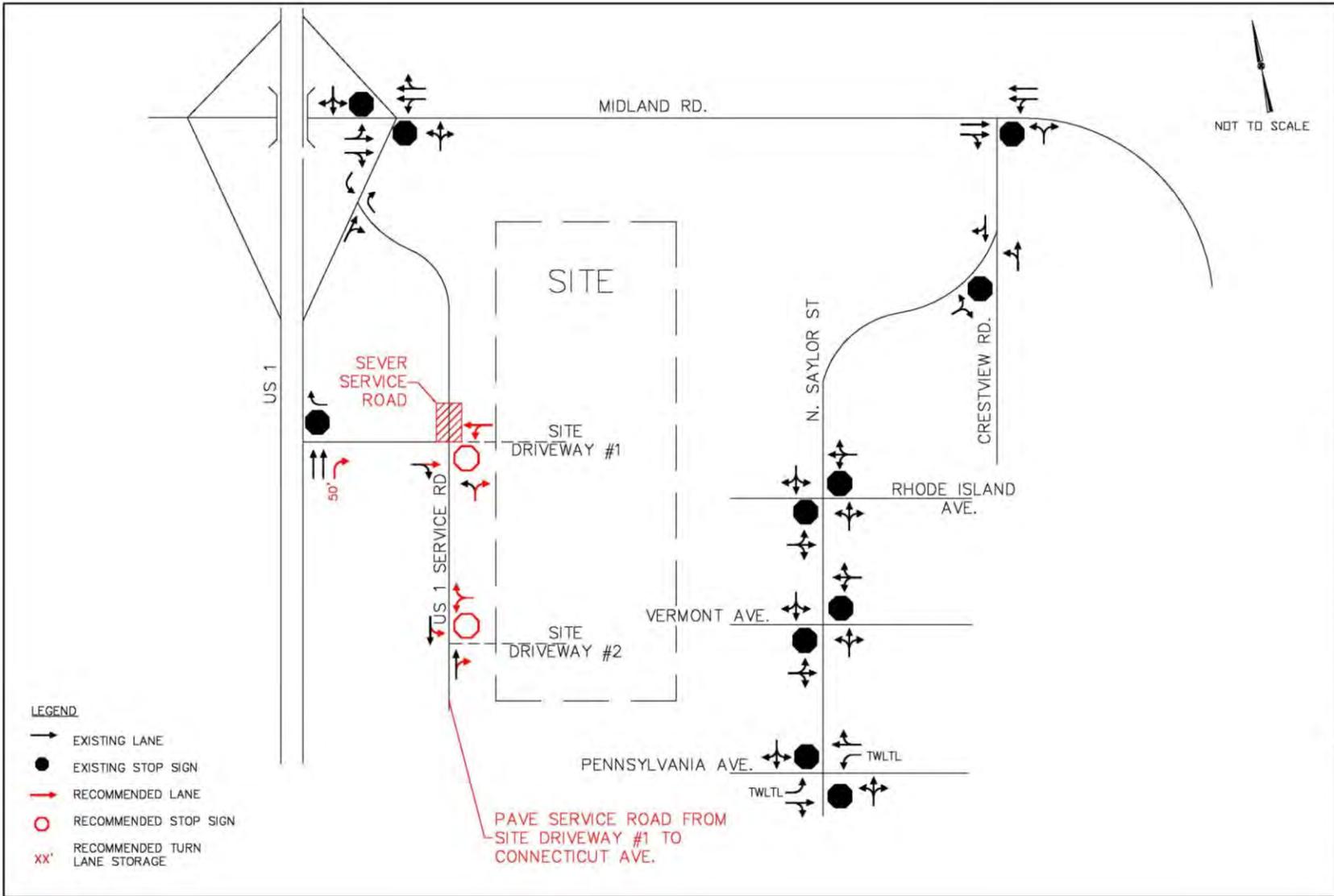


FIGURE 9

RECOMMENDED LANES

US 1 RESIDENTIAL DEVELOPMENT SOUTHERN PINES, NC

Kimley Horn

**Appendix A:  
US 1 Residential Development  
Trip Generation**

<b>Proposed US 1 Residential Development</b>											
<b>Table 1 - Trip Generation</b>											
Land Use	Intensity		Daily			AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out	Total	In	Out
220 Apartment	288	d.u.	1,870	935	935	145	29	116	176	114	62

K:\RAL\_TPTOL\_Traffic\017321000 US 1 Hector Companies - Southern Pines\T4 - Analysis\017321000 TIA Data - Closed Service Road Connection.xls|Trip Gen

4/18/16



## **SOUTHERN PINES CONDITIONAL USE PERMIT**

**Request:** Major Subdivision

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

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

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

**April 25, 2016**

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

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

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

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

Robert McLaughlin, Chairman

James Dougherty, Executive Director

# TOWN OF SOUTHERN PINES

## REGULAR BUSINESS MEETING OF THE PLANNING BOARD

April 21, 2016

7:00 pm

Douglass Community Center  
1185 W. Pennsylvania Avenue

## DECISION OF THE BOARD

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

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

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

### Matter at Issue:

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

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

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

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

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

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

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

**Findings of Fact:**

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

*Finding of Fact #1*

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

*Finding of Fact #2*

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

**2.20.5 (G) Criteria**

1. **The application is consistent with the approved Sketch Plat, if applicable.**  
Not Applicable.
2. **The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;**  
The proposed project is consistent with the goals and objectives of the Comprehensive Long Range Plan (CLRP) as the project incorporates many of the goals and objectives of the CLRP and establishes a development pattern that is in keeping with the context of the surrounding neighborhood and downtown Southern Pines. The development pattern is in harmony with the surrounding neighborhood and meets the land use goals defined by the CLRP as specified in Exhibit A in the petitioner's submittal. Further, the project provides recreational amenities and ties into existing streets and public utilities.
3. **The proposed subdivision complies with the UDO and applicable state and federal regulations;**  
The proposed preliminary plat complies with the UDO standards and restrictions and the proposed total density is less than the maximum number of residential dwelling units permitted on the property based on the underlying zoning categories. The request also complies with all applicable state and federal regulations.
4. **The proposed subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property;**  
The proposed subdivision is compatible with the UDO standards and restrictions for the OS and RM-2 zoning districts. The OS zoning classification permits office and service land uses as well as residential land uses at a density of 10-12 dwelling units per acre. The RM-

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

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

The proposed subdivision is compatible with the adjacent properties and will not be detrimental to the adjacent properties as the project complies with the approved density as well as the buffer requirements set forth in the UDO.

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

Public water and sewer utilities are readily available for the project, the cost of which will be borne by the developer. Roadway connections and improvements will be made at the right-of-way on West Rhode Island Avenue and the current US Highway 1 access location. All streets and parking areas within the development will be gated and private. Parks, open spaces, trails, sidewalks and other amenities will be provided by the developer for the residents.

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

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

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

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

***Finding of Fact #1***

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

***Finding of Fact #2***

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

**2.21.7 Criteria**

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

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

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

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

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

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

Public water and sewer utilities are readily available for the project, the cost of which will be borne by the developer. Parks, open spaces, trails, sidewalks and amenities for the residents are provided in the design by the developer.

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

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

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

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

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

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

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

By a vote of 5-0, the Planning Board voted to recommend to the Town Council that the proposed *Conditional Use Permit Application* is consistent with those documents that constitute the officially adopted land development plan and other applicable plans.

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

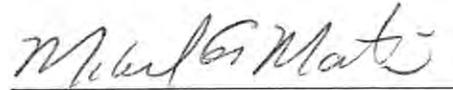
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**Decision of the Board:**

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

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

FOR THE PLANNING BOARD:



Michael G. Martin, Chairman

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

Caviness & Cates Building and Development Company  
Koontz Jones Design

## Agenda Item

**To:** Planning Board

**Via:** Bart Nuckols, Planning Director

**From:** Chris Kennedy, Senior Planner

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

**Date:** April 21, 2016

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

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

#### **Analysis:**

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

- **Commercial:** The Commercial designation applies to all land dedicated to retail, professional office, or other primarily non-residential, commercial use. It includes the downtown portions along Broad Street and Pennsylvania Avenue, the regional commercial corridor on US Highway 15-501 and all commercial land in between. Higher density residential may be incorporated into mixed-use developments within areas designated for this future land use category.
- **Residential:** This designation encompasses the majority of Southern Pines’ residential land, providing for single-family and attached housing at development densities ranging from one unit

per acre in areas that are less intensively developed to up to twelve units per acre in places that are clearly more urban. Elementary schools, civic uses, parks, and neighborhood scale commercial services may be authorized through the rezoning process without amending the Future Land Use Map.

**Staff Comments:**

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

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

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

##### (G) *Applicability*

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

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

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

**(K) Parking**

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

**(L) Open Space**

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

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

- Building Setback: 75.0’;
- Parking Area Setback: 50.0’;
- Landscape Buffer: 50.0’;
- Buffer from Residential Zones: 50.0’;
- Buffer from Non-Residential Zones: 25.0’
- Other Urban Transition Highway Corridor Overlay standards include:
  - Maximum Building Height: 35.0’;
  - Maximum Built upon Surface: 65.0%;
  - Maximum Building Footprint: 30.0%;
  - Highway Yard Parking Maximum: 40.0% of total spaces;
  - Maximum Parking: 5 spaces/1000 square feet of building area
- Per UDO Exhibit 4-1, the setbacks for the OS zoning classification are as follows:
  - Front: 35.0’; Side: 15.0’; Exterior Side: 15.0’; Rear: 15.0’
- Per UDO Exhibit 4-1, the setbacks for the RM-2 zoning classification are as follows:
  - Front: 25.0’; Side: 10.0’; Exterior Side: 15.0’; Rear: 30.0’
- The entirety of the property is within the Little River #2 Intake (LR#2) Watershed and is therefore subject to Watershed Protection Overlay District and the standards set forth in UDO Section 3.6.8.
- This project may be required to obtain a Watershed Protection Permit from the Town Council due to its location within the high quality watershed. Should the project exceed the 12% impervious level the project will be required to utilize BMPs for storm water management. Should the project exceed the 24% impervious level the project will be required to apply for the 5/70 Exemption from the Town Council as part of the CUP application.
- The Watershed Protection Permit if approved will provide the project with the 5/70 exemption allowing the project to develop up to the 70% impervious surface level.
  - The development is proposed at 48.9% impervious.
- Nearly half of the property is within the study area of the Downtown Neighborhood Development Plan as specified in the Comprehensive Long Range Plan, however the subject property is not within the boundaries of the Downtown Transition Overlay.
- As part of the requests under CU-01-16 the petitioner is also seeking to abandon/vacate portions of right-of-way adjacent to the proposed project. The proposed site plan reflects an approval of the abandonment; the acreage and subsequent land to be amassed into the subject property should an approval be granted is shown in the proposed site plans. Staff advises the Town Council to withhold judgement on the proposed right-of-way abandonment until the requests under CU-01-16 are resolved, resulting in either an approval or a denial. Should application CU-01-16 receive a denial, staff would recommend to the Town Council that the request for right-of-way abandonment also be denied.
  - The petitioner has submitted a request to abandon the one and one-half (1.5) block portion of N. Mechanic Street extending from the eastern boundary of the intersection with W. Maine Avenue and N. Mechanic Street to the termination of N. Mechanic Street at the NE Service Road. The request also includes the proposed abandonment of W. Rhode Island Avenue extending from the northern boundary of the intersection of W. Rhode Island Avenue and N. Mechanic Street extending

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

- The entirety of N. Mechanic Street between NE Service Road and W. Rhode Island Avenue and W. Rhode Island between N. Mechanic Street and NE Service Road is considered a “paper” street in that it is not currently improved or easily accessible for most types of transportation. This section of street is not included in Powell Bill funding calculations. The Town does not have future plans to improve these portions of unopened road. The Town does have a sewer line that runs east to west along W. Maine Avenue that will be impacted by this action, however the Town ensure its ability to secure a utilities easement prior to any abandonment of right-of-way. Per UDO Section 2.29.6 (C), the Town may reserve its right, title, and interest in any utility improvement or easement within a street closed pursuant to this section. Such reservation shall be stated in the order of closing. Such reservation also extends to utility improvements or easements owned by private utilities which at the time of street closing have a utility agreement or franchise with the Town. To retain such easements, the Town Council shall, after public hearing, approve a “declaration of retention of utility easements” specifically describing such easements.
- Per UDO Section 2.29, the procedure to abandon streets, no matter their condition or utility, requires an adopted resolution (see attached), public notices, and a public hearing. Per UDO Section 2.29.2, the process for abandonment may be initiated by the Town Council or the owner of property abutting the street or alley. The Town Council shall adopt a resolution declaring its intent to close a street or alley and call for a public hearing. If the abandonment is approved, the areas abandoned revert automatically to the adjoining property owners to the midway point of the right-of-way on their side of the street for the length of their property on that right-of-way.

**Attachments:**

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

**Planning Board Action:**

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

**Finding of Fact #1**

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

**Or**

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

**Finding of Fact #2**

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

**Or**

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

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

**I move that we advise that:**

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

**Then:**

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

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

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

**Finding of Fact #1**

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

**Or**

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

**Finding of Fact #2**

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

**Or**

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

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

**I move that we advise that:**

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

**Then:**

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

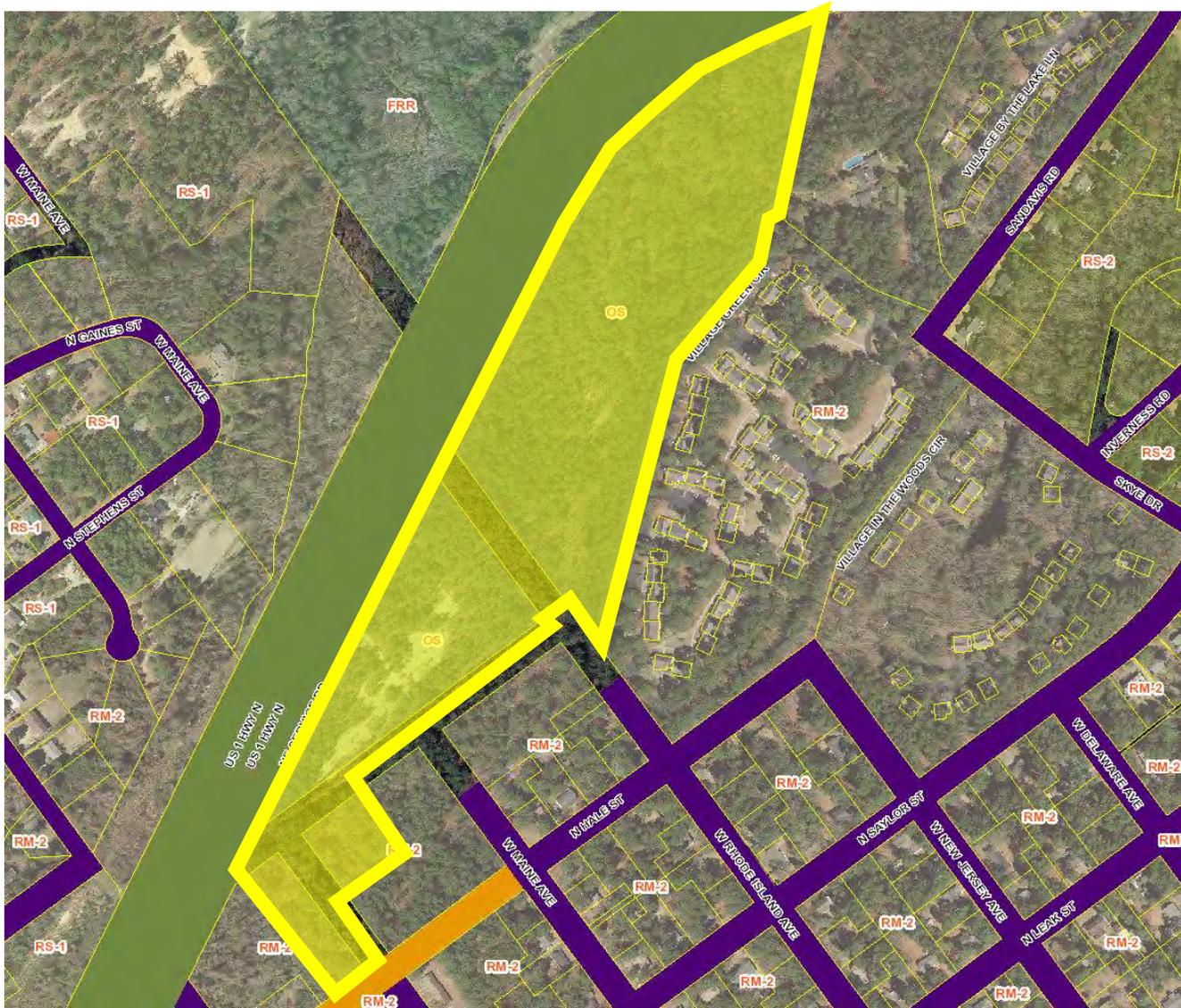
1. The approval of CU-01-16;
2. The denial of CU-01-16; OR
3. The approval of CU-01-16 with the following additional conditions...





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

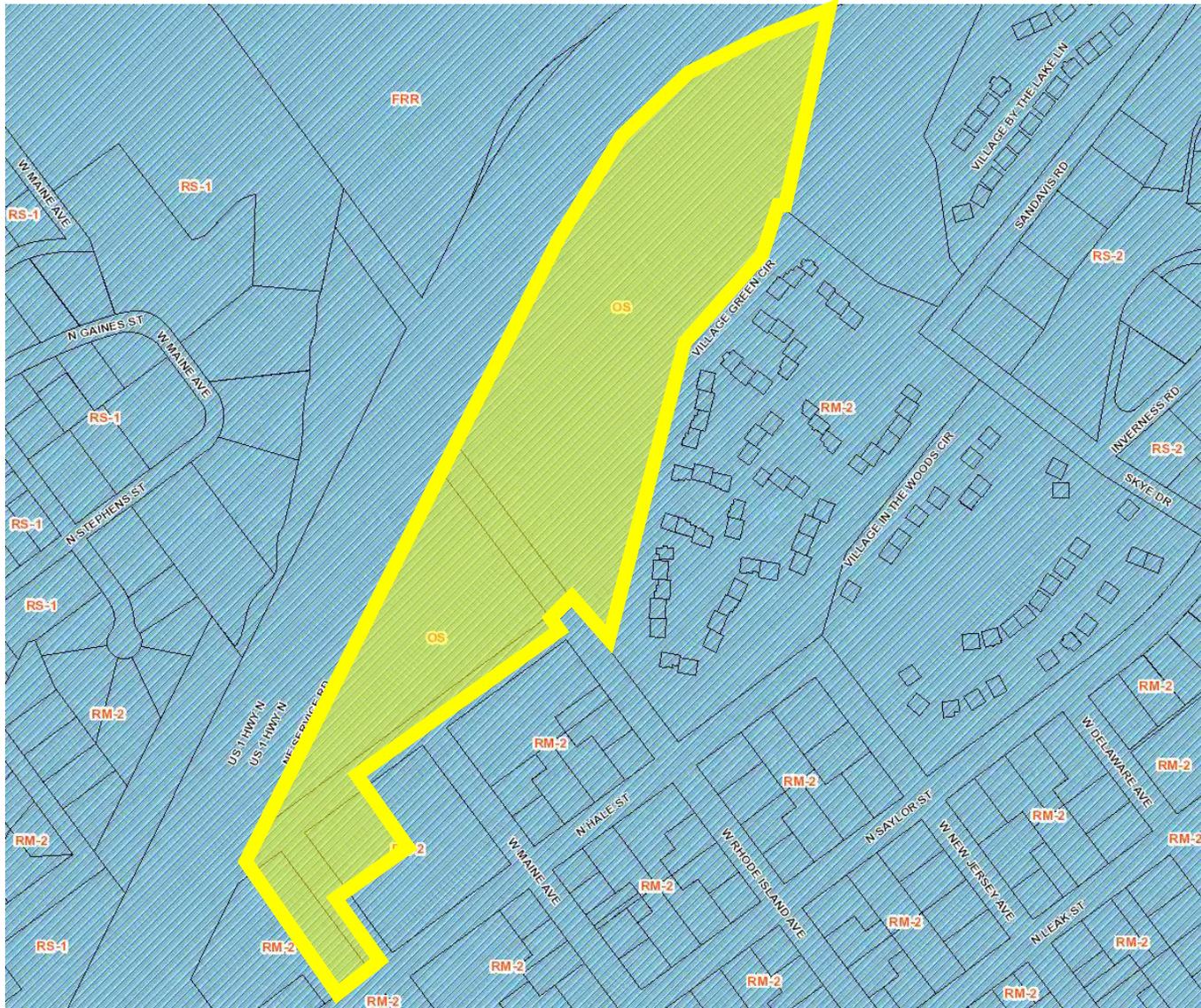
This map was created by the Town of Southern Pines Planning Department. The Town of Southern Pines, its agents and employees make NO warranty as to the correctness or accuracy of the information set forth on this media whether expressed or implied, in fact or in law, including without limitation the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



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

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

merchability and fitness for a particular use. Any resale of this data is strictly prohibited in accordance with North Carolina General Statute 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).





CU- 01-16

Date Received: March 21, 2016

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

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

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

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

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

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

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

**List of Adjacent Properties**

1. Property owners' name: See Attached List  
 Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
 LRK #: \_\_\_\_\_  
 Adjacent Property Address: \_\_\_\_\_  
 \_\_\_\_\_
2. Property owners' name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_

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

Petitioner Signature: [Signature]  
Petitioner's Name: CHRIS CATES

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

Petitioner's email: CHRIS@CATESANDCATES.COM  
Petitioner's Phone #: 910 481 0503  
Cell#: 410 850 8833

Property owner's signature: By: [Signature], Manager  
Property owner's signature: \_\_\_\_\_

Property owner's Mailing Address: Please Print  
MLC Automotive, LLC c/o Linda J. Leith  
5601 Capital Boulevard  
Raleigh, North Carolina 27616  
Property owner's email: n/a  
Property owner's Phone #: 919-876-5432  
Cell #: \_\_\_\_\_

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

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

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

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

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

Design elements for the project are described below.

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



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

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

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





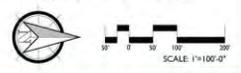
**US 1 PROPERTY**  
**CONCEPTUAL MASTER PLAN**  
 SOUTHERN PINES, NORTH CAROLINA  
 APRIL 8, 2016

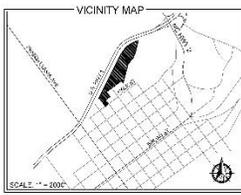
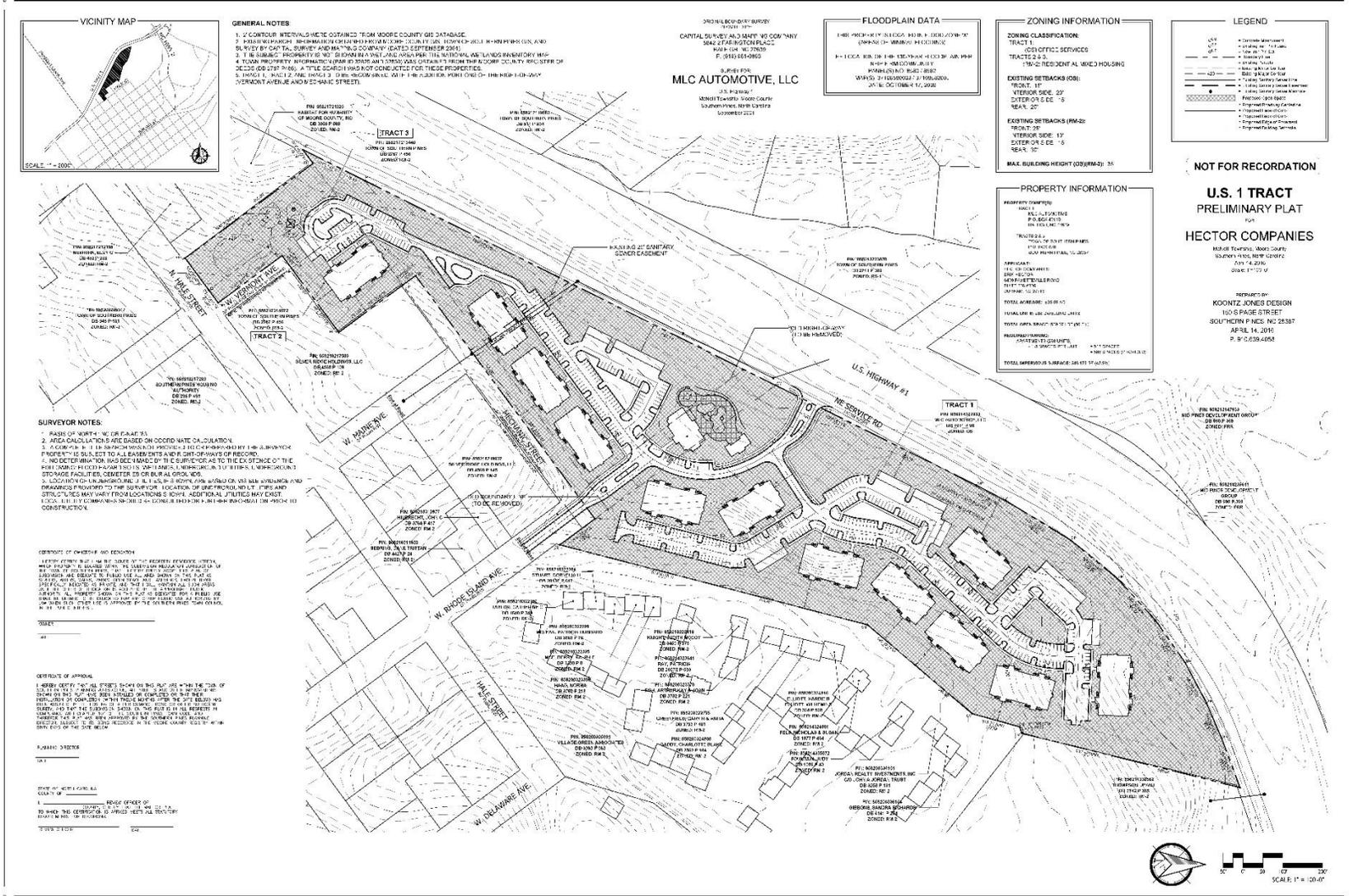


**DEVELOPMENT SUMMARY**

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

**KOONTZJONES**Design  
 LAND PLANNING | LANDSCAPE ARCHITECTURE





**GENERAL NOTES**

1. 2' CONTOUR INTERVALS WERE OBTAINED FROM MOORE COUNTY GIS DATABASE.
2. PROPERTY INFORMATION INFORMATION IS FROM MOORE COUNTY GIS DATABASE. SURVEY AND RECORDS INFORMATION IS FROM MOORE COUNTY GIS DATABASE.
3. THE SUBJECT PROPERTY IS NOT SHOWN IN ANY TOWN AND COUNTY RECORDS.
4. TOWN PROPERTY INFORMATION IS FROM MOORE COUNTY GIS DATABASE. THE TOWN AND COUNTY RECORDS DO NOT SHOW THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY IS NOT SHOWN IN ANY TOWN AND COUNTY RECORDS.
6. THE SUBJECT PROPERTY IS NOT SHOWN IN ANY TOWN AND COUNTY RECORDS.

390914801 SURVEY  
 10/20/17  
 CAPITAL SURVEYS AND PLANNING  
 3642 STARBUCK PLACE  
 MOORE, NC 28588  
 P. 919 851-0800

SUBJECT FOR:  
**MLC AUTOMOTIVE, LLC**  
 133 Highway  
 MERRITTOWN, MARYLAND  
 20888-2001

**FLOODPLAIN DATA**

1-100 FLOODPLAIN (SPECIAL FLOOD HAZARD ZONE) BY  
 FLOODPLAIN COMMUNITY DEVELOPMENT  
 1-100 FLOODPLAIN (SPECIAL FLOOD HAZARD ZONE) BY  
 FLOODPLAIN COMMUNITY DEVELOPMENT  
 1-100 FLOODPLAIN (SPECIAL FLOOD HAZARD ZONE) BY  
 FLOODPLAIN COMMUNITY DEVELOPMENT

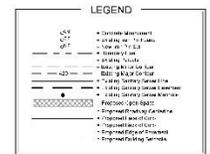
**ZONING INFORMATION**

**ZONING CLASSIFICATION:**  
 TRACT 1  
 RESIDENTIAL MIXED HOUSING  
 TRACTS 2 & 3  
 150-2 RESIDENTIAL MIXED HOUSING

**EXISTING SETBACKS (FOOT)**  
 FRONT: 15'  
 INTERIOR SIDE: 5'  
 REAR: 20'

**EXISTING SETBACKS (FEET)**  
 FRONT: 20'  
 INTERIOR SIDE: 15'  
 REAR: 20'

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



**NOT FOR RECORDATION**

**S. 1 TRACT  
 PRELIMINARY PLAT**

**HECTOR COMPANIES**

HECTOR TOWNSHIP, MOORE COUNTY  
 105 SPACE STREET  
 SOUTHERN PINES, NC 28587  
 APRIL 14, 2016  
 P. 919 639-4058

PREPARED BY:  
**KOONTZ JONES DESIGN**  
 105 SPACE STREET  
 SOUTHERN PINES, NC 28587  
 APRIL 14, 2016  
 P. 919 639-4058

**PROPERTY INFORMATION**

**PROPERTY OWNER:**  
 MLC AUTOMOTIVE, LLC  
 133 Highway  
 MERRITTOWN, MARYLAND  
 20888-2001

**APPLICANT:**  
 MLC AUTOMOTIVE, LLC  
 133 Highway  
 MERRITTOWN, MARYLAND  
 20888-2001

**TOTAL AREA:** 100 ACRES  
**TOTAL AREA:** 100 ACRES

**SURVEYOR NOTES:**

1. RADIUS OF CURVE: 100 FEET
2. AREA CALCULATIONS ARE BASED ON COORDINATE CALCULATION.
3. A CURVE IS 1/4 OF A CIRCLE WITH A RADIUS OF 100 FEET.
4. NO DETAIL INFORMATION HAS BEEN PROVIDED TO THE SUPERVISOR AS TO THE EXISTENCE OF THE PROPERTY RECORDS FOR THIS EASEMENT OR RECORDS.
5. THE SUBJECT PROPERTY IS NOT SHOWN IN ANY TOWN AND COUNTY RECORDS.
6. THE SUBJECT PROPERTY IS NOT SHOWN IN ANY TOWN AND COUNTY RECORDS.

**CONDITIONS OF CONVEYANCE AND EASEMENT**

1. THE SURVEYOR HAS BEEN ADVISED BY THE RECORDS PROVIDER THAT THE SUBJECT PROPERTY IS NOT SHOWN IN ANY TOWN AND COUNTY RECORDS.

2. THE SURVEYOR HAS BEEN ADVISED BY THE RECORDS PROVIDER THAT THE SUBJECT PROPERTY IS NOT SHOWN IN ANY TOWN AND COUNTY RECORDS.

**SCALE:**  
 1" = 100'

**DESCRIPTION OF APPROVAL**

1. THE SURVEYOR HAS BEEN ADVISED BY THE RECORDS PROVIDER THAT THE SUBJECT PROPERTY IS NOT SHOWN IN ANY TOWN AND COUNTY RECORDS.

2. THE SURVEYOR HAS BEEN ADVISED BY THE RECORDS PROVIDER THAT THE SUBJECT PROPERTY IS NOT SHOWN IN ANY TOWN AND COUNTY RECORDS.

**REMARKS:**

1. THE SURVEYOR HAS BEEN ADVISED BY THE RECORDS PROVIDER THAT THE SUBJECT PROPERTY IS NOT SHOWN IN ANY TOWN AND COUNTY RECORDS.

2. THE SURVEYOR HAS BEEN ADVISED BY THE RECORDS PROVIDER THAT THE SUBJECT PROPERTY IS NOT SHOWN IN ANY TOWN AND COUNTY RECORDS.

## EXHIBIT A

### US Highway 1 Property Conditional Use Permit Justification

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

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

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

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

- (B) The proposed conditional use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;

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

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

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

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

## EXHIBIT A

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

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

Public water and sewer utilities are readily available for the project, the cost of which will be borne by the developer. Parks, open spaces, trails, sidewalks and amenities will be provided by the developer for the residents.

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

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

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

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

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

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

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

## EXHIBIT B

### US Highway 1 Property Major Subdivision Justification

Below are listed the six (6) criteria required to approve a Major Subdivision application as described in Section 2.20.5 (G) Criteria of the Town of Southern Pines UDO. Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

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

Not Applicable

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

This project incorporates many of the goals and objectives of the CLRP and establishes a development pattern that is in context with the surrounding neighborhood and downtown Southern Pines. The development pattern also meets the landuse goals defined by the CLRP and is in harmony with the surrounding neighborhood. See Exhibit A for CLRP consistency.

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

This major subdivision plan complies with the UDO based on the requests for a Conditional Use Permit (CUP). The project falls below the maximum number of residential units permitted on the property based on the underlying zoning categories. The request also complies with all applicable state and federal regulations.

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

The proposed subdivision will be compatible with the surrounding neighborhood. The property is currently zoned as OS and RM-2 districts. OS districts permit office and service uses as well as residential uses at a RM-1 density. RM-2 districts permit single-family and multi-family residences. The surrounding neighborhood is a residential neighborhood zoned as RM-2 (Residential Mixed Housing) and includes several higher density and attached residential units. Access and circulation patterns allow for connected streets as is characteristic of the surrounding neighborhood and downtown Southern Pines.

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

This proposed subdivision is compatible with the adjacent properties. See description in item (4) above.

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

Public water and sewer utilities are readily available for the project, the cost of which will be borne by the developer. Roadway connections will be made at the right-of-way on West Rhode Island Avenue and the current US 1 curb cut location. All streets and parking areas within the development will be gated and private. Parks, open spaces, trails, sidewalks and other amenities will be provided by the developer for the residents.

## EXHIBIT C

### Compliance with Comprehensive Long Range Plan Objectives

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

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

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

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

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

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

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

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

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

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

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

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

## EXHIBIT C

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

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

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

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

See item (P-X.01) above.

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

See item (P-X.01) above.

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

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

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

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

## EXHIBIT D

### US Highway 1 Property Multifamily Development Standards

Below are listed the six (6) multi-family development standards and their subsections from Section 4.10.8 of the Town of Southern Pines UDO. Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

#### (A) Applicability

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

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

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

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

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

## EXHIBIT D

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

(7) Design entrances to:

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

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

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

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

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

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

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

### (D) Pedestrian Improvements

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

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

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

### (E) Parking

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

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

### (F) Open Space

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

## EXHIBIT D

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

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

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

(5) Play Areas

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PIN:858214324558  
PARID:00033323  
NAME:THOMAS, LOUISE N  
TRUSTEE  
ADDRESS:41 VILLAGE GREEN  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

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

PIN:858214323641  
PARID:00039760  
NAME:RAY, PATRICIA  
ADDRESS:43 VILLAGE GREEN  
CIRCLE  
CITY:SOUTHERN PINES  
STATE:NC  
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PIN:858200324403  
PARID:00036137  
NAME:MAYOCK, MICHAEL F  
NAME2:MAYOCK, SUSANNE T  
ADDRESS:955 KENNETT WAY  
CITY:WEST CHESTER  
STATE:PA  
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PIN:858200323456  
PARID:00033434  
NAME:MAYOCK, RICHARD F  
ADDRESS:37 VILLAGE GREEN  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

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

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

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

PIN:858200322299  
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CIRCLE  
CITY:SOUTHERN PINES  
STATE:NC  
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PIN:858218322284  
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STATE:NC  
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PIN:858218322189  
PARID:00039881  
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STATE:NC  
ZIP:28387

PIN:858218323111  
PARID:00032173  
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STATE:NC  
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STATE:NC  
ZIP:28387

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STATE:NC  
ZIP:28387

PIN:858218310977  
PARID:94000348  
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AVE  
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STATE:NC  
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PIN:858218311933  
PARID:00039457  
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CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

PIN:858218217509  
PARID:00036264  
NAME:SILVER RIDGE HOLDINGS,  
LLC  
ADDRESS:125 WILLIAMS ROAD  
CITY:SOUTHERN PINES  
STATE:NC  
ZIP:28387

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

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

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

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

PIN:858217212155  
PARID:00031953  
NAME:NEWKIRK, ELVY O  
ADDRESS:80 WEAVER WAY  
CITY:ROXBURY  
STATE:MA  
ZIP:02119

PIN:858218217283  
PARID:00039150  
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ADDRESS:801 S MECHANIC ST  
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*Traffic Impact Analysis*

# US 1 Residential Development Southern Pines, NC

Prepared for:

Caviness and Cates Building and Development Co.

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

**Prepared for:  
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**April 2016**



4/20/2016

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**Executive Summary**

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

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

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

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

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

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

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

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

ES-2



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

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

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

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

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

*Midland Road at US 1 Northbound Ramps:*

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

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

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

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

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

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

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

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

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

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

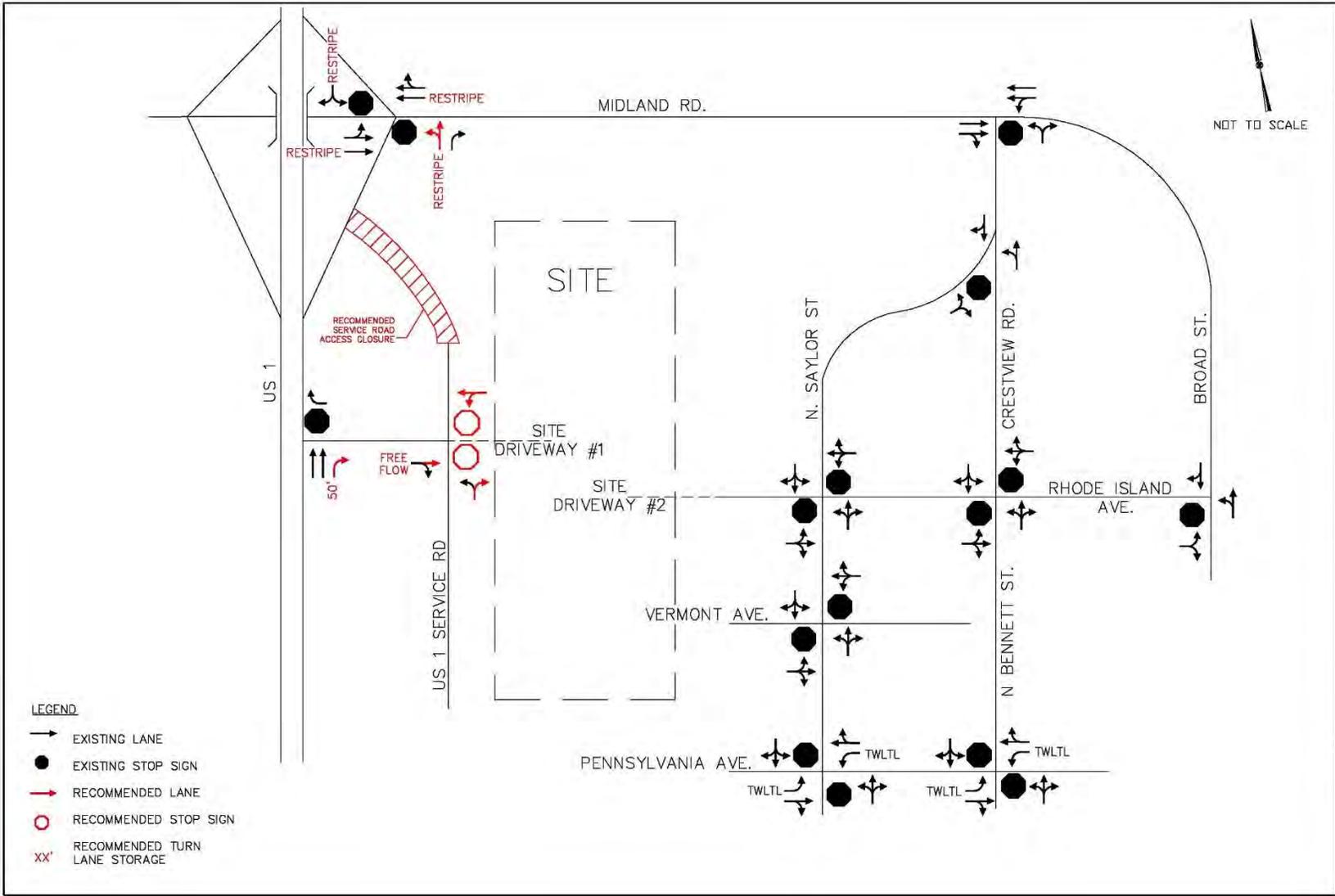


FIGURE ES-1

RECOMMENDED LANEAGE

US 1 RESIDENTIAL DEVELOPMENT SOUTHERN PINES, NC



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## 1.0 Introduction

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

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

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

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

## 2.0 Inventory

### 2.1 Study Area

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

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

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

### 2.2 Existing Conditions

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

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

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

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

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

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



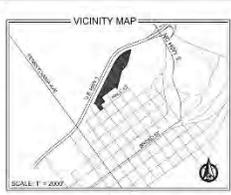
**Kimley»Horn**

US 1  
RESIDENTIAL DEVELOPMENT  
SOUTHERN PINES, NC

SITE LOCATION

FIGURE  
1

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NOT FOR RECORDATION

**FLOODPLAIN DATA**  
 THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X' (AREAS OF MINIMAL FLOODING)  
 THE LOCATION OF THE DESIGN FLOODPLAIN PER NEW FIRM COMMUNITY PANEL NO. 3300 (DATE: MARCH 27 2009) IS SHOWN  
 MAP NO. 37 (REVISED) BY 10868263  
 DATE: OCTOBER 17, 2016

BOUNDARY SURVEY PROVIDED BY:  
 CAPITAL SURVEY AND MAPPING COMPANY  
 5824 FARMINGTON PLACE  
 FAYETTEVILLE, NC 28404  
 P. (919) 881-0889

**MLC AUTOMOTIVE, LLC**  
 U.S. Highway 1  
 Wakelet, Fremont, Moore County  
 Graham, North Carolina  
 28629

**ZONING INFORMATION**  
 ZONING CLASSIFICATION:  
 TRACT 1:  
 OFFICE SERVICES  
 TRACTS 2 & 3:  
 SINGLE-FAMILY RESIDENTIAL HOUSING

**EXISTING SETBACKS (O/S)**  
 FRONT: 10'  
 REAR: 20'  
 INTERIOR SIDE: 10'  
 EXTERIOR SIDE: 10'

**EXISTING SETBACKS (M-2)**  
 FRONT: 20'  
 REAR: 20'  
 INTERIOR SIDE: 10'  
 EXTERIOR SIDE: 15'

**MAX. BUILDING HEIGHT (OSURM-2): 35'**

**LEGEND**

- Proposed Development
- Existing Buildings
- Proposed Parking
- Proposed Driveway
- Proposed Walkway
- Proposed Utility Lines
- Proposed Storm Drain
- Proposed Retention Pond
- Proposed Easement
- Proposed Right-of-Way
- Proposed Accessway
- Proposed Boundary
- Proposed Setback
- Proposed Utility
- Proposed Storm Drain
- Proposed Retention Pond
- Proposed Easement
- Proposed Right-of-Way
- Proposed Accessway
- Proposed Boundary
- Proposed Setback
- Proposed Utility

**PROPERTY INFORMATION**

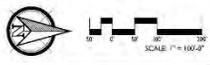
APRIL 2016  
 100.00 ACROSS  
 100.00 ACROSS  
 100.00 ACROSS  
 100.00 ACROSS  
 100.00 ACROSS

TOTAL AREA: 100.00 ACROSS  
 TOTAL OPEN SPACE: 100.00 ACROSS  
 TOTAL IMPROVED SURFACE: 100.00 ACROSS

**CAUTION**  
 THIS SETBACK DESIGNATION AND FOR THE CONTRACTORS' CONSIDERATION ONLY. THERE ARE NO OTHER SETBACKS SHOWN ON THIS PLAN. THE LANDSCAPE ARCHITECT AND ENGINEER HAS NO RESPONSIBILITY FOR THE LOCATION, DESIGN AND SIZE OF THE DEVELOPMENT STRUCTURES. TO VERIFY THE LOCATION OF ALL UTILITIES WITHIN THE PROJECT AREA, ALL OWNERS MUST BE THE DESIGN ENGINEER BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

**GENERAL NOTES:**

1. BASIS OF NORTH: NO CORRECTIONS
2. AREA CALCULATIONS ARE BASED ON COORDINATE CALCULATION
3. A COMPLETE TITLE SEARCH WAS NOT PROVIDED BY THE SURVEYOR. PROPERTY IS SUBJECT TO ALL ENCUMBRANCES AND RIGHTS OF WAY OF RECORD.
4. NO DETERMINATION HAS BEEN MADE BY THE SURVEYOR AS TO THE EXISTENCE OF THE FOLLOWING FLOOD HAZARD RISKS: WETLANDS, UNDERGROUND UTILITIES, HAZARDOUS WASTE STORAGE FACILITIES, CANALS, TRENCHES OR BURIAL GROUNDS.
5. LOCATION OF UNDERGROUND UTILITIES, IF KNOWN, ARE BASED ON VISIBLE EVIDENCE AND DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND UTILITIES AND UTILITIES MAY VARY FROM LOCATION SHOWN. ADDITIONAL UTILITIES MAY EXIST. LOCAL UTILITY COMPANIES SHOULD BE CONSULTED FOR FURTHER INFORMATION PRIOR TO CONSTRUCTION.
6. CONTOUR INTERVAL: OBTAINED FROM MOORE COUNTY GIS.
7. EXISTING UTILITY INFORMATION OBTAINED FROM MOORE COUNTY GIS AND TOWN OF SOUTHERN PINES GIS.
8. THE SUBJECT PROPERTY IS NOT SHOWN IN A WETLAND AREA FOR THE NATIONAL WETLANDS INVENTORY MAP.
9. ALL RIGHTS AND ALLEYS TO BE PRIVATE.



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

**KOONTZ/JOHNSON DESIGN**  
 LAND PLANNING & ARCHITECTURE  
 200 W. HICKORY STREET  
 SOUTHERN PINES, NC 28387  
 WWW.KOONTZJOHNSON.COM



**U.S. 1 PROPERTY**  
 SOUTHERN PINES, NORTH CAROLINA

**OVERALL DEVELOPMENT PLAN**

DATE: 03/15/2016  
 DESIGNED BY: JRS  
 CHECKED BY: JRS  
 PROJECT NO.: 16-011  
 SHEET NUMBER:  
**L2.0**

FIGURE 2

SITE PLAN

US 1 RESIDENTIAL DEVELOPMENT  
 SOUTHERN PINES, NC



THIS DOCUMENT, INCLUDING THE PLAN, SPECIFICATIONS AND RECORD DRAWINGS, IS INTENDED ONLY FOR THE PROJECT AND SHALL BE VOID IF ANY CORRECTIONS ARE MADE.

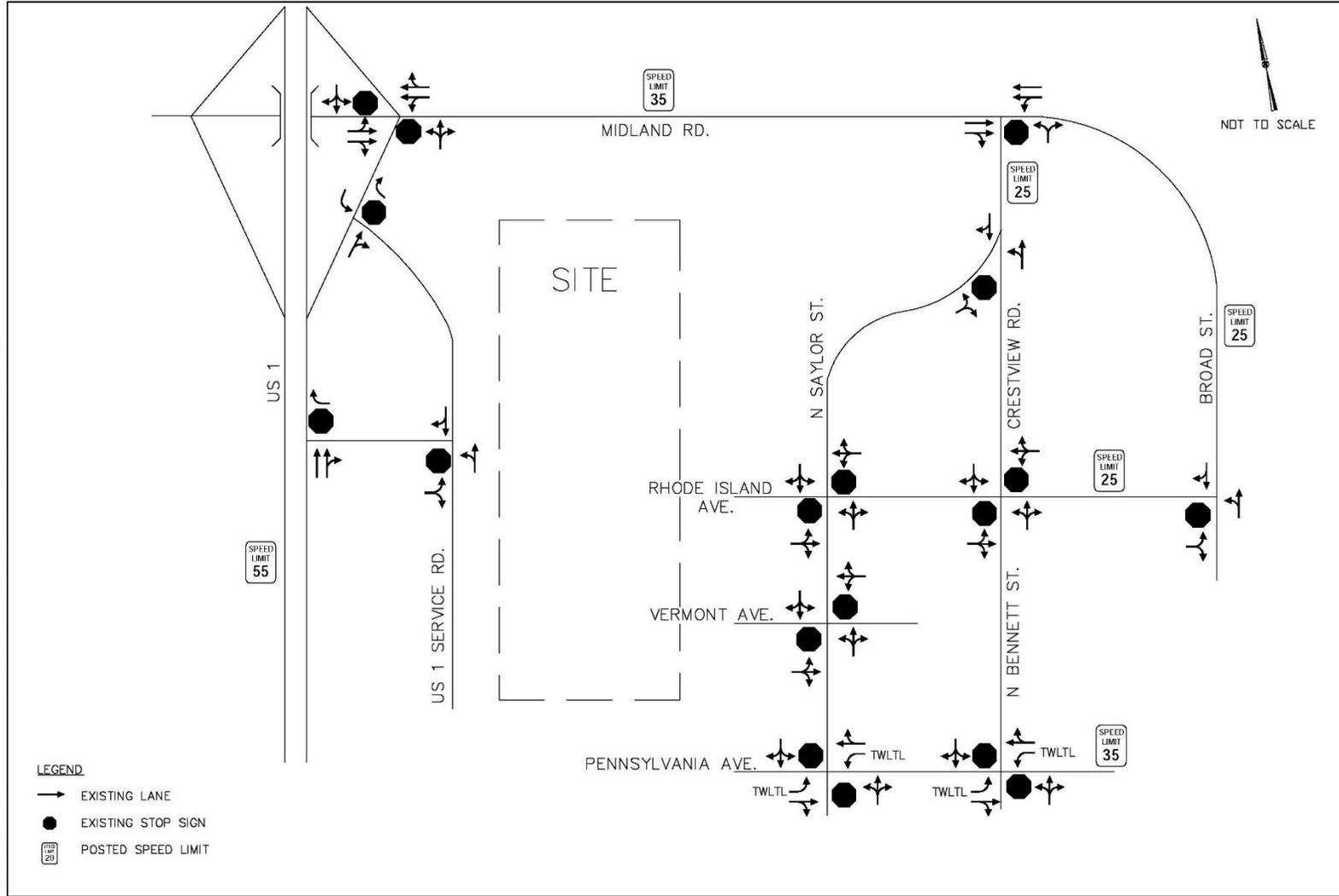


FIGURE 3

### 3.0 Traffic Generation

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

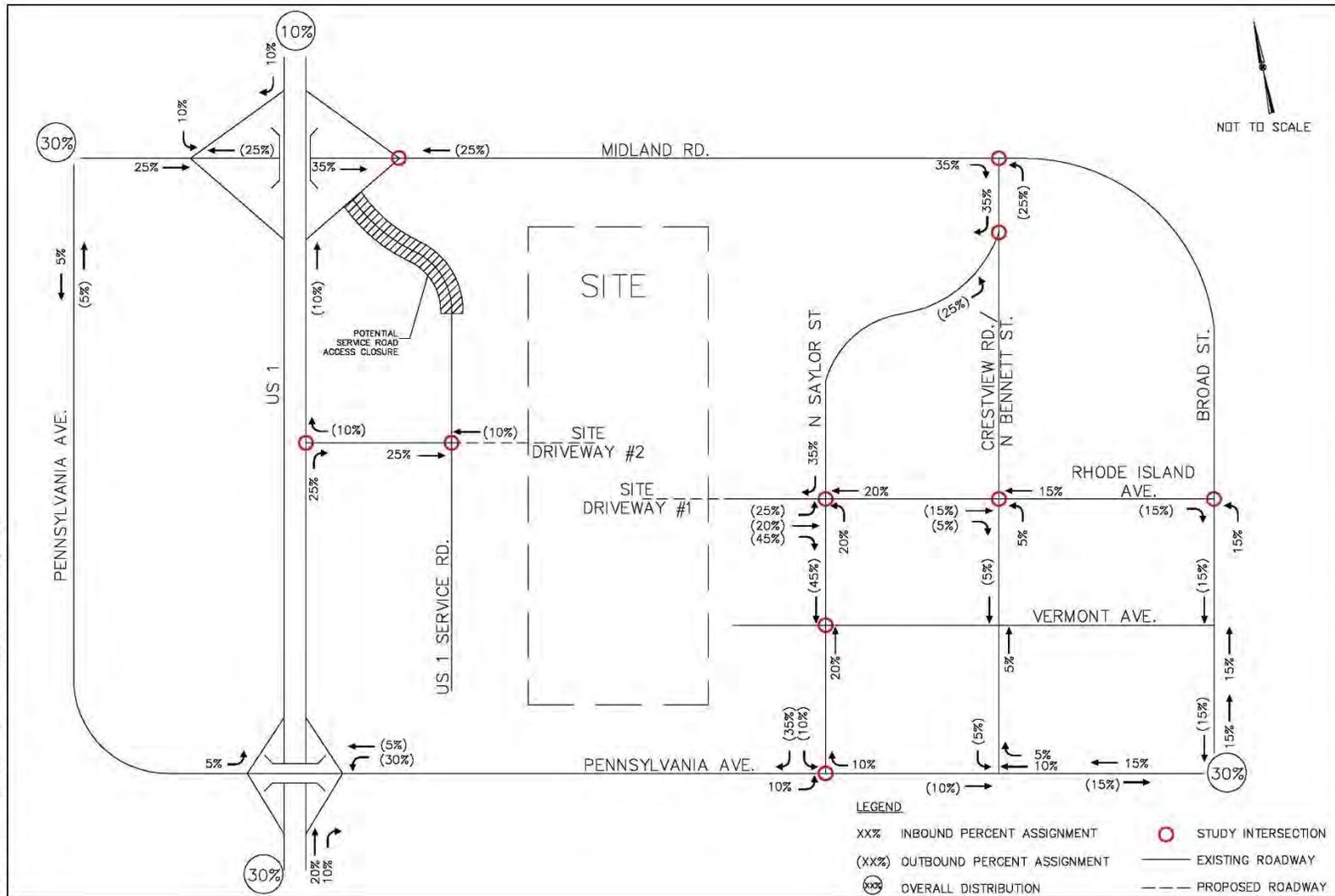
Land Use Code	Land Use Density	AM Peak Hour		PM Peak Hour	
		Enter	Exit	Enter	Exit
220	Apartment (288 Units)	29	116	114	62

#### 4.0 Site Traffic Distribution

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

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

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



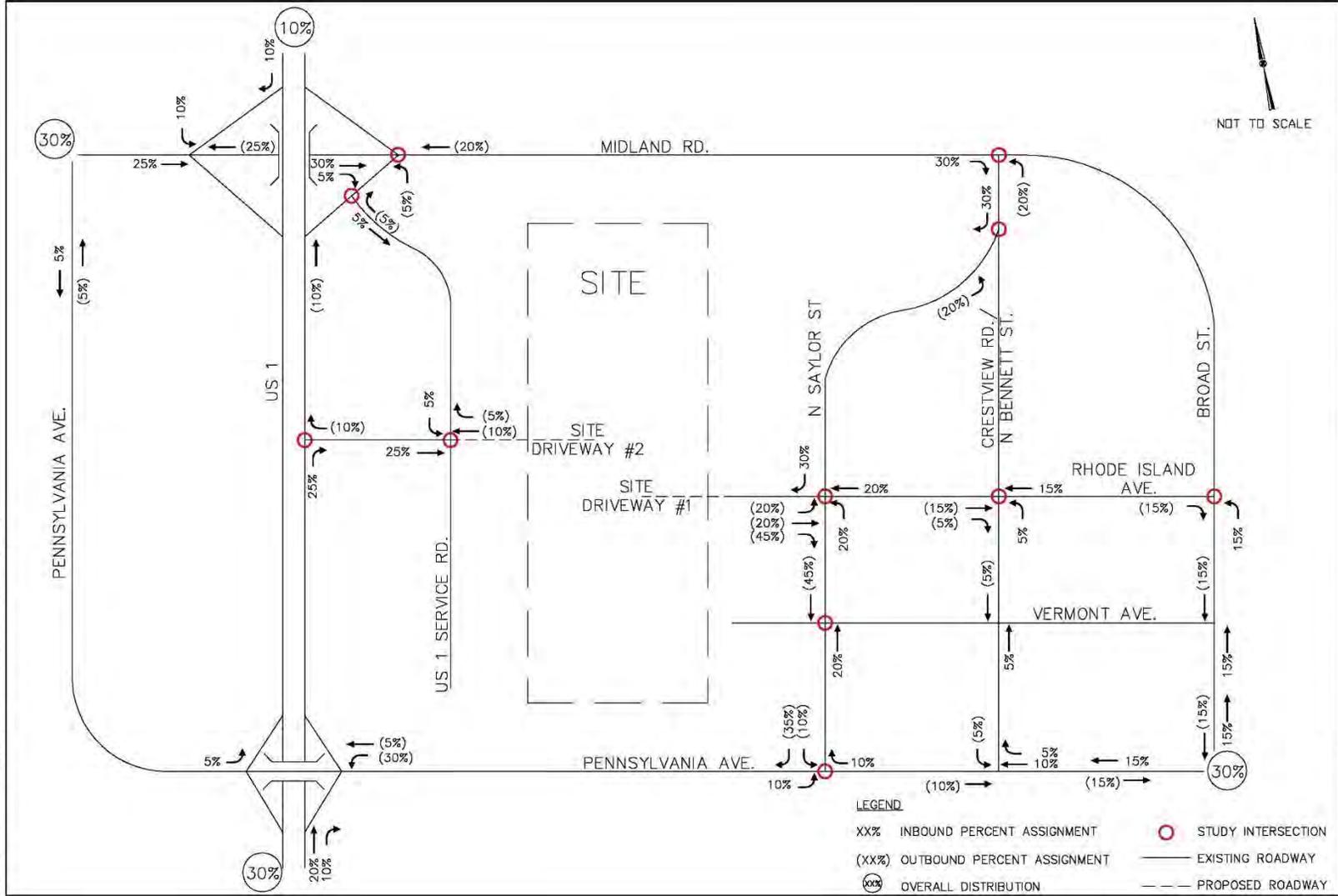
**Kimley** Horn

US 1 RESIDENTIAL DEVELOPMENT  
SOUTHERN PINES, NC

SITE TRAFFIC DISTRIBUTION –  
CLOSED SERVICE ROAD RAMP  
CONNECTION SCENARIO

FIGURE  
4

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US 1 RESIDENTIAL DEVELOPMENT - SOUTHERN PINES, NC

SITE TRAFFIC DISTRIBUTION - OPEN SERVICE ROAD RAMP CONNECTION SCENARIO

FIGURE 5



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## 5.0 Projected Traffic Volumes

### 5.1 Existing Traffic

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

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

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

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

### 5.2 Historic Growth Traffic

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

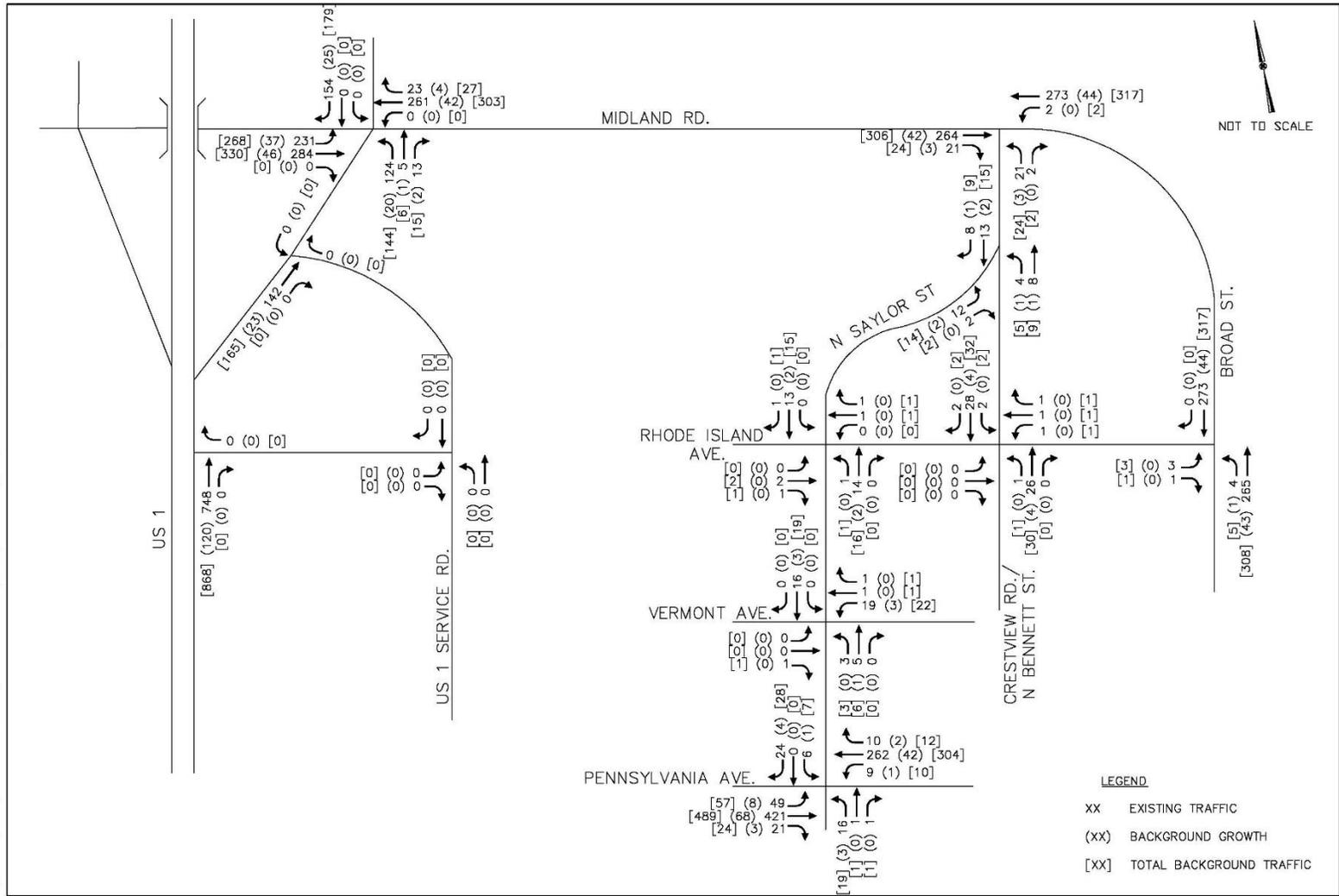
### 5.3 Site Traffic

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

### 5.4 Projected Build-Out Traffic

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

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



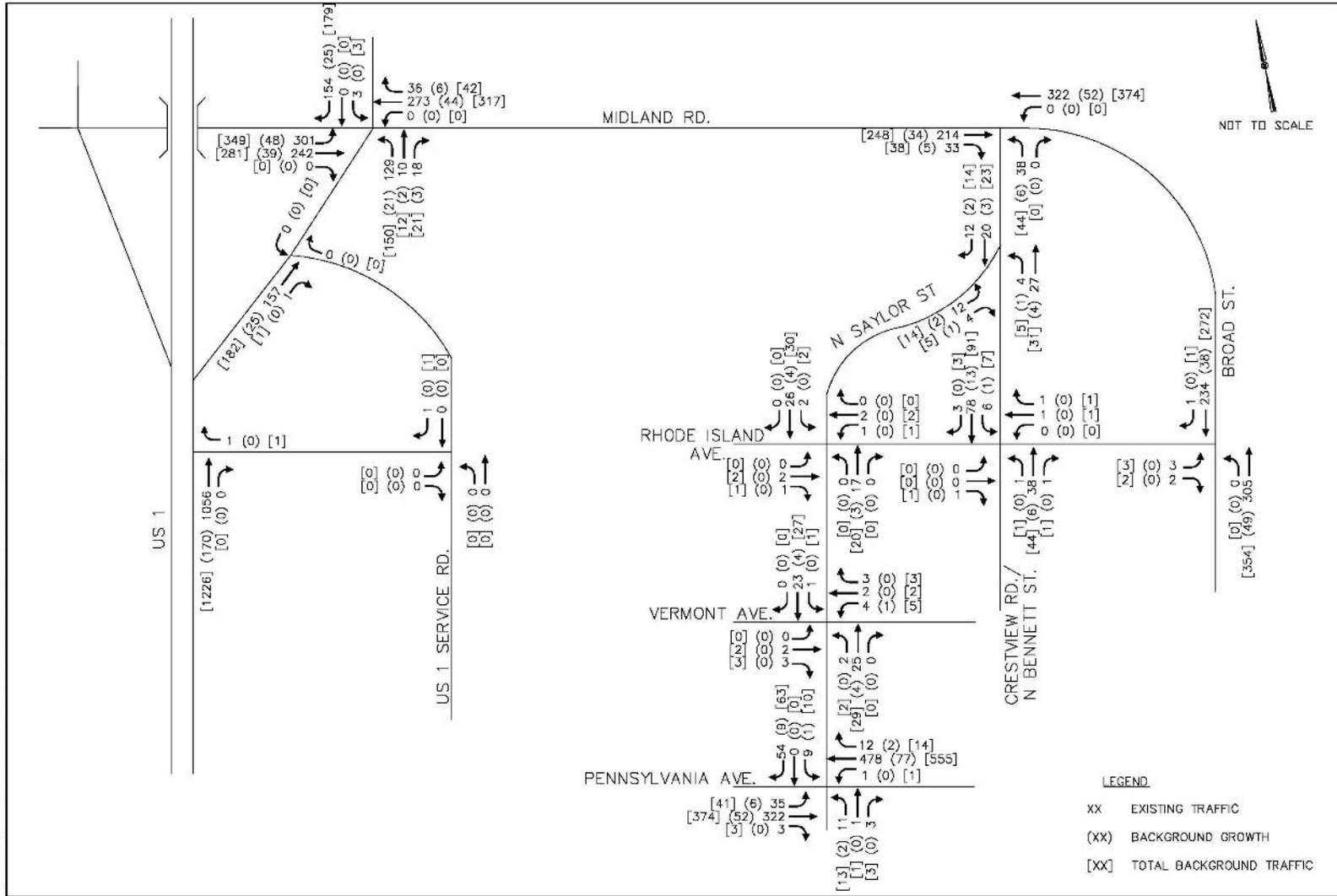
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US 1 RESIDENTIAL DEVELOPMENT  
SOUTHERN PINES, NC

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

FIGURE  
6

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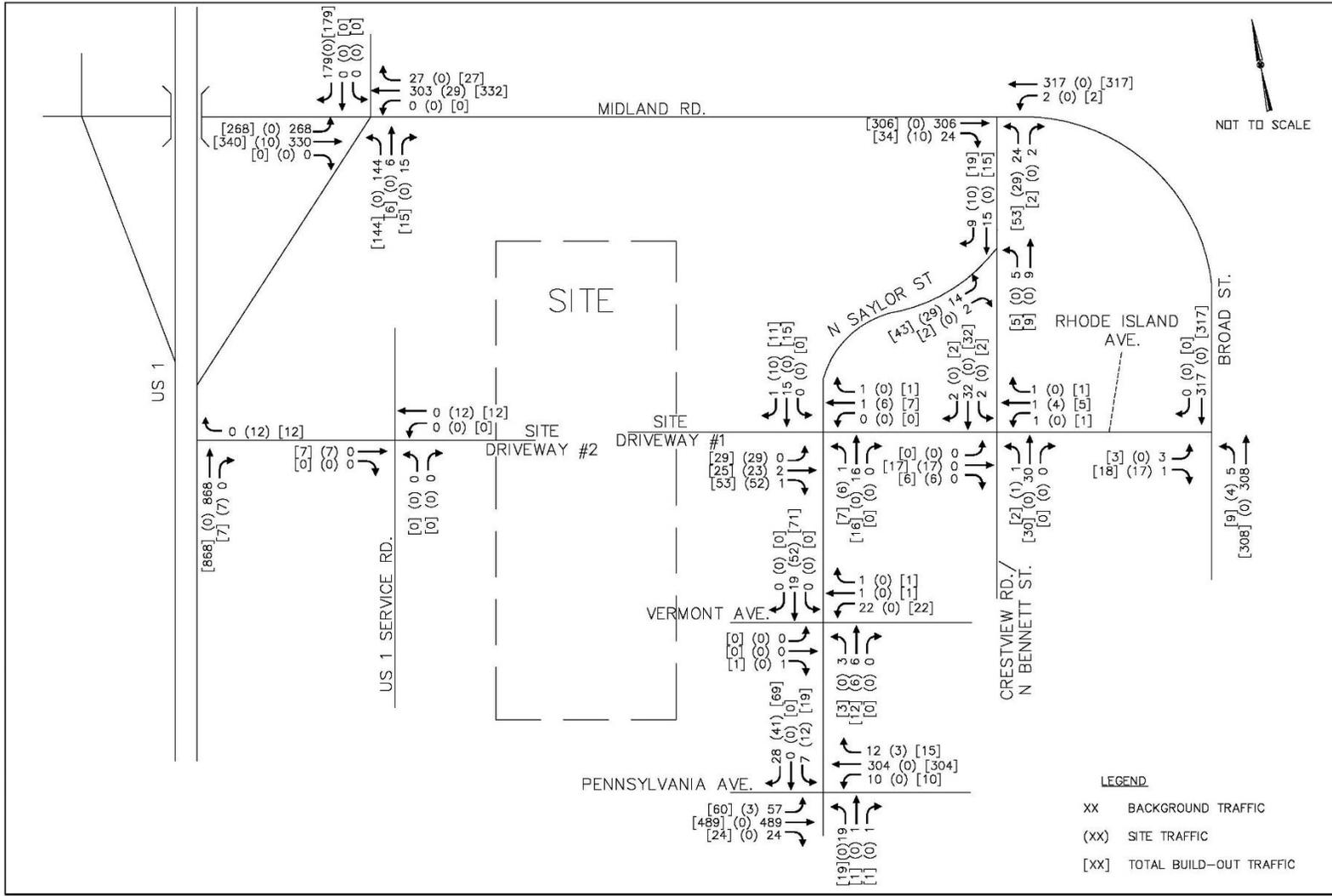
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US 1 RESIDENTIAL DEVELOPMENT  
SOUTHERN PINES, NC

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

FIGURE  
7

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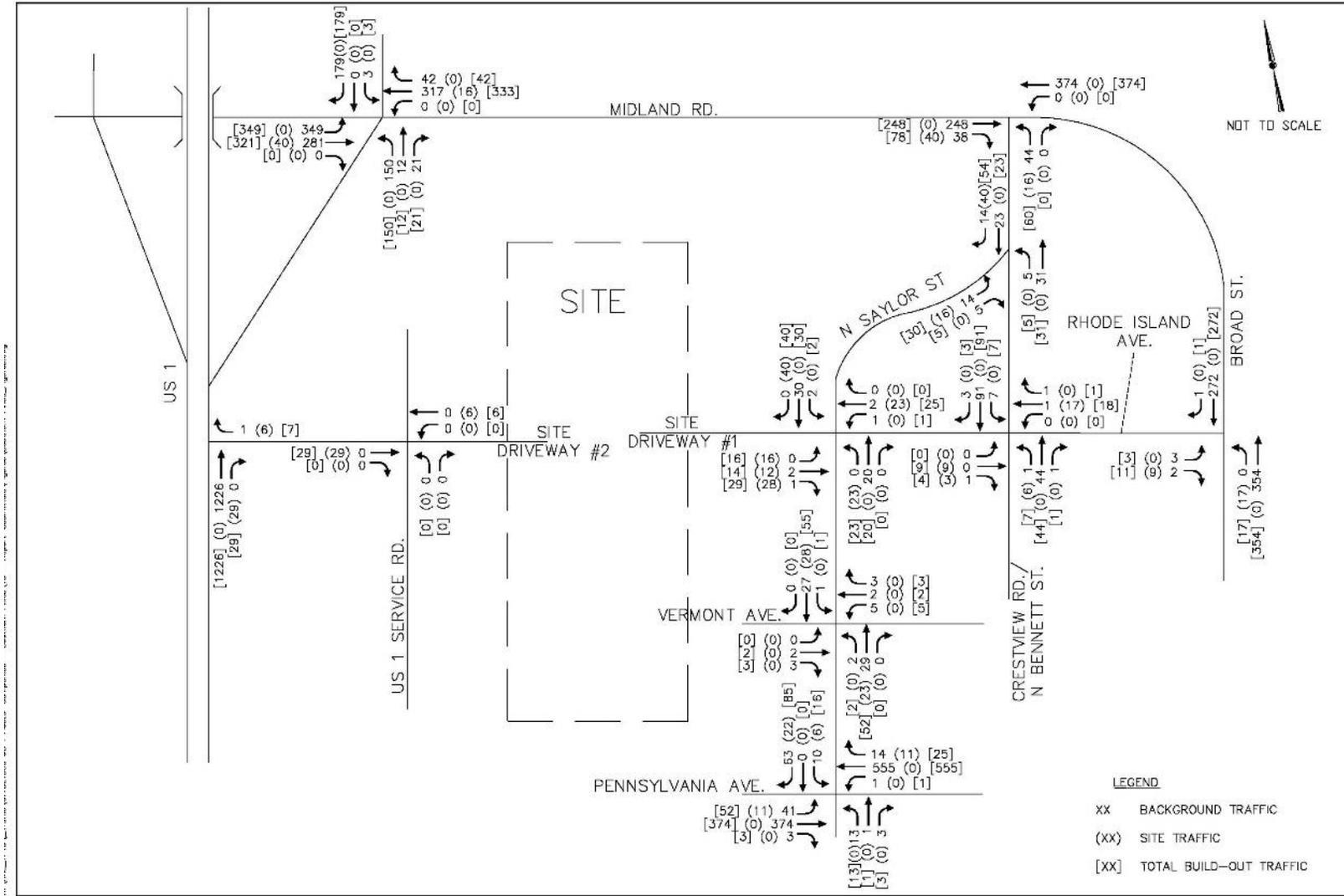
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US 1 RESIDENTIAL DEVELOPMENT  
SOUTHERN PINES, NC

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

FIGURE  
8

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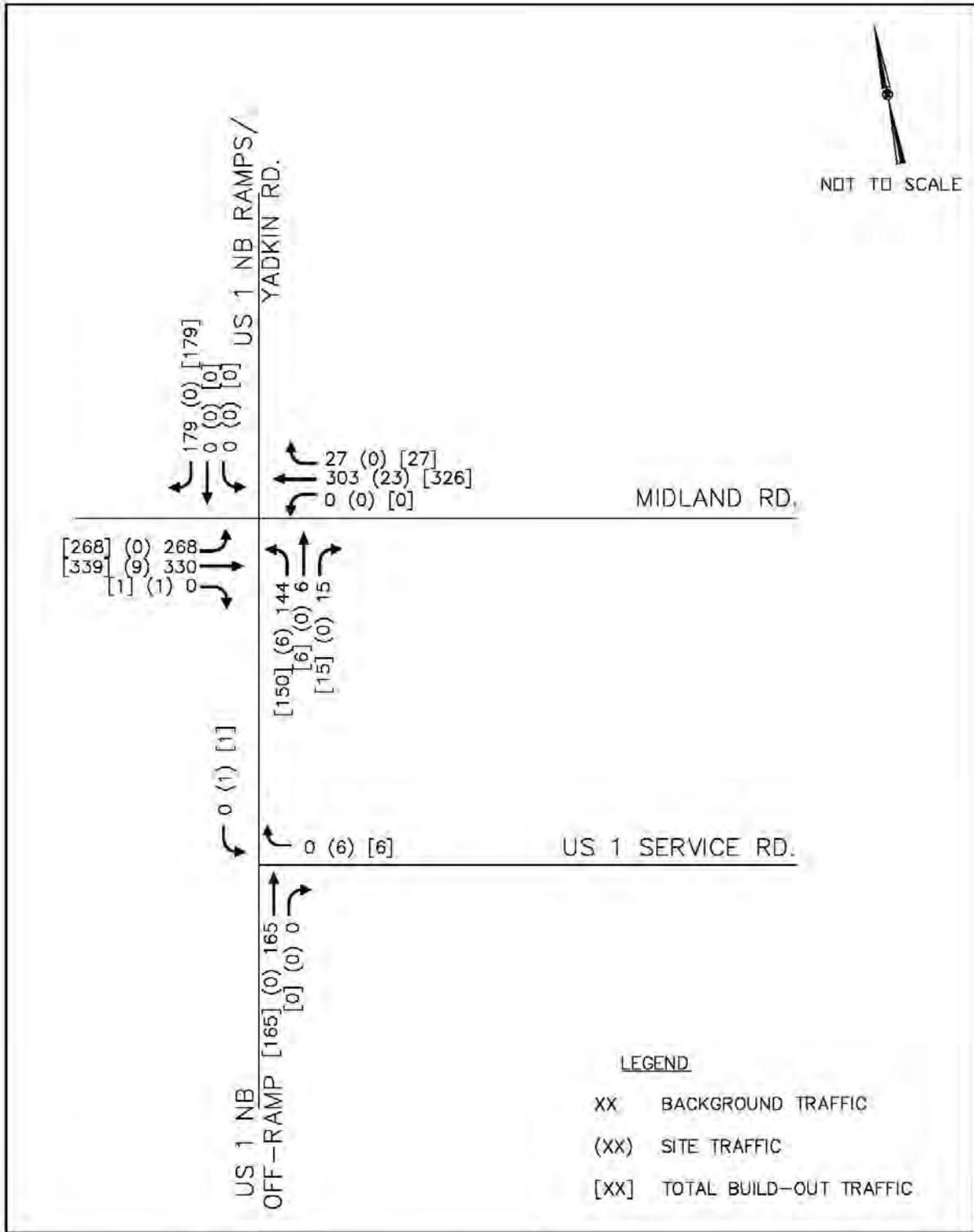
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US 1 RESIDENTIAL DEVELOPMENT  
SOUTHERN PINES, NC

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

FIGURE  
9

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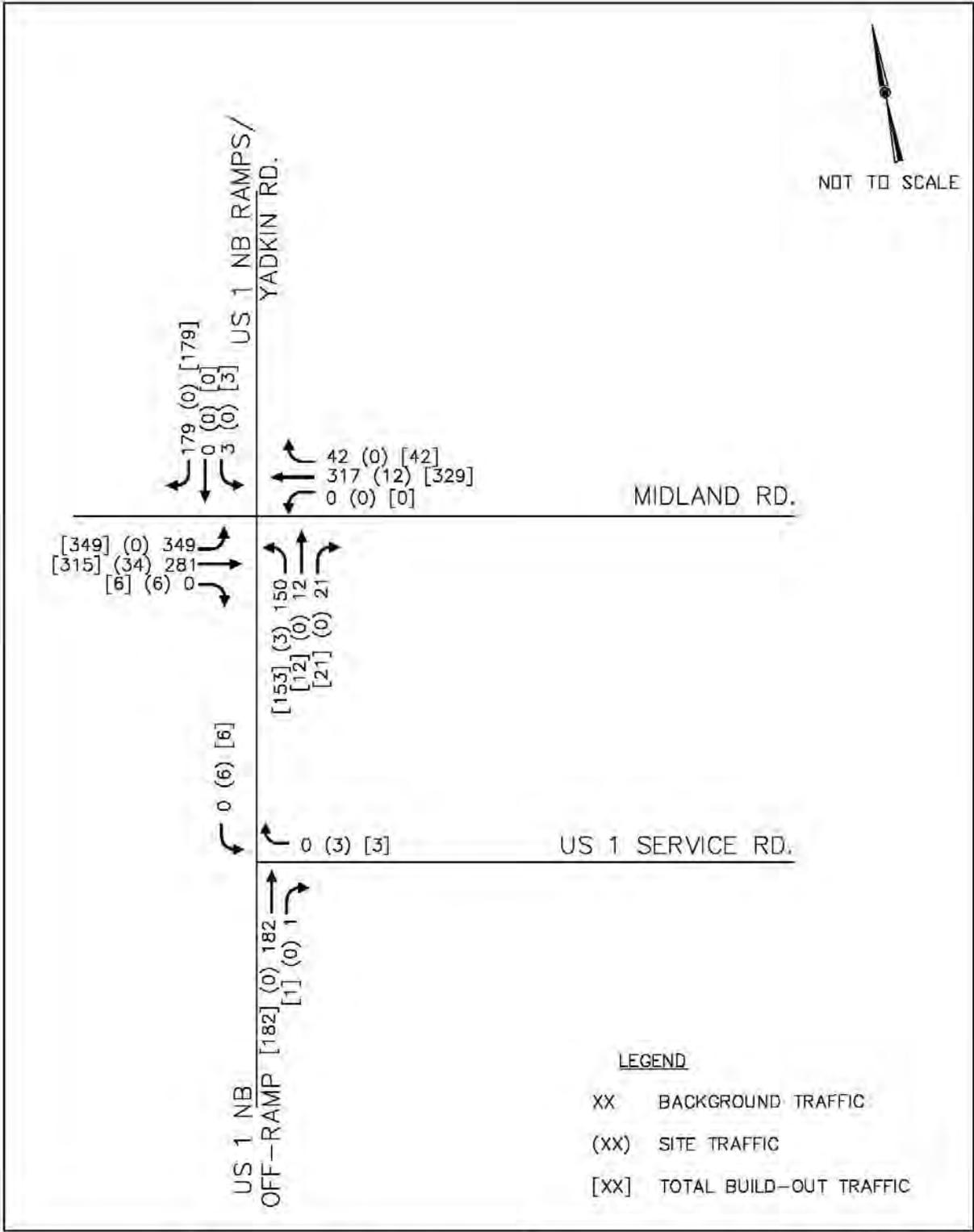


US 1  
RESIDENTIAL DEVELOPMENT  
SOUTHERN PINES, NC

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

FIGURE  
10

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US 1  
RESIDENTIAL DEVELOPMENT  
SOUTHERN PINES, NC

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

FIGURE  
11

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## 6.0 Capacity Analysis

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### *6.3 Midland Road at Crestview Road*

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

#### 6.4 *N Saylor Street at Crestview Road*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 7.0 Conclusions and Recommendations

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

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

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

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

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

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

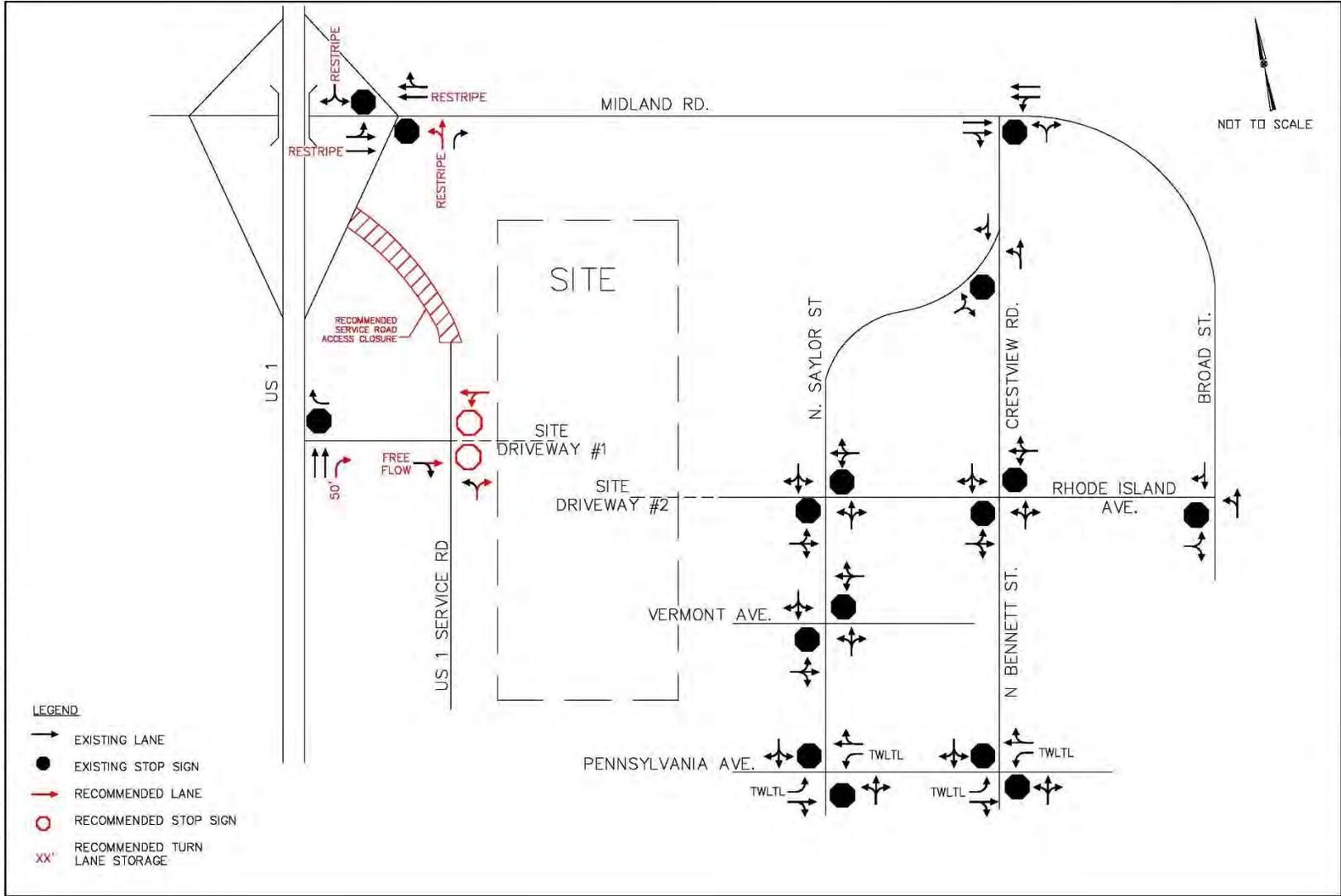
### *US 1 Northbound at US 1 Northbound Service Road Access:*

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

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

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

The recommended roadway laneage is shown on Figure 12.



US 1 RESIDENTIAL DEVELOPMENT  
SOUTHERN PINES, NC

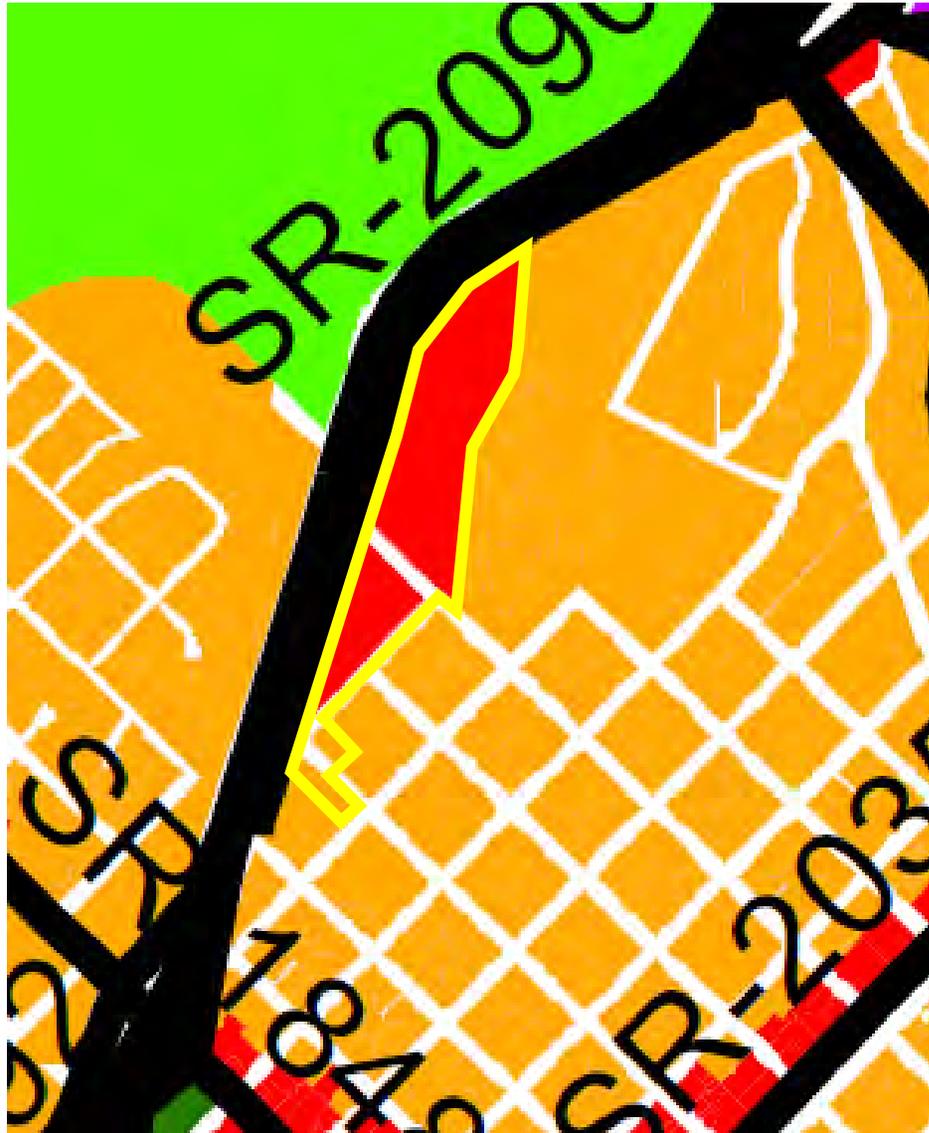
RECOMMENDED LANEAGE

FIGURE 12

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

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



 = Subject Property

## Legend

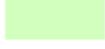
 City Limits

 Primary Roads

## Future Land Use Categories

 Parks / Open Space

 Residential / Golf

 Rural Equestrian

 Urban Reserve

 Low Density Residential

 Residential

 Commercial

 Traditional Mixed Use

 Industrial

## **Agenda Item**

**To: Reagan Parsons, Town Manger**

**Via: Bart Nuckols, Planning Director**

**From: Chris Kennedy, Senior Planner**

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

**Date: July 12, 2016**

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

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

### **Town Council Hearing – June 14, 2016 (June 2016 Regular Business Meeting of the Town Council):**

At the June 14, 2016 Regular Business Meeting of the Town Council, the Town Council continued the quasi-judicial public hearing and received evidence from those in attendance regarding Conditional Use Permit application CU-01-16. The Planning Department staff opened the public hearing with the staff report. In addition to the staff report, planning staff entered into evidence and presented documentation for the proposed and existing sidewalks in the immediate vicinity of the proposed development, a chart depicting right-of-ways in the immediate vicinity of the proposed development, and a development comparison chart showing similar projects within the Town as compared to the proposed project. The Town Manager provided historical

evidence of the previous MLC Automotive/Leith litigation against the Town, presented a report on the effect of the proposed development on public services, and presented a timeline for the sale of formerly Town owned property included in the request to Caviness & Cates Building and Development Company. The petitioner submitted updated renderings, narratives, and a revised TIA report to address the previously stated concerns of both the Town Council and the public. However, the petitioner requested of the Town Council that the public hearing be continued until the July 2016 Regular Business Meeting of the Town Council to allow Town staff and the public to review the revised documentation. No presentations or any submittal of evidence from the public took place at the June portion of hearing. After an extensive discussion relative to whether or not to continue the public hearing, the Town Council decided to continue the public hearing to the July 12, 2016 Regular Business Meeting of the Town Council; thereby any review and decision on WP-01-16 is also continued until the June 14, 2016 Regular Business Meeting of the Town Council..

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

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

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

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

**Staff Comments:**

- The proposed project consists of the development of two-hundred eighty-eight (288) apartments.
- The entirety of the property is within the Little River #2 Intake (LR#2) Watershed and is therefore subject to Watershed Protection Overlay District and the standards set forth in UDO Section 3.6.8.
- This project may be required to obtain a Watershed Protection Permit from the Town Council due to its location within the high quality water portion of the watershed. Should the project exceed the 12% impervious level the project will be required to utilize BMPs for storm water management. Should the project exceed the 24% impervious level the project will be required to apply for the 5/70 Exemption from the Town Council as part of the CUP application.

- The Watershed Protection Permit, if approved, will provide the project with the 5/70 exemption allowing the project to develop up to the 70% impervious surface level.
  - The development is proposed at 48.9% impervious.
- The 5/70 exemption for the Town of Southern Pines went into effect in 1993 to help protect the Town's watershed areas.
- The 5/70 exemption allows the Town to develop 5% of our watershed to a 70% impervious level.
- All development in the Town's watershed pre-1993 is considered exempt from the allocation tally. Any new development is subject to the current watershed standards and eligible projects may pursue the 5/70 exemption.
- The UDO defines the Protected Area as 'The area adjoining and upstream of the Watershed Critical Area in which protection measures are required. Unless otherwise modified by the Town, this area corresponds with the State's high quality water (HQW) area. The boundaries of the protected area are defined as extending ten (10) miles upstream and draining to the Cape Fear, lower Little River #2 public water supply intake or the ridge line of the Watershed (whichever comes first). The Town may extend the Protected Area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the Protected Area if these landmarks are immediately adjacent to the appropriate outer boundary of ten miles.'
- Per Exhibit 3-14, the 5/70 Exemption standards dictate the following for the High Quality Water (HQW) / Protected Area:
  - New Development shall be limited to one (1) Dwelling Unit per acre or twelve (12) percent built upon land area unless (a) the development disturbance area is less than one (1) acre or (b) BMPs or another approved stormwater management based practices are used. New Development with a development disturbance area less than one (1) acre shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built upon land area. New Development utilizing BMPs or another approved stormwater management based practices shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built-upon land area in the Watershed outside of the Critical Area.
- For Residential Projects: New Development requires a state Stormwater Permit if the development disturbance area exceeds one (1) acre. If the new development exceeds the twenty-four (24) percent built upon area the project may apply for the 5/70 exemption\*.
- Per Section 2.47.1 if the proposed activity as set forth in the application is in conformance with the provisions of this ordinance and the Town Council has allocated Built-Upon Area pursuant to any Development Approval, the Planning Director shall issue a Watershed Protection Permit for the low-density option.
  - A. If the Town Council has not allocated Built-Upon Area, the Planning Director shall forward the application to the Town Council at the next regular meeting.
  - B. If any application for a Watershed Protection Permit is not approved, the Approval Authority shall state the cause for such disapproval.
  - C. Issuance of a permit shall, in no case, be construed as waiving any provision of this or any other ordinance or regulation.
- Development outside of the CB district requiring an allocation of Built-Upon Area shall require approval from the Town Council in conjunction with any Development Approval prior to Building Permit Approval. The allocation may be granted concurrently with

Architectural Compliance Permit or Final Development Plan approval and shall be subject to the following criteria:

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

**Attachments:**

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

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

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

Date Received: 3/21/2016

Case: WP- 01-16

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

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

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

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

Name of Petitioner: Christopher Cates Signature:   
Please Print

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

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

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

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

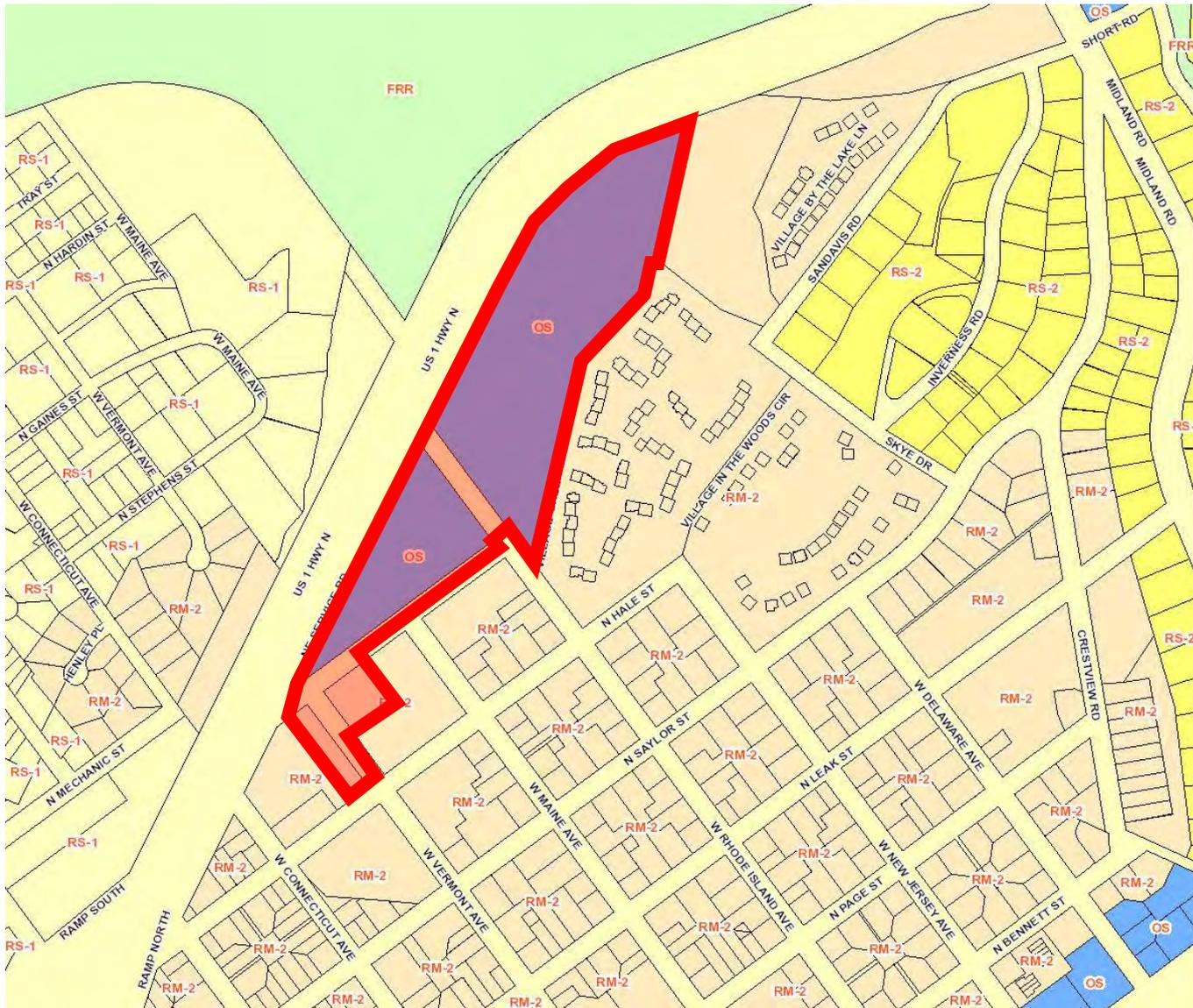
Mailing Address of legal Property Owner  
(If different from Petitioner) PO Box 40110, RALEIGH, NC 27629  
Please Print

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

Form updated December 13, 2013

# WP-01-16 Proposed Multi-Family Development

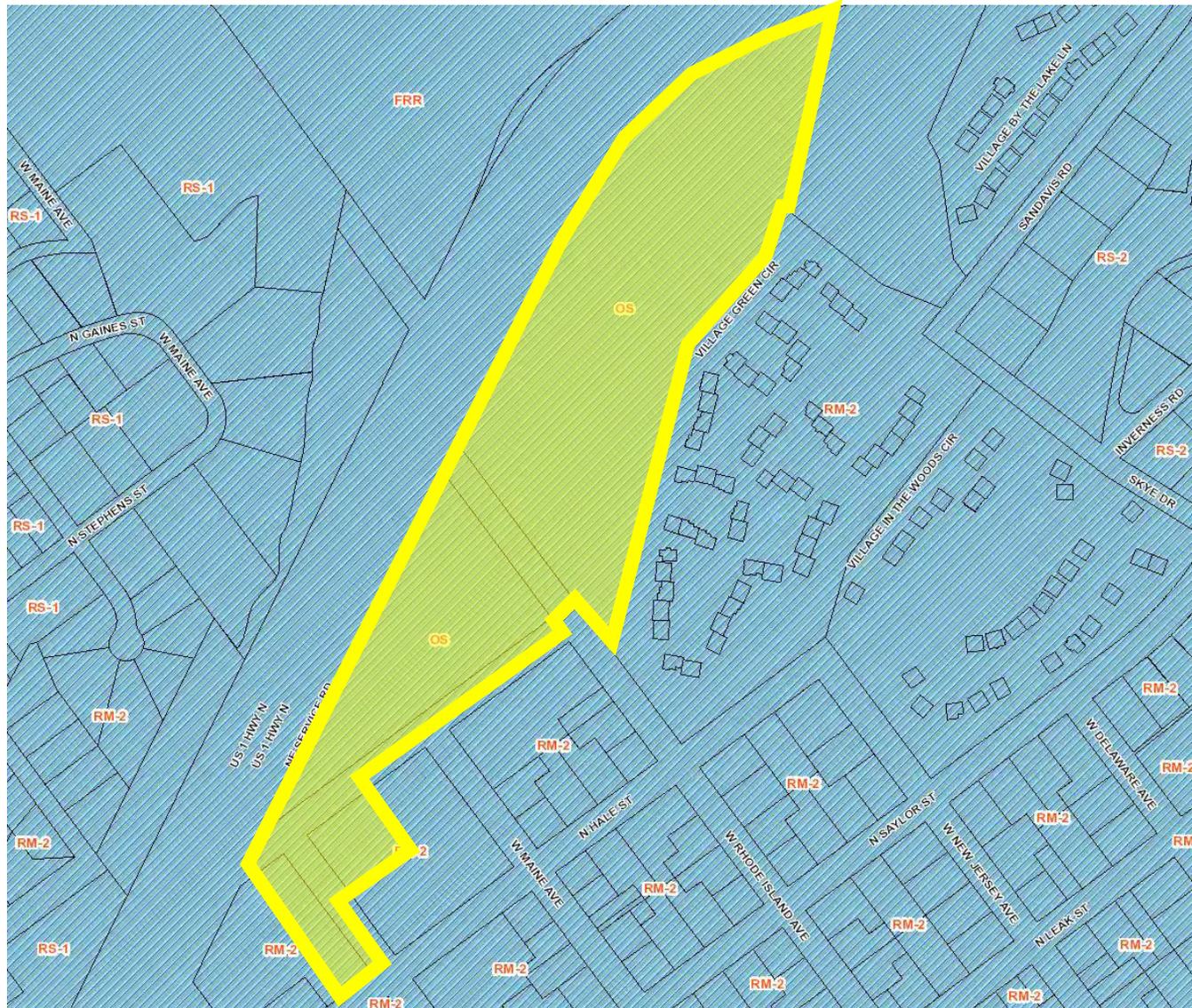
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# WP-01-16 – Proposed Multi-Family Development Watershed Map

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merchability and fitness for a particular use. Any resale of this data is strictly prohibited in accordance with North Carolina General Statute 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).





# PROPOSED CONCEPTUAL MASTER PLAN



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

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

Table Notes:

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

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

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



PAT McCRORY  
*Governor*

NICHOLAS J. TENNYSON  
*Secretary*

July 11, 2016

Richard Adams  
Kimley-Horn and Associates, Inc.  
421 Fayetteville Street, Suite 600  
Raleigh, NC 27601

SUBJECT: Driveway Permit—Access to US 1  
US 1 Residential Development  
Permit # Preliminary

Dear Mr. Adams:

Thank you for submitting the Traffic Impact Analysis for the subject development. The preliminary site plan and traffic impact analysis have been reviewed by District and Division Staff in accordance with the Policy on Street and Driveway Access to North Carolina Highways. We have the following comments for the subject access permit.

**Midland Road at US 1 Northbound Ramp/Service Road**

- Sever the service road connection with the exit ramp for Midland Road. Construct a cul-de-sac at the end of the service road. Use the existing configuration of the ramp to restripe for a left turn lane and a straight/right turn.

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

- We agree with the TIA recommendation to construct an exclusive right turn lane on US 1 Northbound with a minimum of 50 feet of storage and appropriate taper.

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

- We agree with the TIA recommendation to operate the eastbound and westbound approaches as free-flow movements so that vehicles will not queue back onto mainline US 1 when attempting to enter the proposed site.
- We agree with the TIA recommendation that the Northbound Service Road Access/Proposed Site Driveway 1 require that the northbound movement be under STOP control.
- We do not concur with the severing of the service road north of the intersection with the Service Road Access/Proposed Site Driveway 1. Existing properties to the north of this site could need the Service Road for access if connection to Town Streets is not allowed. With this in mind the southbound movement of the Service Road Access/Proposed Site Driveway #1 will require that the movement be under a STOP condition.



## US 1 Northbound Service Road at Proposed Site Driveway 2.

- We agree with the TIA recommendation to pave and stripe the northbound approach on the US 1 Northbound Service Road.
- We agree with the TIA recommendation to pave and stripe the southbound approach on the US 1 Northbound Service Road.
- We agree with the TIA recommendation to pave the service road from Site Driveway 1 to its connection with Connecticut Avenue.

Please incorporate the above comments into your planning. When the above comments have been addressed please submit site plans along with a driveway permit and any necessary encroachment agreements to this office for review. If further information is needed, please advise.

Sincerely,

DocuSigned by:  
*Travis L. Morgan*  
BB40D57AAB92443...

Travis L. Morgan, PE  
District Engineer

TLM: JTG

Attachments

CC: Brandon Jones, PE  
Chris Kennedy Kennedy@southernpines.net  
Richard Adams Richard.Adam@Kimley-horn.com  
Moore County Maintenance  
File



**Agenda Item**

**To: Reagan Parsons, Town Manager**

**Via: Bart Nuckols, Planning Director**

**From: Chris Kennedy, Senior Planner**

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

**Date: June 14, 2016**

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

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

Both sections of right-of-way listed in this request are considered “paper” streets in that the areas designated for a street are not currently improved or easily accessible for most types of transportation. These sections of street are not included in Powell Bill funding calculations. The Town does not have future plans to improve these portions of unopened road. The Town does have a sewer line that runs east to west along W. Maine Avenue that will require an easement if the abandonment is approved.

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

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

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

### **Staff Comments:**

- This right-of-way abandonment request has been submitted by the same petitioner as Conditional Use Permit application CU-01-16. The petitioner is seeking the approval of a Conditional Use Permit for a multi-family development along the NE Service Road and the abandonment of the right-of-ways included herein as part of the development request.
  - Town Staff recommends that the Town Council delay their decision making of this right-of-way abandonment request until the Town Council formally makes a decision on Conditional Use Permit application CU-01-16.
  - Furthermore, Town staff recommends to the Town Council that should the Conditional Use Permit application CU-01-16 be denied, the right-of-way abandonment requests listed herein also be denied.
- The UDO standards and requirements for the abandonment or vacation of right-of-way are defined in UDO Section 2.29.

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

### **2.29.1 Purpose and Applicability**

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

### **2.29.2 Initiation**

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

### **2.29.3 Notice**

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

#### **2.29.4 Decision**

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

#### **2.29.5 Appeals**

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

#### **2.29.6 Ownership**

- (A) Except as provided in paragraph (C) of this section, upon the closing of a street or alley in accordance with this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.
- (B) The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.
- (C) The Town may reserve its right, title, and interest in any utility improvement or easement within a street closed pursuant to this section. Such reservation shall be stated in the order of closing. Such reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the Town. To retain such easements, the Town Council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements.

#### **2.29.7 Recording Procedures**

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

#### **Attachments:**

- Map Depicting Right-of-Way to be Vacated

**Town Council Actions:**

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

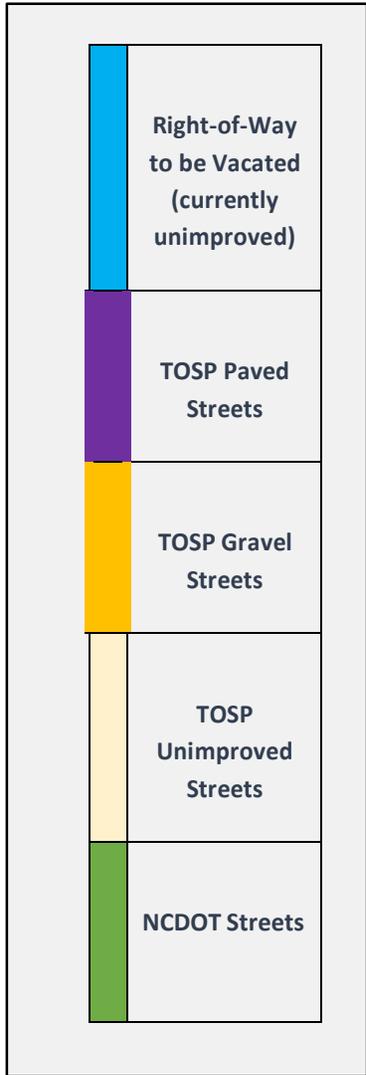
**I move that the proposed street or alley vacation request...**

- 1) **is not contrary to the public interest, and that no individual** owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to their property, therefore...
- 2) **is contrary to the public interest, and that individuals** owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to their property, therefore...

**I move to:**

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

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



This map was created by the Town of Southern Pine Planning Department.

The Town of Southern Pine, its agents and employees make NO warranty as to the correctness or accuracy of the information set forth on this media whether expressed or implied, in fact or in law, including without limitation the implied warranties of merchantability and fitness for a particular use.

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

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

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

The public hearing which is hereby called shall be held at the Douglass Community Center, 1185 West Pennsylvania Avenue, Southern Pines, on September 9, 2014, at 7:00 p.m.

This 12th day of July, 2016.

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

ATTEST:

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

APPROVED AS TO FORM:

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

## **Agenda Item**

**To:** Reagan Parsons, Town Manager

**Via:** Bart Nuckols, Planning Director

**From:** Chris Kennedy, Senior Planner

**Subject:** OA-02-16 Ordinance Amendment to Chapter 4: Section 4.11. Transportation: Section 4.11.3 Access to Lots; Petitioner, Nancy Garner

**Date:** June 23, 2016

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### **OA-02-16 Ordinance Amendment to Chapter 4: Section 4.11. Transportation: Section 4.11.3 Access to Lots; Petitioner, Nancy Garner**

On behalf of the petitioner Ms. Nancy Garner, Mr. Richard Lee Yelverton III of Van Camp, Meacham & Newman, PLLC is requesting to amend the Town of Southern Pines Unified Development Ordinance Chapter 4: Section 4.11. Transportation (Streets): Section 4.11.3 *Access to Lots*; to amend the existing ordinance language to include the RS-3 (Residential Single-Family – 3) zoning classification into the standards set forth in Section 4.11.3(C)(2) so that an easement can serve as the primary access for up to three (3) dwelling units in the RS-3 (Residential Single-Family – 3) zoning classification.

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

At the June 23, 2016 Regular Meeting of the Planning Board, the Planning Board held a legislative public hearing and received comments on the application from those in attendance regarding the application OA-02-16. During the public hearing the Board, the public present, and the petitioner discussed the inclusion of the RS-3 zoning classification into UDO Section 4.11.3 (C)(2). After an extensive discussion relative to the appropriateness of the proposed amendment, the Board closed the public hearing and proceeded with their recommendation to the Town Council. The Planning Board voted (6-1) to recommend that the proposed amendment to the ordinance is consistent with those documents that constitute the officially adopted land development plan and other applicable plans in that the proposed amendment furthers the goal to preserve low density development and is consistent with CLRP Policy P-9 which encourages access management and specifically shared driveway accesses. Then, the Planning Board voted (6-1) to recommend approval of OA-02-16 to the Town Council.

#### **Staff Comments:**

- The Town Council public hearing shall be conducted using legislative hearing procedures.
- The petitioner has submitted a narrative to address the UDO Criteria for an Ordinance Amendment set forth in UDO Section 2.17.10 (please see attached at end of Planning Board packet).
- RLUAC found no issues or concerns with the requested ordinance amendment.

- **Current Language from UDO:**

4.11.3(C) A private drive may be approved as the sole access for a Lot or Parcel subject to the following conditions:

- (1) It accesses a public or private street and is located on a perpetual easement not less than twenty (20) feet in width;
- (2) The easement serves no more than three (3) lots in the RE or RR zoning district or no more than twenty-five (25) dwelling units in a RS-1, RM, or PD zoning district;
- (3) Prior to recording of the plat, that delineates the Lot, restrictive covenants are recorded in the Moore County Registry that permanently establish the easement, provide for maintenance of the private drive and prohibit further division of any of the Lots served by the easement. If the private drive is part of a subdivision for Townhouses or Condominiums, the Lots may be served by a “Private Ingress/Egress/Access Easement” that is maintained by the “home owners association” and shall be clearly designated on Final Plat and in restrictive HOA documents.

- **Proposed Language:**

4.11.3(C) A private drive may be approved as the sole access for a Lot or Parcel subject to the following conditions:

- (1) It accesses a public or private street and is located on a perpetual easement not less than twenty (20) feet in width;
- (2) The easement serves no more than three (3) lots in the **RS-3**, RE or RR zoning district or no more than twenty-five (25) dwelling units in a RS-1, RM, or PD zoning district;
- (3) Prior to recording of the plat, that delineates the Lot, restrictive covenants are recorded in the Moore County Registry that permanently establish the easement, provide for maintenance of the private drive and prohibit further division of any of the Lots served by the easement. If the private drive is part of a subdivision for Townhouses or Condominiums, the Lots may be served by a “Private Ingress/Egress/Access Easement” that is maintained by the “home owners association” and shall be clearly designated on Final Plat and in restrictive HOA documents.

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- Section 2.17.10 outlines the criteria to be used by the hearing bodies in their consideration of an ordinance amendment. The Planning Board public hearing shall be conducted using legislative hearing procedures.

2.17.10 *Criteria for UDO Text Amendments*

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

- (A) Consistency. The text amendment shall be consistent with the adopted Comprehensive Plan.
- (B) Health, Safety, and Welfare. The amending ordinance must bear a substantial relationship to the public health, safety, or general welfare, or protect and preserve historical cultural places and areas.
- (C) Public Policy. Certain public policies in favor of the text amendment may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with the Town, area, neighborhood, or specific plans.

- (D) Other Factors. The Hearing Body may consider any other factors relevant to a text amendment application under state law.
- (E) Impacts. The Hearing Bodies shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed amendment on the public at large.

**Attachments:**

- RLUAC Response
- Planning Board Memo and Packet

**Town Council Actions:**

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

**I move that:**

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

OR

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

**I move to:**

1. Approve OA-02-16;
2. Deny OA-02-16; OR
3. Approve OA-02-16 with the following additional conditions...



## **TOWN OF SOUTHERN PINES**

### **Case OA-02-16 - Proposed Amendment to the Unified Development Ordinance – Chapter**

**4: Section 4.11. Transportation: Section 4.11.3 Access to Lots**  
To allow an easement to serve as the primary access for up to three dwelling units in the RS-3 Zoning District

**June 24, 2016**

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

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

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

Robert McLaughlin, Chairman

James Dougherty, Executive Director

**Agenda Item**

**To:** Planning Board

**Via:** Bart Nuckols, Planning Director

**From:** Chris Kennedy, Senior Planner

**Subject:** OA-02-16 Ordinance Amendment to Chapter 4: Section 4.11. Transportation: Section 4.11.3 Access to Lots; Petitioner, Nancy Garner

**Date:** June 23, 2016

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**OA-02-16 Ordinance Amendment to Chapter 4: Section 4.11. Transportation: Section 4.11.3 Access to Lots; Petitioner, Nancy Garner**

On behalf of the petitioner Ms. Nancy Garner, Mr. Richard Lee Yelverton III of Van Camp, Meacham & Newman, PLLC is requesting to amend the Town of Southern Pines Unified Development Ordinance Chapter 4: Section 4.11. Transportation (Streets): Section 4.11.3 *Access to Lots*; to amend the existing ordinance language to include the RS-3 (Residential Single-Family – 3) zoning classification into the standards set forth in Section 4.11.3(C)(2) so that an easement can serve as the primary access for up to three (3) dwelling units in the RS-3 (Residential Single-Family – 3) zoning classification.

**Staff Comments:**

• **Current Language from UDO:**

4.11.3(C) A private drive may be approved as the sole access for a Lot or Parcel subject to the following conditions:

- (4) It accesses a public or private street and is located on a perpetual easement not less than twenty (20) feet in width;
- (5) The easement serves no more than three (3) lots in the RE or RR zoning district or no more than twenty-five (25) dwelling units in a RS-1, RM, or PD zoning district;
- (6) Prior to recording of the plat, that delineates the Lot, restrictive covenants are recorded in the Moore County Registry that permanently establish the easement, provide for maintenance of the private drive and prohibit further division of any of the Lots served by the easement. If the private drive is part of a subdivision for Townhouses or Condominiums, the Lots may be served by a “Private Ingress/Egress/Access Easement” that is maintained by the “home owners association” and shall be clearly designated on Final Plat and in restrictive HOA documents.

• **Proposed Language:**

4.11.3(C) A private drive may be approved as the sole access for a Lot or Parcel subject to the following conditions:

- (4) It accesses a public or private street and is located on a perpetual easement not less than twenty (20) feet in width;
  - (5) The easement serves no more than three (3) lots in the **RS-3**, RE or RR zoning district or no more than twenty-five (25) dwelling units in a RS-1, RM, or PD zoning district;
  - (6) Prior to recording of the plat, that delineates the Lot, restrictive covenants are recorded in the Moore County Registry that permanently establish the easement, provide for maintenance of the private drive and prohibit further division of any of the Lots served by the easement. If the private drive is part of a subdivision for Townhouses or Condominiums, the Lots may be served by a “Private Ingress/Egress/Access Easement” that is maintained by the “home owners association” and shall be clearly designated on Final Plat and in restrictive HOA documents.
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- Section 2.17.10 outlines the criteria to be used by the hearing bodies in their consideration of an ordinance amendment. The Planning Board public hearing shall be conducted using legislative hearing procedures.

#### 2.17.10 *Criteria for UDO Text Amendments*

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

- (F) Consistency. The text amendment shall be consistent with the adopted Comprehensive Plan.
- (G) Health, Safety, and Welfare. The amending ordinance must bear a substantial relationship to the public health, safety, or general welfare, or protect and preserve historical cultural places and areas.
- (H) Public Policy. Certain public policies in favor of the text amendment may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with the Town, area, neighborhood, or specific plans.
- (I) Other Factors. The Hearing Body may consider any other factors relevant to a text amendment application under state law.
- (J) Impacts. The Hearing Bodies shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed amendment on the public at large.

#### **Attachments:**

- Ordinance Amendment Application
- Criteria Narrative Submitted by Petitioner

**Planning Board Actions:**

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

**I move to recommend...**

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

Or

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

**Then:**

1. I move to recommend to the Town Council the approval of OA-02-16;
2. I move to recommend to the Town Council the denial of OA-02-16; OR
3. I move to recommend to the Town Council the approval of OA-02-16 with the following additional conditions...

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

Date Received : 6/3/16 cow

Case: OA- 02-16

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

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

It is desired and requested that Section 4.11/4.11.3 be amended to  
Add the RS-3 zoning district to Section 4.11.3(C) of the UDO. The proposed language is included in  
the staff comments to the 28-March-2016-Work-Session-Agenda and is attached hereto.

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

Name of Petitioner (please print): Nancy Garner by Richard Lee Yelverton III

Petitioner's Signature: 

Mailing Address: P.O. Box 1389  
Pinehurst, NC 28374

Email Address: richardy@vancamplaw.com

Phone Number: 910-295-2525

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

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

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

Revised July 1, 2014

Written Narrative Explaining How the Application to Amend the Town of Southern Pines  
Unified Development Ordinance at Chapter 4: Section 4.11.3 Complies with  
UDO Section 2.17.10 (the criteria for a text amendment)  
In an Effort to Assist the Board in Their Deliberation.

Pursuant to TOSP UDO Section 2.17.10, prior to approving an application for a UDO text amendment, the Hearing Bodies are required to consider the following criteria:

- (A) **Consistency.** The text amendment shall be consistent with the adopted Comprehensive Plan.
- (B) **Health, Safety, and Welfare.** The amending ordinance must bear a substantial relationship to the public health, safety, or general welfare, or protect and preserve historical cultural places and areas.
- (C) **Public Policy.** Certain public policies in favor of the text amendment may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with the Town, area, neighborhood, or specific plans.
- (D) **Other Factors.** The Hearing Body may consider any other factors relevant to a text amendment application under state law.
- (E) **Impacts.** The Hearing Bodies shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed amendment on the public at large.

While no single factor is controlling, the Hearing Body must weigh each factor in relation to other standards. With respect to each factor above, please see the following discussion:

- **(A) Consistency. The text amendment shall be consistent with the adopted Comprehensive Plan.**

The current language of the UDO Section 4.11.3 (C) authorizes a private drive to be approved as the sole access point for no more than three (3) lots in the RE and/or the RR zoning districts. Under the language of the proposed text amendment, this three (3) lot access authorization would be expanded to include the RS-3 zoning district.

- This application to permit the inclusion of the RS-3 district into the regulations of 4.11.3(C) is consistent with the CLRP as one of the underlying themes listed in Chapter 3 of the 2015-16 Comprehensive Long Range Plan Update for the RE, RR, and RS-3 zoning districts is to preserve low density development that is compatible with existing development.
- In the 2015-16 Comprehensive Long Range Plan Update, the policy section is intended to guide the Town's decision makers as they act on development proposals and during the creation or modification of regulations. Policy P-9 *Access Management* of the CLRP states that the Town should "[e]nhance the safety and function of arterial and collector streets through access management strategies that:
  - Encourage common or shared parking facilities as well as common driveways;
  - Control the number, width, and location of driveways; and,
  - Require site access from side streets where appropriate."

The proposed amendment is consistent with CLRP Policy P-9 as it seeks to further the ability for the Town to implement access management strategies in the RS-3 zoning classification.

- **(B) Health, Safety, and Welfare. The amending ordinance must bear a substantial relationship to the public health, safety, or general welfare, or protect and preserve historical cultural places and areas.**

One of the benefits of allowing a single access point to multiple lots in the RS-3 (or any other district for that matter) is the reduction in curb cuts that would be required if each lot were to require an individualized access point. For example, if three lots were developed off of Midland Road in the RS-3 district, currently each lot would require a separate curb cut off of Midland Road increasing the risk of collisions when entering or exiting from those three lots. Under the single access point approach, there would never be a time when multiple cars are attempting to exit or enter multiple access points, potentially directly adjacent to each other, along the primary road. The UDO and the CLRP, both documents adopted to promote the health, safety, and general welfare of the public, include policies and regulations to promote the reduction in driveway access through improved access management policies; the current application seeks to increase the ability for the Town to address access management issues.

- **(C) Public Policy. Certain public policies in favor of the text amendment may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with the Town, area, neighborhood, or specific plans.**

When considering the public policy reasons for authorizing the proposed text amendment several factors appear to be important:

- First, while the Board typically strays away from dealing with direct costs the developer in their decision making and focuses more on the validity of the project in general, it is far more economic to develop property utilizing a single access point as opposed to multiple access points for a variety of reasons including: material costs, labor, and time management; all such aspects of developing the access to property are reduced by allowing for a single point of access to multiple lots.
- Second, the environmental impact of a single access point would be significantly less than that of requiring each individual lot to have its own access point. The amount of tree clearing and impervious surface created with each driveway further increases the environmental impact of development. This environmental benefit is also relevant under paragraph (E) above, "Impacts."
- Third, from a purely aesthetic standpoint, the impact on the eye of a single point of access (one entry point to a piece or parcels of property) as opposed to multiple access points close together off of a primary road cannot be understated. The aesthetic benefit of a single access point is only an additional plus when considering the safety concerns that can be alleviated by maintaining the one access point approach as opposed to a multiple access point approach.

- **(D) Other Factors.** The Hearing Body may consider any other factors relevant to a text amendment application under state law.
- **(E) Impacts.** The Hearing Bodies shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed amendment on the public at large.

With respect to the impact of the proposed text amendment on the public at large, it appears to the applicant that such an amendment would have nothing but positive impact. Under the current language of the UDO the minimum lot sizes for an RR zoned property and an RS-3 zoned property are both 30,000 square feet. Therefore this request to allow the RS-3 district the same ability to utilize the provisions under UDO Section 4.11.3 (C) as RR zoned property should provide no more of a negative impact than currently seen in the RR zoning classification. Any subdivision of land greater than three lots would necessitate a separate access or the construction of a street. It is our opinion that while the inclusion of the RS-3 zoning classification into UDO Section 4.11.3 (C) (2) increases the flexibility allowed to RS-3 landowners, it also promotes the policies of the CLRP and the UDO with respect to access management, environmental, and smart growth initiatives. For example, a particular property in the RS-3 district could, subject to the terms of the UDO, be divided into three lots. However, under the current UDO those three lots would require three separate driveways causing the impacts detailed above. The costs of building those three driveways can be quantified in terms of aesthetic, financial, environmental, and safety impacts. These impacts of the three driveway scenario certainly affect the overall impact on the public at large in a negative manner if the proposed text amendment is denied; the approval of the amendment will provide a positive impact. We do not anticipate a proliferation of building permits attempting to utilize the standards of UDO Section 4.11.3(C), however we contend that having the flexibility to utilize the standards under this section can only further a property owner's ability to be creative in mitigating any negative impacts as a result of development. We acknowledge that the proposed text amendment may bring upon a perceived or real adverse impact, just like with any development, however the benefits available to those in the RS-3 zoning district should the Board wish to approve proposed text amendment, as listed above, will considerably outweigh any of the adverse impacts created.

## **Agenda Item**

**To:** Reagan Parsons, Town Manager  
**Via:** Bart Nuckols, Planning Director  
**From:** Chris Kennedy, Senior Planner  
**Subject:** AX-02-16; Voluntary Annexation Request for the Property Along Clark Street; Petitioner, Bailey Pines, LLC and Dabbs Brothers Development LLC  
**Date:** July 12, 2016

---

### **AX-02-16; Voluntary Annexation Request for the Property Along Clark Street; Petitioner, Bailey Pines, LLC and Dabbs Brothers Development LLC**

On behalf of petitioner, Mr. Bob Koontz of Koontz Design is requesting voluntary annexation for the property along Clark Street. The property was approved for a Major Subdivision in May 2016 for nine (9) single-family dwelling units and one (1) lot designated as open space. The total acreage of the subject property is 1.28 acres. The property is identified by the following: PIN: 858200711051 (PARID: 20150368701). Per the Moore County Tax records, the property owner(s) are listed as Bradford Village, LLC.

#### **Staff Comments:**

- The purpose of this item on the July 2016 Town Council agenda is to set a hearing for the August 2016 Town Council meeting for AX-02-16.
- The voluntary annexation petition AX-02-16, is submitted in conjunction with the Conditional Use Permit request CU-03-16 for a Major Subdivision. CU-03-16 was approved by the Town Council at its April 2016 Regular Business Meeting.
- The applicant has submitted an application with a plat map and a written metes and bounds description.

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

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

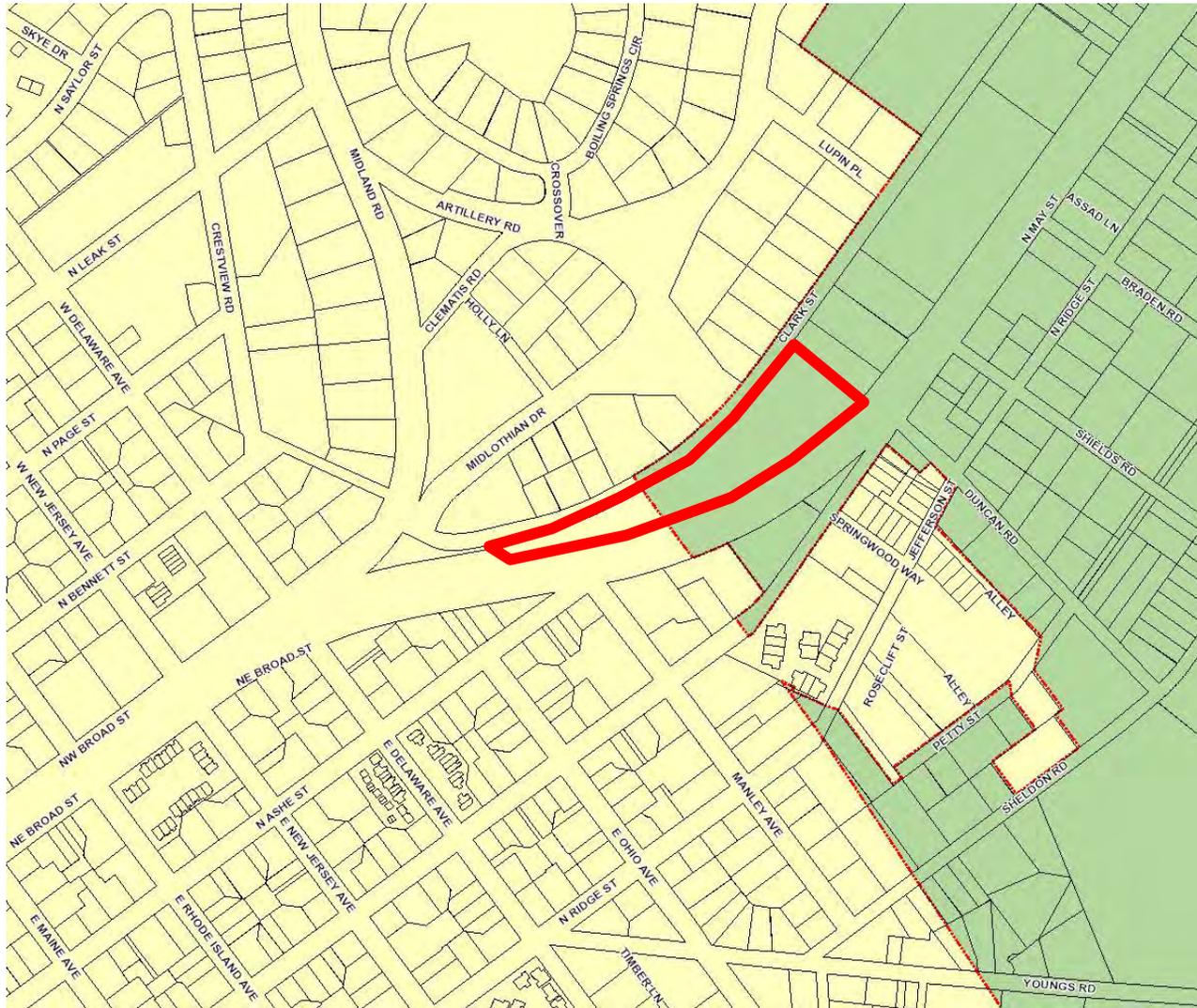
- 1) I move to approve the Voluntary Annexation request in the application AX-02-16 for the property as defined in the submitted written metes and bounds.

**Or**

- 2) I move to deny the Voluntary Annexation request in the application AX-02-16 for the property as defined in the submitted written metes and bounds.

# AX-02-16 Voluntary Annexation for Property along Clark Street PIN: 858200711051 (Parcel ID: 20150368)

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



**AX-02-16 Voluntary Annexation for Property along Clark Street  
PIN: 858200711051 (Parcel ID: 20150368)**

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June 7, 2016

Mr. Chris Kennedy  
Senior Planner  
Town of Southern Pines  
180 SW Broad Street  
Southern Pines, NC 28387

RE: Clark Street  
Annexation Request

Dear Mr. Kennedy,

The metes and bounds attached to this request for annexation include the entirety of the parcel shown on the attached plat. Parcels indicated on this plat do not match the Moore County GIS online map. The online map shows the parcel divided with a portion of the property in the Town of Southern Pines and another area of the parcel depicted as Town of Southern Pines ETJ. Through deed and plat map research we have been unable to find any description of this ETJ boundary. Therefore, this annexation request seeks to clarify that the entire parcel will be included in the Southern Pines jurisdiction. As no plat or description is available, any and all remnants of land currently in the ETJ, as depicted on the Moore County GIS map, will become part of the Town of Southern Pines jurisdiction.

Please contact me should you have any questions regarding this request for annexation.

Best Regards,



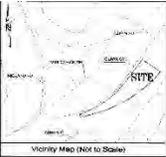
Bob Koontz, RLA



"EXHIBIT A"

A certain tract or parcel of land in and near the Town of Southern Pines, in McNeill's Township, Moore County, North Carolina fronting on the southeast side of Clark Street and on the northwest side of the Seaboard Coastline Railroad, between Midland Road and Yadkin Road, being described as follows:

BEGINNING at an iron stake 50 feet north of the centerline of the northwesterly track of the Seaboard Coastline Railroad, the southeasterly corner of the Gladys Caddell 15.15 acre tract described in Deed Book 145 at page 396 in the Moore County Registry, said beginning corner being located North 76° 53' East 788.04 feet from U.S.C.&G.S. monument "Fook-B"; running thence from said beginning as the westerly line of the 15.15 acre tract, North 64° 55' West 115.33 feet to a concrete monument in the southerly line of Clark Street; thence as the southeasterly line of Clark Street North 77° 10' East 317.17 feet to a concrete monument; thence North 65° 00' East 400.00 feet; thence North 45° 40' East 460.00 feet; thence North 37° 40' East 300.00 feet; thence North 36° 09' East 1099.50 feet to an iron pipe in the southeasterly line of Clark Street 36.53 feet southeast of the centerline of pavement thereof, the northerly corner of the 15.15 acre tract; thence leaving the road as the northeasterly line of the 15.15 acre tract, South 54° 29' East 334.76 feet to an iron pipe 50 feet northwest of the centerline of the northwest track of said railroad; thence running 50 feet northwest of and parallel with said railroad the following courses: South 35° 29' West 765.32 feet, South 36° 04' West 146.31 feet, South 38° 16' West 158.42 feet, South 42° 33' West 154.51 feet, South 47° 20' West 147.70 feet, South 52° 02' West 149.36 feet, South 56° 46' West 153.66 feet, South 61° 27' West 149.89 feet, South 66° 08' West 150.56 feet, South 70° 53' West 150.00 feet, South 75° 30' West 153.53 feet, South 79° 15' West 238.55 feet and South 80° 20' West 120.79 feet to the BEGINNING, containing 15.15 acres, more or less, and being all of the Gladys Caddell 15.15 acre tract described in Deed Book 145 at page 396 in the Moore County Registry. For further reference see description of 15.15 acre tract recorded in Deed Book 92 at page 132 in the Moore County Registry.



**General Notes:**

- The map is in accordance with GS 47-30.
- Area by coordinate method.
- All distances are horizontal ground distances.
- This property is in a water supply watershed (WS III).
- This property is in a High Quality Watershed (HQA).
- Property does not lie in a designated FEMA Special Flood Hazard Area.
- Parcel ID #: 9020098701 & 95600096
- Total Acreage: 6.00 acres.
- Property Zoned: RS-1

Schedule:  
 Front: 30'  
 From Centerline: 60'  
 Side: 15'  
 Corner: 15'  
 Rear: 30'

**Legend:**

- Iron Pipe Found
- Iron Rod Found
- Pipe Not Found
- Iron Nail Found
- Concrete Measurement Found
- Concrete Measurement Not Found
- PE Nail Found
- PE Nail Not Found
- Steel Markers
- Steel Cement
- Fire Hydrant
- Meter Valve
- Meter Man
- Meter Post
- Cable Post
- Street Sign Post
- Light Pole
- Utility Pole
- HMA
- Electrical Transformer
- Sign
- Survey Mark
- Corrugated Metal Pipe
- Horizontal Concrete Pipe
- 1" Pipe and Cap
- 1" Pipe and Cap
- Existing Boundary Line
- Boundary Lines Not Surveyed
- Existing Colour Line
- Building Setback Line
- Existing Concrete
- Existing Wall
- Existing Structure
- Existing Overhead Utility
- Existing Right of Way
- Existing Easement

I, M. Shane Sanders, certify that this plot was drawn under my supervision from an actual survey made under my supervision (best description provided in Book 535, Page 674), that the boundaries of the parcel are shown in accordance with the information and evidence that the ratio of precision as indicated is 1:10,000, that this plot was prepared in accordance with GS 47-30 and contains the original signatures, registration number and seal of the Surveyor.

*M. Sanders*  
 M. SHANE SANDERS  
 PROFESSIONAL LAND SURVEYOR  
 L-4476  
 Registration Number: [Seal]

I, M. Shane Sanders, a Professional Land Surveyor, I-4476, certify to one or more of the following as indicated:  
 That this plot is of a survey of another category, such as the reconstruction of existing surveys, a court survey or other exception to the definition of subdivision.

*M. Sanders*  
 M. SHANE SANDERS  
 PROFESSIONAL LAND SURVEYOR  
 L-4476  
 Registration Number: [Seal]

**References:**

Deed Book 535, Page 674  
 Deed Book 1512, Page 112  
 Plat Cabinet 7, Side 5  
 Moore County Registry

**Owner:**

Jasper Spencer  
 250 Clark Street  
 Southern Pines, NC 28387

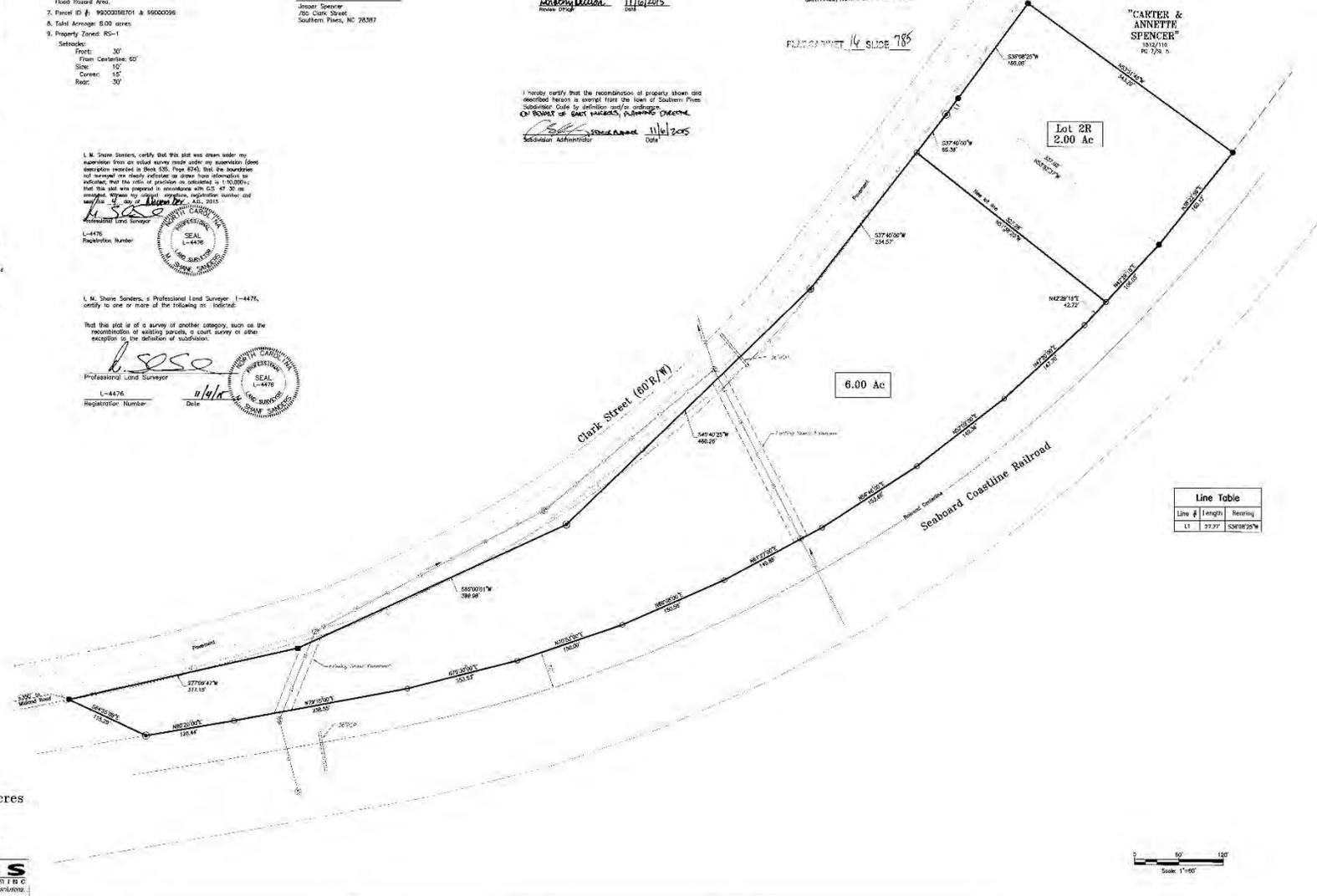
State of North Carolina  
 County of Moore  
 I, *Doretha Dutton*, Register of Deeds of Moore County, certify that this map or plat to which this certification is attached meets all statutory requirements for recording.

*Doretha Dutton* 11/16/2015  
 Register of Deeds  
 I hereby certify that the reconstruction of property shown and described herein is exempt from the laws of Southern Pines Subdivision Code by definition and/or ordinance.  
 ON BEHALF OF SOUTHERN PINES PLANNING COMMISSION  
*[Signature]* 11/16/2015  
 Subdivision Administrator

2015 Nov 16 P 3:55  
 NIS 271-6 P 3:55

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

PLAT SHEET 14 SLIDE 785



Survey by:  
**Jasper Spencer**  
 6.00 Acres & 2.00 Acres  
 Recombination Survey  
 Michell Township, Moore County  
 Southern Pines, North Carolina  
 November 4, 2015 - Project# 150819-3  
 Scale: 1"=60'  
 Sheet#: 405



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

# Future Land Use Map: AX-02-16 Property Along Clark Street



**MOORE COUNTY**

**STATE OF NORTH CAROLINA**

**I swear this is a true and accurate copy of Annexation AX-02-16 of the Town of Southern Pines adopted on July 12, 2016.**

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

\_\_\_\_\_  
**Date**

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

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

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

**WHEREAS**, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held in Regular Session of the Town Council at the Douglass Community Center at 7:00 o'clock, P.M. the 12<sup>th</sup> of July, 2016 after due notice by publication on June 22nd and June 29th, 2016;

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

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

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED** by the Town Council of the Town of Southern Pines, North Carolina in regular session this 12<sup>th</sup> day of July, 2016;

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

"EXHIBIT A"

A certain tract or parcel of land in and near the Town of Southern Pines, in McNeills Township, Moore County, North Carolina fronting on the southeast side of Clark Street and on the northwest side of the Seaboard Coastline Railroad, between Midland Road and Yadkin Road, being described as follows:

BEGINNING at an iron stake 50 feet north of the centerline of the northwesterly track of the Seaboard Coastline Railroad, the southeasterly corner of the Gladys Caddell 15.15 acre tract described in Deed Book 145 at page 396 in the Moore County Registry, said beginning corner being located North 76° 53' East 788.04 feet from U.S.C.&G.S. monument "Fook-B"; running thence from said beginning as the westerly line of the 15.15 acre tract, North 64° 55' West 115.33 feet to a concrete monument in the southerly line of Clark Street; thence as the southeasterly line of Clark Street North 77° 10' East 317.17 feet to a concrete monument; thence North 65° 00' East 400.00 feet; thence North 45° 40' East 460.00 feet; thence North 37° 40' East 300.00 feet; thence North 36° 09' East 1099.50 feet to an iron pipe in the southeasterly line of Clark Street 36.53 feet southeast of the centerline of pavement thereof, the northerly corner of the 15.15 acre tract; thence leaving the road as the northeasterly line of the 15.15 acre tract, South 54° 29' East 334.76 feet to an iron pipe 50 feet northwest of the centerline of the northwest track of said railroad; thence running 50 feet northwest of and parallel with said railroad the following courses: South 35° 29' West 765.32 feet, South 36° 04' West 146.31 feet, South 38° 16' West 158.42 feet, South 42° 33' West 154.51 feet, South 47° 20' West 147.70 feet, South 52° 02' West 149.36 feet, South 56° 46' West 153.66 feet, South 61° 27' West 149.89 feet, South 66° 08' West 150.56 feet, South 70° 53' West 150.00 feet, South 75° 30' West 153.53 feet, South 79° 15' West 238.55 feet and South 80° 20' West 120.79 feet to the BEGINNING, containing 15.15 acres, more or less, and being all of the Gladys Caddell 15.15 acre tract described in Deed Book 145 at page 396 in the Moore County Registry. For further reference see description of 15.15 acre tract recorded in Deed Book 92 at page 132 in the Moore County Registry.

**Section 1.** By virtue of the authority granted by G.S. 160A-31, as amended, the above described territory is hereby annexed and made part of the Town of Southern Pines as of the 12<sup>th</sup> day of July, 2016.

**Section 2.** Upon and after the 12<sup>th</sup> day of July, 2016, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force of the Town of Southern Pines and shall be entitled to the same privileges and benefits as other parts of the Town of Southern Pines. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

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

This ordinance shall be and remain in full force and effect as of July 12, 2016.

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

ATTEST:

TOWN OF SOUTHERN PINES

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

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

APPROVED AS TO FORM:

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

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

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

## **Agenda Item**

**To:** Reagan Parsons, Town Manager  
**Via:** Bart Nuckols, Planning Director  
**From:** Chris Kennedy, Senior Planner  
**Subject:** Resolution to Accompany the Right-of-Way Withdrawal for Portion of Blue Lane; Overton Body Shop  
**Date:** July 12, 2016

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The Town has received a request to provide a resolution to accompany a right-of-way withdrawal of Blue Lane in Southern Pines. The petitioner is seeking to withdraw an approximate 300' foot section of Blue Lane. The section of right-of-way to be withdrawn is Blue Lane, the portion of Blue Lane extending from the eastern boundary of parcel 00046743 extending to the right-of-way of Short Street in the Town of Southern Pines (See attachment 1). This section of right-of-way is considered a "paper" street in that it is not currently improved, maintained, or easily accessible for most types of transportation. This section of street is not included in Powell Bill funding calculations. The Town does not have future plans to improve these portions of unopened road and the Town does not have any utilities in this portion of right-of-way.

Per North Carolina General Statute §136-96, "The provisions of this section [§136-96] shall not apply when the public dedication is part of a future street shown on the street plan adopted pursuant to NCGS §136-66.2. Upon request, a city shall adopt a resolution indicating that the dedication described in the proposed declaration of withdrawal is or is not part of the street plan adopted under NCGS §136-66.2. This resolution shall be attached to the declaration of withdrawal and shall be registered in the office of the register of deeds of the county where the land is situated." The Town Council shall adopt a resolution declaring whether the street is or is not part of a Town of Southern Pines Plan adopted under NCGS §136.-66.2. The Town of Southern Pines does not currently have a Street Plan that is adopted under the aforementioned statute therefore the street in question, Blue Lane, is not part of a street plan.

### **Attachments:**

- NCGS §136-96
- Resolution Indicating Applicability with Street Plan
- Attachment 1
- Adjacent Property with Demonstrated Access
- Declaration of Withdrawal of Street Dedication

### **Town Council Action:**

- 1) Proceed with the resolution to accompany the right-of-way withdrawal;
- 2) Delay and request additional information; or,
- 3) No action.

**§ 136-96. Road or street not used within 15 years after dedication deemed abandoned; declaration of withdrawal recorded; joint tenants or tenants in common; defunct corporations.**

Every strip, piece, or parcel of land which shall have been at any time dedicated to public use as a road, highway, street, avenue, or for any other purpose whatsoever, by a deed, grant, map, plat, or other means, which shall not have been actually opened and used by the public within 15 years from and after the dedication thereof, shall be thereby conclusively presumed to have been abandoned by the public for the purposes for which same shall have been dedicated; and no person shall have any right, or cause of action thereafter, to enforce any public or private easement therein, except where such dedication was made less than 20 years prior to April 28, 1953, such right may be asserted within one year from and after April 28, 1953; provided, that no abandonment of any such public or private right or easement shall be presumed until the dedicator or some one or more of those claiming under him shall file and cause to be recorded in the register's office of the county where such land lies a declaration withdrawing such strip, piece or parcel of land from the public or private use to which it shall have theretofore been dedicated in the manner aforesaid; provided further, that where the fee simple title is vested in tenants in common or joint tenants of any land embraced within the boundaries of any such road, highway, street, avenue or other land dedicated for public purpose whatsoever, as described in this section, any one or more of such tenants, on his own or their behalf and on the behalf of the others of such tenants, may execute and cause to be registered in the office of the register of deeds of the county where such land is situated the declaration of withdrawal provided for in this section, and, under Chapter 46 of the General Statutes of North Carolina, entitled "Partition," and Chapter 1, Article 29A of the General Statutes of North Carolina, known as the "Judicial Sales Act," and on petition of any one or more of such tenants such land thereafter may be partitioned by sale only as between or among such tenants, and irrespective of who may be in actual possession of such land, provided further, that in such partition proceedings any such tenants in common or joint tenants may object to such withdrawal certificate and the court shall thereupon order the same cancelled of record; that where any corporation has dedicated any strip, piece or parcel of land in the manner herein set out, and said dedicating corporation is not now in existence, it shall be conclusively presumed that the said corporation has no further right, title or interest in said strip, piece, or parcel of land, regardless of the provisions of conveyances from said corporation, or those holding under said corporation, retaining title and interest in said strip, piece, or parcel of land so dedicated; the right, title and interest in said strip, piece, or parcel of land shall be conclusively presumed to be vested in those persons, firms or corporations owning lots or parcels of land adjacent thereto, subject to the provisions set out herein before in this section.

The provisions of this section shall have no application in any case where the continued use of any strip of land dedicated for street or highway purposes shall be necessary to afford convenient ingress or egress to any lot or parcel of land sold and conveyed by the dedicator of such street or highway. This section shall apply to dedications made after as well as before April 28, 1953.

The provisions of this section shall not apply when the public dedication is part of a future street shown on the street plan adopted pursuant to G.S. 136-66.2. Upon request, a city shall adopt a resolution indicating that the dedication described in the proposed declaration of withdrawal is or is not part of the street plan adopted under G.S. 136-66.2. This resolution shall be attached to the declaration of withdrawal and shall be registered in the office of the register of deeds of the county where the land is situated. (1921, c. 174; C.S., ss. 3846(rr), 3846(ss), 3846(tt); 1939, c. 406; 1953, c. 1091; 1957, c. 517; 1987, c. 428.)

**RESOLUTION ESTABLISHING THAT BLUE LANE DOES NOT APPEAR ON A  
STREET PLAN OF THE TOWN**

WHEREAS, the owner of property entitled to withdraw the dedication of certain unopened streets has requested that the Town provide a resolution indicating whether a street appears on a street plan maintained by the Town; and

WHEREAS, the Town has determined that the portion of an unopened street the dedication of which the owner seeks to withdraw does not appear on a street plan of the Town, and that the owner is entitled to receive such a resolution;

NOW THEREFORE, BE IT RESOLVED that the Town Council of the Town of Southern Pines finds that the unopened section of Blue Lane lying between \_\_\_\_\_ and \_\_\_\_\_ in Southern Pines does not appear on any street plan of the town

This \_\_\_ day of \_\_\_\_\_, 2016.

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

\_\_\_\_\_  
Peggy Smith  
Clerk of the Town of Southern Pines

APPROVED AS TO FORM:

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

# Attachment 1



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



For Registration Register of Deeds  
Judy D. Martin  
Moore County, NC  
Electronically Recorded  
April 27, 2016 4:09:50 PM  
Book: 4637 Page: 475 - 492 #Pages: 18  
Fee: \$38.00 NC Rev Stamp: \$0.00  
Instrument# 2016005538

STATE OF NORTH CAROLINA  
COUNTY OF MOORE

**DECLARATION OF WITHDRAWAL OF  
STREET DEDICATION (pursuant to NCGS § 136-96)**

**THIS DECLARATION** is made and executed this the 27 day of February, 2016, by Overton Body Shop, a North Carolina General Partnership; and James Slate and wife, Gloria Slate and Trent Slate and wife, Katherine Slate and Nancy Martin and husband, Steve Martin and Jennifer Dawson and husband Darren Dawson and Charles Slate and Murray Hill Investments, Inc., a North Carolina Corporation; and Daniel Patrick Black Family Limited Partnership, a North Carolina Domestic Limited Partnership, collectively referred to herein as the "Declarants";

**WITNESSETH:**

**WHEREAS**, on June 30, 1947, J. B. Swett, CE, prepared a survey map entitled "Longview, Southern Pines, N.C.", and this map was filed in the Office of the Register of Deeds for MOORE County at Map Book 3, Page 70;

**WHEREAS**, a subdivision street named **Blue Lane** was shown on the aforesaid recorded map, and therefore, the roadway was dedicated on said plat;

**WHEREAS**, **Blue Lane**, as shown on the aforesaid plat, and **ONLY** as the street touches and concerns the properties herein owned by the Declarants, and as herein described in Exhibit B, has never been opened or used by the public;

**WHEREAS**, the use of the aforesaid portion of Blue Lane described in Exhibit B is unnecessary to afford convenient ingress or egress to any lot or parcel of land sold and conveyed by the dedicator of such street;

**WHEREAS**, the Declarants herein are owners of property, as described in Exhibit A, adjoining the portion of Blue Lane which is the subject of this Withdrawal, as the same is described in Exhibit B;

**WHEREAS**, Section 136-96 of the North Carolina General Statutes provides for the conclusive presumption of abandonment when dedicated streets have not been opened within 15 years of their dedication and further provides for the withdrawal of such dedicated, but unopened and unused, streets when a declaration of withdrawal is filed in the register's office of the county wherein such street lies; and

**WHEREAS**, the Declarants herein are the proper persons and present title holders of the properties described in Exhibit A and as shown on the aforesaid recorded Map, which persons claim under the dedicator(s) as shown by the various deeds and other instruments of title indicated in Exhibit A and as may otherwise be recorded at the Moore County Register of Deeds.

Submitted electronically by "Lorenz & Creed Law Firm PLLC"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Moore County Register of Deeds.

NOW, THEREFORE, pursuant to Section 136-96 of the North Carolina General Statutes, the undersigned hereby declare that the said street, which is located within the bounds of the properties described in the attached Exhibit B is abandoned and that such dedication, as shown on that map recorded in Map Book 3, Page 70 and any other recorded Plat, regarding the aforesaid street, is hereby **withdrawn**. Therefore, by operation of law, there shall be no more easement thereon.

IN WITNESS WHEREOF the undersigned Declarants set their hands and seals as of the date above written.

Overton Body Shop, a North Carolina General Partnership

By: [Signature] (SEAL)  
Ernest D. Overton, General Partner

By: [Signature] (SEAL)  
Tyler T. Overton, General Partner

STATE OF NC

COUNTY OF Lee

I, Jamy M. Duncan, a Notary Public of the County and State aforesaid, certify that Ernest D. Overton and Tyler T. Overton, either being personally known to me or proven by satisfactory evidence (said evidence being Drivers License), personally appeared before me this day and acknowledged that they are the General Partners of Overton Body Shop, a North Carolina General partnership, and that they, as General Partners, being authorized to do so, voluntarily executed the foregoing on behalf of the Partnership for the purposes stated therein.

WITNESS my hand and seal this 27<sup>th</sup> day of April, 2016

[Signature]  
My Commission Expires: 6/22/2015

Notary Public



James Slate (SEAL)  
James Slate

Gloria Slate (SEAL)  
Gloria Slate

\_\_\_\_\_  
Trent Slate

\_\_\_\_\_  
Katherine Slate

\_\_\_\_\_  
Nancy Martin

\_\_\_\_\_  
Steve Martin

\_\_\_\_\_  
Jennifer Dawson

\_\_\_\_\_  
Darren Dawson

\_\_\_\_\_  
Charles Slate

STATE OF NC

COUNTY OF Moore

I, Sandra A. Scarboro a notary public for the County and State aforesaid, certify that James Slate and wife, Gloria Slate personally appeared before me this day, and

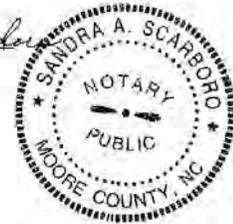
- a)  I have personal knowledge of the identity of the principal(s)
- b)  I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principle's photograph in the form of a NC Driver's License
- c)  a credible witness has sworn to the identity of the principal(s)

each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

WITNESS my hand and seal this 29 day of Feb, 2016

Sandra A. Scarboro  
Notary Public

My Commission Expires: 4.11.16



STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ a notary public for the County and State aforesaid, certify that Trent Slate and wife, Katherine Slate personally appeared before me this day, and

- a)  I have personal knowledge of the identity of the principal(s)
- b)  I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principle's photograph in the form of a \_\_\_\_\_
- c)  a credible witness has sworn to the identity of the principal(s)

each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
James Slate (SEAL)

\_\_\_\_\_  
Gloria Slate (SEAL)

*Trent Slate*  
Trent Slate (SEAL)

\_\_\_\_\_  
Katherine Slate (SEAL)

\_\_\_\_\_  
Nancy Martin (SEAL)

\_\_\_\_\_  
Steve Martin (SEAL)

\_\_\_\_\_  
Jennifer Dawson (SEAL)

\_\_\_\_\_  
Darren Dawson (SEAL)

\_\_\_\_\_  
Charles Slate (SEAL)

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ a notary public for the County and State aforesaid, certify that James Slate and wife, Gloria Slate personally appeared before me this day, and

- a) \_\_\_\_\_ I have personal knowledge of the identity of the principal(s)
- b) \_\_\_\_\_ I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principle's photograph in the form of a \_\_\_\_\_
- c) \_\_\_\_\_ a credible witness has sworn to the identity of the principal(s)

each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

STATE OF SC

COUNTY OF Georgetown

I, Johanna H. Smith a notary public for the County and State aforesaid, certify that Trent Slate ~~and wife, Katherine Slate~~ personally appeared before me this day, and

- a) \_\_\_\_\_ I have personal knowledge of the identity of the principal(s)
- b)  I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principle's photograph in the form of a SCDL 067855341
- c) \_\_\_\_\_ a credible witness has sworn to the identity of the principal(s)

each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

WITNESS my hand and seal this 9 day of March, 2016

Johanna H. Smith  
Notary Public

My Commission Expires: 6/10/23

as to Jeffrey T. - state only



\_\_\_\_\_  
James Slate (SEAL)

\_\_\_\_\_  
Gloria Slate (SEAL)

\_\_\_\_\_  
Trent Slate (SEAL)

  
Katherine Slate (SEAL)

\_\_\_\_\_  
Nancy Martin (SEAL)

\_\_\_\_\_  
Steve Martin (SEAL)

\_\_\_\_\_  
Jennifer Dawson (SEAL)

\_\_\_\_\_  
Darren Dawson (SEAL)

\_\_\_\_\_  
Charles Slate (SEAL)

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ a notary public for the County and State aforesaid, certify that James Slate and wife, Gloria Slate personally appeared before me this day, and

- a) \_\_\_\_\_ I have personal knowledge of the identity of the principal(s)
- b) \_\_\_\_\_ I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principle's photograph in the form of a \_\_\_\_\_
- c) \_\_\_\_\_ a credible witness has sworn to the identity of the principal(s)

each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

STATE OF North Carolina

COUNTY OF Moore

I, Alisha B Garner a notary public for the County and State aforesaid, certify that ~~Tom~~ ~~Slate and~~ wife, Katherine Slate personally appeared before me this day, and

- a)  I have personal knowledge of the identity of the principal(s)
- b) \_\_\_\_\_ I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principle's photograph in the form of a \_\_\_\_\_
- c) \_\_\_\_\_ a credible witness has sworn to the identity of the principal(s)

each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

WITNESS my hand and seal this 11 day of March, 2016

Alisha B Garner  
Notary Public

My Commission Expires: 2-19-17



\_\_\_\_\_  
James Slate (SEAL)

\_\_\_\_\_  
Gloria Slate (SEAL)

\_\_\_\_\_  
Trent Slate (SEAL)

\_\_\_\_\_  
Katherine Slate (SEAL)

*Nancy Martin*  
\_\_\_\_\_  
Nancy Martin (SEAL)

*Steve Martin*  
\_\_\_\_\_  
Steve Martin (SEAL)

\_\_\_\_\_  
Jennifer Dawson (SEAL)

\_\_\_\_\_  
Darren Dawson (SEAL)

\_\_\_\_\_  
Charles Slate (SEAL)

STATE OF N. C.  
COUNTY OF MOORE

I, Kim Y. Bailey a notary public for the County and State aforesaid, certify that Nancy Martin and husband, Steve Martin personally appeared before me this day, and

- a)  I have personal knowledge of the identity of the principal(s)
- b)  I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principle's photograph in the form of a \_\_\_\_\_
- c)  a credible witness has sworn to the identity of the principal(s)

each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

WITNESS my hand and seal this 1 day of March, 2016

My Commission Expires: 2/5/2018

Kim Y. Bailey  
Notary Public



\_\_\_\_\_  
James Slate (SEAL)

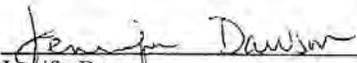
\_\_\_\_\_  
Gloria Slate (SEAL)

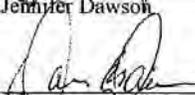
\_\_\_\_\_  
Trent Slate (SEAL)

\_\_\_\_\_  
Katherine Slate (SEAL)

\_\_\_\_\_  
Nancy Martin (SEAL)

\_\_\_\_\_  
Steve Martin (SEAL)

  
Jennifer Dawson (SEAL)

  
Darren Dawson (SEAL)

\_\_\_\_\_  
Charles Slate (SEAL)

STATE OF NORTH CAROLINA

COUNTY OF Pitt

I, Deborah H. Ball a notary public for the County and State aforesaid, certify that ~~Nancy~~<sup>ESHS</sup>  
~~cpw) Martin and husband, Steve Martin~~ and Jennifer Dawson and husband Darren Dawson and ~~Charles~~<sup>ESHS</sup> State personally  
appeared before me this day, and

- a)  I have personal knowledge of the identity of the principal(s)
- b)  I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principle's photograph in the form of a \_\_\_\_\_
- c)  a credible witness has sworn to the identity of the principal(s)

each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

WITNESS my hand and seal this 1<sup>st</sup> day of March, 2016

Deborah H. Ball  
Notary Public Deborah H. Ball

My Commission Expires: 10-09-16



\_\_\_\_\_  
James Slate (SEAL)

\_\_\_\_\_  
Gloria Slate (SEAL)

\_\_\_\_\_  
Trent Slate (SEAL)

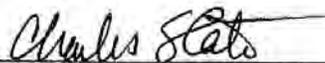
\_\_\_\_\_  
Katherine Slate (SEAL)

\_\_\_\_\_  
Nancy Martin (SEAL)

\_\_\_\_\_  
Steve Martin (SEAL)

\_\_\_\_\_  
Jennifer Dawson (SEAL)

\_\_\_\_\_  
Darren Dawson (SEAL)

  
\_\_\_\_\_  
Charles Slate (SEAL)

STATE OF North Carolina

COUNTY OF Forsyth

I, Rhianne Krise a notary public for the County and State aforesaid, certify that Charles Slate personally appeared before me this day, and

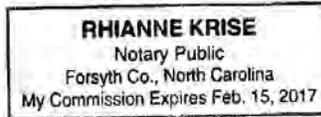
- a)  I have personal knowledge of the identity of the principal(s)
- b)  I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principle's photograph in the form of a NCID
- c)  a credible witness has sworn to the identity of the principal(s)

each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

WITNESS my hand and seal this 3 day of March, 2016

Rhianne Krise  
Notary Public

My Commission Expires: Feb 15, 2017



Daniel Patrick Black Family Domestic Limited Partnership, a North Carolina Limited Partnership

By: [Signature]  
Daniel Patrick Black, General Partner

By: [Signature]  
Mary Cameron Black, General Partner



STATE OF NC  
COUNTY OF Lee

I, Jamy M. Duncan, a Notary Public of the County and State aforesaid, certify that Daniel Patrick Black and Mary Cameron Black, either being personally known to me or proven by satisfactory evidence (said evidence being Drivers license), personally appeared before me this day and acknowledged that he/she/they is/are the General Partners of Daniel Patrick Black Family Domestic Limited Partnership, a North Carolina General partnership, and that he/she/they, as General Partners, being authorized to do so, voluntarily executed the foregoing on behalf of the Partnership for the purposes stated therein.

WITNESS my hand and seal this 27<sup>th</sup> day of April, 2016

My Commission Expires: 6/22/2019

[Signature]  
Notary Public

Murray Hill Investments, Inc., a North Carolina Corporation.

By: Patti K. Simmerson  
Patti K. Simmerson, President

STATE OF NC  
COUNTY OF DURHAM

I, JANET WEST, a Notary Public of the County and State aforesaid, certify that Patti K. Simmerson, either being personally known to me or proven by satisfactory evidence (said evidence being \_\_\_\_\_), personally appeared before me this day and acknowledged that she is President of Murray Hill Investments, Inc., a North Carolina Corporation, and that she, as President, being authorized to do so, voluntarily executed the foregoing on behalf of the corporation for the purposes stated therein.

WITNESS my hand and seal this 24<sup>th</sup> day of MARCH, 2016

Janet West  
Notary Public

My Commission Expires: 05-22-2016



Exhibit A

1. Overton Body Shop, a North Carolina General Partnership, is the owner of Lots 34 and 35 as shown on the Map recorded at Map Book 3, Page 70, Moore County Public Registry, see Deed Book 4548, Page 522, Moore County Public Registry.
2. James Slate; and Trent Slate; and Nancy Martin; and Jennifer Dawson; and Charles Slate the owner of Lot 10 as shown on the Map recorded at Map Book 3, Page 70, Moore County Public Registry, see Moore County Clerk of Superior Court file 2012 E 76.
3. Murray Hill Investments, Inc., a North Carolina Corporation the owner of Lot 11 as shown on the Map recorded at Map Book 3, Page 70, Moore County Public Registry, see Deed Book 1005, Page 487, Moore County Public Registry.
4. Daniel Patrick Black Family Limited Partnership, a North Carolina Domestic Limited Partnership the owner of Lots 12 and 33 (as well as additional property) as shown on the Map recorded at Map Book 3, Page 70, Moore County Public Registry, see Deed Book 1693, Page 47, Moore County Public Registry.

Exhibit B

BEING a portion of the Blue Lane as is further depicted on that certain plat recorded at Map Book 3, page 70, Moore County Public Registry, and which is more particularly described as follows:

BEGINNING at the SouthEasternmost corner of Lot 35 as depicted on the aforesaid Map, and which corner is situated at the intersection of Short Road and Blue Lane, and thence from said unmarked point and corner, and with the Southern boundary lines of Lot 35 and 34, North 88 degrees West 300 feet to the SouthWesternmost corner of Lot 34 as depicted on the aforesaid Map, and which corner is a corner common with the SouthEasternmost corner of Lot 33; thence leaving the Southern line of Lot 34, and crossing the Blue Lane, South 00 East 25 feet to the NorthWesternmost corner of Lot 11 and the NorthEasternmost corner of Lot 12; thence with the Northern boundaryline of Lot 11 and Lot 10, South 88 degrees East 300 feet to the NorthEasternmost corner of Lot 10, which corner is situated at the intersection of Short road and Blue Lane; thence from said unmarked point and corner, and leaving the Northern boundary line of Lot 10, and crossing Blue Lane, North 00 degrees West 25 feet to the point and place of BEGINNING.