

AGENDA

Regular Business Meeting of the Southern Pines Town Council
August 9, 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 June 27, 2016, Agenda Meeting Minutes of July 6, 2016 and Regular Business Meeting Minutes of July 12, 2016 as written.

B. Amendment to AX-04-15

3. Public Hearings

A. OA-02-16 Ordinance Amendment to Chapter 4: Section 4.11. Transportation: Section 4.11.3 Access to Lots: Petitioner, Nancy Garner

B. Right of Way Abandonment of N. Mechanic Street & W. Rhode Island Avenue – **(Tabled 08-03-16)**

C. AX-03-16: Voluntary Annexation Request for the 325 Sheldon Road: Contiguous Annexation: Petitioner, Moore HL Properties Inc.

D. Right-of-Way Abandonment for a Portion of N. Ridge Street: Petitioner, Moore HL Properties, Inc.

4. 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
June 27, 2016, 3:00 PM, Douglass Community Center
1185 W. Pennsylvania Avenue

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

Absent: Councilwoman Teresa VanCamp

1. Discussion of Midland Road Draft Plans – NCDOT

Chuck Dumas and Travis Morgan from NCDOT presented a plan for proposed intersection improvements on Midland Road and NC 22, and Midland Road and US 1 ramps. Mr. Dumas listed the recommendations, accident analysis and project details with an anticipated construction date of 2018 and an estimated construction cost of approximately \$1.3 million. Mr. Dumas commented that State funding and a Town commitment to the project is required prior to NCDOT proceeding further with the funding request.

Mr. Dumas explained that the full report from the Midland Rd corridor study is not complete at this time and therefore not presented. While these two improvements are expected to be a part of that final report, waiting until it is available might put the available STIP money in jeopardy.

After some discussion regarding the proposed island, traffic circle, possible rumble strips, etc. Town Council consensually agreed to allow NCDOT to continue moving forward with the project.

2. Discussion Regarding Proposed Downtown Stage – Sunrise Preservation Group

Robert Anderson of Anderson Architecture was present to discuss the proposed performance stage for the Sunrise Theater and gave an update on the new concept plan that included several different layouts.

Discussion ensued regarding a less expensive removable aluminum ramp, parking spaces and exterior design.

Town Manager Reagan Parsons stated Town Attorney Doug Gill is currently drafting documents to include specific language to address swapping of the parking spaces, etc. for review of Council.

Upon motion by Mayor Pro Tem Fields, seconded by Councilmember Simeon and carried unanimously 4-0, the proposed Downtown Stage project was approved to move forward for review before the Historic District Commission.

3. Discussion Regarding Revised Hyland Hills Plan and Potential Rezoning/CUP Application – BC Prime, Inc.

Brandon Brown was present representing BC Prime, Inc. and provided a map referencing the proposed layout of the Major Subdivision of forty-one single-family homes.

Senior Town Planner Chris Kennedy gave a brief history of past issues with this property and current zoning classification of the property while referring to the CLRP.

Discussion ensued regarding requirements of the current CLRP, density, traffic in the school area and criteria to request a rezoning classification for the property.

Mayor McNeill stated his preference that the development of this tract be guided by the CLRP.

Senior Town Planner Kennedy explained the alternate options that Mr. Brown could explore that would meet the goals and policies of the CLRP.

Mr. Brown stated he would further research more available options and return at a later time with an updated request.

4. Discussion Regarding Proposed Rezoning from RS-3 to RE – Richard Lee Yelverton III

Richard Yelverton discussed his request to rezone property located at 940 E. Connecticut Avenue. Mr. Yelverton stated the property is currently zoned RS-3 and he is requesting it be rezoned to RE for larger tracts to allow horses to be boarded on the property as so in the past.

Senior Town Planner Kennedy reviewed the current zoning and explained that surrounding properties had been grandfathered relative to horses, but once a property is no longer being used for horses for over 180 days, it cannot be converted back to a grandfathered property and thus the rezoning would be necessary to allow this use.

Councilmember Walden stated he does not recommend to make these lots any smaller.

Mr. Yelverton replied that he would prefer to keep the lot sizes as is and allow the horses.

Mayor McNeill stated the change would require an official application to rezone at such time Hearings would be held and Council could consider the matter.

5. Discussion Regarding Bed and Breakfast Code Amendments and 310 Crest Road – Bill Smith

Bill Smith of Berkshire Hathaway HS Pinehurst Realty Group was present and provided a slide show illustrating the proposed Bed & Breakfast Inn located at 310 Crest Road. Mr. Smith explained the desire to preserve the history of this pristine 1930 home and explained the opportunity this would allow for the public to utilize it as well.

Discussion ensued regarding the number of bedrooms, acreage, square footage of the home, ingress and egress points and possible waivers. Council suggested that Mr. Smith share his intentions with the surrounding neighbors to gather their input and feedback for consideration and return to Council at a later date.

Mr. Smith stated this project would be an economic asset to the Town and would preserve the beautiful home for the public.

Councilmember Walden suggested that Mr. Smith return at a later date and submit these stated advantages with the request.

6. Discussion Regarding Potential Conditional Use Permit 2250 E. Connecticut Avenue – Colin Webster

Senior Town Planner Kennedy provided a brief overview with an ariel map.

Colin Webster discussed his request for a Conditional Use Permit for property located at 2250 E. Connecticut Avenue. Mr. Webster explained the history of the property and stated the property does contain some red cockaded woodpecker impacts. Mr. Webster stated he is seeking advisement on how to pursue his request to best utilize the property.

Mayor Pro Tem Fields inquired if there are woodpeckers currently located on the property.

Mr. Webster replied not in one area, but some may be located in different areas of the property.

Mayor McNeill inquired if anyone currently resides on the property.

Mr. Webster stated that only a caretaker resides on the property at this time.

After further discussion of lot size requirements, etc., Town Council suggested that Mr. Webster follow up more with a woodpecker study and with RULAC.

7. Discussion Regarding Single Family Homes and The Code of Ordinances – Staff

Town Manager Parsons gave a brief overview of the item and stated Town Attorney Doug Gill is reviewing the request to pursue Code changes suggested by Mr. Crawford.

Jim Crawford provided excerpts of ordinances of several North Carolina communities including Durham that address the requested ordinance code changes regarding single family homes and discussed his request.

Mayor McNeill stated Town staff will further review the request, consult with legal, and return to Council with any suggested Code changes.

8. Review of Draft Request for Proposals Regarding Freight Depot – Staff

Town Manager Parsons provided a draft list of items to be provided in any proposal regarding leasing of the old freight station. Mr. Parsons stated to better reach other possible interested parties, he suggests that the Town run a very short public advertisement in the Pilot directing interested parties to the Administration Office or the Town website where they can obtain further detailed request as drafted. Mr. Parsons further stated the same notice would be forwarded to local commercial Realtors that may know of potential interest with a sixty to ninety-day period that would be set for proposal acceptance. Mr. Parsons stated any and all details are subject to be worked out at the time of lease negotiations with Council review.

9. NCDOT Mowing Agreement – Staff

Assistant Town Manager Adam Lindsay gave an overview of the item with a detailed map color coding the grass mowing schedule of NCDOT right-of-ways located in Southern Pines. Mr. Lindsay explained the rotation schedule and the delays of the NCDOT mowing schedule that is prompted Council to fund a right-of-way mowing crew in Buildings & Grounds. Initially, the thought was that the Town would supplement mowing between the NCDOT contractors. Too often, staff found, that because the Town had mowed those areas, contractors simply skipped over what the Town had done.

Mr. Lindsay explained that since we are already maintaining those areas, NCDOT will agree to pay us the same amount they would pay a third party to mow on their current schedule. The NCDOT agreement will not cover our costs but will pay the Town \$7,481.11 annually, which represents a little towards the Town's total costs to mow and clean right-of-ways.

Council unanimously agreed to move forward and place the item on Consent Agenda.

Council unanimously agreed to move forward with the presented mowing maintenance agreement with NCDOT, and the agreement will be placed on the next Consent Agenda for adoption.

10. Discussion of CU-02-16 Written Decision and CUP – Staff

Senior Town Planner Kennedy provided an overview and explained the quasi-judicial application process procedures.

Town Manager Parsons explained the language specific criteria and wording to be included. Mr. Parsons commented the request will stand as is for right now, and after additional engineering plans are submitted, it will be further evaluated.

Mayor Pro Tem Fields stated he wants to make sure it states "either" or "or" in the wording.

Upon motion by Mayor Pro Tem Fields, seconded by Mayor McNeill and carried unanimously 4-0, CU-02-16 was approved.

As so incorporated to these minutes of June 27, 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 5:30 p.m.

Peggy K. Smith
Town Clerk

MINUTES
Agenda Meeting of the Southern Pines Town Council July
6, 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

Mayor McNeil introduced Assistant Town Manager Adam Lindsay, who is present while Town Manager Reagan Parsons is on vacation.

2. Consent Agenda

- 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.

Corrections to minutes were noted by Clerical Assistant.

- B. NCDOT Mowing Agreement

Assistant Town Manager Lindsay gave a brief overview of the item.

- C. Right-of-Way Abandonment of N. Ridge Street to Springwood Way

Assistant Town Manager Lindsay gave a brief overview of the item.

- D. AX-03-16 – 325 Sheldon Road

Assistant Town Manager Lindsay gave a brief overview of the item.

3. Public Hearings

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

A request has been submitted by opponents of the permit to continue this item to the August Regular Business Meeting rather than at the Council Meeting on July 12, 2016. Assistant Town Manager Lindsay states that past requests weren't granted and a decision to continue this item will not be discussed today. Town Attorney Doug Gill agrees that the item should be decided at Council Meeting so that there is adequate opportunity for public discussion.

- B. Right-of-Way Abandonment of portion of N. Mechanic Street and W. Rhode Island Ave.

Assistant Town Manager Lindsay gave a brief overview of the item.

- C. **OA-02-16 Ordinance Amendment to Chapter 4; Section 4.11, Transportation: Section 4.11.3 Access Lots: Petitioner. Nancy Garner**

Senior Town Planner Chris Kennedy provided an overview of the item, discussed what the current ordinance allows. Town Planner Bart Nuckols added to the discussion that adding this amendment would in part address the issue of having too many driveways too close together.

Councilwoman Teresa VanCamp questioned if RS-2 should be added as well. Senior Planner Kennedy advised against it at this time. It could always be addressed as an amendment in the future.

Mayor McNeil questioned Senior Town Planner Kennedy as to whether the Planning Board had reviewed the Amendment yet. Senior Town Planner Kennedy stated that the Board had voted at the last meeting with only 1 dissenting vote and when questioned that voter had no reason other than they didn't feel comfortable voting "for" at this time. He went on to say that adopting the amendment would be compatible with both the Town's comprehensive long range plan and DOT current practice on DOT road to reducing curb and driveway cuts on the roadways. Mayor McNeil asked Senior Town Planner Kennedy to provide a visual example of how this amendment would be used to council meeting.

D. AX-02-16: Voluntary Annexation Request for the Property Along Clark Street; Petitioner, Bailey Pines LLC and Dabbs Brothers Development LLC

Assistant Town Manager Adam Lindsay provided a brief overview of the item. Senior Town Planner Kennedy provided a map to detail the different boundaries as he found the meets & bounds to be unclear.

4. Miscellaneous

Senior Town Planner Kennedy advised the council that both he and Councilman Fred Walden attended the Moore County Transportation Committee Meeting the previous week and the NCCC voted on the 5 recommended areas for the Moore County CTP dot now has all their alternatives in place and they're beginning their study process and will spend another 8-9 months preparing all their documentation. They will then come back to all the councils in the county with their updates and findings. This is a big step to getting the western connector of the Carthage bypass, the US 1, etc. study areas consented to as far as what alternatives the Town is willing to consider. The plans are available for review on the Triangle Area Rural Planning Organization website.

As so incorporated to these minutes of July 6, 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 7:28 p.m.

Elizabeth F. Robertson
Clerical Assistant III

Minutes

Regular Business Meeting of the Southern Pines Town Council July 12, 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 those individuals, officers, bailiffs, families, etc. that were involved in the recent events around our nation over the past several days, and reflect upon ways we may learn from these unfortunate experiences that may bring the country more together.

Pledge of Allegiance

1. Manager's Comments

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

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

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

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

Mayor W. David McNeill gave a review of the continuances of this hearing to current date.

Mayor McNeill recognized Attorney T.C. Morphis of The Brough Law Firm, PLLC whom has been retained by Homeowner's Associations of nearby Villages properties.

Mr. Morphis stated he has been retained by three home owners' associations (Village on the Green, Village By the Lake and Village in the Woods). Mr. Morphis stated he would like to renew his request for a continuance of this matter that he submitted in writing last week. Mr. Morphis stated he would like to respectfully request this matter be continued to a date to be chosen by Council in August with no further submissions of testimonies tonight. Mr. Morphis stated he is prepared to proceed with witnesses and cross-examination of the applicants' witnesses if necessary. Mr. Morphis stated this is a quasi-judicial proceeding, therefore it should be conducted as a court hearing, but the rules of evidence do not apply.

Mr. Morphis continued discussing the quasi-judicial process and procedures. Mr. Morphis stated until his clients hired him one week ago, they were not aware of the significance and rules of expert testimony and unfamiliar with the quasi-judicial procedures. Mr. Morphis stated they have several expert witness and appraisers that were not able to compile adequate research to sufficiently testify tonight, but that he would be able to have them available in August. Mr. Morphis stated they are just in receipt of the updated traffic study that is hundreds of pages long and they have not had adequate time to review and analyze the material. Mr. Morphis reviewed the timeline of this application. Mr. Morphis stated on November 23, 2015 Mr. Bob Koontz came before Council and presented a broad concept of constructing some type of multi-family development on the parcel that is being discussed tonight. Mr. Morphis stated that this parcel that was discussed also included land that was at that time, owned by the Town of Southern Pines. Mr. Morphis stated after the applicant received the go-ahead from Town Council to move forward, then the applicant started proceedings with the Town to have certain right-of-ways closed and petitioned the Town to sell land of their interest by the upset bid process. Mr. Morphis commented that on May 10, 2016, the first hearing was opened for CU-01-16 that has since been continued to today, July 12, 2016 due to the two previous requests by the applicant to continue. Mr. Morphis stated Mr. Koontz has been granted two continuances at his requests, due to him not having adequate data to move forward at that time and his clients are only now asking for one continuance to allow them adequate time to prepare for the case with no evidence being presented tonight.

Mr. Reaves stated Mr. Morphis contacted him a week ago and requested they agree to continue this hearing until the August Regular Business Meeting. Mr. Reaves stated that Mr. Morphis's clients have had ample time to retain council and did not do so until last week and have had the same opportunities as his clients have had. Mr. Reaves stated that he and his clients are prepared to present their case tonight and they asked that Mr. Morphis's request to continue this hearing be denied.

Mayor Pro Tem Fields reviewed the time line of all events pertaining to this item regarding Town Council sessions, public comments, staff testimonies, requests for continuances, public notices, Pilot articles, etc. Mr. Fields stated Mr. Morphis's clients had about 93 days to retain council for this matter, the applicant has all of his expert witnesses present tonight for testimony, and he sees no reason to continue this hearing yet again at this point in the evening.

Councilmember Walden asked if the Planning department will be able to discuss the TIA tonight.

Senior Town Planner Kennedy responded in the affirmative.

Councilwoman VanCamp stated the continuances that were granted were a component of Council allowing due diligence providing all information to be heard and addressed. Ms. VanCamp asked Mr. Morphis if his clients realized the importance of expert witness testimony at the beginning of this hearing.

Mr. Morphis replied that his clients did not fully understand the procedures and importance of expert testimony until they hired him and he explained it to them. Mr. Morphis stated that since he was hired last week he has been working diligently with his clients to compile the expert testimony that they require to move forward with their case.

Councilwoman VanCamp asked if they have given him a reason as to why they waited so late to retain council after this hearing has been going for several months.

Mr. Morphis responded in the negative.

Mayor McNeill pointed out that he has explained the quasi-judicial process for hearings at the beginning of each hearing meeting and asked for a motion regarding Mr. Morphis's request to continue the hearing.

Mayor Pro Tem Fields stated he moves to proceed with the hearing tonight and deny Mr. Morphis's request for a continuance. This motion was seconded by Councilmember Walden and carried unanimously 5-0.

Mayor McNeill gave an overview of the item and reviewed the quasi-judicial hearing process. Mr. McNeill also asked that all expert witnesses who so desired to speak be sworn in.

Mayor McNeill swore in all persons wishing to speak at this hearing.

Mayor McNeill asked for any ex parte communications or conflicts of interest regarding this item.

Mayor Pro Tem Fields stated he has three items that may be considered inadvertent ex parte, the first one being the advertisements in the Pilot, the second one being a flyer that was taped to his office door that he read with a phone number listed and thirdly, a local radio ad similar to the one in the Pilot. Mr. Fields stated none of these items will have any bearing on his decision of this matter.

Councilmember Simeon stated he once again drove by the property where the apartment complex is proposed to be built.

Councilmember Walden stated he was shown the same flyer Mayor Pro Tem Fields spoke of, but he did not take it or read it.

Mayor McNeill stated he has also driven down the Service Road an additional time since the last meeting.

Mr. Reaves stated they will waive their opening statement.

Mr. Morphis stated he requests time for opening and closing statements.

Mayor McNeill explained procedures to follow regarding questions, testimonies, clarifications, etc.

Senior Town Planner Kennedy gave an overview of the item. Mr. Kennedy submitted a typed letter titled "Town Engineer Response to CU-01-16 Traffic Impact Analysis titled US 1 Residential Development Southern Pines, NC prepared for Caviness and Cates Building and Development Co. by Kimley-Horn and Associates, Inc. dated June 2016" as Exhibit Q. Mr. Kennedy also submitted an amended, (updated) Watershed Tally Sheet to replace Exhibit A. Mr. Kennedy explained the hearing and motions procedures.

Councilmember Walden asked Mr. Kennedy if the only Egress and Ingress would be on Service Road?

Mr. Kennedy responded in the affirmative.

Mr. Kennedy stated that the only recommendation based on the TIA, NCDOT has recommended that a cul-de-sac be implemented at the lower section of the service road to provide access to undeveloped properties along NE Service Road following the severance of the road at the Midland Road off-ramp.

Councilmember Simeon asked if the section of the current access road would remain the full length of the property.

Mr. Kennedy responded in the affirmative and explained the recommendation for improvement (addendum) in detail from NCDOT.

Mr. Reaves stated he had not planned to present an opening statement, but he would like to make an observation regarding the approval of a conditional use permit and the approval of a major sub-division and is usually a relatively simple procedure dealt with under the UDO. Mr. Reave stated there are six criteria within the UDO that have to be met to grant a conditional use permit and a similar 6 criteria that are required to be met for a request for a major subdivision. Mr. Reaves stated under NC Law, in a quasi-judicial hearing, such as this, the burden of proof is upon the applicant to demonstrate to the governing board that all of those criteria have been satisfied and opponents have the opportunity to offer evidence to the contrary if it so qualifies to be evidentiary. Mr. Reaves commented that his clients will provide evidence that their requests have met the 12 criteria to satisfy the requirements to permit their request.

Mr. Morphis asked Senior Town Planner Kennedy if the TIA itself meets the requirements for issuing a conditional use permit in regard to safety and conforming to the neighborhood type of issues.

Senior Town Planner Kennedy stated the UDO states in section 4.12 the information that needs to be included within a submitted TIA document. Mr. Kennedy stated it also sets forth the findings of a Town Engineer to be submitted within a required time period of 30 days upon review of the submitted TIA document, any findings or mitigation that the applicant may or may not have provided at that time, and ultimately makes a recommendation to Council to approve or deny the application based on his findings of completeness and accuracy of the TIA.

Mr. Morphis commented that the completeness and accuracy of the TIA does not address safety, does it?

Senior Town Planner Kennedy replied that the TIA shows the distribution of traffic with a safety component, but primarily looks at level of service, etc.

Mr. Morphis asked Mr. Lockamy what the level of service D refer to in his recommendation letter.

Mr. Lockamy stated he prefers that the traffic engineer answer that question because he is not a traffic engineer specialist.

Mr. Morphis referred to sentence in Mr. Lockamy's letter stating "The TIA suggest no improvements to mitigate the declining level of service". Mr. Morphis stated the Midland Road level of service is listed as a "F" continued to cite more of Mr. Lockamy's letter where it stated "...the Town will defer to NCDOT's consent to the recommendations of the TIA related to NCDOT streets". Mr. Morphis asked Mr. Lockamy if this was his comments in the submitted letter.

Mr. Lockamy replied in the affirmative.

Mr. Mophis asked Mr. Lockamy if there is an ordinance provision that he can refer to that gives you the authority to accept the TIA without mitigation provisions.

Mr. Lockamy replied it would be section 4.12.7 subsection C and Mr. Lockamy recited the provisions.

Mr. Morphis provided a brief opening statement.

Mr. Reaves provided names of the following expert witnesses he has with him tonight and explained each person's professional biography that qualifies them as experts: Chris Cates – principal of the applicant, Eric Hector – professional real estate consultant and member of the development team of this project, Bob Koontz – Licensed landscape architect, Richard Adams – Licensed professional engineer, Jeff Taylor – NC general certified appraiser and licensed general contractor. Mr. Reaves submitted these biographies as exhibit R.

Bob Koontz provided Exhibit S – copy of a Neighborhood Meeting Report dated July 7, 2016 located at Bradford Village, 104 Bradford Village Court, Southern Pines, NC and provided a summary of the meeting. Mr. Koontz provided amended Exhibits A, B, C and D to replace the original documents he submitted.

Richard Adams submitted Exhibit T1 – Revised Traffic Impact Analysis for US 1 Residential Development Southern Pines, NC and provide an overview and also submitted T2 – Site Location Handout.

Discussion ensued.

Jeff Taylor stated he was asked to compile data involving residential and commercial transactions in the area involving multi-family developments for an opinion regarding any negative influence to the neighboring property of this proposed development. Mr. Taylor stated he compiled comparable statistical information from Sanford, Holly Springs and Pittsboro and stated he feels the project will enhance property values and not negatively affect them.

Discussion ensued regarding density, relativity of the information Mr. Taylor compiled, etc.

Mr. Koontz discussed the trees on the property, buffering and the design of the buildings that are proposed for the property.

Mr. Reaves stated he will defer his closing remarks until the conclusion of the hearing.

Councilmember Simeon questioned Mr. Taylor's results as Holly Springs, Sanford, and Pittsboro are very different from Southern Pines in his opinion.

Mayor Pro Tem Fields asked Mr. Taylor to explain the comps he researched.

Mayor McNeill reviewed the OS zoning requirements and asked Mr. Taylor if he conducted an impact study.

Mr. Taylor responded in the negative.

Mr. Koontz summarized the updated overall project and the revised concept plan and submitted Exhibit U – US 1 Property Project Justification handout and Exhibit V – US 1 Property handout.

Council retired to recess at 9:04 PM.

Council reconvened at 9:10 PM.

Mayor McNeill stated item 3.C OA-02-16; petitioner Nancy Garner has been requested to be continued to the August 9, 2016 Regular Business Meeting due to the lengthy time constrictions of this meeting.

Upon motion by Councilmember Walden and seconded by Councilmember Simeon and carried unanimously 5-0, OA-02-16; Ordinance Amendment to Chapter 4.11, Transportation; Section 4.11.3 Access Lots: Petitioner, Nancy Garner will be continued to the August 9, 2016 Regular Business Meeting.

Mr. Morphis asked Mr. Koontz if this proposal meets the requirements of the CLRP.

Mr. Koontz stated the application meets the goals and the policies of the CLRP.

Mr. Morphis asked Mr. Koontz if this proposed plan meets the goals and policies of the CLRP.

Mr. Koontz stated it meets several.

Mr. Morphis asked if this plan met all of the goals of the CLRP.

Mr. Koontz stated it would be difficult for any plan to meet all of the goals of the CLRP.

Mr. Morphis referred to the CLRP map figure 4.6 and asked Mr. Koontz to read the criteria regarding this.

Mr. Morphis submitted Exhibit W – Southern Pines Comprehensive Long-Range Plan Figure 4.6 – Future Land Use Map.

Discussion ensued.

Mr. Morphis asked the record to reflect that Mr. Koontz has previously stated they have not conducted a study regarding mass or scale of the project.

Discussion continued regarding safety, number of units and impervious surface.

Mr. Reaves asked Mr. Koontz if the Future Land Use Map is used only as a guide.

Mr. Koontz responded in the affirmative.

Mr. Morphis asked Mr. Adams to explain his letter in reference to the TIA regarding level of service F, which is addressed in his study.

Mr. Adams reviewed his recommendations.

Discussion ensued regarding level of service, pedestrian safety, etc.

Mr. Morphis asked Mr. Taylor to review his methodology of his research.

Mr. Morphis discussed his concerns that the areas that Mr. Taylor research are not comparable to the Southern Pines area due to the very different property markets.

Mr. Morphis asked Mr. Taylor if the market areas he compared are the same as Southern Pines.

Mr. Taylor responded in the negative.

Discussion continued and Mr. Morphis stated that Mr. Taylor's testimony is not accurate.

Rick Fumea of 1 Village Green Circle, Southern Pines explained his credentials and submitted Exhibit X1 – Typed Testimony of Mr. Rick Fumea, which describes the research he conducted that suggest that this project will not be compatible or conforming with the current neighboring properties. Mr. Fumea submitted Exhibit X2 – thumb drive with slide show. Mr. Fumea explained the detrimental impact this project would have on the existing communities neighboring this project.

Discussion ensued.

Patricia McLean of 33 Village Green Circle, Southern Pines discussed her history in Southern Pines, the proposed project, the negative impact of this project and stated this property is part of the Long Leaf Pine Forest and needs to be saved.

Gayvin Powers of 14 Village in the Woods, Southern Pines provided Exhibit Y – secondary health data she has compiled from statistics. Ms. Powers discussed the negative impact the increased traffic air pollution will cause and the health issues the increased toxic fumes will create. Ms. Powers also discussed her son's current breathing issues and expressed her concerns of being able to get him to the hospital if need be in an ample amount of time if the increased traffic creates ingress and egress issues.

Greg Zywocki of 230 Grove Rd, Southern Pines provided his credentials and submitted Exhibit Z – copy of Special Use Permits in NC Zoning. Mr. Zywocki discussed his objection to this project and explained the non-conforming affect this project will produce, increased housing issues, degrading neighborhoods, etc.

Mr. Reaves objected and moved to strike Mr. Zywocki's testimony from the record.

Linda Braswell of 19 Village Green Circle, Southern Pines discussed her history in Southern Pines and discussed the importance of keeping the trees and feel of Southern Pines.

David Sullivan of 19 Village Green Circle, Southern Pines expressed his concerns with the negative affect of this project on the current neighborhoods surrounding the project.

John Comer of 29 Village by the Lake, Southern Pines stated he has spoken to many neighboring residents and they are all against this project.

Leslie Brians of 265 W. Illinois Avenue, Southern Pines stated her credentials and discussed her concerns of the negative impact this project would have on the historical preservation of Southern Pines.

Discussion ensued.

Deborah French of 12 Village in the Woods, Southern Pines voiced her concerns regarding the traffic analysis and the grid of streets not allowing access to downtown, etc.

Mr. Reaves states that he objects to any further testimonies from non-qualified experts.

Irene Hughes of 59 Village Green Circle, Southern Pines listed her concerns and stated she objects to this project.

Mayor McNeill swore in several other speakers.

Ellen Dickey of 16 Village Green Circle, Southern Pines discussed her concerns regarding this project and the number of children this will invite and the schools are not equipped to accommodate this much influx.

Valerie Warner, of 1020 Inverness Road, Southern Pines asked where the cul-de-sac that is being proposed will be located and stated they should have time to research this more and stated Mr. Morphis has not been given ample time to properly research this issue.

Mr. Adams explained the proposed cul-de-sac.

Sarah Jane Harmon of 31 Village in the woods, Southern Pines stated she is opposed to this project and submitted Exhibit 1 – Letter from Lt. Col. Allan Feek in opposition to this project as well. Ms. Harmon also submitted Exhibit 2 - Southern Pines Conditional Use Permit RLUAC and explained it's key objectives.

Mr. Morphis provided his closing statement and requested that this request be denied due to the applicant failing to meet the 6 required criteria of the UDO and further discussed negative effects of the proposed project on the general welfare, etc.

Mr. Reaves provided his closing statement discussing compatibility of the project. Mr. Reaves stated he feels the criteria have been satisfied and the requests should be granted.

Mayor McNeill thanked everyone for their input on this issue.

Discussion ensued regarding the zoning classification, adjacent properties, buffering and density.

Discussion ensued regarding whether or not to Close the Hearing or continue.

Discussion amongst Council ensued regarding protocol moving forward.

Mayor Pro Tem Fields made the motion to close the public hearing, Councilmember Walden seconded this motion.

Councilmember Simeon stated he needs more clarification regarding several questions that have been brought up tonight before agreeing to close this public hearing.

Discussion amongst Council ensued regarding protocol moving forward and being able to have more time to look over the submitted materials.

The motion to close the public hearing fails 3-2 as following:

Mayor McNeill: Nay

Mayor Pro Tem Fields: Aye

Councilmember Walden: Aye

Councilmember Simeon: Nay

Councilwoman VanCamp: Nay

Councilmember Simeon made the motion the continue this hearing to the August 9, 2016 Regular Business Meeting.

Discussion ensued discussing what date to continue the hearing and availability of witnesses.

Council unanimously agreed to proceed with the hearing tonight.

Discussion continued regarding traffic flow, the TIA report, school bus issues, public safety, etc.

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

Upon motion by Councilmember Walden, seconded by Councilwoman VanCamp and carried unanimously 5-0, discussion of CU-01-16 will be continued to the July 25, 2016 Worksession at 3:00 pm at the Douglass Community Center.

B. Right of Way Abandonment of portions of N. Mechanic Street and W. Rhode Island Ave.

Upon motion by Councilmember Walden, seconded by Councilmember Simeon and carried unanimously 5-0 this item was continued to the August 9, 2016 Regular Business Meeting at 7:00 at the Douglass Community Center.

C. OA-02-16 Ordinance Amendment to Chapter 4: Section 4.11. Transportation: Section 4.11.3 Access Lots: Petitioner. Nancy Garner

Upon motion by Councilmember Walden, seconded by Councilmember Simeon and carried unanimously 5-0 this item was continued to the August 9, 2016 Regular Business Meeting at 7:00 at the Douglass Community Center.

C. AX-02-16: Voluntary Annexation Request for the Property Along Clark Street: Petitioner, Bailey Pines LLC and Dabbs Brothers Development LLC

Senior Town Planner Kennedy provided an overview of the item.

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

Upon motion by Councilmember Walden, seconded by Councilmember Simeon and carried unanimously, 5-0 AX-02-16 was approved.

4. Miscellaneous

A. Right of Way Withdrawal - Blue Lane

Senior Town Planner Kennedy provided a brief overview.

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

5. Public Comment

No public comments were voiced.

As so incorporated to these minutes of July 12, 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 1:02 a.m.

Peggy K. Smith
Town Clerk

**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 11th of August, 2015 after due notice by publication on July 26, 2015 and July 29, 2015;

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

Legal Description:

Exhibit A

Being all of that certain tract or parcel of land lying and being in the extraterritorial jurisdiction of Southern Pines, Moore County, North Carolina, and more particularly described as follows:

BEING ALL of Recombined Tract 1, containing +18.8501 acres and that tract labeled as N/F MLE PROPERTIES, LLC DB 3104 PG 215, PIN#20060576, said tract being 0.8178 acres, as shown on that certain plat entitled "Recombination Plat of 84.2457 acres, Tax Parcels #98000750, #98000749, #00052502, #20050319, #20060576 & #00052504" recorded April 24, 2015 in Plat Cabinet 16 at Slides 581 through 583 in the Office of the Register of Deeds for Moore County, North Carolina, reference to which is hereby made for a more particular description.

The subject property is a part of the Morganton Park South development and the property in this annexation request consists of 18.8501 acres and that tract labeled as N/F MLE PROPERTIES, LLC DB 3104 PG 215, PIN#20060576, said tract being 0.8178 acres in the PD (Planned Development) zoning classification. The request for annexation also includes the right-of-way for Morganton Road. The parcels subject to this voluntary annexation request are identified by the following: PIN # 857100487636 (Parcel ID: 98000750); PIN # 857107588080 (Parcel ID: 98000749); PIN # 857107580140 (Parcel ID: 00052502); PIN # 857100485331 (Parcel ID: 20050319); PIN # 857100483156 (Parcel ID: 20060576); PIN # 857106476829 (Parcel ID: 00052504).

TOGETHER WITH, all rights, benefits and easements appurtenant to the above-described tract of land as described in that certain (i) Declaration of Easements, Covenants, Conditions and Restrictions for Morganton Park South recorded May 1, 2015 in Book 4484, Page 417 in the Office of the Register of Deeds for Moore County, North Carolina, and (ii) Easement, Right of First Offer and Option to Purchase Agreement recorded May 1, 2015 in Book 4484, Page 481 in the Office of the Register of Deeds for Moore County, North Carolina, and (iii) Declaration of Rights, Restrictions and Easements recorded May 1, 2015 in Book 4484, Page 526, in the Office of the Register of Deeds for Moore County, North Carolina, as each may be amended from time to time.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina in regular session this 11th day of August, 2015;

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 11th day of August, 2015.

Section 2. Upon and after the 11th day of August, 2015, 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.

Section 4. This ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 11th day of August, 2015.

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 August 11, 2015 as shown in the minutes of the Town Council for that date.


Peggy K. Smith, Town Clerk

CERTIFICATE OF SUFFICIENCY

To the Town Council of the Town of Southern Pines, North Carolina.

I, Peggy K. Smith, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31, as amended.

Legal Description: **AX-04-15**

Exhibit A

Being all of that certain tract or parcel of land lying and being in the extraterritorial jurisdiction of Southern Pines, Moore County, North Carolina, and more particularly described as follows:

BEING ALL of Recombined Tract 1, containing +18.8501 acres and that tract labeled as N/F MLE PROPERTIES, LLC DB 3104 PG 215, PIN#20060576, said tract being 0.8178 acres, as shown on that certain plat entitled "Recombination Plat of 84.2457 acres, Tax Parcels #98000750, #98000749, #00052502, #20050319, #20060576 & #00052504" recorded April 24, 2015 in Plat Cabinet 16 at Slides 581 through 583 in the Office of the Register of Deeds for Moore County, North Carolina, reference to which is hereby made for a more particular description.

The subject property is a part of the Morganton Park South development and the property in this annexation request consists of 18.8501 acres and that tract labeled as N/F MLE PROPERTIES, LLC DB 3104 PG 215, PIN#20060576, said tract being 0.8178 acres in the PD (Planned Development) zoning classification. The request for annexation also includes the right-of-way for Morganton Road. The parcels subject to this voluntary annexation request are identified by the following: PIN # 857100487636 (Parcel ID: 98000750); PIN # 857107588080 (Parcel ID: 98000749); PIN # 857107580140 (Parcel ID: 00052502); PIN # 857100485331 (Parcel ID: 20050319); PIN # 857100483156 (Parcel ID: 20060576); PIN # 857106476829 (Parcel ID: 00052504).

TOGETHER WITH, all rights, benefits and easements appurtenant to the above-described tract of land as described in that certain (i) Declaration of Easements, Covenants, Conditions and Restrictions for Morganton Park South recorded May 1, 2015 in Book 4484, Page 417 in the Office of the Register of Deeds for Moore County, North Carolina, and (ii) Easement, Right of First Offer and Option to Purchase Agreement recorded May 1, 2015 in Book 4484, Page 481 in the Office of the Register of Deeds for Moore County, North Carolina, and (iii) Declaration of Rights, Restrictions and Easements recorded May 1, 2015 in Book 4484, Page 526, in the Office of the Register of Deeds for Moore County, North Carolina, as each may be amended from time to time.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Southern Pines, this 14th day of July, 2015.

(SEAL)



Peggy K. Smith, Town Clerk

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: August 9, 2016

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.

-
- 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:

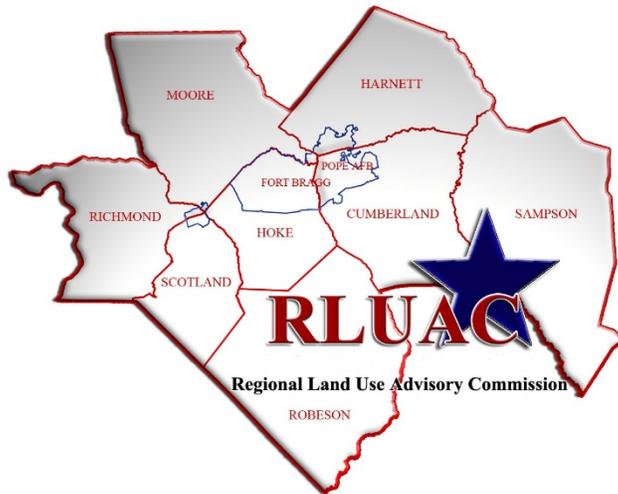
1. Motion to **approve** the requested text amendment and to make a finding and determination that the approval of the text amendment request is consistent with the adopted Land Use Plan and that the approval of the text amendment request is reasonable and in the public interest due to the approval being 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

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.
-

- 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 *oaw*

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.

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

Date: August 9, 2016

AX-03-16; Voluntary Annexation Request for the 325 Sheldon Road; 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 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:

- In July 2016 the Town Council 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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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;

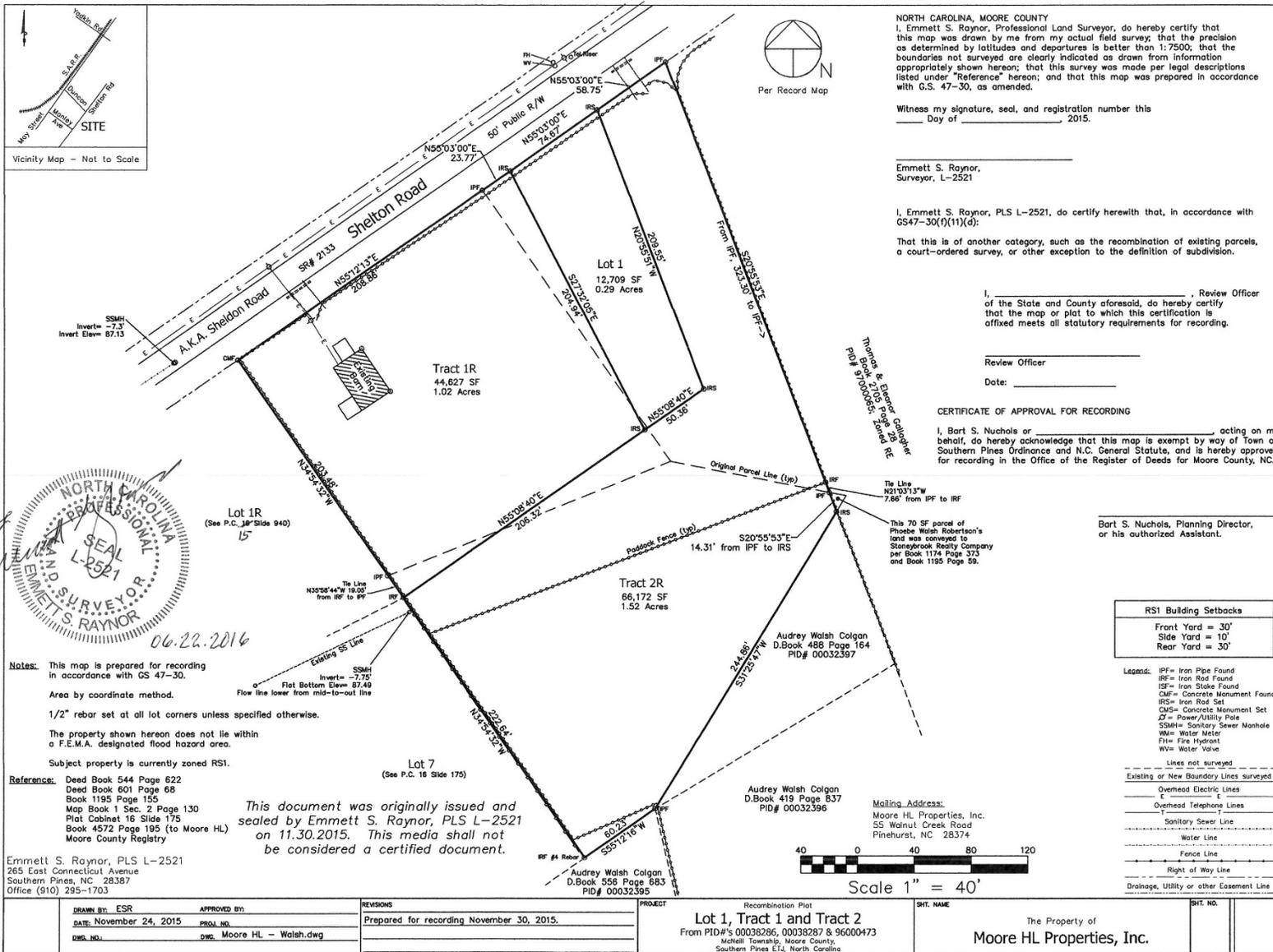
thence with the common line of said Tract 1R and said Tract 2R, South 55°08'40"West for a distance of 206.32 feet to an iron rod found, said iron rod being the common corner of said Lot 1R, Tract 1R, Tract 2R and Lot 7 (see Plat Cabinet 16 Slide 175 as reference for said Lot 7);

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

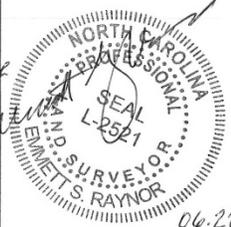
I, Emmett S. Raynor, PLS L-2521, do certify herewith that, in accordance with GS47-30(1)(11)(d):
 That this is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision.

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. Nuchols 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. Nuchols, Planning Director, or his authorized Assistant.

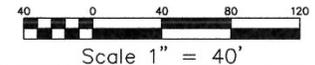


Notes: This map is prepared for recording in accordance with GS 47-30.
 Area by coordinate method.
 1/2" rebar set at all lot corners unless specified otherwise.
 The property shown hereon does not lie within a F.E.M.A. designated flood hazard area.
 Subject property is currently zoned RS1.

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

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.

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



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
CMS	Concrete Monument Found
IRS	Iron Rod Set
CMS	Concrete Monument Set
U	Power/Utility Pole
SSM	Sanitary Sewer Nonhole
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

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

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; Petitioner, Moore HL Properties, Inc.
Date: August 9, 2016

Right-of-Way Abandonment for a Portion of N. Ridge Street; Petitioner, Moore HL Properties, Inc.

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:

- Attachment 1
- Applicant's Request Letter
- Exhibit A Submitted by Applicant

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. Ridge Street as specified in the attached map;
- 2) **Deny** the abandonment of the portions of N. Ridge Street as specified in the attached map;
OR
- 3) **Approve** the abandonment of the portions of N. Ridge Street 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.

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

