

AGENDA

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

1. Manager's Comments

2. Consent Agenda

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

A. Adopt Worksession Meeting Minutes of September 26, 2016, Agenda Meeting Minutes of October 5, 2016 and Regular Business Meeting Minutes of October 11, 2016 as written.

B. Budget Amendments

- Appearance Commission	10-640-5700	\$200.00
- Fire Department Supplies	10-530-3300	\$3,554.00
- Police Patrol Supplies	10-511-3300	\$5,415.00

C. Board Appointments

- Bicycle & Pedestrian Advisory Committee

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

- Setting a date of December 13th for Public Hearing

3. Public Hearings

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

B. CU-05-16 Major Amendment to CU-04-88, Area "F"; Longleaf Golf & Family Club; Petitioner, Floyd Properties & Development

C. CU-06-16 Major Amendment to CU-01-11 for a Daycare; Tyler's Ridge; Petitioner, Building Blocks Early Education Centers

D. Proposed Amendment to the Extraterritorial Jurisdiction Ordinance of the Town of Southern Pines:
An amendment to relinquish property comprised of 10.61 acres located along the southeastern portion of SW Broad Street in Southern Pines running parallel to Old US Highway 1. The Property is identified by the following: PIN: 857116942605 (PARID: 00052519). Per the Moore County GIS records, the property owner(s) are listed as Mid-State Development, LLC.

5. Miscellaneous

MINUTES

Worksession Meeting of the Southern Pines Town Council
September 26, 2016, 3:00 pm, C. Michael Haney Community Room, Southern Pines Police
Department 450 W. Pennsylvania Avenue

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

Absent: None

1. Request to Discuss the Potential for a Conditional Use Permit Application for a Major Subdivision for Single Family Homes along Camp Easter Road; Petitioner - Pete Mace

Incoming Assistant Town Manager Chris Kennedy provided an overview of the item with an ariel map. Mr. Kennedy explained that this request does not create more than five lots but will consist of other triggers that may result in a Major Subdivision and at this time, the site is not feasible for sewer. Mr. Kennedy discussed the possibility of Council applying conditions to a CUP that may be more favorable to the public if the request is pursued. Mr. Kennedy explained the current sewer availability and non-availability with several options that may be of choice to the petitioner.

Discussion ensued regarding current sewer levels, etc.

Council unanimously decided more data would need to be gathered for consideration of this item.

2. Request to Discuss the Potential for a Conditional Use Permit Application for a Major Subdivision to Construct Townhomes off of Central Drive; Petitioner - Pete Mace

Incoming Assistant Town Manager Kennedy provided an overview of the item with an aerial map.

Pete Mace of 170 Pine Barrens Vista, Whispering Pines provided an explanation of the history of the property and the potential plans to renovate the site.

Discussion ensued regarding current and past zoning.

Incoming Assistant Town Manager Kennedy stated Mr. Mace is seeking feedback from Council as to how to proceed with this request and further discussed the building code for townhomes and single family attached homes.

Mr. Mace stated one of the neighborhood lots across the street was the previous home of the Russel's and provided a history of the neighborhood.

Councilwoman VanCamp stated when you are looking at the major objectives of this property as a neighborhood business district, you have to encourage the incorporation of convenience retail establishments, etc. and topography.

Discussion ensued regarding number of trip counts per day, building height limits, and trigger points, codes, exiting uses etc.

Councilmember Walden stated he would like to see the business zoning continued as is in this area.

Planning Director Bart Nuckols provided transportation history of the area as well as square footage information on the existing building.

It was decided that more discussion would need to be continued at the staff level.

3. Request to Discuss the Potential Purchase of Town Owned Property along N. Hale Street; Petitioner - Pete Mace

Incoming Assistant Town Manager Kennedy provided an overview of the item and discussed the up-set bid process to sell Town owned property.

Discussion ensued.

Mayor McNeill stated staff will follow up with the Housing Authority, which is an adjacent property owner, and more research needs to be conducted on this item.

4. Request to Discuss the Potential for a Planned Development Application along US Highway 15-501; Petitioner - Pete Mace

Incoming Assistant Town Manager Kennedy provided an overview with an ariel map.

Mr. Mace provided maps of the existing power lines.

Incoming Assistant Town Manager Kennedy stated DOT has voiced that they will not maintain the roads for this project.

Mayor McNeill suggested Town staff be involved with the future DOT meetings regarding Town projects.

5. Downtown Train Depot Warehouse Reuse Proposal for Mary Kate Lambeth and Tori King - ATM Adam Lindsay

Outgoing Assistant Town Manager Adam Lindsay provided an overview of the two applications that have been received.

Mayor McNeill asked Mr. Lindsay to explain how this lease would work with CSX and the Town.

Outgoing Assistant Town Manager Lindsay described the layout of the building, the CSX space and the renters space.

Mary Kate Lambeth and Tori King explained their proposal, parking availability and upgrade intentions for the building to include. Ms. Lambeth stated they had been in contact with CSX and CSX has stated they will permanently keep their defined space in the building. Ms. Lambeth stated they are in agreement to keep the section of CSX as it is and Ms. Lambeth and Ms. King will be responsible for installing a petition wall to separate the space.

Mayor McNeill stated the terms of this lease proposal includes \$75,000-100,000 in permanent upgrades to the building that will stay with the building, including installation of bathrooms, \$500 a month rent for the 5-year lease, etc.

Ms. Lambeth elaborated that the upgrades they install will stay with the building after their potential lease expires. Ms. Lambeth stated some of the upgrades will include installation of an approved sprinkler system, updating of all plumbing and electrical, railing around the exterior and decking of the building, installation of multiple bathrooms, new light fixtures, etc. Ms. Lambeth stated they will not alter the structure, hardware, or anything that currently exists as a part of the building or look of the building.

Mayor Pro Tem Simeon asked how many people could be accommodated at one event in the building.

Ms. King stated they would estimate around 200-250, but have been approved for 300 by the Fire Marshal.

Mayor Pro Tem Simeon asked if they would be preparing food inside the building.

Ms. Lambeth responded in the negative and stated there would be no kitchen and they would be using food trucks for all of the food preparation.

Mayor McNeill asked to see the proposed parking plan.

Ms. Lambeth stated they have previously spoken to adjacent business owners and they have agreed to share some of their parking spaces if needed, CSX refused to commit to a written lease agreement for any parking. Ms. Lambeth stated she was told verbally by Angie at CSX that they could park on the long stretch of grass located beside the railroad tracks.

Incoming Assistant Town Manager Kennedy stated to his knowledge, CSX has not had any vehicles towed in the past for parking on their property.

Outgoing Assistant Town Manager Lindsay stated there is some public parking currently in place near the building.

Councilwoman VanCamp inquired where the entrance would be located on the building.

Outgoing Assistant Town Manager Lindsay replied in the back of the building toward the tracks.

Councilwoman VanCamp asked if this would create pedestrian and parking issues.

Ms. King stated they are going to install a ramp off the back of the building for people to enter along with a sign, but there will not be any sidewalks unless we are asked to do so.

Mayor Pro Tem Simeon commented he has concerns that the Town could be liable for a pedestrian that may park in this area and walk onto the train tracks and possibly get injured.

Incoming Assistant Town Manager Kennedy stated ADA accessible parking will be reviewed.

Ms. Lambeth stated they would be installing the listed upgrades and they would be considered permanent to the building and would stay in place in the event that their potential lease expires:

Incoming Assistant Town Manager Kennedy discussed the entrance code requirements, current traffic patterns and parking demand.

Councilmember Walden asked if they were going to install an air conditioning unit in the building.

Ms. King stated they consulted a couple of outside sources and were told the building would not be suitable for air conditioning due to the amount of leaks and cracks in the structure and they are looking at other possible ventilation ideas.

Ms. Lambeth stated it is their intentions to open the doors when in use, but would consider the installation of heat and air conditioning if it's required without altering the building.

6. Downtown Train Depot Reuse Proposal for Black Dog Salvage – ATM Adam Lindsay

Jess Dishner of Dishner Developers, Inc., Pinehurst was present representing Black Dog Salvage as a local supporter. Mr. Dishner provided a slide show with details of the proposed national attraction, history of the Black Dog Salvage market places, TV series, local marketing support, proposed drawing of the Southern Pines store, requested improvements and proposed financial terms. Mr. Dishner stated Black Dog Salvage would routinely be conducting a TV series that would include this proposed store site and the Southern Pines area.

Discussion ensued.

Outgoing Assistant Town Manager Lindsay stated after careful considerations, staff will look further into the proposed negotiations submitted by Ms. Lambeth and Ms. King prior to any final approval to move forward.

7. Pre-Audit Authorization Approval – ATM Adam Lindsay

Outgoing Assistant Town Manager Lindsay provided an overview of the item.

Councilwoman VanCamp excused herself from the meeting.

Upon motion by Councilmember Walden, seconded by Mayor Pro Tem Simeon and carried unanimously 3-0, the Pre-Audit Authorization was approved.

8. Capital Improvement Plan and Funding Update – ATM Adam Lindsay

Outgoing Assistant Town Manager Lindsay provided updates and reviewed the item.

9. Council Review of Letters of Interest for Vacant Seat and Discussion of Next Steps

All interested Council candidates will attend the October 4, 2016 Regularly Scheduled Agenda Meeting to briefly discuss their interest in the open Town Council seat.

Outgoing Assistant Town Manager Lindsay provided an update on Riding Lane.

Council and Town Manager Parsons thanked Assistant Town Manager Lindsay for his excellent service to the Town and wished him well on his new job as Town Manager of Clayton.

Assistant Town Manager Lindsay stated he was grateful for his opportunity with the Town of Southern Pines and greatly appreciates the service he has had here.

Council and Town Manager Parsons welcomed incoming Assistant Town Manager Chris Kennedy and stated they are very pleased with his decision to accept the position.

As so incorporated to these minutes of September 26, 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 5:36 p.m.

Peggy K. Smith
Town Clerk

MINUTES
Agenda Meeting of the Southern Pines Town Council
October 5, 2016, 7:00 PM, C. Michael Haney Community Room,
Southern Pines Police Department
450 W. Pennsylvania Avenue

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

Absent: None

Call to Order

Council Review of Letters of Interest for Vacant Seat and Discussion

Mayor McNeill introduced and thanked each Council candidate for their responses and letters of interest regarding the open Southern Pines Town Council seat.

The following Candidates provided background information, their interest in serving on the Southern Pines Town Council and answers to several questions of Council members. Molly Goodman, Carol Haney, Dan Kohn, Jim Prim, Mike Saulneir and Marsh Smith.

1. Manager's Comments

Town Manager Parsons provided an overview of the agenda items and thanked the interested Council candidates for their participation and reviewed 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 August 22, 2016, Agenda Meeting Minutes of September 7, 2016 and Regular Business Meeting Minutes of September 13, 2016 as written.

Minutes were approved by Council as written by the Town Clerk.

3. Architectural Reviews

A. AR-09-16 Pinehurst Toyota: 10760 US Highway 15-501: Penney Design Group

On behalf of the petitioner Penney Design Group, Mr. Jonathan J. Penney has submitted an application requesting Architectural Review approval for a redevelopment to the existing Pinehurst Toyota site located at 10760 US Highway 15-501. The proposed project includes the demolition of the existing structure and the new construction of a vehicle repair shop, showroom, and parts department. The proposed project includes approximately 37,415 square feet of commercial space dedicated to the dealership.

Chad Holderfield, General Manager of Pinehurst Toyota along with Peter Barlow of Penney Design Group discussed the proposed building phases, color, design, lighting, and building materials of the upcoming renovations of the Pinehurst Toyota building.

Incoming Assistant Town Manager Chris Kennedy reviewed the current lighting, signage and building codes.

Discussion ensued regarding lighting intentions, facade materials, building size, stages of building phases etc.

B. AR-10-16 Zaxby's Restaurant; 160 Partner Circle; Hill Foley Rossi & Associates

On behalf of the petitioner Hill Foley Rossi & Associates, Ms. Cathy Truong has submitted an application requesting Architectural Review approval for a new commercial development located at 10760 US Highway 15-501. The proposed project includes the new construction of a Zaxby's restaurant. The proposed project includes approximately 3,654 square feet of commercial space dedicated to the restaurant.

Incoming Assistant Town Manager Kennedy provided an overview of the item and stated the petitioner is not requesting any waivers at this time.

4. Public Hearings

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

No discussion ensued and the item remained tabled.

B. Z-03-16: Request to Rezone Property from PD to GB: 195 Short Street: Petitioner, Tammy Lyne

On behalf of property owners, the petitioner Ms. Tammy Lyne is requesting to rezone property from PD (Planned Development) to GB (General Business). The subject property is comprised of two parcels totaling 1.296 acres.

C. Z-04-16: Request to Rezone Property from PD to GB: 00048374: Petitioner, Tammy Lyne

On behalf of property owner, the petitioner Ms. Tammy Lyne is requesting to rezone property from PD (Planned Development) to GB (General Business). The subject property is comprised of 0.687 acres.

Incoming Assistant Town Manager Kennedy gave a brief overview of items 4.B and 4.C.

Discussion ensued.

Councilmember Walden stated more time may be needed to further review these two items.

D. CU-06-16 Conditional Use Permit: Major Modification to CU-01-11 for a Daycare : Tyler's Ridge : Petitioner, Building Blocks Early Education Centers

On behalf of the petitioner, Building Blocks Early Education Centers, Mr. Perry Melton has submitted a request for a major amendment to Conditional Use Permit CU-01-11. The approval of CU-01-11 approved a mixed-use development off of NC Highway 22 to include a commercial business park, a residential apartment section, and three (3) single-family homes. Mr. Melton is seeking a Major Amendment to the previously approved Conditional Use Permit to remove the requirement for the single-family homes in favor of a daycare center to be constructed on the same lots designated for single-family development. The subject property is comprised of 1.48 acres with the entirety of the subject property located within the corporate limits of the Town of Southern Pines.

Incoming Assistant Town Manager Kennedy provided an overview of the item.

Town Manager Parsons commented that staff will provide an updated packet on the item prior to the next Regular Council Meeting on October 14th.

E. Public Hearing to Review Water & Sewer CIP and Associated Impact Fees

Town Manager Parsons stated he will present an overview of the Water Sewer CIP and Associated Impact Fees at the next Regularly scheduled Council Meeting on October 14th with the opportunity for discussion.

5. Miscellaneous

Council decided to conduct a ballot vote for the open Council seat at the next Regularly scheduled Business Meeting on October 14, 2016 at the Douglass Community Center.

As so incorporated to these minutes of October 5, 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 9:38 p.m.

Peggy K. Smith
Town Clerk

Minutes

Regular Business Meeting of the Southern Pines Town Council October 11, 2016, 7:00 PM, Douglass Community Center, 1185 W. Pennsylvania Avenue

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

Absent: None

Call To Order

Pledge of Allegiance

The Pledge of Allegiance was led by Boy Scouts Pack 615 members: Steven Doust, Steve Hancock, Kamarean Hancock, Jireh McKeithen, and Deron Farmer.

1. Miscellaneous

A. Selection of an individual to fill a Vacant Council Seat with a Term Ending in December 2017

Mayor McNeill explained the process Town Council has conducted to fill the vacant Town Council seat and the procedures that Town Council will follow tonight to conduct a majority vote by anonymous written ballots.

Councilmember Walden discussed the difficult decision process of filling the Council seat and thanked all of the very qualified candidates for their expressed interests and valuable time they have contributed through this process. Mr. Walden stated his goal through this has been to be fair and follow a fact point system that has worked very well in the past with similar situations.

One written ballot from each Councilmember was submitted to Attorney Doug Gill and calculated as follows:

Carol Haney – 3 written votes
Mike Saulnier – 1 written vote

Attorney Doug Gill announced that Carol Haney had the majority vote of 3 to 1 to fill the vacant Council seat.

Mayor McNeill stated Carol Haney's term will become effective Monday, October 24th (October 24, 2016 – December 2017). Ms. Haney was not present tonight and Mayor McNeill asked staff to contact Ms. Haney and advise her that she will be given the Oath of Office by the Town Clerk at the regularly scheduled Town Council Worksession on Monday, October 24, 2016.

Mayor McNeill thanked all of the candidates and stated there are various boards and committees that would be good fits for some of the candidates if they are interested.

2. Manager's Comments

Town Manager Reagan Parsons thanked Town crews and staff for the significant hours of recovery efforts that were spent on the job as a result of the hurricane that hit the area over the past days. Mr. Parsons also thanked the Duke Energy crews that have been working around the clock in an effort to restore power due to the large amount of trees that were downed in our area. Mr. Parsons commented the Fire Department received well over 100 calls reporting downed trees and power lines with crews in the field all weekend.

Mayor McNeill thanked Town Manager Parsons along with his staff for staying in contact with constant updates to Council and Citizens during the progression of maintenance staff working through the night. Mr. McNeill stated they all have done an incredible job with this unfortunate event.

Mayor Pro Tem Simeon also thanked Town staff and the community for their hard work during this storm, etc.

Councilmember Walden thanked Town staff as well as the Police Department for the professional set up they maintained during this event.

Mayor McNeill also thanked the churches and businesses that contributed and provided services to the local communities and encouraged citizens to reach out to their neighbors to see if they can offer any assistance.

3. 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 August 22, 2016, Agenda Meeting Minutes of September 7, 2016, Closed Session Agenda Meeting Minutes of September 7, 2016 and Regular Business Meeting Minutes of September 13, 2016 as written.

Upon motion by Mayor Pro Tem Simeon, seconded by Councilmember Walden and carried unanimously, 4-0 the Consent agenda was approved.

4. Architectural Reviews

A. AR-09-16 Pinehurst Toyota: 10760 US Highway 15-501: Penney Design Group

On behalf of the petitioner Penney Design Group, Mr. Jonathan J. Penney has submitted an application requesting Architectural Review approval for a redevelopment to the existing Pinehurst Toyota site located at 10760 US Highway 15-501. The proposed project includes the demolition of the existing structure and the new construction of a vehicle repair shop, showroom, and parts department. The proposed project includes approximately 37,415 square feet of commercial space dedicated to the dealership.

Assistant Town Manager Kennedy provided an overview of the item with a map and also a detailed a two phase site plan with elevations. Mr. Kennedy stated the petitioner has asked for a waiver regarding the 80% brick facade and explained their materials of choice and the current code.

Discussion ensued.

Councilmember Walden stated he moves to approve AR-09-16 Pinehurst Toyota located at 10760 US Highway 15-201 application with the condition that the petitioner follows the guidelines listed in the UDO and to include a sunset provision of 180 days from the certificate of occupancy to allow Council to review the consideration of variances requested by the petitioner. This motion was seconded by Mayor Pro Tem Simeon, and carried unanimously 4-0 and was approved.

B. AR-10-16 Zaxby's Restaurant; 160 Partner Circle; Hill Foley Rossi & Associates

On behalf of the petitioner Hill Foley Rossi & Associates, Ms. Cathy Truong has submitted an application requesting Architectural Review approval for a new commercial development located at 10760 US Highway 15-501. The proposed project includes the new construction of a Zaxby's restaurant. The proposed project includes approximately 3,654 square feet of commercial space dedicated to the restaurant.

Assistant Town Manager Kennedy provided an overview of the item with an areil map and elevations.

Councilmember Walden stated he moves to approve AR-10-16 Zaxby's Restaurant, 160 Partner Circle. This motion was seconded by Councilwoman VanCamp and carried unanimously 4-0 and was approved.

5. Public Hearings

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

No discussion ensued and this item remained tabled.

- B. Z-03-16: Request to Rezone Property from PD to GB: 195 Short Street: Petitioner. Tammy Lyne On behalf of property owners, the petitioner Ms. Tammy Lyne is requesting to rezone property from PD (Planned Development) to GB (General Business). The subject property is comprised of two parcels totaling 1.296 acres.

Assistant Town Manager Kennedy provided a brief overview of the item, the procedures and how the re-zoning process takes place.

Mayor McNeill opened the public hearing.

Blake Webb of 285 Rembrandt Ln, Aberdeen was present to discuss their intentions of the property.

Discussion ensued.

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

Councilmember Walden stated he is hesitant to approve this re-zoning request at this point due to the fact the petitioner has not decided what they want to put there and has no plans to present to Council today.

Discussion ensued regarding site plans, planned use of the property, size of the lot, traffic flow, current zoning, problem of what may be going there, possible imposed conditions and criteria, etc.

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

Councilmember Walden stated he moves that Z-03-16 Request to Rezone property from PD to GB; 195 Short Street is not consistent with the documents that constitute the officially adopted land development plan or other applicable plans. This motion was seconded by Councilmember VanCamp and carried unanimously 4-0.

Councilmember Walden moved to deny Z-03-16. This motion was seconded by Mayor Pro Tem Simeon and carried unanimously 3-1 to deny Z-03-16 and was approved to deny.

Mayor McNeill – Nay
Mayor Pro Tem Simeon – Aye
Councilmember Walden – Aye
Councilwoman VanCamp - Aye

C. Z-04-16: Request to Rezone Property from PD to GB: 00048374: Petitioner. Tammy Lyne

On behalf of property owner, the petitioner Ms. Tammy Lyne is requesting to rezone property from PD (Planned Development) to GB (General Business). The subject property is comprised of 0.687 acres.

Assistant Town Manager Kennedy gave a brief overview of the item with an ariel map and explained the Legislative hearing process.

Mayor McNeill opened the public hearing.

Mr. Webb further stated the purpose of the request.

Councilwoman VanCamp stated the documents that are provided are the identical documents that were provided for the previous request.

Mr. Webb responded in the affirmative.

Upon motion by Councilmember Walden, seconded by Mayor Pro Tem Simeon and carried unanimously, the public hearing was closed.

Councilmember Walden stated he has similar concerns with this request as the previous request.

Councilmember Walden stated he moves that Z-03-16 Request to Rezone property from PD to GB; 195 Short Street is not consistent with the documents that constitute the officially adopted land development plan or other applicable plans. This motion was seconded by Councilmember VanCamp and carried unanimously 4-0.

Councilmember Walden moved to deny Z-04-16. This motion was seconded by Mayor Pro Tem Simeon and carried unanimously 3-1 to deny Z-04-16 and was approved to deny.

Mayor McNeill – Nay
Mayor Pro Tem Simeon – Aye
Councilmember Walden – Aye
Councilwoman VanCamp - Aye

D. CU-06-16 Conditional Use Permit: Major Modification to CU-01-11 for a Daycare; Tyler's Ridge ; Petitioner. Building Blocks Early Education Centers

On behalf of the petitioner, Building Blocks Early Education Centers, Mr. Perry Melton has submitted a request for a major amendment to Conditional Use Permit CU-01-11. The approval of CU-01-11 approved a mixed-use development off of NC Highway 22 to include a commercial business park, a residential apartment section, and three (3) single-family homes. Mr. Melton is seeking a Major Amendment to the previously approved Conditional Use Permit to remove the requirement for the single-family homes in favor of a daycare center to be constructed on the same lots designated for single-family development. The subject property is comprised of 1.48 acres with the entirety of the subject property located within the corporate limits of the Town of Southern Pines.

Mayor McNeill reviewed the Quasi-Judicial hearing process.

Mayor McNeill swears in all interested citizens that would like to present testimonies regarding CU-06-16.

Mayor McNeill asked for any conflict of interest to be voiced at this time. None were voiced. No attorneys voiced being present to represent either side.

Assistant Town Manager Kennedy provided an overview of the item with maps and Planning Board recommendations.

Discussion ensued regarding land use intentions, history of CU-01-11, current zoning, UDO requirements, buffering requirements, etc.

Mayor McNeill opened the public hearing.

Jim O'Malley of 85365 S. River Terrace Dr., Franklin, WI was present to discuss the requested application as the developer and explained the revision of the original application and their intentions moving forward. Mr. O'Malley stated he has approached several developers, etc. and found a very small amount of people would be interested in the 3 single family lots, but since then, Ace Hardware has shown interest. Mr. O'Malley provided proposed site plans and explained the reasons for the changes from the original application.

Perry Melton of 1605 Cane Creek Dr., Garner discussed his company's history, construction materials, accreditations and their center's unique designs. Mr. Melton stated they are now a for profit company.

Mayor Pro Tem Simeon asked Mr. Melton to explain his educational background.

Mr. Melton stated he has a BS degree in pre-med, a zoology degree, etc.

Marsh Smith of 568 Santee Rd, Carthage discussed his concerns related to Tyler's Ridge Development, storm water density allocation, traffic safety, set offs for high traffic levels, required open space, etc.

Mr. O'Malley discussed police management of high density traffic issues at the right in and right out entrance and will see that traffic citations will be issued to violators as of tomorrow if possible. Mr. O'Malley discussed DOT's approval of the traffic site, etc.

Mr. Smith asked Mr. O'Malley if he had purchased three acres from one of the original owner's daughters.

Mr. O'Malley replied that he purchased three acres from Mr. Frye about three weeks ago.

Mr. Smith stated these three single family residential lots could be conserved with an easement to bring the average density to 24%, which is important to the downtown density.

Town Manager Parsons stated the Police Department is very much aware that movement that Mr. Smith has voiced concerns about and this is an ongoing issue. Mr. Parsons commented that if there is a way to design this area where a left turn would be impossible, would be a possible remedy and asked Mr. O'Malley of follow up with this.

Mayor McNeill commented that staff would also look into what else could be done as well.

Donald Frye of 12671 Third Branch Ct. Chesterfield, VA stated his mother moved to this house in the 1930's and discussed the beautiful long leaf pines that has since been removed. Mr. Frye stated that the property that Mr. O'Malley has purchase will soon incorporate a right turn lane that will remove even more trees and referred to a map of the property. Mr. Frye stated in 2011, this piece of land appeared on the maps he looked at and required a buffer zone, etc. Mr. Frye discussed how his mother at that time was opposed to this construction of a development and strip mall, etc. Mr. Frye referred to the past agreements regarding the fence, fire hydrant, Time Warner Cable, and the installed buffer zone that included agreed upon amendments. Mr. Frye stated Time Warner Cable did not honor their original agreement to run the cable to his mother's house and Mr. O'Malley installed a fence 10 feet from his property line and reconstructed a fence that is not located at the required property line footage. Mr. Frye asked that Council look into his concerns regarding the requirements of what a buffer is. Mr. Frye also discussed the improper removal of trees, etc.

Mr. O'Malley stated part of the initial development plan is still in place and the buffering zone is an undeveloped area and discussed the grading and landscaping, fire hydrant issue, Time Warner Cable was based on the properties that were located in that area at the time, etc. Mr. O'Malley stated he agreed that cable would be installed at the time of development.

Discussion ensued.

Town Manager Parsons stated they would not be accepting or signing off on any plans that get into that 30 feet property line any further to be fair to adjacent property owners and the fence was never in the proper position to begin with. Mr. Parsons stated it wasn't a condition that staff could enforce at the time due to the installation of utilities.

Council retired to recess at 10:15 pm.

Council reconvened at 10:20 pm.

Councilmember Walden asked Mr. O'Malley if there is another entrance available for this area.

Mr. O'Malley explained the current proposed additional access.

Discussion ensued regarding ingress and egress and the 30 feet buffering of the fence.

Assistant Town Manager Kennedy stated he had received an email from Mike Horn of Kimley – Horn regarding Tyler's Ridge Trip Generation Letter submitted as **exhibit 3**, an email letter from Steve Borden regarding Tyler's Ridge Daycare Development Plan submitted as **exhibit 1**, and Kimley – Horn Table 1 dated October 7, 2016 submitted as **exhibit 2**. Mr. Kennedy discussed each exhibit.

Discussion ensued.

Mr. Kennedy stated they are asking that the petitioner provide enough grace to substantiate the traffic generated is adequate to promote a new TIA showing that all items have been litigated through the normal procedures required for an updated traffic analysis.

Mayor McNeill stated Mr. O'Malley has testified that he is willing to come back before Council and Council would request that an updated traffic impact analysis completed prior to him returning.

Mr. O'Malley discussed the charts that are only illustrating comparisons and the patio area footage.

Assistant Town Manager Kennedy stated approximately almost 20,000 square feet that was not accounted for and would need further impact studies and would change the application significantly and would require additional legal advertising.

Town Manager Parsons suggested this item be continued to the next Regular Business Meeting of November 9th.

Discussion ensued.

Councilwoman VanCamp motioned to continue CU-06-16 to the next Regular Business Meeting on Wednesday, November 9th at the Douglass Community Center, which was rescheduled from November 8th due to the Presidential Election taking place in that facility, contingent upon Mr. O'Malley providing an updated TIA to approve the 10,000 square feet that was not originally included in the application. Mr. Kennedy suggested the condition be an additional TIA or a letter attributing the number of trips to the additional 10,000 square feet. Mayor McNeill accepted the amendment of the motion to include Mr. Kennedy's suggestion. This amended motion was seconded by Councilmember Walden and carried unanimously 4-0 to be continued.

E. Public Hearing to Review Water & Sewer CIP and Associated Impact Fees

Town Manager Parsons provided an overview of the item and stated the fees did increase 3.7% on October 1, 2016.

Mayor McNeill opened the public hearing.

Marsh Smith discussed the Southern Pines sewage spills and referred to the Code Red information system. Mr. Smith stated the electronic notification came several days after the sewage spill occurred and has been regularly occurring every several years like clockwork.

Town Manager Parsons asked Mr. Smith if he had verified if he is properly registered in the Code Red notification system.

Mr. Smith stated he is now after signing himself up.

Discussion ensued.

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

Councilwoman VanCamp moved to reaffirm the Town Council of Southern Pines reaffirm their previous actions relative to the implementation of amended Water & Sewer and Associated Impact Fees under Chapter 607 House Bill 815 of a 1989 session of the General Assembly of NC. This motion was seconded by Councilmember Walden and carried unanimously 4-0 to be reaffirmed.

6. Public Comments

No voiced comments were made.

Mayor Pro Tem Simeon motioned that Carol Haney be appointed to fill the vacant Council Seat which was vacated by Mike Fields on Monday, October 24th Regularly scheduled Worksession Meeting where she will be dully sworn in by the Town Clerk. This motion was seconded by Councilmember Walden and carried unanimously 4-0.

Upon motion by Mayor Pro Tem Simeon, seconded by Councilmember Walden and carried unanimously 4-0, the meeting was adjourned.

As so incorporated to these minutes of October 11, 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 11:24 p.m.

Peggy K. Smith
Town Clerk

MEMORANDUM

To: Town Council
Reagan Parsons, Town Manger
Crystal Gabric, Finance Director

From: Chris Kennedy, Assistant Town Manager

Subject: Budget Amendment Request

Date: November 9, 2016

The Southern Pines Civic Club recently donated \$200.00 for the purpose of replacement planting pots in the Downtown area.

Please amend the following line item so the Town may proceed with the purchases:

106405700 by \$200.00

Thank you in advance for your assistance on this request.

CC: Crystal Gabric, Finance Director

Southern Pines Fire & Rescue Department
“Serving the Community Since 1898”

MEMORANDUM

To: Town Council

From: Chief Williams

Date: October 27, 2016

Re: Request for Budget Amendment

During the month of September the fire department received donations from the Village Chapel and Penick Village that totaled \$3,554.00.

I am requesting a budget amendment for a \$3,554.00 transfer from the general fund to line account 10-530-3300 (department supplies).

Thank you for your action of this request.

Cc: Crystal Gabric



Police Department

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

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

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

Email: PD@southernpines.net
www.southernpines.net/Police

To: Town Council
From: Robert Temme
Chief of Police
Date: October 28, 2016
Re: Request for Budget Amendment

The Southern Pines Police Department received a reimbursement check from EOTech, P.O. Box 2481 Faribault, MN 55021 in the amount of \$915.00. This reimbursement check was forwarded to the Finance Department to be deposited into the General Fund Account #10-335-0000.

At this time, I am respectfully requesting that this reimbursement, in amount of \$915.00 be transferred from the General Fund Account #10-335-0000, to the Police Department line item 10-511-3300.

Thank you for your consideration of this request.

Xc: Finance Director
Director of Administrative Services
File Budget 2016/17



Police Department

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

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

Administration: (910) 692-2732
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Investigation Division: (910) 693-1481
Crime Tips: (910) 693-4110

Email: PD@southernpines.net
www.southernpines.net/Police

To: Town Council
From: Robert Temme
Chief of Police
Date: October 28, 2016
Re: Request for Budget Amendment

The Southern Pines Police Department received a donation from the Moore County Kennel Club in the amount of \$2,000.00. This donation check was forwarded to the Finance Department to be deposited into the General Fund Account #10-335-0000.

At this time, I am respectfully requesting that this donation, in amount of \$2,000.00 be transferred from the General Fund Account #10-335-0000, to the Police Department line item 10-511-3300.

Thank you for your consideration of this request.

Xc: Finance Director
Director of Administrative Services
File Budget 2016/17



Police Department

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

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

Administration: (910) 692-2732
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Crime Tips: (910) 693-4110

Email: PD@southernpines.net
www.southernpines.net/Police

To: Town Council
From: Robert Temme
Chief of Police
Date: October 28, 2016
Re: Request for Budget Amendment

The Southern Pines Police Department received a donation from Penick Village, 500 E. Rhode Island Avenue Southern Pines, NC 28387 in the amount of \$2,500.00. This donation check was forwarded to the Finance Department to be deposited into the General Fund Account #10-335-0000.

At this time, I am respectfully requesting that this donation in amount of \$2,500.00 be transferred from the General Fund Account #10-335-0000, to the Police Department line item 10-511-3300.

Thank you for your consideration of this request.

Xc: Finance Director
Director of Administrative Services
File Budget 2016/17

MEMORANDUM

To: Town Council
Cc: Reagan Parsons, Town Manager

From: Robert Reeve, Director, Recreation & Parks

Date: October 26, 2016

Subject: Bicycle and Pedestrian Advisory Committee Appointments

The Southern Pines Bicycle and Pedestrian Advisory Committee have three (3) members whose three year appointments will be over at the end of October. Two (2) members whose terms will expire in October are interested in being reappointed for a three (3) year term (October 2016 – October 2019) are:

John Mueller
Todd Stout

In addition, there are six (6) Southern Pines residents who have submitted their names by application for a three (3) year appointment (see applications):

Rick Dedmond
Matthew Harmody
Rodney Lenahan
Angela Sanchez
Katherine Schirmer
Fredrick Ziems

Please consider these eight (8) Southern Pines residents for appointment to the Southern Pines Bicycle and Pedestrian Advisory Committee at the November 9th regular meeting of Town Council.

Thank you.

MEMORANDUM

To: Town Council
Cc: Reagan Parsons, Town Manager

From: Robert Reeve, Director, Recreation & Parks

Date: October 26, 2016

Subject: Bicycle and Pedestrian Advisory Committee Appointments

The Southern Pines Bicycle and Pedestrian Advisory Committee have three (3) members whose three year appointments will be over at the end of October. Two (2) members whose terms will expire in October are interested in being reappointed for a three (3) year term (October 2016 – October 2019) are:

John Mueller
Todd Stout

In addition, there are four (4) Southern Pines residents who have submitted their names by application for a three (3) year appointment (see applications):

Rick Dedmond
Matthew Harmody
Angela Sanchez
Katherine Schirmer

Please consider these six (6) Southern Pines residents for appointment to the Southern Pines Bicycle and Pedestrian Advisory Committee at the November 9th regular meeting of Town Council.

Thank you.

Agenda Item

To: Reagan Parsons, Town Manager

From: Chris Kennedy, Assistant Town Manager

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

Date: November 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:

- Resolution to Set Public Hearing
- 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.

**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 13th day of December, 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 December 13, 2016, at 7:00pm.

This 12th day of July, 2016.

David McNeill, Mayor

ATTEST:

Peggy Smith, Town Clerk

APPROVED AS TO FORM:

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.

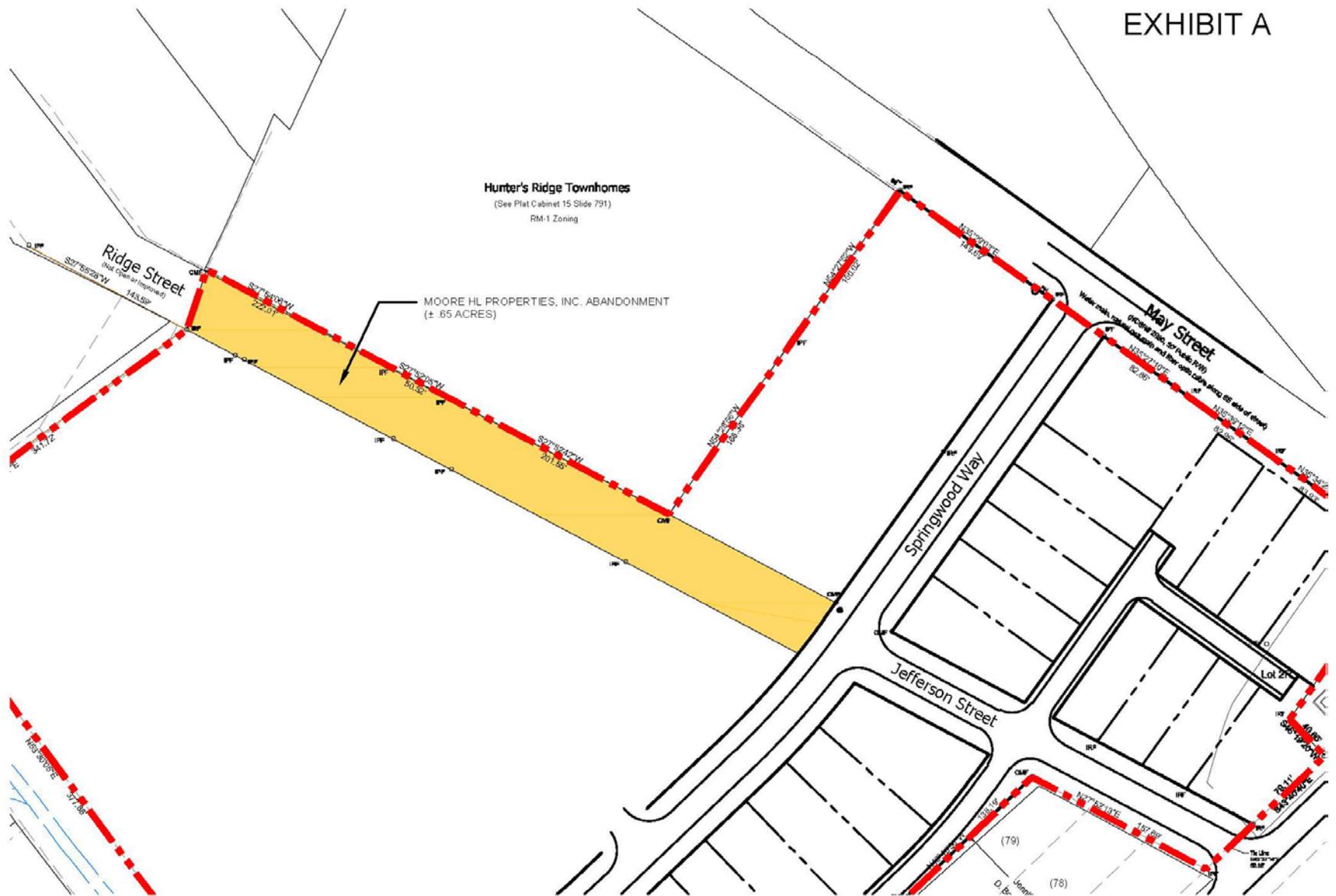
Best Regards,



Robert E. Koontz, PLA



EXHIBIT A



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: August 9, 2016

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 – July 25, 2016 (July 2016 Town Council Work Session):

At the July 25, 2016 Town Council Work Session, the Town Council deliberated and made a series of findings of facts and motions to deny Conditional Use Permit application CU-01-16. The Town Council decided to continue the public hearing for this right-of-way abandonment until the August 9, 2016 Regular Business Meeting of the Town Council.

Town Council Hearing – July 12, 2016 (July 2016 Regular Business Meeting of the Town Council):

At the July 12, 2016 Regular Business Meeting of the Town Council, the Town Council continued and the public hearing for Conditional Use Permit application CU-01-16. The Town Council then closed the public hearing but did not deliberate or make any motion to approve or deny CU-01-16, therefore, per the staff recommendation listed herein, the Town Council decided to continue the public hearing for this right-of-way abandonment until the July 25, 2016 Town Council Work Session.

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 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 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 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.

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 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 May 23, 2016 Town Council Work Session.

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.
 - As a part of any denial or approval of CU-01-16, Town staff recommends that the Town Council delay action and table any decision relative to this right-of-way abandonment until after the expiration of the legal appeal period provided to a Conditional Use Permit and/or any appeal of the decision is resolved.
- 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:

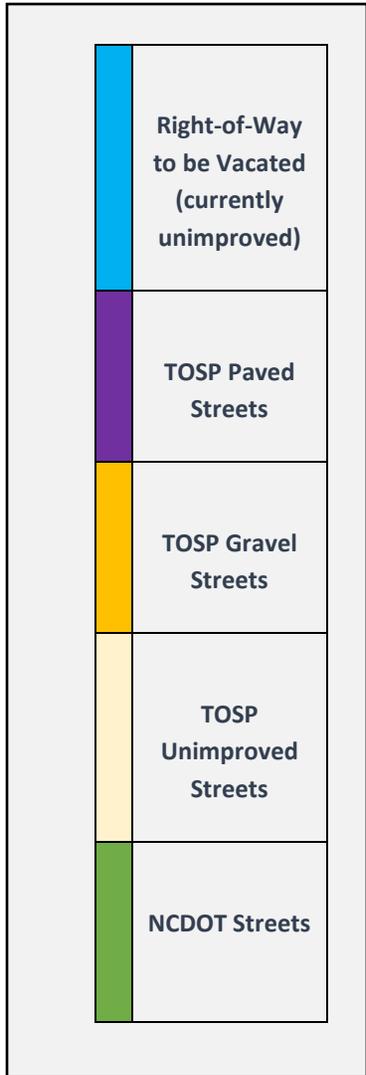
I move that the proposed street or alley vacation request...

- 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 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.

Agenda Item

To: Reagan Parsons, Town Manager

Via: Chris Kennedy, Community Development Director

From: Bart Nuckols, Planning Director

Subject: CU-05-16 Major Amendment to CU-04-88, Area “F”; Longleaf Golf & Family Club; Petitioner, Floyd Properties & Development

Date: November 9, 2016

CU-05-16 Major Amendment to CU-04-88, Area “F”; Longleaf Golf & Family Club; Petitioner, Floyd Properties & Development

On behalf of the petitioner Floyd Properties & Development, Mr. David Wilson and Mr. Shane Sanders have submitted a Conditional Use Permit application requesting the approval of a Major Amendment to Conditional Use Permit CU-04-88. The Longleaf Golf & Family Club was approved under application CU-04-88 which permitted a PRD (Planned Residential Development) and a golf course development between Midland Road and Airport Road with a total of five-hundred nine (509) dwelling units. The petitioner is seeking a Conditional Use Permit for a Major Amendment to “Area F” as designated in the original master plan under CU-04-88 to modify the approved unit type from eighty-two (82) townhomes to twenty-four (24) single-family homes and ten (10) townhomes. The proposal will utilize the existing density and approved dwelling unit total approved for the Longleaf Golf & Family Club development, deviating only in the unit type proposed for this section. The subject property is identified by the following: PIN: 857318326163 (PARID: 00041500) and PIN: 857318317745 (PARID: 00992022). Per the Moore County Tax records, the property owner(s) are listed as NC One, LLC.

Planning Board Recommendation:

At the October 20, 2016 Regular Meeting of the Planning Board, the Planning Board held a quasi-judicial public hearing and heard evidence from those in attendance regarding application CU-05-16. The Planning Board voted on a recommendation for Conditional Use Permit application CU-05-16 for a Major Amendment to CU-04-88.

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 in that the project is consistent with the adopted

CLRP Map and other goals and objectives of the CLRP. The Planning Board unanimously voted (5-0) to recommend approval of CU-05-16.

Analysis:

The subject property is identified as Residential/Golf in the CLRP. Per the *Comprehensive Long Range Plan 2015-16 Update*:

Residential/Golf: The Residential/Golf designation applies to areas that include public or private golf courses and residences. This category may accommodate a single-family or attached dwellings at a variety of densities, recreational facilities in addition to the golf course, limited guest accommodations, and limited commercial services intended to serve residents of and visitors to the development.

Staff Comments:

- RLUAC (Regional Land Use Advisory Commission) comment is not yet available.
- The proposal includes two parcels designated for development, one parcel comprised of 13.93 acres and the second comprised of 1.22 acres; totaling 15.15 acres per the Moore County GIS.
- The subject property the petitioner is seeking to develop is listed on the Master Plan as “Area F” and is designated to be developed with eighty-two (82) townhomes.
- The petitioner must provide the Town with the total number of units built to date for the Longleaf Golf & Family Club Development with the corresponding break down of the unit type mix to ensure compliance with the approved total of (509) dwelling units for the entire development.
 - For each housing type in the unit mix, the number corresponding to that housing type is the maximum allowed for that type in the development. If there are remaining units to be built for a particular housing type for the development, the petitioner may be allowed to develop up to the number allowed for that housing type.
 - Any modification to the approved Master Plan, including but not limited to: building more than the eighty-two (82) townhomes units in “Area F”, building more than the maximum unit mix for an approved housing type, or building a housing type not listed in the approved Master Plan, requires the approval of a Major Modification to CU-04-88 from the Town of Southern Pines Town Council.
- The petitioner is proposing a Major Modification to “Area F” to permit a total of thirty (30) dwelling units:
 - Twenty-four (24) single-family homes
 - Ten (10) townhomes.
 - Proposed setbacks:
 - Front: 20’; Side: 10’; Rear: 20’
 - Total Open Space: 5.42 acres (36.18%)
- The Longleaf Golf & Family Club development is zoned RS-1 – CD (Residential Single-Family 1 – Conditional District).
- The Longleaf Golf & Family Club development was approved under a Conditional Use Permit, CU-04-88 for a 509 Unit PRD (Planned Residential Development) located between

Midland Road and Airport Road consisting of single-family, multi-family, and other amenities associated with a gold course development. The Longleaf Golf & Family Club development consists of 308.44 total acres. The golf course and open space comprise 182.27 acres.

- The land usage from the original approval breaks down as follows:
 - Residential Single-Family 1 – Conditional District: 308.44 acres
 - Dedicated R-O-W (Knoll Road only): 10.89 acres
 - Inn: 3.24 acres
 - Open Space/Golf Course: 182.27 acres
 - Single-Family Lots: 35.15 acres
 - Patio Home Lots: 45.45 acres
 - Townhome Parcels: 33.99 acres
 - Local Business Zoning
 - Local Business: 7.0 acres
 - Dedicated R-O-W: 0.88 acres
- The approved Longleaf Golf & Family Club Development Master Plan allots 509 total dwelling units for the development. With a density of 1.645 dwelling units per acre.
 - Single-Family: 68 lots
 - Patio Homes: 190 lots
 - Townhomes: 196 lots
 - Inn Rooms: 55
- The approved Master Plan does not explicitly provide setbacks for single-family dwellings.
- The RS-1 zoning classification per the UDO has the following setbacks:
 - Front: 30.0'; Exterior Side: 15.0'; Interior Side: 10.0'; Rear: 30.0'
- Per the conditions of the original Conditional Use Permit of the Longleaf Golf & Family Club development property, there shall be a thirty (30) foot wide buffer maintained along the Knoll Road right-of-way.
- Per UDO Section 2.21.13 Conditional Use Permit Amendments are subject to the following standards:
 - (A) An amendment is a request for any enlargement, expansion, increase in intensity, relocation, or modification of any condition of a previously approved and currently valid CUP.
 - (B) Minor CUP amendments may be authorized by the Planning Director for shifts in on-site location and changes in height, area, or intensity of development by less than five (5) percent, or a five (5) percent or less increase in either impervious surface or floor area over what was originally approved provided that such minor changes comply with the following criteria:
 - 1) No previous minor modification has been granted pursuant to this section;
 - 2) There will be no detrimental impact on any adjacent property caused by significant change in the appearance or use of the property or any other contributing factor;
 - 3) Nothing in the currently valid CUP precludes or otherwise limits such amendment; and,
 - 4) The proposal conforms to the UDO and is in keeping with the spirit and intent of any adopted comprehensive plan.

(C) Major CUP amendments are any proposed amendment other than those defined above as Minor CUP amendments and shall be approved in the same manner and under the same procedures as the original approval.

- The entirety of the property is within the Little River #2 Intake (LR#2) Watershed.
- Per UDO Section 4.12.2(A)(2), a Traffic Impact Analysis will be required prior to the 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 the 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.
 - The proposed project includes 301 average daily trips out of a single access point therefore the TIA requirement is triggered with the request.
 - The petitioner has submitted a TIA to comply with this standard.

Previous Conditional Use Permits for the Longleaf Golf & Family Club:

- CU-04-88 509 Units
- CU-17-88 Conversion of site plan from Inn to 54 club cottages
- CU-18-88 Conversion of single-family lots to zero lot line lots
- CU-11-89 Conversion of 43 patio homes to 29 single-family lots
- CU-04-90 Modification of 29 single-family lots to 25 single-family lots and street design
- CU-05-90 Modification of 27 patio lots to 26 patio lots and street design
- CU-09-91 Modification to add 14 single-family homes to Steeplechase Way
- CU-10-91 Hunter Trail Street Design
- CU-05-93 (Z-05-93) Rezoning from Local Business Commercial Area to Residential Single Family [CUP for 47 Patio Homes]
- CU-02-11 Six (6) lot addition to Magnolia Court

Attachments:

- RLUAC Response (Not available at this time)
 - Written Decision of the Planning Board
 - GIS Location
 - Application Materials
 - Criteria Narrative
 - TIA Response Letter from Town Engineer
 - TIA Excerpt
 - Preliminary Plat
 - Longleaf Development Density Statistics
 - Future Land Use Map
-

TOWN COUNCIL ACTIONS:

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, 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 2.21.7 Criteria for a Conditional Use Permit, Criteria A-F, in that...

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:

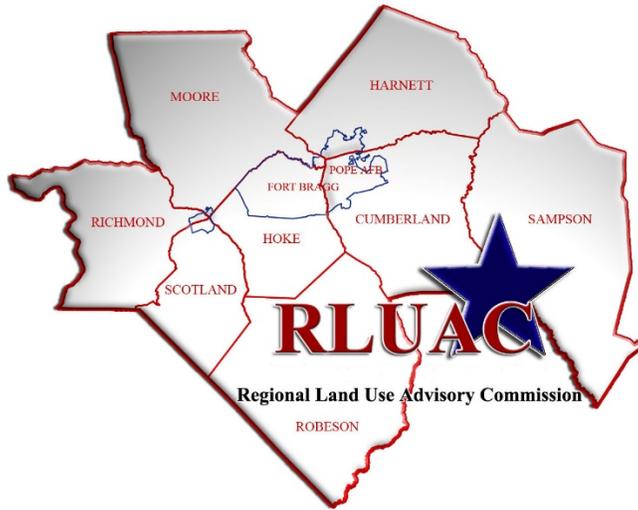
1. The proposed *Conditional Use Application* is consistent with those documents that constitute the officially adopted land development plan and other applicable plans; in that...

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-05-16
2. Deny CU-05-16; OR
3. Approve CU-05-16 with the following additional conditions...



NOT AVAILABLE AT THE PUBLISHING OF THIS PACKET

TOWN OF SOUTHERN PINES

REGULAR MEETING OF THE PLANNING BOARD

October 20, 2016

7:00 pm

Douglass Community Center
1185 W. Pennsylvania Avenue

DECISION OF THE BOARD

Petitioner: Floyd Properties & Development, Inc.

Case Number: CU-05-16

The meeting was called to order with five (5) members present and the Chairman declared that a quorum was present. The petitioner, Floyd Properties & Development, Inc., appeared before the Board through its engineer, Shane Sanders of SNS Engineering. The property owner, NC One LLC, was represented by David Wilson, who also spoke in favor of the request. The oath was administered to the witnesses prior to their testimony.

Matter at Issue:

CU-05-16 Major Amendment to CU-04-88, Area “F”; Longleaf Golf & Family Club; Petitioner, Floyd Properties & Development

On behalf of the petitioner, Floyd Properties & Development, Mr. David Wilson and Mr. Shane Sanders have submitted a Conditional Use Permit application requesting the approval of a Major Amendment to Conditional Use Permit CU-04-88. The Longleaf Golf & Family Club was approved under application CU-04-88 which permitted a PRD (Planned Residential Development) and a golf course development between Midland Road and Airport Road with a total of five-hundred nine (509) dwelling units. The petitioner is seeking a Conditional Use Permit for a Major Amendment to “Area F” as designated in the original master plan under CU-04-88 to modify the approved unit type from eighty-two (82) townhomes to twenty-four (24) single-family homes and ten (10) townhomes. The proposal will utilize the existing density and approved dwelling unit total approved for the Longleaf Golf & Family Club development, deviating only in the unit type proposed for this section. The subject property is identified by the following: PIN: 857318326163 (PARID: 00041500) and PIN: 857318317745 (PARID: 00992022). Per the Moore County Tax records, the property owner is listed as NC One, LLC (c/o Paul Swanson Associates).

Mr. Shane Sanders presented the case for the approval of Conditional Use Permit CU-05-16. Mr. Sanders provided an overview of the current request and presented historical context of the previous approval for CU-04-88 and addressed the questions from the Planning Board and the public present at the public hearing. Mr. Sanders submitted into evidence a written narrative describing the application’s consistency with the UDO criteria for a Conditional Use Permit as set forth in UDO Section 2.21.7.

Mr. David Wilson provided an overview of the proposed development for twenty-four (24) single-family lots and ten (10) townhome units intended for the site and the subject of the Major Amendment request. Mr. Wilson addressed the questions from the Planning Board and the public present at the public hearing with respect to the residential development and the proposal for the current site.

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 2.21.7:

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 Board finds that the proposed conditional use complies with all applicable zoning district regulations and supplemental use regulations to allow for the approval of a Major Amendment to the existing Conditional Use Permit to permit the removal of eighty-eight (88) townhouse units in favor of twenty-four (24) single-family lots and ten (10) townhouse units. The petitioner has demonstrated this compliance in testimony provided but the Board also recognizes that many details will also be subject to staff review during site plan approvals, construction, and inspections should the project proceed forward. The existing Conditional Use Permit in effect on the property, CU-04-88, was approved under a Conditional Use Permit application for a Planned Residential Development (PRD). Conditional Use Permit CU-04-88 was approved under the previous zoning ordinance that was replaced in 1989 with the Unified

Development Ordinance (UDO). The Major Amendment requested under CU-05-16 is consistent with the current UDO standards.

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 Board finds that the proposed conditional use provides greater conformance to the neighborhood, if approved, in comparison to the previously approved land use of eighty-eight (88) townhouse units. The adjacent properties are comprised of primarily single-family lots on RS-1 zoned parcels and the Longleaf Golf Course. The project will also adhere to dimensional standards and restrictions including height, setbacks, landscaping, buffers and the like set forth in the original PRD to protect the use and enjoyment of adjacent property.

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

The Board finds that the required public facilities required, including public water and sewer utilities, as well as streets, are readily available for the project due to current improvements to the overall development with the construction of the Longleaf Golf & Family Club; the responsibility of any new improvements required and any associated costs with such improvements will be borne 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;

The Board finds that the proposed conditional use will not impede the orderly development or improvement of the surrounding property for uses permitted within their respective zoning districts or substantially diminish or impair the property values within the neighborhood. The proposed use is in greater conformance to the neighborhood, if approved, in comparison to the previously approved land use of eighty-eight (88) townhouse units. Additionally, the “neighborhood” is comprised of the Longleaf Golf & Family Club, so the compatibility with the proposed use is enhanced with the approval of the Major Amendment and should not create any development impediments. The adjacent properties are comprised of a golf course, single-family lots, and townhouse units zoned RS-1; most of which are already developed. In summation, the proposed Major Amendment should not impede the orderly development or improvement of the surrounding property for uses permitted within their respective zoning districts 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;

The Board finds that the proposed project will comply with the previously approved Conditional Use Permit, CU-04-88, and with UDO and CLRP standards. The approval of CU-04-88 was based, just like all approved applications that come before the Board, on its promotion of the public’s health, safety and general welfare. The CLRP and the UDO are also documents that seek to advance the public health, safety and general welfare of the public with policies, standards and restrictions and are documents

adopted to promote these premises. The Board contends that the Major Amendment as proposed and the testimony submitted did not provide any evidence to suggest that the establishment, maintenance, or operation of twenty-four (24) single-family dwelling lots and ten (10) townhouse units would 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.

The Board finds that the proposed Major Amendment and the project included therein establishes a land use that better fits the context of the surrounding neighborhood and this area of Southern Pines than the construction of eighty-eight (88) townhouse units. The provision of single-family lots within this mixed-use development reduces the potential impact of vehicular traffic to residents of the nearby homes. The Board contends that the Major Amendment as proposed and the testimony submitted provides the necessary evidence to suggest that the public interest involved with the modification to twenty-four (24) single-family dwelling lots and ten (10) townhouse units in lieu of eighty-eight (88) townhouse units outweighs any 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 in that the request is consistent with the Official Future Land Use Map of the Comprehensive Long Range Plan as well as other goals and objectives within the Comprehensive Long Range Plan.

By a vote of 5-0, the Planning Board voted to recommend to the Town Council the approval of the *Conditional Use Permit Application* CU-05-16 as a Major Modification to the approved Conditional Use Permit CU-04-88 with no additional conditions.

Decision of the Board:

The requests under application CU-05-16 for Conditional Use Permit approval for a Major Modification to the approved Conditional Use Permit CU-04-88 were recommended for approval to the Town Council with no additional conditions.

This the 20th day of October, 2016.

FOR THE PLANNING BOARD:

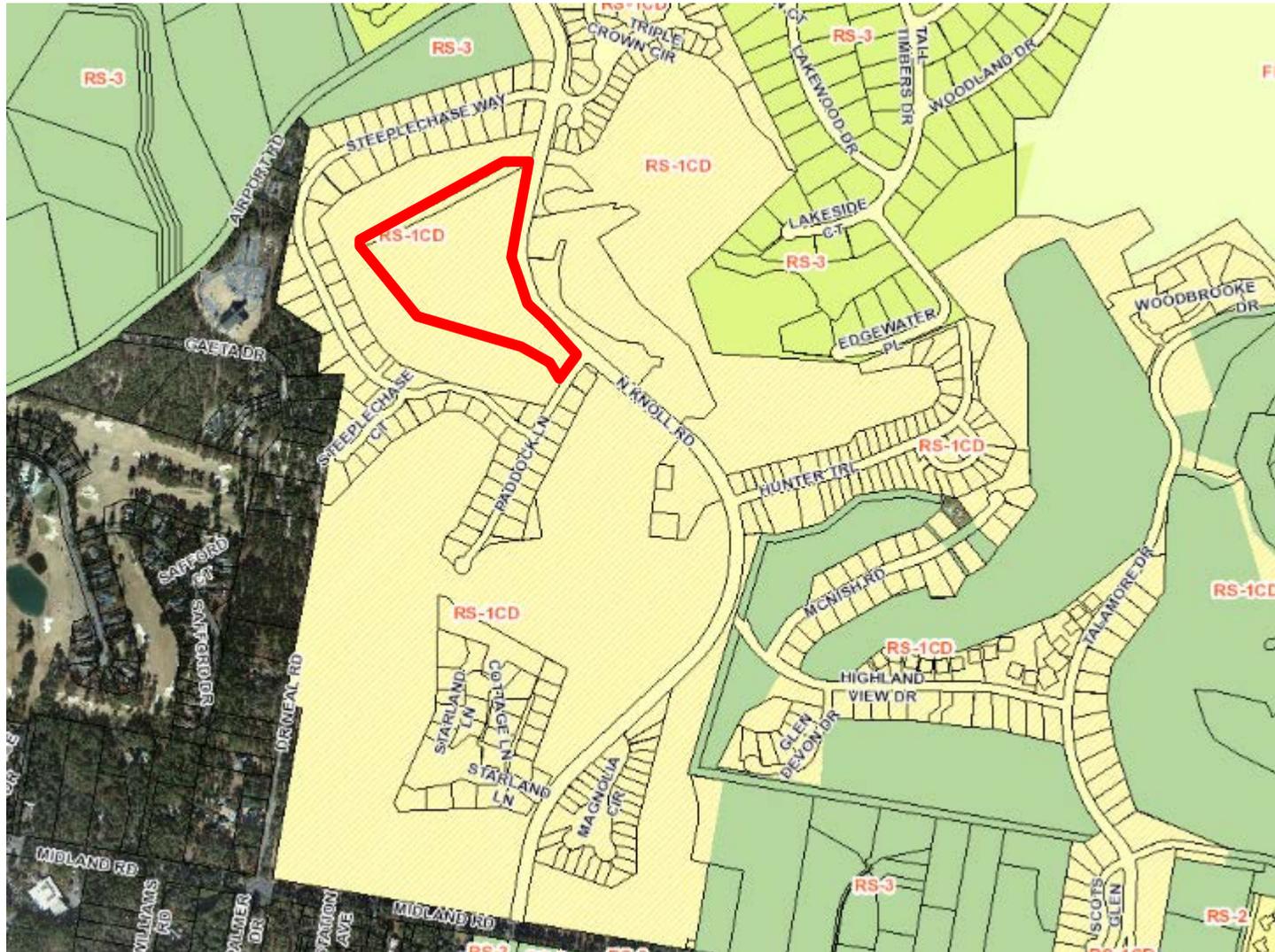
John McLaughlin, Chairman

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

Floyd Properties & Development, Inc.
NC One LLC c/o Paul Swanson Associates
Longleaf Golf & Family Club

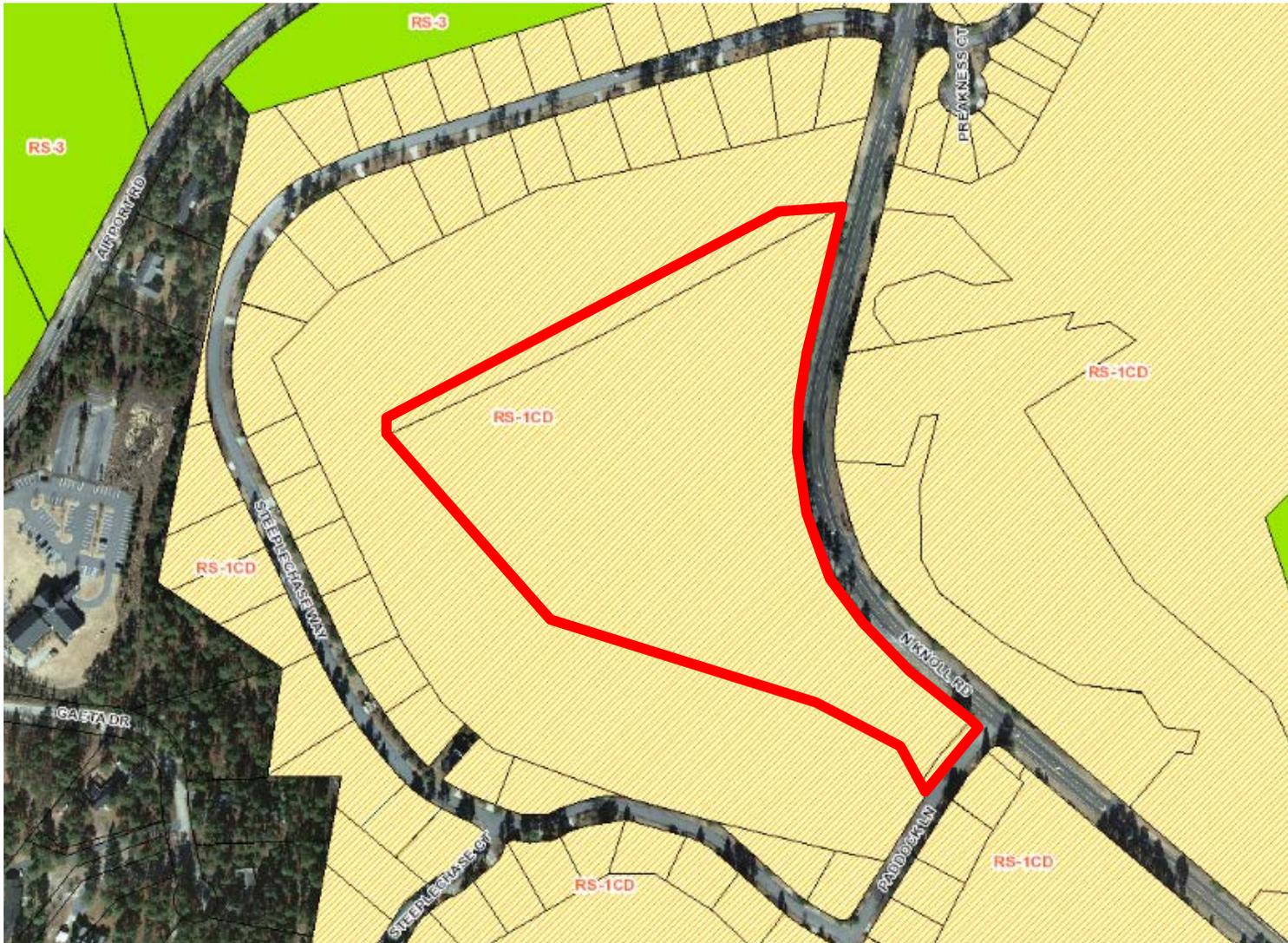
CU-05-16 Longleaf Golf & Family Club Request for Major Amendment to CU-04-88

The 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).



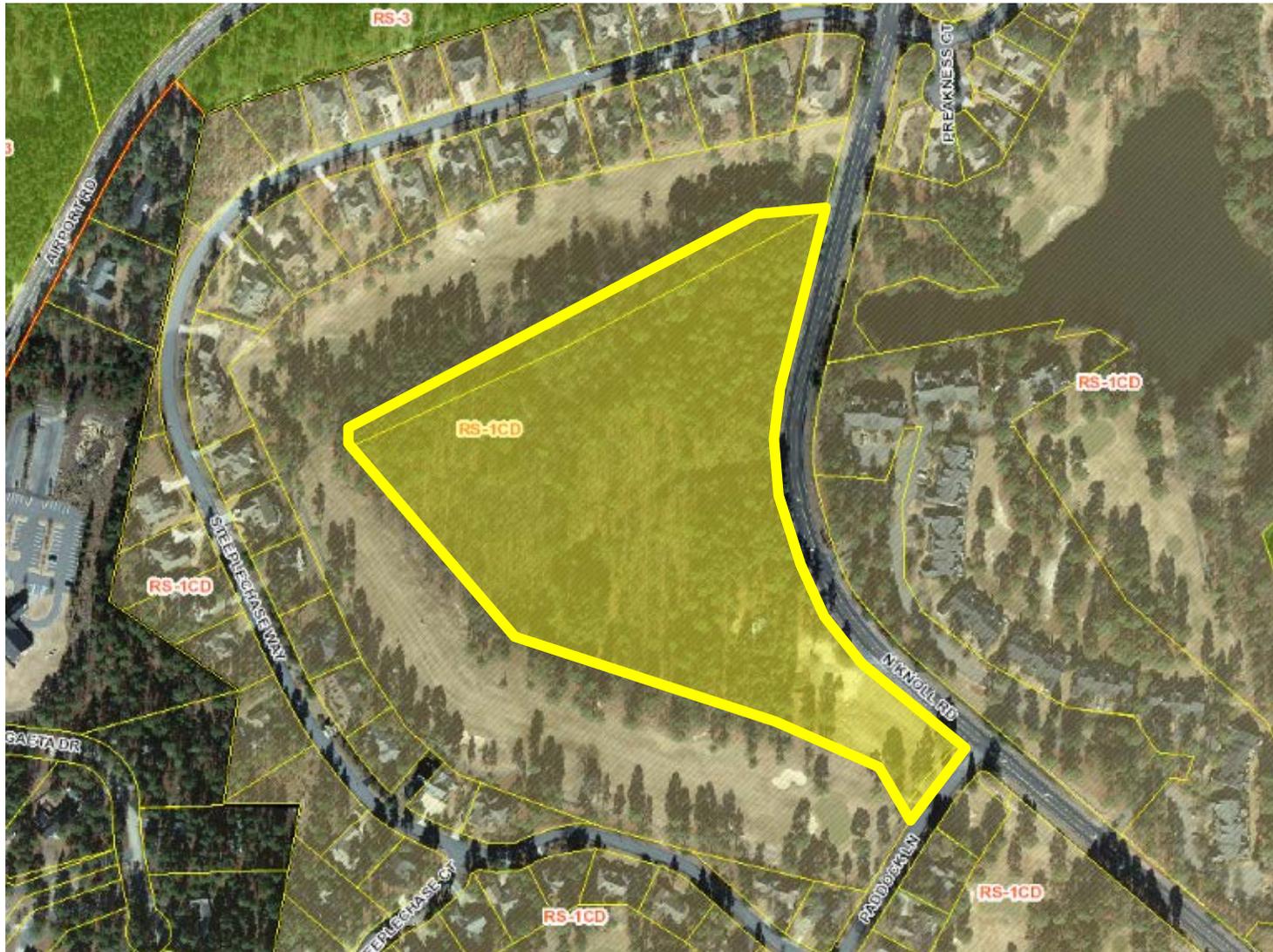
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CU-05-16 Longleaf Golf & Family Club Request for Major Amendment to CU-04-88

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CU-05-16

Date Received: July 17, 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 Knoll Road (Street/Avenue), between PADDOCK LANE (Street Avenue) and STEEPLECHASE WAY (Street/ Avenue. The address is 194 N Knoll Road, also known as LRK # 41500 & 992022 and PIN # 857318326163 & 857318317745. It has a frontage of 1,173 feet and a depth of +/- 700' feet, containing 15.01 acres.

The Conditional Use sought is based on Section(s) 2.21.13 Major Modification to a CUP of the Town of Southern Pines Unified Development Ordinance. The property in question is located in a RS-1CD zoning district and is proposed for the following use:

The CUP is requested to modify an existing Planned Residential Development (PRD) for Longleaf Area "F". The approved PRD for Area "F" is for 82 Townhouses. This CUP will be requesting a reduction of density and change of use to allow 24 single family lots and 10 townhouses for a total of 34 dwelling units.

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: _____

PIN: 857318416504
PARID8: 00041503
NAME: NELSON, MELVIN G & MARY H
NAME2:
ADDRESS: PO BOX 1019
CITY: SOUTHERN PINES
STATE: NC ZIP: 28388

PIN: 857318416504
PARID8: 00041503
NAME: PAGE, DAVID CARTER
NAME2:
ADDRESS: 259 KNOLL RD
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318416504
PARID8: 00041503
NAME: FAHRNER, GAIL H &
NAME2: SCHMIDT, RICHARD S
ADDRESS: 1260 MIDLAND RD
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387-3126

PIN: 857318416504
PARID8: 00041503
NAME: DALY, PAUL V & HELENE H
NAME2: TRUSTEES
ADDRESS: 213 KNOLL RD
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318416504
PARID8: 00041503
NAME: CONSTANTINE, THOMAS A &
RUTH A
NAME2:
ADDRESS: 2522 ANGELINA DR
CITY: NISKAYUNA
STATE: NY ZIP: 12309-1155

PIN: 857318416504
PARID8: 00041503
NAME: HENDRICKS, ANDREW A
NAME2: HENDRICKS, MARY R
ADDRESS: 103 ROSEWOOD DR
CITY: LUMBERTON
STATE: NC ZIP: 28358

PIN: 857318406141
PARID8: 00035925
NAME: US KIDS GOLF FOUNDATION,
INC
NAME2:
ADDRESS: 3040 NORTHWOODS PKWY
CITY: NORCROSS
STATE: GA ZIP: 30071

PIN: 857318416504
PARID8: 00041503
NAME: NEFF, KEITH B & ELIZABETH G
NAME2:
ADDRESS: 9514 HARBOUR LIGHTS DR
CITY: BERLIN
STATE: MD ZIP: 21811

PIN: 857318416504
PARID8: 00041503
NAME: JOHNSTON, MARTHA J
NAME2:
ADDRESS: 129 JAIME DR
CITY: CANTON
STATE: GA ZIP: 30114

PIN: 857314423500
PARID8: 10001433
NAME: CARTER, CHRISTINE
NAME2:
ADDRESS: 102 PREAKNESS CT
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318416504
PARID8: 00041503
NAME: SHARON, CHARLES
NAME2:
ADDRESS: 202 BLUE WINGED DRIVE
CITY: WARREN
STATE: OH ZIP: 44484

PIN: 857318416504
PARID8: 00041503
NAME: BEITH, JOHN R
NAME2: BEITH, LYNN A
ADDRESS: 187 KNOLL RD
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318416504
PARID8: 00041503
NAME: ALBRIGHT, ALIDA V
NAME2:
ADDRESS: 275 KNOLL RD
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857314421631
PARID8: 95000420
NAME: LEONHARD, THOMAS F &
MARLENE L
NAME2:
ADDRESS: 140 STEEPLCHASE WAY
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318416504
PARID8: 00041503
NAME: GUMBLETON, KATHLEEN
NAME2:
ADDRESS: 233 KNOLL RD
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318416504
PARID8: 00041503
NAME: PENFOLD, DAWN MARIE
NAME2: DEKORNFELD, JAMES A
ADDRESS: 148 VARDON COURT
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318416504
PARID8: 00041503
NAME: MCLEOD, SARAH E TRUSTEE
NAME2:
ADDRESS: 12253 42ND AVE N
CITY: MINNEAPOLIS
STATE: MN ZIP: 55441

PIN: 857318416504
PARID8: 00041503
NAME: WATTS, EDGAR HENRY JR
NAME2: WATTS, JANE LAW
ADDRESS: 269 KNOLL ROAD
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318416504
PARID8: 00041503
NAME: FISHER, JANICE BECKMAN
NAME2:
ADDRESS: 189 KNOLL RD
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318414039
PARID8: 00991710
NAME: SCOTT, LESLIE E
NAME2: SCOTT, LEA C
ADDRESS: 9 PADDOCK LN
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387-2947

PIN: 857314420620
PARID8: 95000421
NAME: SHAW, MARGARET L
TRUSTEE
NAME2:
ADDRESS: 138 STEEPLECHASE
WAY
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318416504
PARID8: 00041503
NAME: ZETERBERG, THOMAS E &
NAME2: LILLIAN T
ADDRESS: 103 BIRCHWOOD LANE
CITY: LAKE ARIEL
STATE: PA ZIP: 18436-4646

PIN: 857318416504
PARID8: 00041503
NAME: ZAFIAN, RAYMOND G
NAME2: ZAFIAN, KIM SUSAN
ADDRESS: 10104 ETHRIDGE CT
CITY: RALEIGH
STATE: NC ZIP: 27615

PIN: 857318416504
PARID8: 00041503
NAME: HARVEY, CYNTHIA B
TRUSTEE
NAME2:
ADDRESS: 273 KNOLL ROAD
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318416504
PARID8: 00041503
NAME: HILL, PAULINE M CO/TRUSTEE
NAME2: HILL, THOMAS A CO/TRUSTEE
ADDRESS: 179 KNOLL ROAD
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318416504
PARID8: 00041503
NAME: OHLENDORF, GREG M
NAME2: OHLENDORF, MELISSA A
ADDRESS: 905 PENFIELD STREET
CITY: BEECHER
STATE: IL ZIP: 60401

PIN: 857318416504
PARID8: 00041503
NAME: MACRAE, DUNCAN S &
KATHERINE W
NAME2: UNIT 442
ADDRESS: 183 KNOLL RD
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387-2907

PIN: 857318416504
PARID8: 00041503
NAME: HUBBARD, JOHN A
NAME2: HUBBARD, LINDA
ADDRESS: 219 KNOLL RD
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387-2936

PIN: 857318219813
PARID8: 95000436
NAME: ADAMS, DOUGLAS P &
NAME2: HAUSLOHNER, EMILY
ADDRESS: 114 STEEPLECHASE WAY
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318416504
PARID8: 00041503
NAME: WRIGHT, LIDA A TRUSTEE &
NAME2: BANK OF AMERICA, NA
TRUSTEE
ADDRESS: 300 VALLEY PLACE
CITY: WAYNE
STATE: PA ZIP: 19087

PIN: 857318416504
PARID8: 00041503
NAME: WILKINS, JANET R
NAME2:
ADDRESS: 7804 BANKERS DRIVE
CITY: FAYETTEVILLE
STATE: NC ZIP: 28311

PIN: 857318416504
PARID8: 00041503
NAME: COATES, DONNA O
NAME2:
ADDRESS: 283 KNOLL ROAD
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318401920
PARID8: 00991709
NAME: BARROWS, FRED H &
JACQUELINE J
NAME2:
ADDRESS: 6 STEEPLECHASE WAY
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318326163
PARID8: 00041500
NAME: NC ONE LLC
NAME2: C/O PAUL SWANSON
ASSOCIATES
ADDRESS: 401 E PROSPECT AVE SUITE
201
CITY: MOUNT PROSPECT
STATE: IL ZIP: 60056

PIN: 857318416504
PARID8: 00041503
NAME: BROWN, LISA
NAME2:
ADDRESS: PO BOX 4418
CITY: PINEHURST
STATE: NC ZIP: 28374

PIN: 857318416504
PARID8: 00041503
NAME: HIGGS, JASON E
NAME2:
ADDRESS: 507 S COLLEGE AVE
CITY: SALEM
STATE: VA ZIP: 24153

PIN: 857318219771
PARID8: 95000437
NAME: HENDERSON, SAMUEL ROBERT
&
NAME2: CAROL S
ADDRESS: 112 STEEPLECHASE WAY
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318416504
PARID8: 00041503
NAME: MERGINS, ANDRIS
NAME2: MERGINS, JOAN D
ADDRESS: 255 KNOLL RD
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318416504
PARID8: 00041503
NAME: MUNGO, DAVID P & LINDA J
NAME2:
ADDRESS: P O BOX 958
CITY: SOUTHERN PINES
STATE: NC ZIP: 28388-0958

PIN: 857318310529
PARID8: 95000438
NAME: DAVIS, DANIEL M
NAME2:
ADDRESS: 110 STEEPLECHASE WAY
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318416504
PARID8: 00041503
NAME: HANSELL, JOHN D JR & RUTH E
NAME2:
ADDRESS: 257 KNOLL RD
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387-2936

PIN: 857318416504
PARID8: 00041503
NAME: MURPHY, CHRISTOPHER
DURBIN &
NAME2: ALONSO, SUSANA
ALVAREZ
ADDRESS: 155 OVERLOOK CT
CITY: FAYETTEVILLE
STATE: GA ZIP: 30215

PIN: 857318416504
PARID8: 00041503
NAME: LONGLEAF LAKESIDE VILLAS
NAME2: HOMEOWNERS ASSOCIATION
ADDRESS: PO BOX 83
CITY: PINEHURST
STATE: NC ZIP: 28374

PIN: 857318416504
PARID8: 00041503
NAME: DESCH, MATTHEW J &
NAME2: MURPHY, ANN M
ADDRESS: 1317 KURTZ RD
CITY: MC LEAN
STATE: VA ZIP: 22101

PIN: 857318416504
PARID8: 00041503
NAME: FAKER, SUZANNE M
NAME2:
ADDRESS: 263 KNOLL ROAD
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318416504
PARID8: 00041503
NAME: GUCKIN, JAMES A & DOROTHY
NAME2:
ADDRESS: 225 KNOLL RD
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318416504
PARID8: 00041503
NAME: ELLIS, WILLIAM
NAME2: ELLIS, ELISE
ADDRESS: 5176 7 LKS WY
CITY: WEST END
STATE: NC ZIP: 27376

PIN: 857318416504
PARID8: 00041503
NAME: KNORR, NAN WYATT
TRUSTEE
NAME2:
ADDRESS: 227 KNOLL RD
CITY: SOUTHERN PINES
STATE: NC ZIP: 28388-1363

PIN: 857314329517
PARID8: 95000422
NAME: BAHLER, ELIZABETH J
NAME2:
ADDRESS: 136 STEEPLECHASE WAY
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387-2958

PIN: 857318416504
PARID8: 00041503
NAME: COSTELLO, JOHN
NAME2:
ADDRESS: 3 MEGHAN CT
CITY: SARATOGA SPRINGS
STATE: NY ZIP: 12866-6315

PIN: 857318413146
PARID8: 00041481
NAME: US KIDS GOLF
FOUNDATION, INC
NAME2:
ADDRESS: 3040 NORTHWOODS
PKWY
CITY: NORCROSS
STATE: GA ZIP: 30071

PIN: 857318416504
PARID8: 00041503
NAME: KRONE, PHILIP S &
NAME2: KRONE, DALE H TRUSTEES
ADDRESS: 330 POPLAR ST
CITY: WINNETKA
STATE: IL ZIP: 60093

PIN: 857318228050
PARID8: 95000432
NAME: BORRELL, JAMES E &
NAME2: BORRELL, RUTHANN F
ADDRESS: 116 STEEPLECHASE WAY
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387-9107

PIN: 857318416504
PARID8: 00041503
NAME: DOWNING, THOMAS P &
VALERIE M
NAME2:
ADDRESS: 20 EXCHANGE PL
APT#2201
CITY: NEW YORK
STATE: NY ZIP: 10005-3206

PIN: 857318416504
PARID8: 00041503
NAME: KAY, KATHLEEN E
NAME2:
ADDRESS: P O BOX 220
CITY: HONEY BROOK
STATE: PA ZIP: 19344-0220

PIN: 857318414186
PARID8: 00041480
NAME: US KIDS GOLF FOUNDATION,
INC
NAME2:
ADDRESS: 3040 NORTHWOODS PKWY
CITY: NORCROSS
STATE: GA ZIP: 30071

PIN: 857318413445
PARID8: 00035769
NAME: LONGLEAF LAKESIDE
VILLAS
NAME2: HOMEOWNERS
ASSOCIATION, INC
ADDRESS: PO BOX 83--C/O CAS
SERVICES
CITY: PINEHURST
STATE: NC ZIP: 28374

PIN: 857318416504
PARID8: 00041503
NAME: CRISAFULLI, FRANK J & ANNE M
NAME2:
ADDRESS: 197 KNOLL RD
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857314423601
PARID8: 10001432
NAME: LONGLEAF HUNTER TRAIL
HOMEOWNERS
NAME2:
ADDRESS: 2001 MIDLAND ROAD
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318403969
PARID8: 00991711
NAME: MCVERRY, WILLIAM &
SARAH N
NAME2:
ADDRESS: 29 PADDOCK LN
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318416504
PARID8: 00041503
NAME: TWO ELEVEN, LLC
NAME2: C/O DANNY ADAMS
ADDRESS: PO BOX 3086
CITY: PINEHURST
STATE: NC ZIP: 28374

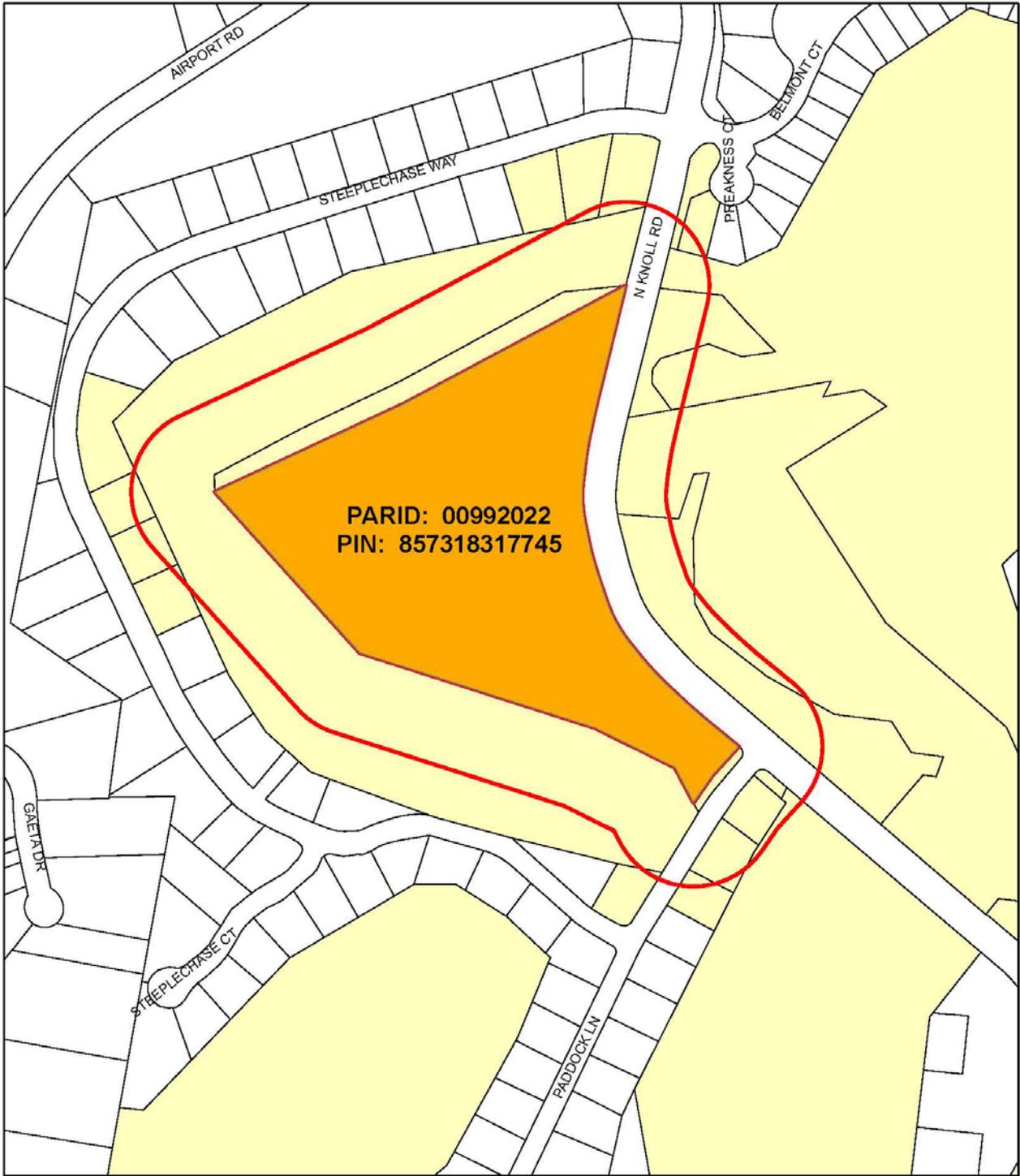
PIN: 857318403808
PARID8: 00991712
NAME: SHAW, SHARON S
NAME2:
ADDRESS: 39 PADDOCK LN
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318422264
PARID8: 00041502
NAME: LONGLEAF MASTER
HOMEOWNERS
NAME2: ASSOCIATION, INC
ADDRESS: 2001 MIDLAND RD
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318416504
PARID8: 00041503
NAME: EMRICK, KATHERINE A
NAME2:
ADDRESS: 277 KNOLL RD
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318416504
PARID8: 00041503
NAME: MURDOCH, MARY P
NAME2:
ADDRESS: 289 KNOLL RD
CITY: SOUTHERN PINES
STATE: NC ZIP: 28387

PIN: 857318416504
PARID8: 00041503
NAME: SCANLON, ANDREW A
NAME2:
ADDRESS: 353 BAPTIST RD
CITY: CANTERBURY
STATE: NH ZIP: 03224



PARID: 00992022
 PIN: 857318317745

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194 N KNOLL RD



Legend

- Site
- 200' Buffer of Site
- Parcels Within 200'

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

Petitioner Signature: ✓ Steve Floyd

Petitioner's Name: Floyd Properties & Development, Inc.

Petitioner's Mailing Address: **Please Print**
901 Arsenal Avenue, Suite 101
Fayetteville, NC 28305

Petitioner's email stevefloyd@floydprop.com

Petitioner's Phone # 910-423-6700

Cell# _____

Property owner's signature: 

Property owner's signature: PAUL SWANSON MGTZ

Property owner's Mailing Address: **Please Print**
NC One LLC (C/O Paul Swanson Associates)
401 E Prospect Ave Suit 201
Mount Prospect IL 60056

Property owner's email PAUL@PSA-INC.BIZ

Property owner's Phone # 847-670-6710

Cell # _____

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



275 S. Bennett St, Ste .A
Southern Pines, NC 28387
Phone: (910) 246-0038
www.snsengineers.com
License # C-3791

LONGLEAF AREA "F" **CONDITIONAL USE PERMIT NARRATIVE**

The proposed property to be developed as shown in the submitted exhibits is being described as Longleaf Area "F". This property consists of 15.01 acres of the original Planned Development known as Longleaf and is located along the western side of Knoll Road between Paddock Lane and Steeplechase Way. The property as well as the surrounding properties and golf course are all located in the Residential Single Family - 1 Conditional District (RS1-CD) zoning district which was established for the original conditional use permit (CUP) for the Longleaf development.

The intent of this CUP application is to modify the approved CUP allocation of 82 townhouses for this property to 24 single family lots and 10 townhouses (34 dwelling units total) for a reduction in density of 48 dwelling units (58.54%).

The property does currently lie in a WS-III high quality watershed. After speaking with the town senior planner Chris Kennedy who has confirmed with the town attorney that "due to the project's inclusion of previously approved unit types not exceeding the approved total for Longleaf despite the major modification request. Current engineering practices for the pre-post standards required by the Town shall apply." Based on this information, the storm water design for this project will comply with the pre-post standards of the town.

Current Build Out:

The original CUP for the Longleaf development approved an overall density of 509 dwelling units being divided into the categories of single family lots, patio home lots, townhomes, and inn rooms. Over the course of development, there have been several CUP modifications that have revised these category allocations from the original CUP while still maintaining a maximum overall density of 509 dwelling units. Based on current best estimates, the development has 396 dwelling units in place out of the 509 approved.

Proposed Design:

Sidewalks

Pedestrian connectivity will be provided throughout the development by means of one 5' wide sidewalk along all proposed streets, as well as providing an extension of the existing sidewalk/greenway trail along Knoll Road for that portion of the property fronting Knoll Road.

Streets and Access

All streets will be private and be maintained through a new homeowners association. The proposed street section will be as shown on the preliminary plat and will match those existing sections on Paddock Lane and Steeplechase Way to ensure cohesiveness throughout the Longleaf community.

Access to the development will be provided by one location to Knoll Road. This access location will meet the American Association of State Highway and Transportation Officials AASHTO standards for Geometric Design of Highways and Streets.

Utilities

Water and sewer service for the development will be provided by the Town of Southern Pines. Sewer currently exists on site and runs through the property while water is available along Knoll Road. All existing utilities will be accommodated with easements as well as those proposed. All utilities will be installed underground.

Open Space

The original CUP for Longleaf has provided approximately 182 acres of open space through the development of the golf course and other areas to meet the open space requirements for the entire development. This property will provide additional open space which will accommodate existing wetlands and any storm water features.

Signage

A subdivision sign will be installed in a reserved easement for the development as well as a sign in the townhome area. The signs will comply with current Town of Southern Pines sign ordinance.

Setbacks

All minimum building setbacks and buffers will be provided as shown on the preliminary plat.

Proposed Phasing Plan:

The development of this project will be completed in phases. The development will meet the proposed standards as shown on the submitted Preliminary Plat and approved under this CUP.

Phase 1 will consist of the construction of all required roads and utility infrastructure for the area of 24 single family lots labeled "Phase 1" on the preliminary plat and is anticipated to be completed within twelve (12) months from the date of the Phase 1 pre-construction meeting. Once roadways and infrastructure are complete and Phase 1 has been approved for final plat, individual home construction may commence.

Phase 2 will consist of the construction of the townhome area and will include the road and required utility infrastructure for all 10 townhomes and is anticipated to be completed within six (6) months from the date of the Phase 2 pre-construction meeting. The commencement of Phase 2 construction will not begin at any time prior to final plat approval of Phase 1, but shall begin within 60 days of obtaining a certificate of occupancy for fifty percent (50%) or twelve (12) of the single family lots.

Traffic Impact Analysis:

A Traffic Impact Analysis (TIA) will be performed pursuant to section 4.12.1 of the Town of Southern Pines UDO. The study will be performed on the intersections of Knoll Road with Airport Road, Midland Road, Steeplechase Way, Paddock Lane as well as the proposed street access for this property.

LONGLEAF AREA "F"
CONDITIONAL USE PERMIT JUSTIFICATION:

Below are the six (6) criteria (items A-F) for approval of the conditional use permit as described in section 2.21.7 of the Town of Southern Pines UDO. Following each individual criterion listed is an explanation of how the development complies.

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

- **The entire Longleaf Development is zoned RS1-CD which is a "Conditional District" based on the original conditional use permit. The intent of this conditional use permit is to modify the currently approved conditional use permit for the Longleaf Development. The proposed modification includes 24 single family lots and 10 townhomes for a total of 34 dwelling units. This proposed density is a reduction from the original approval of 82 townhomes for this site, and still complies with the overall density of the original conditional use permit.**

(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 original intent of the planned development for this property was to be townhomes. The existing development around this property is single family lots to the south, west and north along the golf course with townhomes across Knoll Road. The proposed development of single family lots with townhomes still allow the surrounding use of the golf course and other open areas.**

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

- **Public water is available along Knoll Road and public sewer is existing on the property now. All proposed water and sewer improvements will be installed by the developer and dedicated to the public. Open space area is being provided on the property which will be in addition to the initial open space of the golf course and other areas in the original planned development. Sidewalks will be provided along one side of proposed streets, with an extension of the greenway along Knoll Road as shown on the plan.**

(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 property was originally planned for residential use with a much higher density than is being proposed now. The proposed uses are allowed in the zoning district and all lot sizes and townhomes will be comparable to the previous areas of development.**

(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 use will not be detrimental or endanger the public health, safety, comfort or general welfare. This area has been intended for residential development from the original approval.**

(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.

- **This proposed residential use is a reduction of density and will be cohesive with the overall neighborhood and the immediate surrounding areas.**



Department of Public Works
Office of the Town Engineer

Town Engineer Response to CU-05-16 Traffic Impact Analysis titled Longleaf Area F, prepared for Mr. Steve Floyd by Kimley-Horn and Associates, Inc. dated September 9, 2016.

To Whom It May Concern:

In my review, I, Brent Lockamy Town Engineer of the Town of Southern Pines, conclude that it appears that the Traffic Impact Analysis (TIA) for the Longleaf Area F prepared for Mr. Steve Floyd dated September 9, 2016 prepared by Kimley-Horn and Associates, Inc. and submitted to the Town as part of Conditional Use Permit application CU-05-16 is complete per the specified requirements as set forth for a TIA in the Town's Unified Development Ordinance (UDO) as per UDO Section 4.12.2(A) and UDO Section 4.12.6. Per initial scoping discussions that included both the traffic engineer and NCDOT determined the number of street segments and intersections to be included

The TIA document reviewed road segments and approaches in the vicinity of the following intersections: Midland Road at Knoll Road; Airport Road and Knoll Road; Knoll Road and Steeplechase Way; Knoll Road and Lakeside North Driveway; Knoll Road and Paddock Lane. Table 2.0 provides the Level-of-service summary conditions. Per UDO Section 4.12.5 (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. 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. The TIA proposes an acceptable LOS on all studied streets and intersections.

The TIA suggest only minor improvements to Knoll Road as a condition of the project. These include restriping the existing two-way left-turn on Knoll Road to provide a 100-foot left-turn land with a 100-foot bay taper at the proposed site driveway.

In conclusion I recommend that the Traffic Impact Analysis titled Long Leaf Area F prepared for Steve Floyd by Kimley-Horn and Associates, Inc. dated September 09, 2016 is complete and the proposed recommendations and/or mitigation plans meet applicable level of service standards of the Town of Southern Pines and NCDOT and thereby I recommend to the Town Council the acceptance of the TIA document as part of Conditional Use Permit application CU-05-16. It should be noted that the TIA provides for the distribution of traffic and that all improvements must be engineered accordingly to an acceptable Town standard or NCDOT, depending on the jurisdiction, should the project be approved.

Brenton S. Lockamy, P.E.
Town Engineer

September 9, 2016

Mr. Steve Floyd
901 Arsenal Avenue, Suite 101
Fayetteville, NC 28305

RE: Longleaf Area F – Traffic Impact Analysis

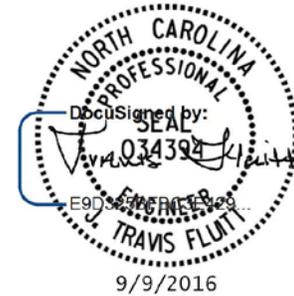
Dear Mr. Floyd:

Kimley-Horn and Associates, Inc. has performed a Traffic Impact Analysis for the proposed Longleaf Area F Development. This report studies the following five intersections and the traffic impact that would be anticipated by the Longleaf Area F development:

- Airport Road at Knoll Road
- Knoll Road at Steeplechase Way/Belmont Court
- Knoll Road at Lakeside North Driveway/Site Driveway
- Knoll Road at Paddock Lane
- Midland Road at Knoll Road

As currently envisioned, the Longleaf Area F development will consist of 24 single family detached houses and 10 residential condominiums/townhouses. This development is proposed to be accessed via one new full movement driveway along Knoll Road which will align with the existing Lakeside North Driveway. The proposed site location is shown on Figure 1, and the proposed site plan is shown on Figure 2. The existing roadway laneage for the study intersections is shown on Figure 3.

This report presents trip generation, distribution and traffic analyses to determine the traffic impact at the studied intersections. Analyses were performed for the weekday AM and PM peak hours for the existing (2016) traffic condition, projected (2026) background and build-out traffic conditions, and projected (2036) background and build-out traffic conditions.



Trip Generation

The traffic generation potential of the development was determined using the traffic generation rates published in the *ITE Trip Generation Handbook* (Institute of Transportation Engineers, Ninth Edition, 2012) and is summarized in Table 1.

Table 1 ITE Trip Generation							
Land Use	Size	Daily		AM		PM	
		In	Out	In	Out	In	Out
Single Family Detached Housing	24 d.u.	142	142	7	20	18	11
High-Rise Residential Condominium/Townhouse	10 d.u.	131	131	6	26	12	7
Total Net New External Trips		273	273	13	46	30	18

Table 1 shows that the site has the potential to generate approximately 273 new daily trips entering and 273 new daily trips exiting on a typical weekday, with 13 new trips entering and 46 new trips exiting in the weekday AM peak hour and 30 new trips entering and 18 new trips exiting in the weekday PM peak hour. Detailed trip generation calculations are attached.

Background Traffic

Traffic counts were performed at the study intersections on September 1, 2016 to reflect Moore County Schools being in session. NCDOT historic AADT data shows minimal growth along Midland Road and Airport Road. To be conservative an annual growth rate of 1% was applied to existing volumes on Knoll Road for ten years up to the build-out year of 2026 and twenty years up to the build-out year of 2036. There were no approved developments identified in the vicinity of this site for inclusion as background traffic in this analysis. Figures 4 and 5 show the projected (2026) background AM and PM volumes, respectively. Figures 6 and 7 show the projected (2036) background AM and PM volumes, respectively.

Distribution and Assignment

The proposed Longleaf Area F site trips were assigned to the study intersections as follows:

- 20% to/from the east on Airport Road
- 20% to/from the west on Airport Road
- 50% to/from the east on Midland Road
- 10% to/from the west on Midland Road

The attached Figure 8 show the overall site traffic distribution and percent assignment for the Longleaf Area F Development. Site traffic was assigned to the network based on the distribution shown above and added to the background traffic to obtain build-out traffic volumes. Figures 9 and

10 show projected (2026) build-out AM and PM peak hour traffic volumes, respectively. Figures 11 and 12 show projected (2036) build-out AM and PM peak hour traffic volumes, respectively.

Levels of Service

Capacity analyses were performed using Synchro Version 9.1 software. Approach LOS and delays are reported from Synchro and are summarized in Table 2. Synchro LOS reports are attached.

Table 2 Level-of-Service Summary		
Condition	AM Peak Hour LOS (Delay in seconds)	PM Peak Hour LOS (Delay in seconds)
Airport Road at Knoll Road (Unsignalized)		
Existing (2016) Traffic	NB – B (14.8) WBL – A (9.0)	NB – B (11.6) WBL – A (8.2)
Background (2026) Traffic	NB – C (16.5) WBL – A (9.3)	NB – B (12.2) WBL – A (8.4)
Build (2026) Traffic	NB – C (18.2) WBL – A (9.3)	NB – B (12.5) WBL – A (8.4)
Background (2036) Traffic	NB – C (18.9) WBL – A (9.7)	NB – B (13.0) WBL – A (8.5)
Build (2036) Traffic	NB – C (21.3) WBL – A (9.7)	NB – B (13.3) WBL – A (8.6)
Knoll Road at Steeplechase Way/Belmont Court (Unsignalized)		
Existing (2016) Traffic	EB – B (10.5) WB – B (10.9) NBL – A (7.6) SBL – A (7.6)	EB – B (10.2) WB – B (10.3) NBL – A (7.5) SBL – A (7.5)
Background (2026) Traffic	EB – B (10.8) WB – B (11.2) NBL – A (7.6) SBL – A (7.6)	EB – B (10.4) WB – B (10.4) NBL – A (7.5) SBL – A (7.5)
Build (2026) Traffic	EB – B (10.9) WB – B (11.4) NBL – A (7.6) SBL – A (7.7)	EB – B (10.5) WB – B (10.6) NBL – A (7.5) SBL – A (7.6)
Background (2036) Traffic	EB – B (11.0) WB – B (11.5) NBL – A (7.7) SBL – A (7.7)	EB – B (10.6) WB – B (10.7) NBL – A (7.5) SBL – A (7.6)
Build (2036) Traffic	EB – B (11.2) WB – B (11.8) NBL – A (7.7) SBL – A (7.7)	EB – B (10.7) WB – B (10.8) NBL – A (7.6) SBL – A (7.6)

Table 2 (cont.) Level-of-Service Summary		
Condition	AM Peak Hour LOS (Delay in seconds)	PM Peak Hour LOS (Delay in seconds)
Knoll Road at Paddock Lane (Unsignalized)		
Existing (2016) Traffic	EB – A (9.5) NBL – A (7.6)	EB – A (9.4) NBL – A (7.5)
Background (2026) Traffic	EB – A (9.6) NBL – A (7.6)	EB – A (9.5) NBL – A (7.5)
Build (2026) Traffic	EB – A (9.8) NBL – A (7.7)	EB – A (9.6) NBL – A (7.6)
Background (2036) Traffic	EB – A (9.7) NBL – A (7.7)	EB – A (9.6) NBL – A (7.6)
Build (2036) Traffic	EB – A (9.9) NBL – A (7.7)	EB – A (9.7) NBL – A (7.6)
Knoll Road at Midland Road (Signalized)		
Existing (2016) Traffic	B (11.7)	A (8.5)
Background (2026) Traffic	B (12.5)	A (9.1)
Build (2026) Traffic	B (12.5)	A (9.3)
Background (2036) Traffic	B (12.9)	B (10.0)
Build (2036) Traffic	B (13.1)	B (10.7)
Knoll Road at Lakeside North Driveway/Site Driveway (Unsignalized)		
Existing (2016) Traffic	WB – A (9.8) SBL – A (7.6)	WB – A (9.6) SBL – A (7.5)
Background (2026) Traffic	WB – A (9.9) SBL – A (7.6)	WB – A (9.7) SBL – A (7.6)
Build (2026) Traffic	EB – B (10.9) WB – B (11.2) NBL – A (7.7) SBL – A (7.6)	EB – B (10.4) WB – B (10.8) NBL – A (7.6) SBL – A (7.6)
Background (2036) Traffic	WB – B (10.0) SBL – A (7.6)	WB – A (9.8) SBL – A (7.6)
Build (2036) Traffic	EB – B (11.2) WB – B (11.5) NBL – A (7.7) SBL – A (7.6)	EB – B (10.6) WB – B (11.1) NBL – A (7.6) SBL – A (7.6)

Analysis indicates that all the study intersections are expected to operate with short delays on the minor-street approaches in both the AM and PM peak hours in the years 2026 and 2036 with the proposed development in place. No queueing issues are expected at any of these intersections. Therefore, no roadway improvements are recommended to accommodate projected site traffic volumes.

Recommendations

Based on the traffic analysis presented herein, all study intersections are expected to operate with short delays at project build out. Synchro analysis shows no queueing issues at any of the study intersections. Therefore, the only roadway improvement recommended to accommodate projected site traffic is to restripe the existing two-way left-turn lane on Knoll Road to provide a 100-foot left-turn lane with a 100-foot bay taper at the proposed site driveway. The proposed site driveway, which will align with the Lakeside North Driveway, is recommended to be constructed with one ingress lane and one egress lane. The recommended roadway laneage is shown on Figure 13.

Should you have any questions or comments, please do not hesitate to contact me at (919) 653-2948 or travis.fluitt@kimley-horn.com.

Sincerely,
Kimley-Horn and Associates, Inc.



Travis Fluitt, P.E.
Project Manager

Attachments: Figures 1-13, Trip Generation, Traffic Counts, Intersection Worksheets, Synchro Reports, Signal Plan



LONGLEAF DEVELOPMENT
SOUTHERN PINES, NC
TRAFFIC CAPACITY ANALYSIS

STUDY AREA

FIGURE
1

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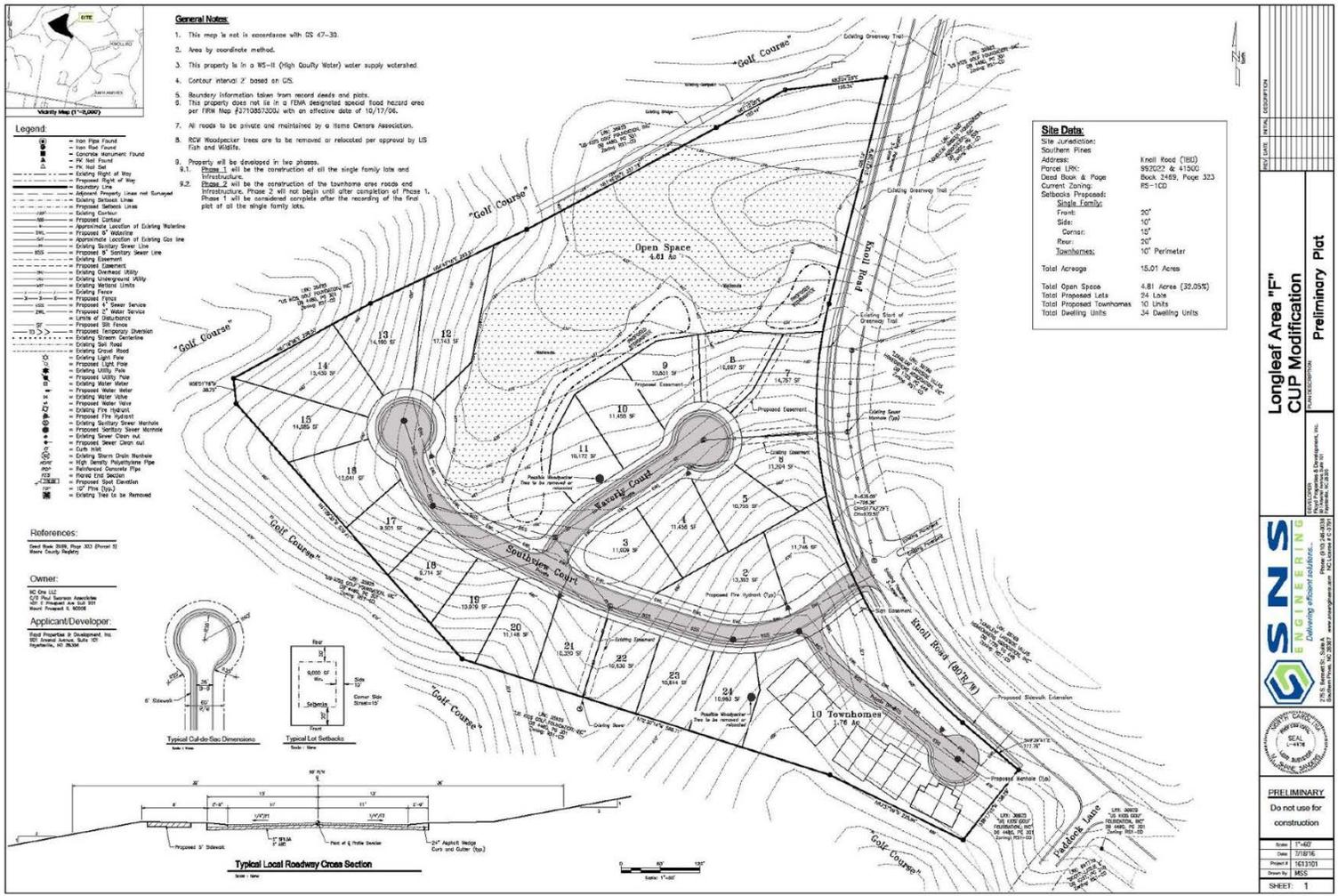


FIGURE 2

SITE PLAN

LONGLEAF DEVELOPMENT
 SOUTHERN PINES, NC
 TRAFFIC CAPACITY ANALYSIS



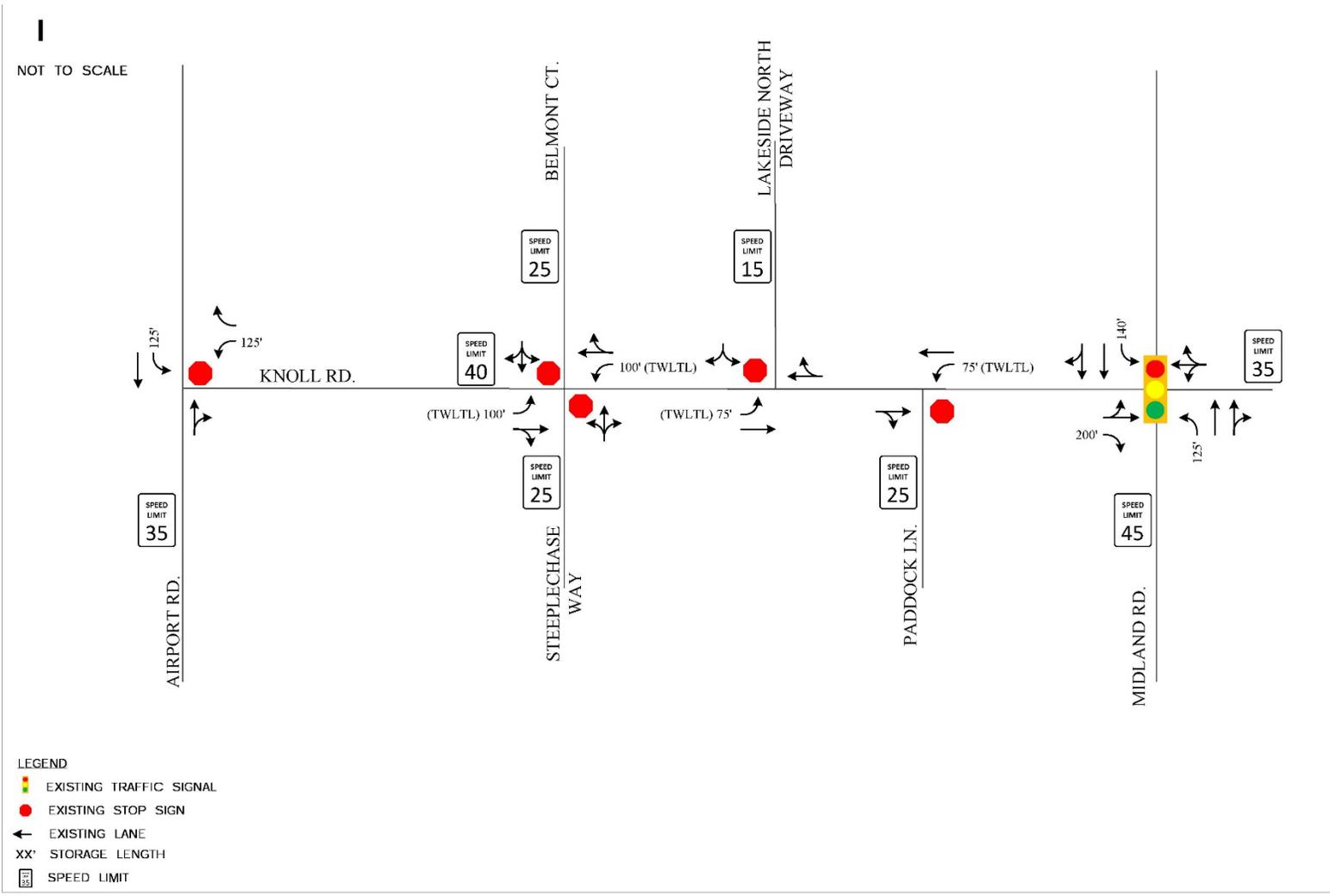
Longleaf Area "F" CUP Modification Preliminary Plat

SNS ENGINEERING
 ENGINEERING & ARCHITECTURE
 2705 S. Hargett St., Suite 200
 Durham, NC 27605
 Phone: 919.286.0000
 Fax: 919.286.0001
 www.sns-engineering.com

PRELIMINARY
 Do not use for construction

Scale: 1" = 40'
 Date: 11/16/16
 Project #: 1613101
 Drawn by: MESS
 SHEET: 1

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Kimley»Horn

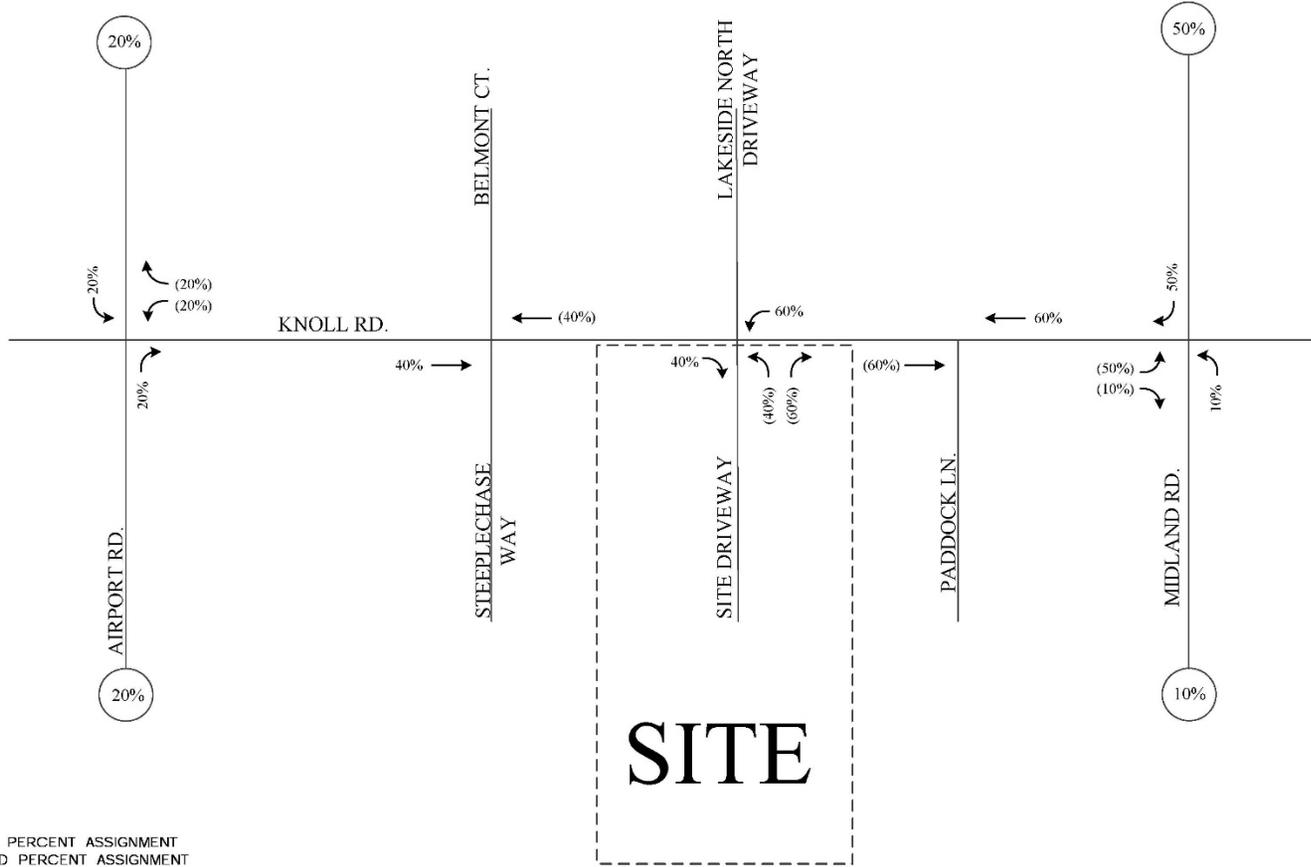
LONGLEAF DEVELOPMENT
SOUTHERN PINES, NC
TRAFFIC CAPACITY ANALYSIS

EXISTING ROADWAY LANEAGE

FIGURE
3

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I
NOT TO SCALE



LEGEND
 XX% INBOUND PERCENT ASSIGNMENT
 (XX%) OUTBOUND PERCENT ASSIGNMENT
 (XX%) OVERALL DISTRIBUTION

FIGURE
8

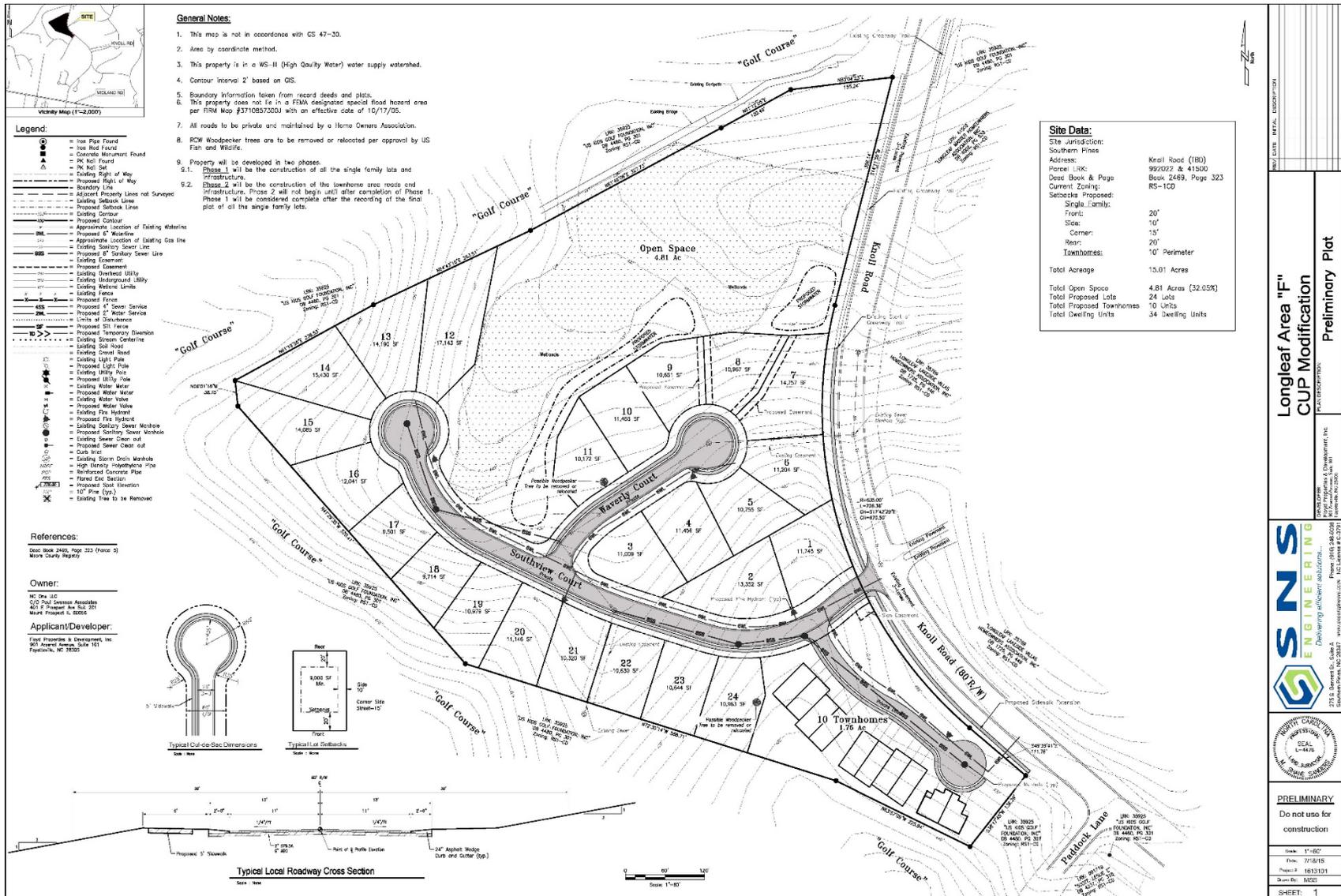
SITE DISTRIBUTION AND
PERCENT ASSIGNMENT

LONGLEAF DEVELOPMENT
SOUTHERN PINES, NC
TRAFFIC CAPACITY ANALYSIS



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Preliminary Plat for Area F



Longleaf Area "F"
 CUP Modification
 Preliminary Plat

SEALS:

- Professional Engineer Seal
- Professional Surveyor Seal
- Professional Land Surveyor Seal

PRELIMINARY
 Do not use for construction

Scale: 1"=50'
 Date: 7/28/15
 Sheet: 1615111
 Sheet: 1625
 SHEET: 1

June 23, 2016

To: Paul Swanson
From: Janet Williams
RE: Area F/David Wilson (Fore Properties)

These are 'best estimates' that I gave David Wilson on sold to date units and unsold areas:

Units sold to date	315 (all products)
Sales Office	1 (lots 301/302... I felt you sold this as 1 property)
<u>Best Estimate Sold</u>	<u>316</u>

Unsold/Platted to date:

Patio lots.....	9
Sg. Family lots.....	5
Magnolia Park (platted lots)	6
Meadow Cottages	6
<u>Total Platted/unsold</u>	<u>26</u>

Club Cottage section (undeveloped) 42 (estimate)
*I think originally planned for 54 total units/12 sold included in sold data above)
**I told David Wilson to get the Club Cottage # from you)

Area F (undeveloped).....To Be Determined

Property approved for a total of 509 Units.

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: CU-05-16



NC-2

Agenda Item

To: Reagan Parsons, Town Manager

From: Chris Kennedy, Community Development Director

Subject: CU-06-16 Major Amendment to CU-01-11 for a Daycare; Tyler's Ridge; Petitioner, Building Blocks Early Education Centers

Date: November 9, 2016

CU-06-16 Major Amendment to CU-01-11 for a Daycare; Tyler's Ridge; Petitioner, Building Blocks Early Education Centers

On behalf of the petitioner, Building Blocks Early Education Centers, Mr. Perry Melton has submitted a request for a Major Amendment to Conditional Use Permit CU-01-11. The approval of CU-01-11 approved a mixed-use development off of NC Highway 22 to include a commercial business park, a residential apartment section, and three (3) single-family homes. Mr. Melton is seeking a Major Amendment to the previously approved Conditional Use Permit to remove the requirement for the single-family homes in favor of a daycare center to be constructed on the same lots designated for single-family development. The subject property is comprised of 1.48 acres with the entirety of the subject property located within the corporate limits of the Town of Southern Pines. The subject property is identified by the following: PIN: 857300969695 (PARID: 00035939); PIN: 857300969508 (PARID: 20110241); and PIN: 857300967690 (PARID: 20110242). Per the Moore County Tax records, the property owner(s) are listed as Tyler's Ridge Business Park, LLC.

Town Council Hearing (October Regular Business Meeting of the Town Council):

At the October 11, 2016 Regular Meeting of the Town Council, the Town Council opened a quasi-judicial public hearing and heard evidence from those in attendance regarding the application CU-06-16. 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 November Regular Business Meeting of the Town Council on November 9, 2016 to further discuss Conditional Use Permit application CU-06-16 for a Major Amendment to CU-01-11.

Planning Board Recommendation:

At the September 22, 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-06-16. The Planning Board voted on a recommendation for Conditional Use Permit application CU-06-16 for a Major Amendment to CU-01-11.

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 (6-0) 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 (6-0) 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 (6-0) 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 in that the project is consistent with the adopted CLRP Map and other goals and objectives of the CLRP. The Planning Board unanimously voted (6-0) to recommend approval of CU-06-16 with two conditions.

1. The petitioner shall provide written verification that the subject properties lie outside of the Moore County Airport Clear Zone. The written verification can be submitted to staff prior to the Town Council public hearing or to the Town Clerk if submitted at the Town Council Public Hearing for CU-06-16.
2. All applicable previous conditions applied to the approval of CU-01-11 remain in place with any approval of CU-06-16.

The Planning Board also wanted to relay a general comment to the Town Council that the Planning Board's recommendation on the proposed Major Amendment presumes that the subject properties (Tyler's Ridge Lots 3-5) are to be considered separate from the previously approved Tyler's Ridge Commercial Area allocations with respect to allowable impervious surface, parking space maximums, and commercial space square footage.

Analysis:

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

- **Traditional Mixed-Use:** The Traditional Mixed-Use category applies to those larger, mostly undeveloped parcels well-suited to mixing residential and non-residential uses in a manner similar to that found in downtown Southern Pines. This designation applies to the Morganton Road area and to the Pine Needles area, identifying these as likely spots for mixed-use including an interconnected street network as found in traditional town development. No specific development intensity is implied by this designation. It simply indicates that such areas will be built to urban levels, will incorporate a variety of uses and will have a street network accommodating modes of travel beyond the automobile.

Staff Comments:

- The subject properties comprise approximately 1.48 acres included in the Tyler's Ridge development.
- The subject property is currently zoned PD (Planned Development).
- The neighboring properties are zoned PD (Planned Development) and FRR (Facilities, Resources, Recreation).

- The Tyler’s Ridge development was approved under a Conditional Use Permit, CU-01-11, which specifies the permitted land uses for the development. The approved Site Plan lists the following:
 - “Commercial: (As shown, exact design and layout to be determined by actual use and will be subject to approval by Planning Board and Town Council)
 - Lot 6 (Retail Use): 30,425sf of building space
 - Proposed Parking: 152 spaces (152 spaces required @ 1/200sf)
 - Lot 7 (Restaurant Use): 6,500sf of building space
 - Proposed Parking: 48 spaces + 17 shared from Lot #6 (65 spaces required @ 1/100sf)
 - Lot 8 (Retail Use): 14,490sf of building space
 - Proposed Parking: 72 spaces (72 spaces required @ 1/200sf)
 - Lot 9* (Service Use): 12,000sf of building space
 - Proposed Parking: 48 spaces (30 spaces required @ 1/400sf)
 - *this lot is actually part of Lot 6 on the site plan, it is not subdivided off as an individual parcel, however per the site plan sheet detail it is listed as Lot 9
 - TOTAL (As Shown on Site Plan): 63,415sf of building space
 - Proposed Parking: 320 spaces
 - Proposed Impervious Surface: 258,477sf
 - Optimum Build-out: 64,000sf GB Commercial Building Space
 - Maximum Impervious Surface: 355,946sf (65% of Commercial Lots)
 - Maximum Parking: 320 Spaces (1 per 200sf of building space) or as required by Town development ordinance”
- The Conditional Use Permit lists the commercial development project area as “Neighborhood Commercial” however the land uses permitted in the commercial development project area should follow the land uses permitted in the GB (General Business) zoning classification. However regardless of zoning classification the following land uses are not permitted: Land uses under the Land Use Code 1300 (formerly the Use 1.540) Hotels, Motels, and Similar Businesses or Institutions providing overnight accommodation; Use Code 2540 (formerly Use 8.20) Bars, Night Clubs; Use Code 4222 (formerly use 6.12) Movie Theaters.
- The entirety of the property is within the Little River #2 Intake (LR#2) Watershed.
- The area designated for the requested modification to the approved CUP may be required to obtain a Watershed Protection Permit from the Town Council due to its location within the high quality water portion of the Little River Intake #2 Watershed. Should the project exceed the 12% impervious level the project will be required to utilize BMPs for storm water management. Should the project exceed the 24% impervious level the project will be required to apply for the 5/70 Exemption from the Town Council as part of the CUP application.
 - The Watershed Protection Permit, if approved, will provide the project with the 5/70 exemption allowing the project to develop up to the 70% impervious surface level.
 - The requested modification will likely trigger the UDO requirements for the developer to apply for the 5/70 exemption for area currently designated as single-family lots in conjunction with the CUP Major Modification.

- Currently, only the previously approved commercial section is permitted the 5/70 exemption and that portion of the development is further limited to a maximum of a 65% impervious level per the CUP conditions applied to CU-01-11.
- The applicant has submitted an application for the 5/70 Exemption under Watershed Protection Permit application WP-03-16.
- RLUAC (Regional Land Use Advisory Commission) identified no military impacts and therefore has no issues or concerns with the requested conditional use permit.
- Per UDO Section 2.21.13 Conditional Use Permit Amendments are subject to the following standards:
 - A. An amendment is a request for any enlargement, expansion, increase in intensity, relocation, or modification of any condition of a previously approved and currently valid CUP.
 - B. Minor CUP amendments may be authorized by the Planning Director for shifts in on-site location and changes in height, area, or intensity of development by less than five (5) percent, or a five (5) percent or less increase in either impervious surface or floor area over what was originally approved provided that such minor changes comply with the following criteria:
 - 1.No previous minor modification has been granted pursuant to this section;
 - 2.There will be no detrimental impact on any adjacent property caused by significant change in the appearance or use of the property or any other contributing factor;
 - 3.Nothing in the currently valid CUP precludes or otherwise limits such amendment; and,
 - 4.The proposal conforms to the UDO and is in keeping with the spirit and intent of any adopted comprehensive plan.
 - C. Major CUP amendments are any proposed amendment other than those defined above as Minor CUP amendments and shall be approved in the same manner and under the same procedures as the original approval.
- Per Section 2.21.7 an Application for a Conditional Use Permit must satisfy the following criteria:

2.21.7 Criteria for a Conditional Use Permit

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

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

Attachments:

- Updated Traffic Demand Information
- Watershed Protection Permit (WP-03-16)
- RLUAC Response
- Written Decision of the Planning Board
- GIS Location
- Application Materials
- Criteria Narratives
- Vicinity Map
- Proposed Recombination Plat
- Proposed Site Plan
- Future Land Use Map

TOWN COUNCIL ACTIONS:

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, 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 2.21.7 Criteria for a Conditional Use Permit, Criteria A-F, in that...

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; in that...

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-06-16
2. Deny CU-06-16; OR
3. Approve CU-06-16 with the following additional conditions...



October 12, 2016

Mr. James B. O'Malley
 O'Malley Development, LLC
 c/o Tyler's Ridge Business Park, LLC
 5715 South 108th Street
 Hales Corners, WI 53130

RE: Tyler's Ridge Traffic Generation Comparison

Dear Mr. O'Malley:

You have asked Kimley-Horn & Associates to review the Trip Generation from the Tyler Ridge Traffic Study and to compare that Trip Generation to the Trip Generation for the proposed Tyler's Ridge Development. The original Trip Generation from the 2011 Traffic Study has been summarized below in Table 1.

Land Use	Size	Daily		AM		PM	
		In	Out	In	Out	In	Out
Single Family	3 DU	21	21	3	9	3	1
Apartments	216 DU	717	717	22	88	88	48
Day Care Center	5,000 SF	198	198	32	29	29	33
Shopping Center	40,245 SF	1,879	1,879	55	35	170	176
Pharmacy w/ Drive Thru	13,225 SF	583	583	20	15	69	68
Sit-Down Restaurant	6,500 SF	413	413	39	36	42	30
Subtotal		3,811	3,811	171	212	401	356
Internal Capture		581	581	-	-	68	68
Pass-By Capture		866	866	-	-	87	87
Net New External Trips		2,364	2,364	171	212	246	201

Based upon our discussions, we understand that 216 apartments will be constructed and that the only retail constructed at this time is a 20,000 square foot Ace Hardware. We also understand that the Ace Hardware has a 10,000 square foot outdoor "patio" area that is used to sell outdoor goods and seasonal plants. This 10,000 square feet has been included in the total square footage for the hardware store to present a "worst case" scenario but typically is not included in the gross square footage.

You do plan to construct an additional 14,001 square feet of general retail space and a 9,550 square foot daycare. No other development is planned at this time and as you have indicated to me, you would provide an updated traffic study if you constructed any development above the current request. Table 2 shows this projected Trip Generation for the proposed land use within Tyler's Ridge.

Land Use	Size	Daily		AM		PM	
		In	Out	In	Out	In	Out
Apartments	216 DU	717	717	22	88	88	48
Hardware Store	30,000 SF	770	770	18	14	68	77
General Retail	14,001 SF	946	946	29	18	77	83
Day Care	9,550 SF	354	354	61	55	55	63
Subtotal		2,787	2,787	130	175	288	271
Internal Capture		326	326	-	-	55	55
Pass-By Capture		220	220	-	-	23	21
Net New External Trips		2,241	2,241	130	175	210	195

Original	2,364	2,364	171	212	246	201
Proposed Difference	-123	-123	-41	-37	-36	-6

Comparing the difference between the original Trip Generation and the proposed Trip Generation, the proposed Trip Generation is less in all categories (Daily, AM Peak and PM Peak). Therefore, no additional roadway improvements would be required. We note that a new Traffic Study be provided with any additional development beyond the current request or additional access to determine the traffic impact onto the adjacent roadway network.

If you have any questions, please contact me at (919) 677-2062.

Very truly yours,

R. Michael Horn, P.E.
Principal



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



Date Received: _____

Case: WP- 03 - 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:** Daycare Center
2. **Project Street Address:** SW corner of Olivetree Ln and Moonseed Ln
85730096508, 857300967690 20110241, 0110242
3. **PIN #** 85730969695 **LRK** 0035939
4. **Watershed:** Little River Intake #2
5. **Type of Commercial Building (i.e. retail, office, etc.):** Daycare center

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: Perry Melton
Please Print

Signature: 

Mailing Address of Petitioner: 351 Waggoner Dr. Ste 329 Fayetteville, NC. 28303-4608
Please Print

E-Mail of Petitioner: pmelton@bbeec.com
Please Print

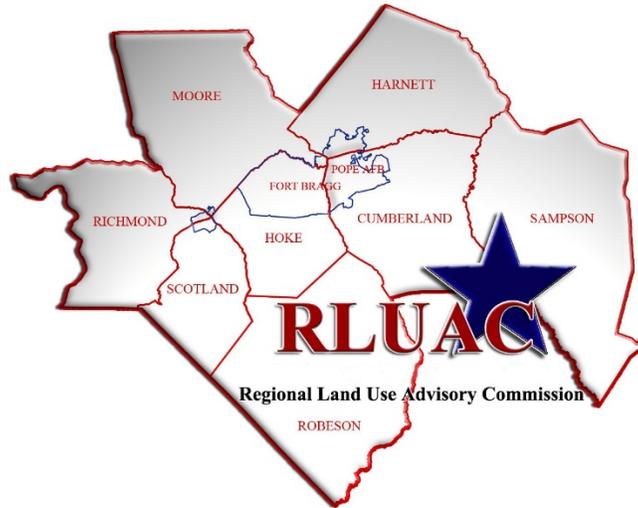
Phone Number of Petitioner: 910-703-8714 910-476-1260 (Cell)
(Area Code)

Name of legal owner of Property Owner
(If different from Petitioner) James B. O'Malley
Please Print

Mailing Address of legal Property Owner
(If different from Petitioner) 5710 S. 108th St. Hales Corners, WI. 53130
Please Print

Phone number of legal Property Owner
(If different from Petitioner) 414-425-5700
(Area Code)

Form updated June 1, 2016



**TOWN OF SOUTHERN PINES
CONDITIONAL USE PERMIT
FOR MAJOR MODIFICATION OF CASE CU-01-11
Case Number: CU-06-16
PIN's: 857300969695; 857300969508; & 857300967690
September 27, 2016**

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

- The parcels are located outside of the five-mile Joint Land Use Study review area, and
- There are no identified military impacts.

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

Thank you for allowing RLUAC to review this case.

Robert McLaughlin, Chairman

James Dougherty, Executive Director

TOWN OF SOUTHERN PINES

REGULAR BUSINESS MEETING OF THE PLANNING BOARD

September 22, 2016

7:00 pm

Douglass Community Center
1185 W. Pennsylvania Avenue

DECISION OF THE BOARD

Petitioner: Building Blocks Early Education Centers

Case Number: CU-06-16

The meeting was called to order with six (6) members present and the Chairman declared that a quorum was present. The petitioner, Building Blocks Early Education Centers appeared before the Board through its agent, Mr. Perry Melton. The property owner, Mr. James O'Malley also spoke in favor of the request. The oath was administered to the witnesses prior to their testimony.

Matter at Issue:

CU-06-16 Major Amendment to CU-01-11 for a Daycare; Tyler's Ridge; Petitioner, Building Blocks Early Education Centers

On behalf of the petitioner, Building Blocks Early Education Centers, Mr. Perry Melton has submitted a request for a Major Amendment to Conditional Use Permit CU-01-11. The approval of CU-01-11 approved a mixed-use development off of NC Highway 22 to include a commercial business park, a residential apartment section, and three (3) single-family homes. Mr. Melton is seeking a Major Amendment to the previously approved Conditional Use Permit to remove the requirement for the single-family homes in favor of a daycare center to be constructed on the same lots designated for single-family development. The subject property is comprised of 1.48 acres with the entirety of the subject property located within the corporate limits of the Town of Southern Pines. The subject property is identified by the following: PIN: 857300969695 (PARID: 00035939); PIN: 857300969508 (PARID: 20110241); and PIN: 857300967690 (PARID: 20110242). Per the Moore County Tax records, the property owner(s) are listed as Tyler's Ridge Business Park, LLC.

Mr. James O'Malley, presented the case for the approval of Conditional Use Permit CU-06-16. Mr. O'Malley provided an overview of the current request and provided historical context of the previous approval for CU-01-11 and addressed the questions from the Planning Board and the public present at the public hearing. Mr. O'Malley submitted into evidence a written narrative

describing the application's consistency with the UDO criteria for a Conditional Use Permit as set forth in UDO Section 2.21.7.

Mr. Perry Melton, provided an overview of the business, Building Blocks Early Education Centers, intended for the site and the subject of the Major Amendment request. Mr. Melton addressed the questions from the Planning Board and the public present at the public hearing with respect to his daycare operations in the region and the proposal for the current site.

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 2.21.7:

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 Board finds that the proposed conditional use complies with all applicable zoning district regulations and supplemental use regulations to allow for the approval of a Major Amendment to the existing Conditional Use Permit to permit the removal of the three (3) single-family lots in favor of a daycare. The petitioner has demonstrated this compliance in testimony provided but the Board also recognizes that many details will also be subject to staff review during site plan approvals, construction, and inspections should the project proceed forward. The existing Conditional Use Permit in effect on the property, CU-01-11, was approved under a Conditional Use Permit application for a Planned Residential Development (PRD) with a commercial area attached to the PRD development. Conditional Use Permit CU-01-11 was approved under the previous version of the Unified Development

Ordinance (UDO) that was replaced in October 2013 with the current version; the current UDO no longer includes a PRD pattern for development, therefore the requirement for the single-family homes would no longer be required for this development if it were to apply for the same approval under the current UDO. The Major Amendment requested under CU-06-16 is consistent with the current UDO standards.

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 Board finds that the proposed conditional use provides greater conformance to the neighborhood, if approved, in comparison to the previously approved land use of three (3) single-family lots. The adjacent properties are comprised of a commercial center in the Tyler's Ridge Business Park, the Tyler's Ridge Apartments multi-family development, a single-family residence on a PD zoned parcel, and undeveloped/garden property owned by Sandhills Community College. The previous Conditional Use Permit approval, CU-01-11, implemented a number of buffers from the single-family residence and the community college owned property and those buffers remain in place with this request. Furthermore, the Tyler's Ridge Business Park and the Tyler's Ridge Apartments are owned by the same property owner as this request so the Board contends that the proposed use will not injure the use or the enjoyment of property in the immediate vicinity for the purposes already permitted. The project will also adhere to dimensional standards and restrictions including heights, setbacks, landscaping, buffers and the like set forth in the UDO to protect the use and enjoyment of adjacent property.

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

The Board finds that the required public facilities required, including public water and sewer utilities as well as streets, are readily available for the project due to current improvements to the overall development with the construction of the Tyler's Ridge Business Park and the Tyler's Ridge Apartments multi-family development; the responsibility of any new improvements required and any associated costs with such improvements will be borne 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;

The Board finds that the proposed conditional use will not impede the orderly development or improvement of the surrounding property for uses permitted within their respective zoning districts or substantially diminish or impair the property values of within the neighborhood. The proposed use is in greater conformance to the neighborhood, if approved, in comparison to the previously approved land use of three (3) single-family lots. Additionally, the "neighborhood" is predominantly comprised of the Tyler's Ridge Development so the compatibility with the proposed use is enhanced with the approval of the Major Modification and should not create any development impediments. The adjacent properties are comprised of a commercial center in the Tyler's Ridge Business Park, the Tyler's Ridge Apartments multi-family development, a single-family residence on a PD zoned parcel, and

undeveloped/garden property owned by Sandhills Community College. The approval of CU-01-11 implemented a number of buffers from the single-family residence and the community college owned property and those buffers remain in place with this request. Furthermore, the Tyler's Ridge Business Park and the Tyler's Ridge Apartments are owned by the same property owner as this request so the Board contends that the proposed use will not impede further development or diminish property values as the result of which would affect the subject property owner as well. The project will tap onto and/or help extend public utilities and streets which will allow for more readily available improvements for future development. The project will comply with previous conditions set forth in the approval of CU-01-11 and current UDO regulations relative to dimensional standards and restrictions including heights, setbacks, landscaping, buffers and the like set forth in the UDO. In summation, the proposed Major Amendment should not impede the orderly development or improvement of the surrounding property for uses permitted within their respective zoning districts or substantially diminish or impair the property values of 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;

The Board finds that the proposed project will comply with the previously approved Conditional Use Permit, CU-01-11, (except as modified under the current request) and with UDO and CLRP standards. The approval of CU-01-11 was based, just like all approved applications that come before the Board, on its promotion of the public health, safety, and general welfare. The CLRP and the UDO are also documents that seek to advance the public health, safety, and general welfare of the public with policies, standards and restrictions and are documents adopted to promote these premises. The Board contends that the Major Amendment as proposed and the testimony submitted did not provide any evidence to suggest that the establishment, maintenance, or operation of a daycare in lieu of three (3) single-family dwelling units would 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.

The Board finds that the proposed Major Amendment and the project included therein establishes a land use that better fits the context of the surrounding neighborhood and this area of Southern Pines than the construction of three (3) single-family lots. The provision of a daycare facility within this mixed-use development reduces the potential impact of vehicular traffic of residents and consumers of the nearby apartments, homes, commercial centers, and schools including the community college and the O'Neal school as the residents and consumers can find child care in close proximity to these other destinations. Development, in general, may create externalities that some may perceive as an adverse impact, however, in comparison to the approved single-family lots the impact is negligible with the construction of a daycare. The Board contends that the Major Amendment as proposed and the testimony submitted provides the necessary evidence to suggest that the public interest involved with the modification to a daycare in lieu of three (3) single-family dwelling units outweighs any 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 6-0, the Planning Board voted to recommend to the Town Council that the proposed *Conditional Use Permit Application* is consistent with those documents that constitute the officially adopted land development plan and other applicable plans in that the request is consistent with the Official Future Land Use Map of the Comprehensive Long Range Plan as well as other goals and objectives within the Comprehensive Long Range Plan.

By a vote of 6-0, the Planning Board voted to recommend to the Town Council the approval of the *Conditional Use Permit* application CU-06-16 as a Major Amendment to the approved Conditional Use Permit CU-01-11 with the following conditions:

1. The petitioner shall provide written verification that the subject properties lie outside of the Moore County Airport Clear Zone. The written verification can be submitted to staff prior to the Town Council public hearing or to the Town Clerk if submitted at the Town Council Public Hearing for CU-06-16.
2. All applicable previous conditions applied to the approval of CU-01-11 remain in place with any approval of CU-06-16.

The Planning Board also wished to extend a comment to the Town Council that the Planning Board's recommendation on the proposed Major Amendment presumes that the subject properties (Tyler's Ridge Lots 3-5) are to be considered separate from the previously approved Tyler's Ridge Commercial Area allocations with respect to allowable impervious surface, parking space maximums, and commercial space square footage.

Decision of the Board:

The requests under application CU-06-16 for Conditional Use Permit Approval for a Major Amendment to the approved Conditional Use Permit CU-01-11 were recommended for approval to the Town Council with the following conditions.

1. The petitioner shall provide written verification that the subject properties lie outside of the Moore County Airport Clear Zone. The written verification can be submitted to staff prior to the Town Council public hearing or to the Town Clerk if submitted at the Town Council Public Hearing for CU-06-16.
2. All applicable previous conditions applied to the approval of CU-01-11 remain in place with any approval of CU-06-16.

This is the 22nd day of September, 2016.

FOR THE PLANNING BOARD:



John McLaughlin, Chairman

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

Building Blocks Early Education Centers
Tyler's Ridge Business Park, LLC

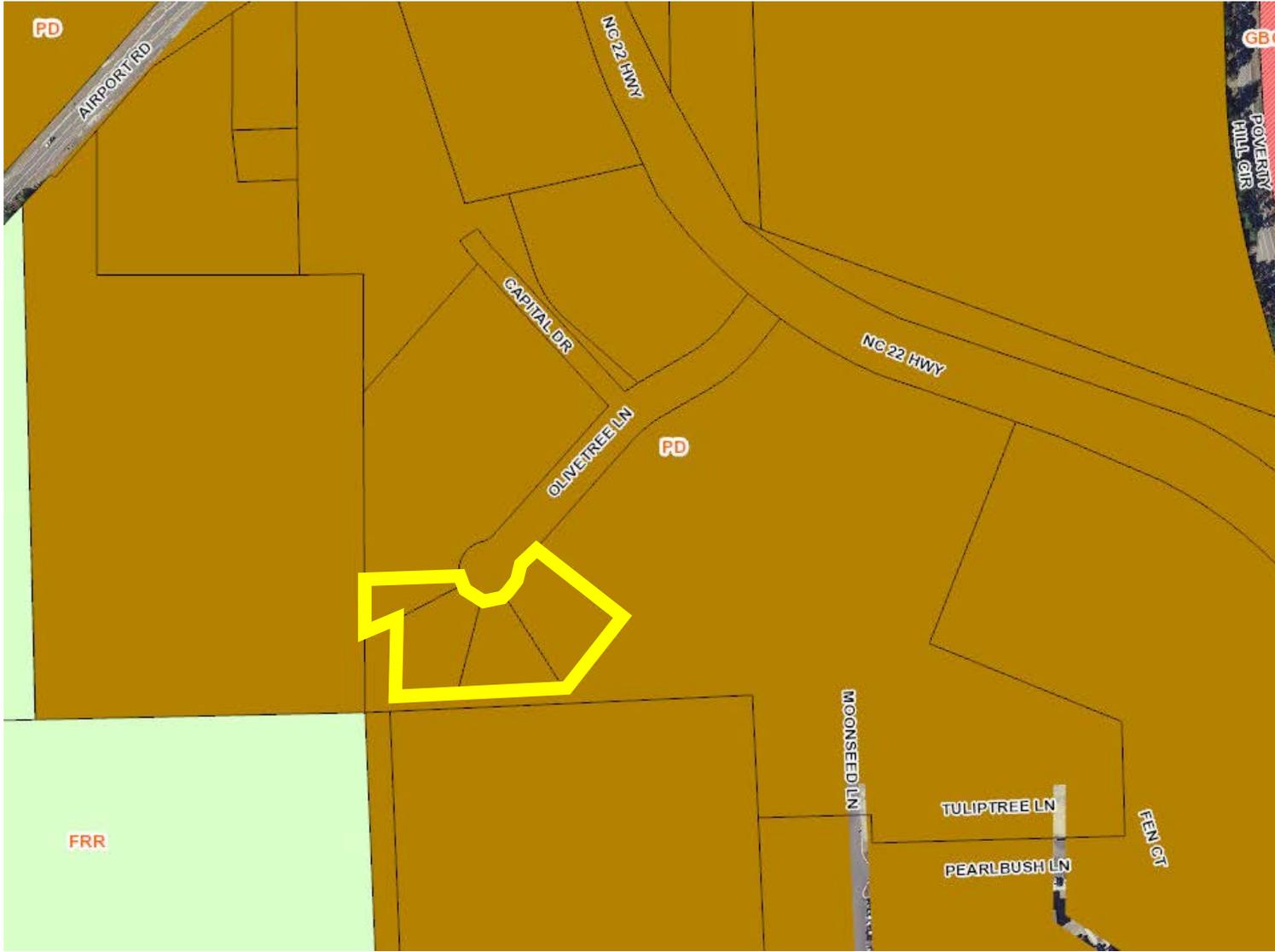
CU-06-16 Tyler's Ridge (Vicinity and Corporate Limits Map) Request for Major Amendment to CU-01-11

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CU-06-16 Tyler's Ridge (Zoning Map) Request for Major Amendment to CU-01-11

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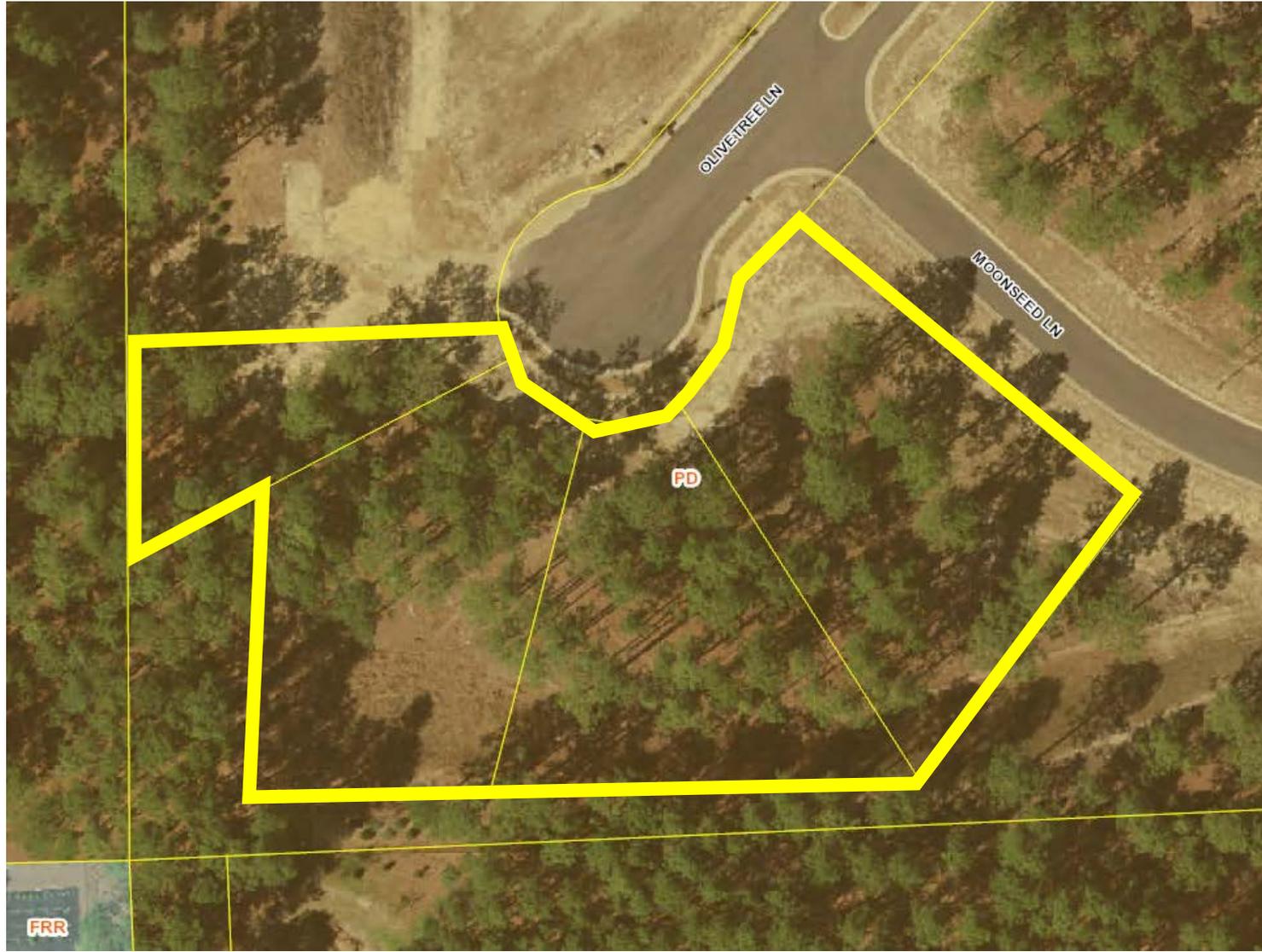
CU-06-16 Tyler's Ridge (Zoning with Aerials Map) Request for Major Amendment to CU-01-11

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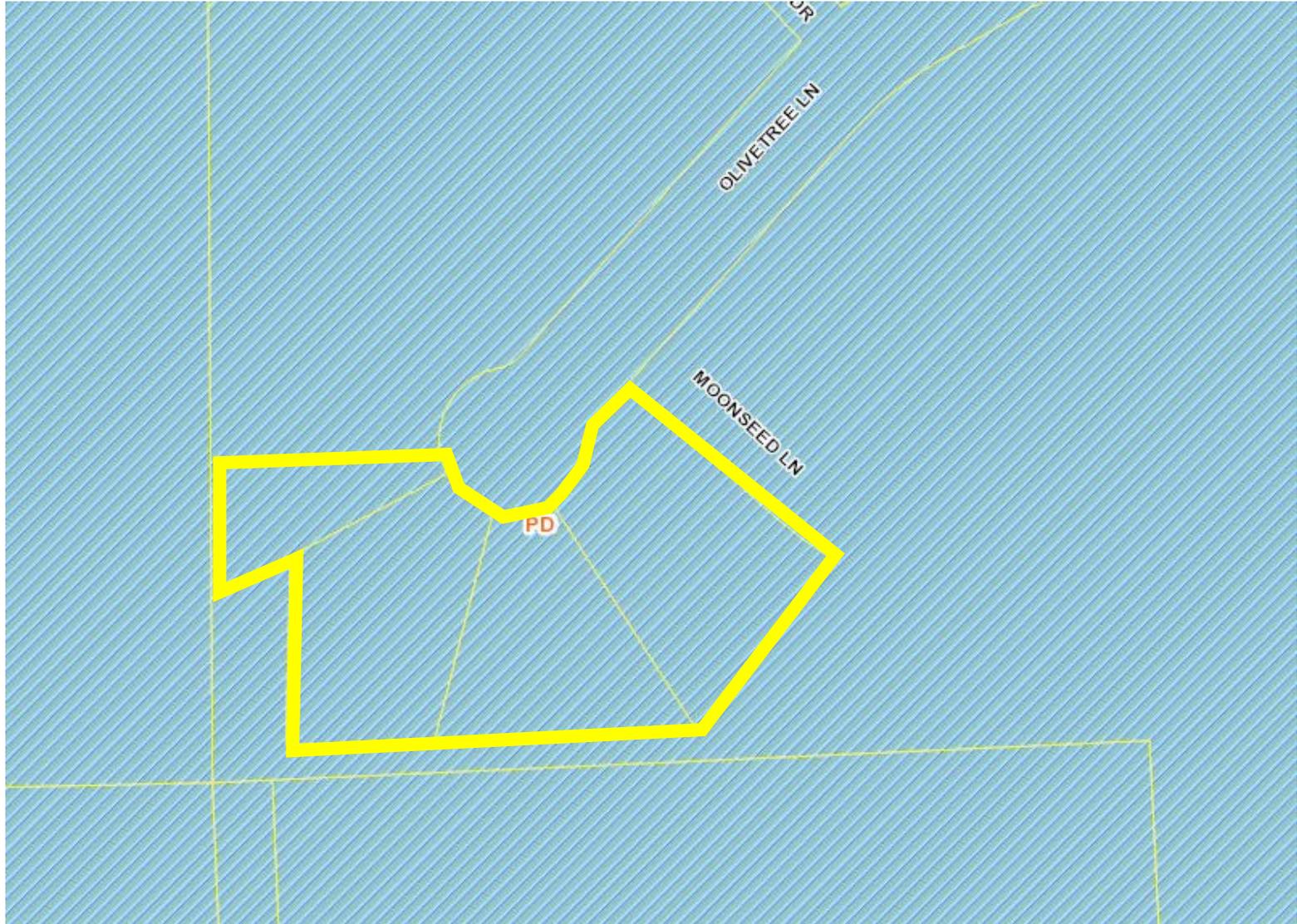
CU-06-16 Tyler's Ridge Request for Major Amendment to CU-01-11

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**CU-06-16 Tyler's Ridge (Watershed Map)
Request for Major Amendment to CU-01-11**

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CU-06-16

Date Received: 8/22/16

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

To the Planning Board and Town Council:

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

The property sought for Conditional Use is located on the South side of Olivetree LN (Street/Avenue), between Moonseed Ln (Street Avenue) and Olivetree Ln (Street/ Avenue. The address is _____, also known as LRK # ^{20110241, 20110242, 0035939} and PIN # ^{857300969508, 857300967690, 85730969695}. It has a frontage of 150 feet and a depth of 190 feet, containing 1.48 acres.

The Conditional Use sought is based on Section(s) 2.21.13 Conditional Use Permit of the Town of Southern Pines Unified Development Ordinance. The property in question is located in a PD zoning district and is proposed for the following use: Land Use-Daycare-LBCS code 6562

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

- Property owners' name: Tylers Ridge Phase II LLC
Mailing Address: 5715 S. 108th St.
Hales Corners, WI. 53130
LRK #: 0003577
Adjacent Property Address: 500 Moonseed LN
Carthage, NC. 28327
- Property owners' name: Sandhills Community College
Mailing Address: 3395 Airport Rd.
Pinehurst, NC. 28374

LRK #: 00033106

Adjacent Property Address: 3395 Airport Road
Pinehurst, NC. 28374

3. Property owners' name: Donald & Short Betsy Frye-Phibbs, Clara Mae Frye

Mailing Address: 12691 Third Branch Court
Chesterfield, VA. 22832

LRK #: 00033603

Adjacent Property Address: 3141 Airport Rd
Carthage, NC. 28327

4. Property owners' name: Southern Pines Ace Land Company, LLC

Mailing Address: 26 Goldenrod Drive
Carthage, NC. 28327

LRK #: 20150296

Adjacent Property Address: 215 Capital Dr.
Carthage, NC. 28327

5. Property owners' name: _____

Mailing Address: _____

LRK #: _____

Adjacent Property Address: _____

6. Property owners' name: _____

Mailing Address: _____

LRK #: _____

Adjacent Property Address: _____

7. Property owners' name: _____

Mailing Address: _____

LRK #: _____

Adjacent Property Address: _____

8. Property owners' name: _____

Mailing Address: _____

LRK #: _____

Adjacent Property Address: _____

9. Property owners' name: _____

Mailing Address: _____

LRK #: _____

Adjacent Property Address: _____

10. Property owners' name: _____

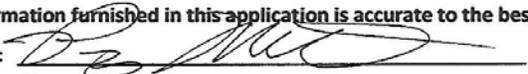
Mailing Address: _____

LRK #: _____

Adjacent Property Address: _____

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

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

Petitioner Signature: 
Petitioner's Name: Perry S. Melton

Petitioner's Mailing Address: **Please Print**
351 Wanoner Dr. Ste 329
Fayetteville, NC. 28303-4608

Petitioner's email pmelton@bbeec.com
Petitioner's Phone # 910-703-8714
Cell# 910-476-1260

Property owner's signature: James B. O'Malley Digitally signed by James B. O'Malley
DN: cn=James B. O'Malley, o=City of Waukesha, ou=City of Waukesha, email=jomalley@wiselfstorage.com, c=US
Date: 2016.09.06 08:45:53 -0500
Property owner's signature: _____

Property owner's Mailing Address: **Please Print**
Tyler's Ridge Buisness Park LLC
5715 S. 108th St.
Hales Corners, WI. 53130
Property owner's email jomalley@wiselfstorage.com
Property owner's Phone # _____
Cell # 414-573-0855

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

Adjacent Property Owners

PIN:857300967690
PARID:20110242
NAME:TYLER'S RIDGE BUSINESS
PARK, LLC
ADDRESS:5715 S 108TH ST
CITY:HALES CORNERS
STATE:WI
ZIP:53130

PIN:857300969508
PARID:20110241
NAME:TYLER'S RIDGE BUSINESS
PARK, LLC
ADDRESS:5715 S 108TH ST
CITY:HALES CORNERS
STATE:WI
ZIP:53130

PIN:857300969695
PARID:00035939
NAME:TYLER'S RIDGE BUSINESS
PARK, LLC
ADDRESS:5715 S 108TH ST
CITY:HALES CORNERS
STATE:WI
ZIP:53130

PIN:858300064627
PARID:00035777
NAME:TYLER'S RIDGE PHASE II,
LLC
ADDRESS:5715 S 108TH ST
CITY:HALES CORNERS
STATE:WI
ZIP:53130

PIN:858309060116
PARID:00033106
NAME:SANDHILLS COMMUNITY
COLLEGE
NAME2:BOARD OF TRUSTEES
ADDRESS:3395 AIRPORT RD
CITY:PINEHURST
STATE:NC
ZIP:28374

PIN:857312967113
PARID:10001650
NAME:SANDHILLS COMMUNITY
COLLEGE
NAME2:BOARD OF TRUSTEES
ADDRESS:3395 AIRPORT RD
CITY:PINEHURST
STATE:NC
ZIP:28374

PIN:857312859168
PARID:00991683
NAME:MOORE COUNTY
COMMUNITY COLLEGE
NAME2:BOARD OF TRUSTEES
ADDRESS:2200 AIRPORT RD
CITY:PINEHURST
STATE:NC
ZIP:28374

PIN:857300968934
PARID:20150296
NAME:SOUTHERN PINES ACE
LAND
NAME2:COMPANY, LLC
ADDRESS:26 GOLDENROD
DRIVE
CITY:CARTHAGE
STATE:NC
ZIP:28327

PIN:858300071202
PARID:20110244
NAME:TYLER'S RIDGE BUSINESS
PARK, LLC
ADDRESS:5715 S 108TH ST
CITY:HALES CORNERS
STATE:WI
ZIP:53130

PIN:857300977318
PARID:20110243
NAME:TYLER'S RIDGE BUSINESS
PARK, LLC
ADDRESS:5715 S 108TH ST
CITY:HALES CORNERS
STATE:WI
ZIP:53130

PIN:857300979522
PARID:20110245
NAME:TYLER'S RIDGE BUSINESS
PARK, LLC
ADDRESS:5715 S 108TH ST
CITY:HALES CORNERS
STATE:WI
ZIP:53130

PIN:857300963887
PARID:00033603
NAME:FRYE, DONALD & SHORT,
BETSY FRYE &
NAME2:PHIBBS, CLARA MAE
FRYE
ADDRESS:12671 THIRD BRANCH
COURT
CITY:CHESTERFIELD
STATE:VA
ZIP:23832

PIN:857300973377
PARID:20120310
NAME:FRYE, JAMES FLOYD &
SARAH H
ADDRESS:3139 AIRPORT ROAD
CITY:CARTHAGE
STATE:NC
ZIP:28327

PIN:857312975402
PARID:00033605
NAME:FRYE, FLOYD
ADDRESS:3139 AIRPORT RD
CITY:CARTHAGE
STATE:NC
ZIP:28327-9524

PIN:857308975509
PARID:00033604
NAME:FRYE, FLOYD
ADDRESS:3139 AIRPORT RD
CITY:CARTHAGE
STATE:NC
ZIP:28327-9524

PIN:857300976723
PARID:00032134
NAME:COUNTY OF MOORE
ADDRESS:PO BOX 905
CITY:CARTHAGE
STATE:NC
ZIP:28327

PIN:857308977773
PARID:00039999
NAME:COUNTY OF MOORE
ADDRESS:PO BOX 905
CITY:CARTHAGE
STATE:NC
ZIP:28327

PIN:858300075920
PARID:00039998
NAME:COUNTY OF MOORE
ADDRESS:PO BOX 905
CITY:CARTHAGE
STATE:NC
ZIP:28327

PIN:858300071652
PARID:20110225
NAME:O'MALLEY, JAMES B
TRUSTEE &
NAME2:O'MALLEY, SHELLEY J
TRUSTEE
ADDRESS:5715 S 108TH ST
CITY:HALES CORNERS
STATE:WI
ZIP:53130

PIN:858305072651
PARID:98000811
NAME:COUNTY OF MOORE
ADDRESS:PO BOX 905
CITY:CARTHAGE
STATE:NC
ZIP:28327

PIN:858309077445
PARID:00032996
NAME:COUNTY OF MOORE
ADDRESS:PO BOX 905
CITY:CARTHAGE
STATE:NC
ZIP:28327

PIN:858300078028
PARID:20110224
NAME:O'MALLEY, JAMES B
TRUSTEE &
NAME2:O'MALLEY, SHELLEY J
TRUSTEE
ADDRESS:5715 S 108TH ST
CITY:HALES CORNERS
STATE:WI
ZIP:53130

PIN:858300264784
PARID:00037592
NAME:PINEHURST AREA REALTY,
INC
ADDRESS:PO BOX 1511
CITY:PINEHURST
STATE:NC
ZIP:28370

PIN:858309262021
PARID:00037593
NAME:PINEHURST AREA REALTY,
INC
ADDRESS:PO BOX 1511
CITY:PINEHURST
STATE:NC
ZIP:28370

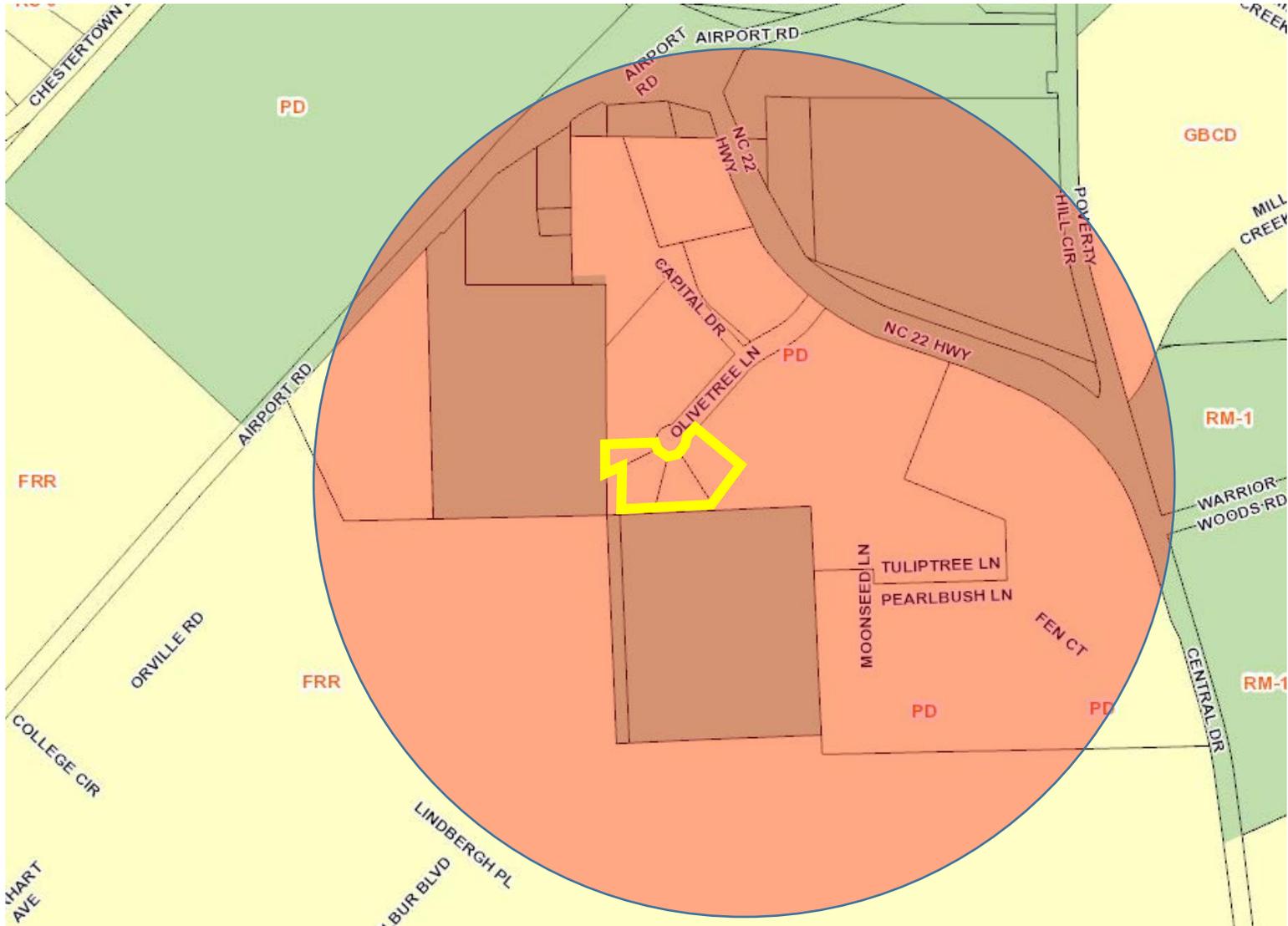
PIN:858300176636
PARID:20070989
NAME:MILL CREEK PARTNERS,
LLC
ADDRESS:PO BOX 1511
CITY:PINEHURST
STATE:NC
ZIP:28374

PIN:857308878977
PARID:00038510
NAME:SANDHILLS COMMUNITY
COLLEGE
ADDRESS:3395 AIRPORT RD
CITY:PINEHURST
STATE:NC
ZIP:28374

PIN:857312868871
PARID:00037050
NAME:SANDHILLS COMMUNITY
COLLEGE
NAME2:BOARD OF TRUSTEES
ADDRESS:3395 AIRPORT RD
CITY:PINEHURST
STATE:NC
ZIP:28374

CU-06-16 Tyler's Ridge (Adjacent Property Owners Map) Request for Major Amendment to CU-01-11

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Narrative for a CUP Amendment

CUP History

I would like to demonstrate why I am asking for an amendment to the existing Conditional Use Permit established under the old UDO and why the Proposed Amended Conditional Use Permit complies with all of the regulations of the new UDO applicable to the zoning district use regulations and outlined as modifying reasons in Section 2.21.7(A-F).

(A) The existing CUP was created prior to the new UDO being adopted and at the time, the old UDO required the 3 single family lots as part of the CUP approval. However, the new adopted UDO does not require any single family lots as part of a CUP approval or an amended CUP.

(B) As it is now, the 3 single family lots are not harmonious with the character of the neighborhood located immediately adjacent to commercial development. The use and enjoyment of the 3 single family residents would constantly be at odds with commercial deliveries to ACE Hardware's loading dock area which faces directly at their homes. However, the location of the 3 single family lots is ideal for a daycare being at the end of a cul-de-sac street and not in a high traffic location as appose to a location near the front of the commercial area where small children are being picked up and dropped off with the potential of cars flying by.

(C) The existing public facilities such as the roads and utilities are already available.

(D) The proposed daycare use will 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. In fact, the daycare is an extension to the already existing educational uses surrounding the property such as the O'Neal School, SCC and the future new high school. In contrast, the original CUP approved 3 single family lots, would in fact have on going issues, complaining about noise, lights and traffic diminishing the use of the other commercial businesses and impairing the property value of the single family homes.

(E) The location of the daycare on the 3 single family lots is a safe environment for the kids not only when being dropped off and picked up away from drive thru traffic but the whole daycare business is concern with the public health, safety, comfort and general welfare of the parents and especially the kids. The outside play areas are fenced in and video cameras record all activities inside and outside. The existing CUP, with 3 single family lots put the family members at potential risk of vandalism, thief, inattentive drivers, and the adjacent businesses have the potential of causing an attractive nuisance that attract kids and cause potential harm.

(F) The public interest and welfare of a well-run daycare which is open only on weekdays and until 6pm will be a benefit to the community and should not adversely affect any establishment or existing neighboring property owner.

Below is a little bio of who Building Block Day Care is and how they plan to be as a new business in Southern Pines.

Introduction

We would like to take this opportunity to introduce you to Building Blocks Early Education Centers. We are early childhood development centers with a focus on Christian values. It is our priority to make families feel at home in our centers.

Building Blocks Early Education Center (BBEEC) provides child care as well as child development for children ages six weeks to twelve years. The first years of a child's life are the most important for his/her development. We solidly support and believe the science proving the first three years of life being the most crucial for brain development for humans. Therefore; we have developed a program that specializes in early brain development for children. This program includes the specific design of our facilities, the manipulatives (specialized toys and learning tools) used by the children, the curriculum, and our staff education.

Our classrooms are equipped with age-appropriate manipulatives to help children learn developmental milestones. BBEEC's curriculum includes learning centers including: art, science, blocks and writing, both large and small group time, and outdoor activities.

All teachers are first aid and CPR certified and receive twenty hours of continuing education each year beyond state requirements. We complete criminal background checks on all staff members before they join our team. Each classroom has a video security camera that is visible to administration. Our hours of operation are 5:30 AM to 6:00 PM Monday through Friday.

Quality

BBEEC has developed a reputation of quality. All centers are NAEYC accredited, which is the highest accreditation nationally in childcare. Our Cameron center has a four star rating, while the Hoke and Cumberland centers have five star ratings. We have been voted by People's Choice Awards (Fayetteville Observer) the best child care in the area for the past two years. We currently serve private pay and NACCRA (military subsidy), and are one of the largest providers nationally. We provide NC Pre-K, being one of the largest providers in Cumberland County. We serve DSS in all three counties including: Hoke Harnett, and Cumberland. Our center participates in the Federal Food Program. All meals are routinely evaluated to meet the requirements of the USDA. Breakfast, lunch, and an afternoon snack are provided for all children in attendance

Mission

The primary mission of Building Blocks Early Education Centers is to provide a loving and nurturing Christian environment that enhances the development of the "whole" child. Our development center is a home away from home for every participating child. We want to assist working parents with affordable childcare while helping them feel at ease with the daily separation from their children. Our educational programs will enable each child to develop a positive, Christian attitude toward learning and developing

responsibility, self-discipline, and self-esteem. Our vision is to see children who:

- feel loved by their teachers and peers
- have a high self-esteem
- know that Jesus loves them and died for them
- are developing in their recognition of the world around them
- are eager to learn
- are happy and well-adjusted
- share their love of Jesus with their friends and communities
- are academically prepared to enter Kindergarten

History

BBEEC was founded in 2005 and opened its doors in July of 2006 in Hoke County. We opened our second center in January of 2007 in Cameron, NC and our third in 2009 in Hope Mills, NC. We have since expanded with new construction in Cameron by adding space for 50 children. In Raeford, we have twice expanded our facilities with the addition of a 50 space after school care facility and most recently, a 1.5-million-dollar addition for 100 new children. These additions have made the Hoke center by far the largest child care facility in the county. The center consists of three buildings on a seven-acre campus licensed for 392 children. Perry Melton started the company from its beginning stages. He personally designed the building and has been the CEO since 2007. He is currently the owner operator and still operating as CEO. Barbra Schneider is the head of compliance and regulation and has 29 years of Early Childhood experience. She has also been a NAEYC accessor for many years. She has a very active role working directly with Mr. Melton and each of the three locations.

Mr. Melton currently serves on the Board of Directors at the Cumberland County Partnership for Children. He serves on their executive board, finance committee, and is the chair of their main fund raising event, the annual Soiree. He aggressively works with our legislators county and statewide to promote sound and responsible child care laws. He is an active member of NCLCCA. If you speak with anyone who has worked with Mr. Melton or our organization, you will find BBEEC are leaders within the industry and are constantly striving to improve and innovate using the latest research on early childhood development.

The bottom line is not our top priority. Being healthy financially is important and has its place to remain consistent and stable. However, quality and service is our top priority.

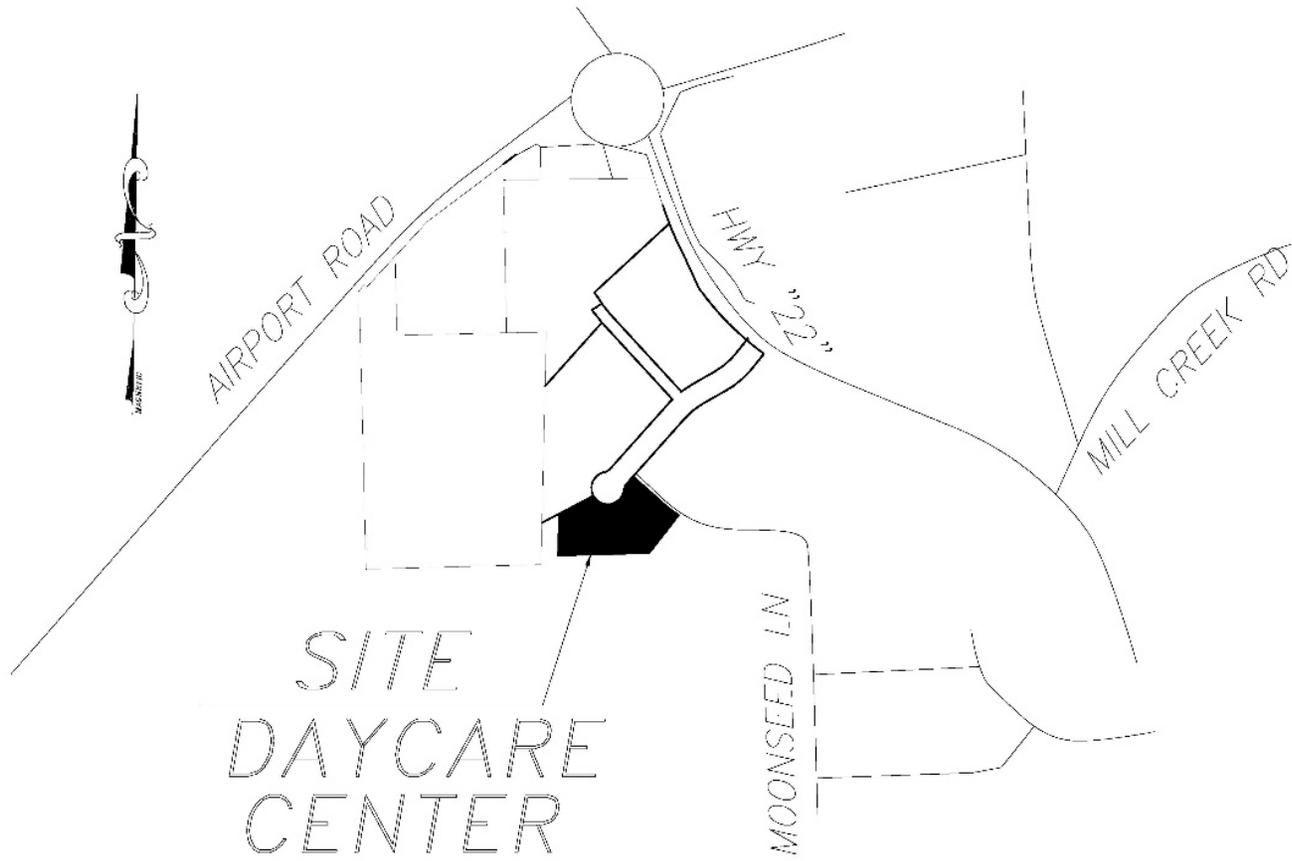
Facilities

BBEEC is a leader in design and originality in child care facilities. BBEEC is one of the only child care companies in North Carolina with a courtyard interior playground for two year olds and below. BBEEC built a 2,500 square foot playground in the middle of the building. It has pour and play rubber surfacing and artificial turf grass for safety and cleanliness for the small ones that like to crawl on the ground. This greatly reduces the chance of insect bites, choking by picking up mulch or other small items, and provides

zero exposure to the outside public. With security being such an issue in today's world, especially for military families with heightened concerns, this is a unique feature not found anywhere else. We also have indoor gyms and splash pads for our children. These types of features are only found in the highest market areas, such as Cary, North Carolina located outside of the Raleigh area. All centers have large lobbies and keypad entries to enter the classroom area. All classrooms are monitored by camera and all of the buildings have sprinkler systems.

Summary

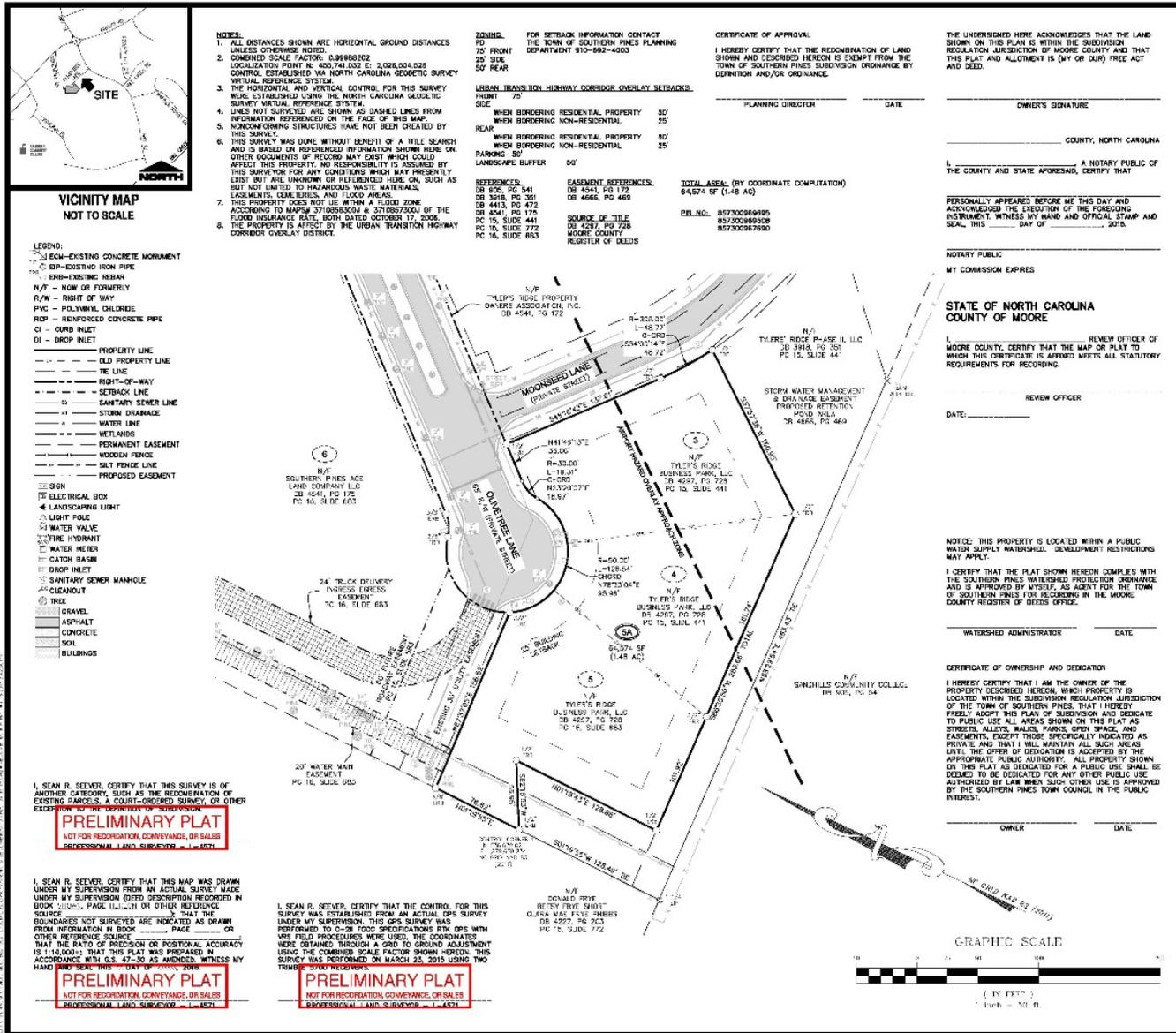
We believe that we have a great company and would make a fine addition to the area. We are a top of the line provider that believes in serving all areas of the community and has demonstrated great success with our model in the local economy and demographic region. We have been striving and working to find a location for the last four years and have been working closely with Mr. Jim O'Malley. He has been patient and extremely helpful with us and with the timing of this expansion. Please feel free to contact Perry Melton if you have any further questions.



*SITE
DAYCARE
CENTER*

VICINITY MAP
SCALE 1" = 200'

Proposed Recombination Plat



PROJECT NAME: RECOMBINATION SURVEY OF LOTS 3 & 4 OF TYLER'S RIDGE PC 15, SLIDE 41 AND LOT 5 OF TYLER'S RIDGE PC 16, SLIDE 683

TAX ID#: 85730096985
85730096508
85730096760

CLIENT: OLIVETREE LANE
MCNEILL TOWNSHIP
TOWN OF SOUTHERN PINES
MOORE COUNTY
NORTH CAROLINA

PROJECT INFORMATION:

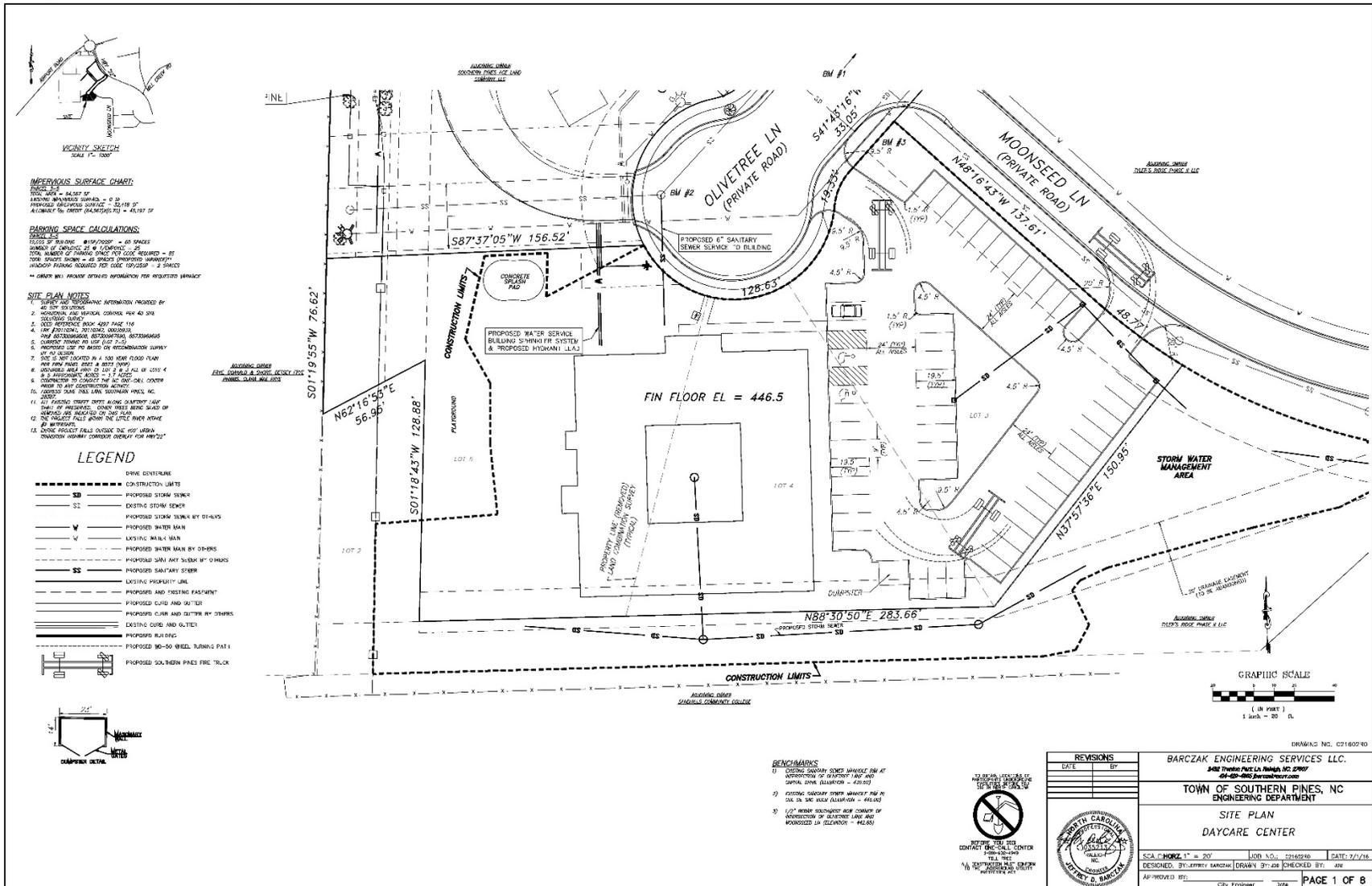
SURVEYED BY:	JASON
DRAWN BY:	SEAN
CHECKED BY:	JIMMY
PROJECT NUMBER:	1018

DRAWING SCALE: HORIZONTAL: 1"=50'

DATE SURVEYED: DECEMBER 15, 2015

SHEET NUMBER: 1 OF 1

Proposed Site Design







Recorded CU-01-11 Document

**Town of Southern Pines
CONDITIONAL USE PERMIT**

On the dates as listed below, the Town Council of the Town of Southern pines met and held a public hearing to consider, and met to act upon, the following application:

- Applicant:** James B. O'Malley
- Property Location:** Located on the west side of NC 22 between Airport Road and Aiken Road and across from Warrior Woods Road with Parcel Identifier Numbers (PIN) 858300064803, 858309064200, 858309057907, 858309151960 and 858309154859 on approximately 46.12 Acres.
- File Number:** CU-01-11
- Proposed Use of Property:** *PRD-Planned Residential Development (Single-family, Multifamily Apartments) and Neighborhood Commercial* development of 8 lots with 5 Parcel Identification Numbers (PIN) zoned Planned Development (PD).
- Meeting Dates:** Public Hearing on application: Planning Board: June 23, 2011
Town Council: July 12, 2011
- Final action on application Town Council: July 25, 2011

Having heard all the evidence and arguments presented at the hearing and having considered other relevant factors, the Town Council found that the application is complete, complies with all the applicable requirements to the Town of Southern Pines Unified Development Ordinance and, the evidence having failed to establish any disqualifying conditions under sub-section 54(d) of the Unified Development Ordinance, the Conditional Use Permit to make use of the above-described property for the purpose stated was approved and issued, subject to all applicable provisions of the Unified Development Ordinance.

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

The following conditions will apply to this Conditional Use Permit:

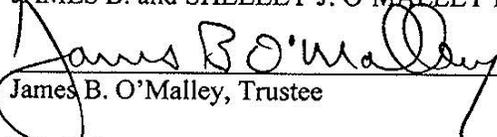
1. The following conditions, with the agreement of the applicant, apply to this conditional use permit:

- Include, with the initial construction, a five feet in height creosote wooden fence, four board rails with a welded wire mesh attached to the back side, similar to the type of fence found at The Moss Foundation and other horse pastures around Youngs Road. This fence shall be constructed along the entire common boundary with Mrs. Frye's property and the project area, approximately 1,000 l.f. The fence will be offset sufficiently from the property to install requested plantings.
 - Public water and sewer lines will be extended to the Frye property line directly across from the Tyler's Village Court cul-de-sac. In addition, the water main line will terminate with a hydrant at the property line as well.
 - Cable television will be extended to Mrs. Ester Frye's house when cable is being installed to service any of the single family homes or the commercial retailers.
 - The double row of evergreen plants will be extended along commercially zoned common property line with the Ester Frye property. These plants will be of the same type and size to be installed along the Sandhills community College and be planted in place of the buffer plants shown on the drawings.
 - The contract for dumpster and delivery services will provide that the services are not to occur between the hours of 9:00 p.m. and 7 a.m. for as long as Mrs. Frye resides at the residence.
2. The following uses are excluded: Use 1.540 Hotels, Motels and Similar Businesses or Institutions providing overnight accommodation, Use 8.20 Bars, Night Clubs, Use 6.12 Movie Theaters; and
 3. The northern three lots (6, 7, and 8) are allocated a 5/70 allocation with the maximum amount up to 12 acres and the planned residential development shall be developed using the low-density option with a maximum of 24% built upon area with storm-water controls.

The undersigned owners of the above-described property acknowledge the receipt and issuance of the Conditional Use Permit.

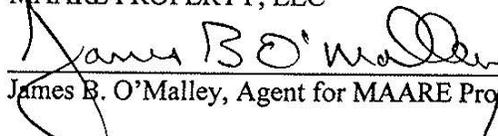
JAMES B. and SHELLEY J. O'MALLEY REV. TRUST u/a 10/16/97

By:


James B. O'Malley, Trustee

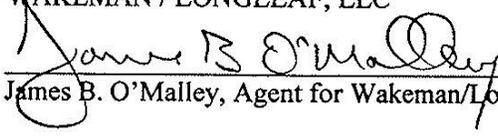
MAARE PROPERTY, LLC

By:


James B. O'Malley, Agent for MAARE Property, LLC

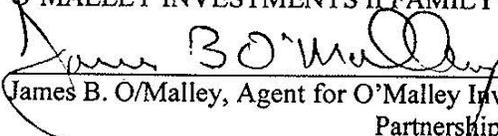
WAKEMAN / LONGLEAF, LLC

By:


James B. O'Malley, Agent for Wakeman/Longleaf, LLC

O'MALLEY INVESTMENTS II FAMILY PARTNERSHIP

By:


James B. O'Malley, Agent for O'Malley Investments II Family Partnership

When recording show owners as James B. and Shelley J. O'Malley Rev. Trust u/a 10/16/97, MAARE Property, LLC, Wakeman/Longleaf, LLC and O'Malley Investments II Family Limited Partnership.

STATE OF NORTH CAROLINA

COUNTY OF MOORE

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

James B. O'Malley, Trustee of the JAMES B. and SHELLEY J. O'MALLEY REV. TRUST u/a October 16, 1997, JAMES B. and SHELLEY J. O'MALLEY REVOCABLE TRUST.

Date: 9-6-2011

Susan Windley
Notary Public
Susan Windley
Printed name of Notary Public

{Official Seal}

My Commission Expires: 4-27-2014

STATE OF NORTH CAROLINA

COUNTY OF MOORE

I, Susan Windley, a Notary Public for said County and State, do hereby certify that James B. O'Malley, Agent for MAARE PROPERTY, LLC, a limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company.

Witness my hand and seal this 6 day of September, 2011.

Susan Windley
Notary Public
Susan Windley
Printed name of Notary Public

{Official Seal}

My Commission Expires: 4-27-2014

STATE OF NORTH CAROLINA

COUNTY OF MOORE

I, Susa Windley, a Notary Public for said County and State, do hereby certify that James B. O'Malley, Agent for WAKEMAN / LONGLEAF, LLC, a limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company.

Witness my hand and seal this 6 day of September, 2011.

Date: 9-6-2011

Susa Windley
Notary Public
Susa Windley
Printed name of Notary Public

{Official Seal}

My Commission Expires: 4-27-2011

STATE OF NORTH CAROLINA

COUNTY OF MOORE

I, Susa Windley, a Notary Public for said County and State, do hereby certify that James B. O'Malley, Agent for O'MALLEY INVESTMENTS II FAMILY LIMITED PARTNERSHIP personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the partnership.

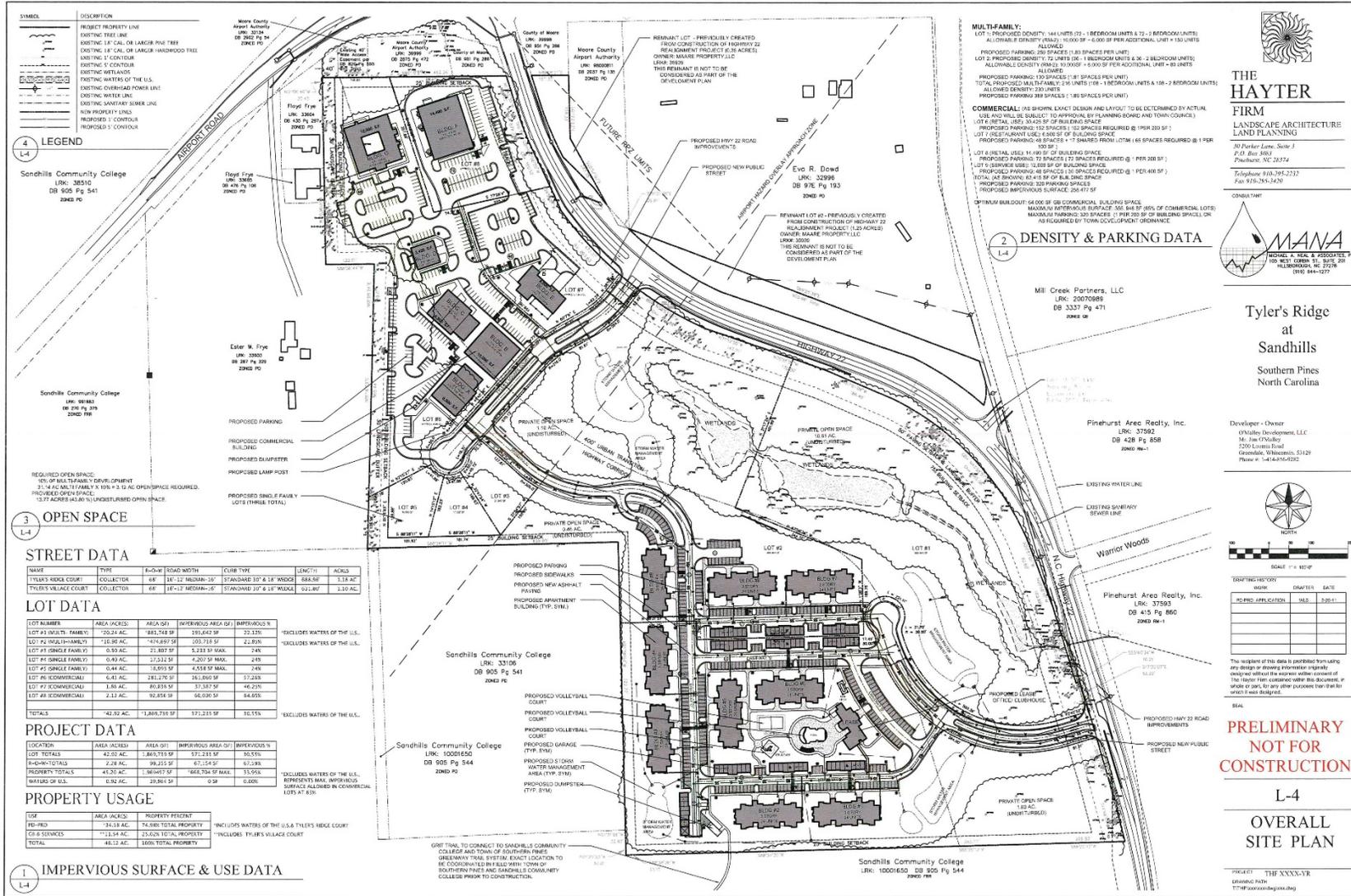
Witness my hand and official stamp or seal, this 6 day of September, 2011.

Susa Windley
Notary Public
Susa Windley
Printed name of Notary Public

{Official Seal}

My Commission Expires: 4-27-2011

Tyler's Ridge Development Overall Master Plan Approval – CU-01-11



SYMBOL DESCRIPTION

- PROJECT PROPERTY LINE
- EXISTING TREE LINE
- EXISTING 1" CAL. OR LARGER POLE TREE
- EXISTING 1" CAL. OR LARGER HARDWOOD TREE
- EXISTING 1" CONTOUR
- EXISTING WETLANDS
- EXISTING WATER OF THE U.S.
- EXISTING OVERHEAD POWER LINE
- EXISTING WATER LINE
- EXISTING SANITARY SEWER LINE
- NON-PROPOSED 1" CONTOUR
- PROPOSED 1" CONTOUR
- PROPOSED 1" CONTOUR

LEGEND

4
L-4

Sandhills Community College
LIR: 28510
DB 500 Pg 541
ZONED PD

OPEN SPACE

3
L-4

REQUIRED OPEN SPACE:
10% OF ALL TYPICAL DEVELOPMENT
21.14 AC MULTI-FAMILY & 10% + 3.5 AC OPEN SPACE REQUIRED.
PROPOSED OPEN SPACE:
13.77 ACRES (AS LUN) UNDISTURBED OPEN SPACE

STREET DATA

NAME	TYPE	ROW-W	ROAD WIDTH	CURB TYPE	LENGTH	ACRES
TYLER'S RIDGE COURT	COLLECTOR	66'	16'-12" MEDIAN-30'	STANDARD 30' + 16" WIDEN	884.5F'	1.18 AC
TYLER'S VILLAGE COURT	COLLECTOR	66'	16'-12" MEDIAN-30'	STANDARD 30' + 16" WIDEN	922.8F'	1.10 AC

LOT DATA

LOT NUMBER	AREA (ACRES)	AREA (SQ FT)	IMPERVIOUS AREA (SQ FT)	IMPERVIOUS %
LOT #1 (INDL. FAMILY)	120.24 AC	8281,748 SF	195,642 SF	23.13%
LOT #2 (INDL. FAMILY)	16.96 AC	1,174,897 SF	283,718 SF	24.18%
LOT #3 (SINGLE FAMILY)	0.39 AC	27,007 SF	5,233 SF MAX.	19.38%
LOT #4 (SINGLE FAMILY)	0.40 AC	27,512 SF	4,201 SF MAX.	15.27%
LOT #5 (SINGLE FAMILY)	0.44 AC	3,093 SF	4,558 SF MAX.	148%
LOT #6 (COMMERCIAL)	0.41 AC	28,172 SF	181,809 SF	64.58%
LOT #7 (COMMERCIAL)	1.85 AC	128,818 SF	31,587 SF	24.52%
LOT #8 (COMMERCIAL)	2.11 AC	145,854 SF	64,030 SF	43.89%
TOTALS	142.92 AC	1,469,793 SF	371,215 SF	25.26%

PROJECT DATA

LOCATION	AREA (ACRES)	AREA (SQ FT)	IMPERVIOUS AREA (SQ FT)	IMPERVIOUS %
LOT TOTALS	142.92 AC	1,469,793 SF	371,215 SF	25.26%
P+O+TOTALS	2.28 AC	157,215 SF	67,154 SF	42.58%
PROPERTY TOTALS	145.20 AC	1,627,008 SF	438,369 SF	26.95%
IMPERVIOUS SURFACE	13.77 AC	936,315 SF	936,315 SF	100%

PROPERTY USAGE

USE	AREA (ACRES)	PROPERTY PERCENT
P+O	2.28 AC	1.59%
RESIDENTIAL	140.64 AC	98.41%
TOTAL	142.92 AC	100%

IMPERVIOUS SURFACE & USE DATA

USE	AREA (ACRES)	PROPERTY PERCENT
P+O	2.28 AC	1.59%
RESIDENTIAL	140.64 AC	98.41%
TOTAL	142.92 AC	100%

MULTI-FAMILY:
LOT 1: PROPOSED DENSITY: 144 UNITS (72 - 1 BEDROOM UNITS & 72 - 2 BEDROOM UNITS). ALLOWABLE DENSITY (MAX): 16,000 SF + 6,000 SF PER ADDITIONAL UNIT + 130 UNITS ALLOWED.
PROPOSED PARKING: 292 SPACES (130 SPACES PER UNIT).
LOT 2: PROPOSED DENSITY: 72 UNITS (36 - 1 BEDROOM UNITS & 36 - 2 BEDROOM UNITS). ALLOWABLE DENSITY (MAX): 10,000 SF + 6,000 SF PER ADDITIONAL UNIT + 80 UNITS ALLOWED.
PROPOSED PARKING: 170 SPACES (17 SPACES PER UNIT).
TOTAL PROPOSED MULTI-FAMILY: 116 UNITS (58 - 1 BEDROOM UNITS & 58 - 2 BEDROOM UNITS). ALLOWED DENSITY: 200 UNITS.
PROPOSED PARKING: 462 SPACES (1.98 SPACES PER UNIT).

COMMERCIAL: (AS SHOWN, EXACT DESIGN AND LAYOUT TO BE DETERMINED BY ACTUAL USE AND SHALL BE SUBJECT TO APPROVAL BY PLANNING BOARD AND TOWN COUNCIL.)
LOT 1: PROPOSED MULTI-FAMILY: 116 UNITS (58 - 1 BEDROOM UNITS & 58 - 2 BEDROOM UNITS). ALLOWED DENSITY: 200 UNITS.
LOT 1: USE ALTERNATE USES: 6,000 SF OF BUILDING SPACE.
PROPOSED PARKING: 10 SPACES (1 SPACES PER 600 SF).
LOT 2: METAL USES: 10,000 SF OF BUILDING SPACE.
PROPOSED PARKING: 10 SPACES (1 SPACES PER 1,000 SF).
TOTAL GARAGE FLOOR AREA: 60,000 SF OF BUILDING SPACE.
PROPOSED PARKING: 320 SPACES (1.6 SPACES PER 100 SF).
PROPOSED IMPERVIOUS SURFACE: 200,000 SF.

DENSITY & PARKING DATA

2
L-4

THE HAYTER FIRM
LANDSCAPE ARCHITECTURE
LAND PLANNING

30 Parker Lane, Suite 3
P.O. Box 3863
Pinehurst, NC 28374
Telephone 910.391.2332
Fax 910.391.3420

MAMA
MICHAEL A. REAL & ASSOCIATES
100 WEST COLUMBIA ST., SUITE 200
GREENSBORO, NC 27408
(733) 944-1277

Tyler's Ridge at Sandhills
Southern Pines North Carolina

Developer - Owner
O'Malley Development, LLC
c/o J.M. O'Malley
2300 Lanes Road
Greensboro, North Carolina 27409
Phone #: 1-814-810-9252

SCALE: 1" = 100'FP

TRACING HISTORY

DATE	BY	DATE

THE HOLDER OF THIS TITLE IS PROHIBITED FROM MAKING ANY DESIGN OR DRAWING INFORMATION ORIGINALLY DEVELOPED WITHOUT THE WRITTEN EXPRESS CONSENT OF THE HAYTER FIRM CONTAINED WITHIN THIS DOCUMENT, IN WHOLE OR IN PART, FOR ANY OTHER BUSINESS THAT THE HAYTER FIRM HAS DEVELOPED.

PRELIMINARY NOT FOR CONSTRUCTION

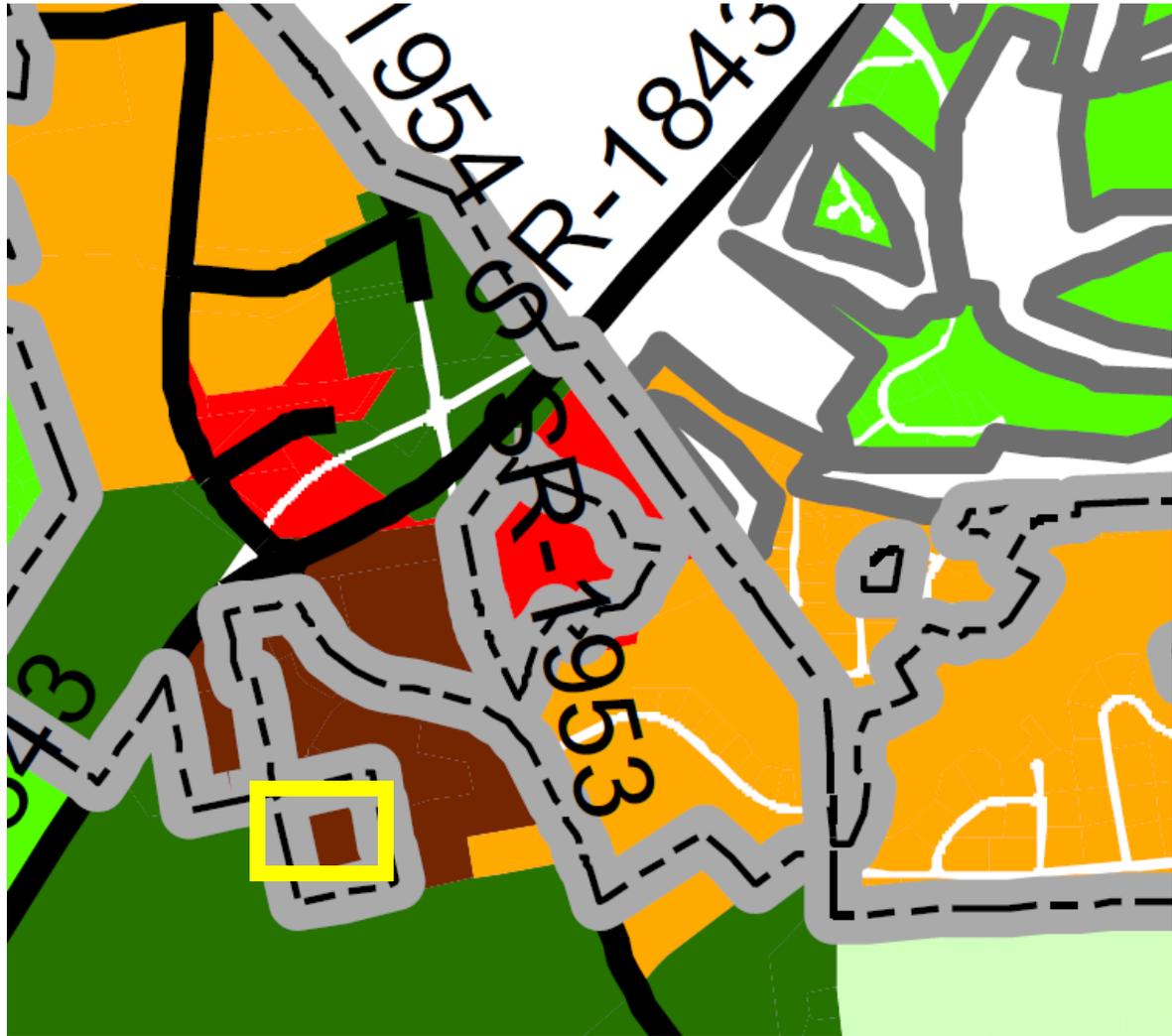
L-4

OVERALL SITE PLAN

PROJECT: THE XXXX-YR
DRAWING PATH:
TTTTF\www\design\pss\840

Future Land Use Map: CU-06-16

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



 = Subject Property

Legend

-  City Limits
-  Primary Roads
- Future Land Use Categories**
-  Parks / Open Space
-  Residential / Golf
-  Rural Equestrian
-  Urban Reserve
-  Low Density Residential
-  Residential
-  Commercial
-  Traditional Mixed Use 
-  Industrial

Agenda Item

To: Reagan Parsons, Town Manager

From: Chris Kennedy, Assistant Town Manager

Subject: Amendment to the ETJ Ordinance to Relinquish Property, Property along SW Broad Street between Bell Avenue and Council Way, 00052519; Petitioner, Mid-State Development LLC

Date: November 9, 2016

The petitioner is requesting that the Town of Southern Pines Extraterritorial Jurisdiction (ETJ) Ordinance be amended to remove property from the ETJ jurisdiction of the Town. The subject property is located along SW Broad Street running parallel to Old US Highway 1 between Bell Avenue and Council Way. The subject property is currently zoned GB (General Business) and is identified by the following: PIN: 857116942605 (PARID: 00052519).

Staff Comments:

- The subject property is comprised of 10.61 acres and is zoned GB (General Business).
- The petitioner also owns the adjacent property currently annexed into the municipal limits of Aberdeen identified by the following: PIN: 857116849300 (PARID: 00049507).
 - The two parcels combined comprise a total of 20.78 acres.
- In a coordinated discussion with Town of Southern Pines staff, Town of Aberdeen staff, and a representative of a developer seeking to develop the two parcels, the Town of Southern Pines recognized the challenges in serving the potential site with infrastructure.
- Rather than requiring the developer to pursue the project through the required development processes of two separate jurisdictions, in addition to the inability of the Town of Southern Pines to efficiently serve the development with the necessary infrastructure, Town of Southern Pines staff is recommending approval of this proposed amendment to the ETJ Ordinance to relinquish the ETJ rights to the property and allow the Town of Aberdeen to annex the site.

Attachments:

- General Statutes Pertaining to ETJ
- GIS Locations

TOWN COUNCIL ACTIONS:

The Town Council shall vote on whether the proposed amendment to the Town's ETJ Ordinance is or is not contrary to the public interest and then vote to approve, deny, or approve with conditions the proposed amendment to the ETJ Ordinance. The vote should be made in one motion. The Town Council could make one of the following motions for recommendations or any alternative they wish:

I move that the proposed amendment to the ETJ Ordinance...

- 1) **is not contrary to the public interest**, therefore...
- 2) **is contrary to the public interest**, therefore...

I move to:

- 1) **Approve** the amendment to the Town of Southern Pines Extraterritorial Jurisdiction Ordinance to relinquish ETJ rights to property along SW Broad Street (Parcel ID: 00052519);

OR

- 2) **Deny** the amendment to the Town of Southern Pines Extraterritorial Jurisdiction Ordinance to relinquish ETJ rights to property along SW Broad Street (Parcel ID: 00052519);

OR

- 3) **Approve** the amendment to the Town of Southern Pines Extraterritorial Jurisdiction Ordinance to relinquish ETJ rights to property along SW Broad Street (Parcel ID: 00052519) **with the following additional conditions...**

§ 160A-360. Territorial jurisdiction.

(a) All of the powers granted by this Article may be exercised by any city within its corporate limits. In addition, any city may exercise these powers within a defined area extending not more than one mile beyond its limits. With the approval of the board or boards of county commissioners with jurisdiction over the area, a city of 10,000 or more population but less than 25,000 may exercise these powers over an area extending not more than two miles beyond its limits and a city of 25,000 or more population may exercise these powers over an area extending not more than three miles beyond its limits. The boundaries of the city's extraterritorial jurisdiction shall be the same for all powers conferred in this Article. No city may exercise extraterritorially any power conferred by this Article that it is not exercising within its corporate limits. In determining the population of a city for the purposes of this Article, the city council and the board of county commissioners may use the most recent annual estimate of population as certified by the Secretary of the North Carolina Department of Administration.

(a1) Any municipality planning to exercise extraterritorial jurisdiction under this Article shall notify the owners of all parcels of land proposed for addition to the area of extraterritorial jurisdiction, as shown on the county tax records. The notice shall be sent by first-class mail to the last addresses listed for affected property owners in the county tax records. The notice shall inform the landowner of the effect of the extension of extraterritorial jurisdiction, of the landowner's right to participate in a public hearing prior to adoption of any ordinance extending the area of extraterritorial jurisdiction, as provided in G.S. 160A-364, and the right of all residents of the area to apply to the board of county commissioners to serve as a representative on the planning board and the board of adjustment, as provided in G.S. 160A-362. The notice shall be mailed at least four weeks prior to the public hearing. The person or persons mailing the notices shall certify to the city council that the notices were sent by first-class mail, and the certificate shall be deemed conclusive in the absence of fraud.

(b) Any council wishing to exercise extraterritorial jurisdiction under this Article shall adopt, and may amend from time to time, an ordinance specifying the areas to be included based upon existing or projected urban development and areas of critical concern to the city, as evidenced by officially adopted plans for its development. Boundaries shall be defined, to the extent feasible, in terms of geographical features identifiable on the ground. A council may, in its discretion, exclude from its extraterritorial jurisdiction areas lying in another county, areas separated from the city by barriers to urban growth, or areas whose projected development will have minimal impact on the city. The boundaries specified in the ordinance shall at all times be drawn on a map, set forth in a written description, or shown by a combination of these techniques. This delineation shall be maintained in the manner provided in G.S. 160A-22 for the delineation of the corporate limits, and shall be recorded in the office of the register of deeds of each county in which any portion of the area lies.

(c) Where the extraterritorial jurisdiction of two or more cities overlaps, the jurisdictional boundary between them shall be a line connecting the midway points of the overlapping area unless the city councils agree to another boundary line within the overlapping area based upon existing or projected patterns of development.

(d) If a city fails to adopt an ordinance specifying the boundaries of its extraterritorial jurisdiction, the county of which it is a part shall be authorized to exercise the powers granted by this Article in any area beyond the city's corporate limits. The county may also, on request of the city council, exercise any or all these powers in any or all areas lying within the city's corporate limits or within the city's specified area of extraterritorial jurisdiction.

(e) No city may hereafter extend its extraterritorial powers under this Article into any area for which the county at that time has adopted and is enforcing a zoning ordinance and subdivision regulations and within which it is enforcing the State Building Code. However, the city may do so where the county is not exercising all three of these powers, or when the city and the county have agreed upon the area within which each will exercise the powers conferred by this Article.

(f) When a city annexes, or a new city is incorporated in, or a city extends its jurisdiction to include, an area that is currently being regulated by the county, the county regulations and powers of enforcement shall remain in effect until (i) the city has adopted such regulations, or (ii) a period of 60 days has elapsed

following the annexation, extension or incorporation, whichever is sooner. During this period the city may hold hearings and take any other measures that may be required in order to adopt its regulations for the area.

(f1) When a city relinquishes jurisdiction over an area that it is regulating under this Article to a county, the city regulations and powers of enforcement shall remain in effect until (i) the county has adopted this regulation or (ii) a period of 60 days has elapsed following the action by which the city relinquished jurisdiction, whichever is sooner. During this period the county may hold hearings and take other measures that may be required in order to adopt its regulations for the area.

(g) When a local government is granted powers by this section subject to the request, approval, or agreement of another local government, the request, approval, or agreement shall be evidenced by a formally adopted resolution of that government's legislative body. Any such request, approval, or agreement can be rescinded upon two years' written notice to the other legislative bodies concerned by repealing the resolution. The resolution may be modified at any time by mutual agreement of the legislative bodies concerned.

(h) Nothing in this section shall repeal, modify, or amend any local act which defines the boundaries of a city's extraterritorial jurisdiction by metes and bounds or courses and distances.

(i) Whenever a city or county, pursuant to this section, acquires jurisdiction over a territory that theretofore has been subject to the jurisdiction of another local government, any person who has acquired vested rights under a permit, certificate, or other evidence of compliance issued by the local government surrendering jurisdiction may exercise those rights as if no change of jurisdiction had occurred. The city or county acquiring jurisdiction may take any action regarding such a permit, certificate, or other evidence of compliance that could have been taken by the local government surrendering jurisdiction pursuant to its ordinances and regulations. Except as provided in this subsection, any building, structure, or other land use in a territory over which a city or county has acquired jurisdiction is subject to the ordinances and regulations of the city or county.

(j) Repealed by Session Laws 1973, c. 669, s. 1.

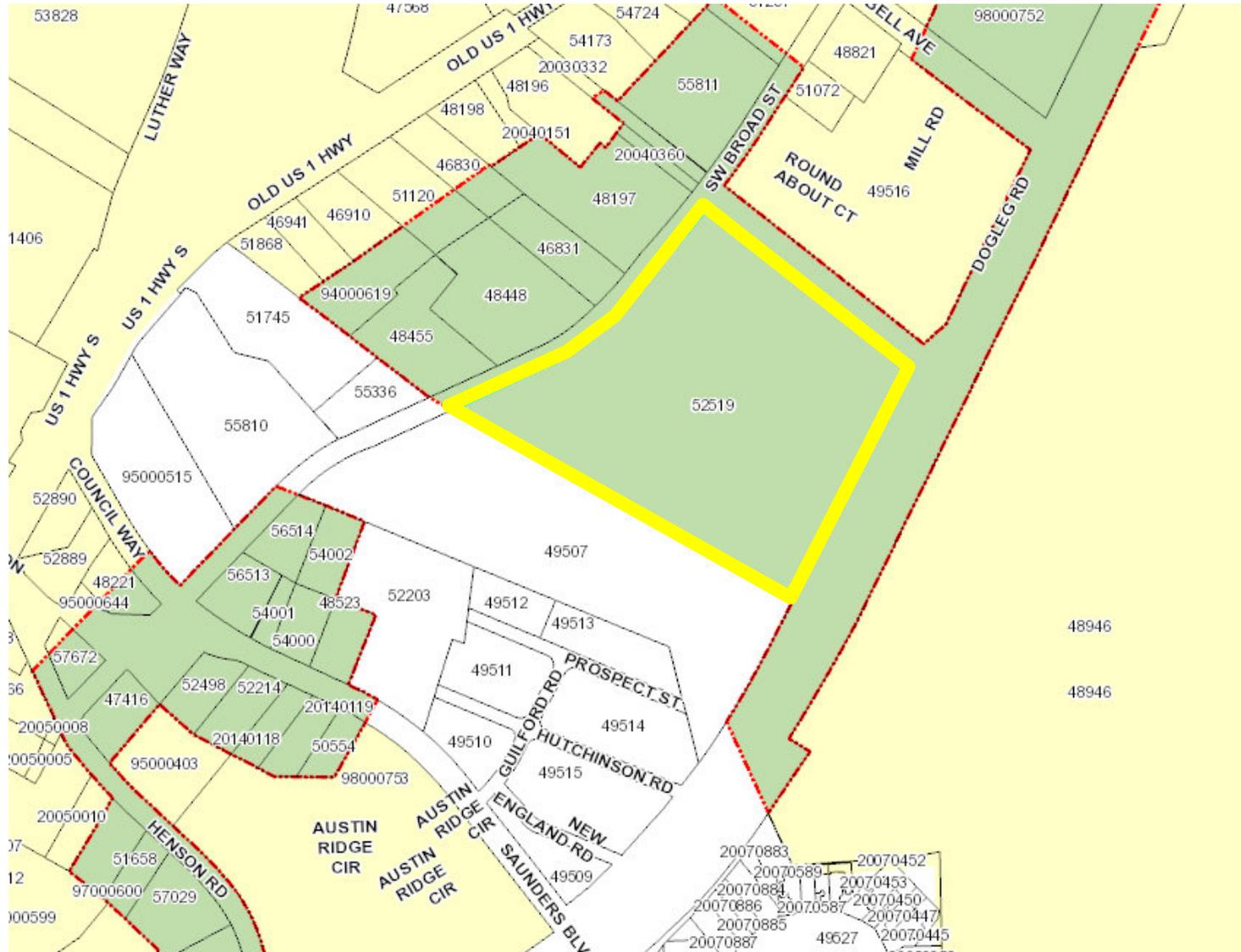
(k) As used in this subsection, "bona fide farm purposes" is as described in G.S. 153A-340. As used in this subsection, "property" means a single tract of property or an identifiable portion of a single tract. Property that is located in the geographic area of a municipality's extraterritorial jurisdiction and that is used for bona fide farm purposes is exempt from exercise of the municipality's extraterritorial jurisdiction under this Article. Property that is located in the geographic area of a municipality's extraterritorial jurisdiction and that ceases to be used for bona fide farm purposes shall become subject to exercise of the municipality's extraterritorial jurisdiction under this Article. For purposes of complying with 44 C.F.R. Part 60, Subpart A, property that is exempt from the exercise of extraterritorial jurisdiction pursuant to this subsection shall be subject to the county's floodplain ordinance or all floodplain regulation provisions of the county's unified development ordinance.

(l) A municipality may provide in its zoning ordinance that an accessory building of a "bona fide farm" as defined by G.S. 153A-340(b) has the same exemption from the building code as it would have under county zoning as provided by Part 3 of Article 18 of Chapter 153A of the General Statutes.

This subsection applies only to the City of Raleigh and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon. (1959, c. 1204; 1961, c. 103; c. 548, ss. 1, 13/4; c. 1217; 1963, cc. 519, 889, 1076, 1105; 1965, c. 121; c. 348, s. 2; c. 450, s. 1; c. 864, ss. 3-6; 1967, cc. 15, 22, 149; c. 197, s. 2; cc. 246, 685; c. 1208, s. 3; 1969, cc. 11, 53; c. 1010, s. 5; c. 1099; 1971, c. 698, s. 1; c. 1076, s. 3; 1973, c. 426, s. 56; c. 525; c. 669, s. 1; 1977, c. 882; c. 912, ss. 2, 4; 1995 (Reg. Sess., 1996), c. 746, s. 1; 2005-418, s. 10; 2011-34, ss. 1, 2; 2011-363, s. 4; 2014-120, s. 15.)

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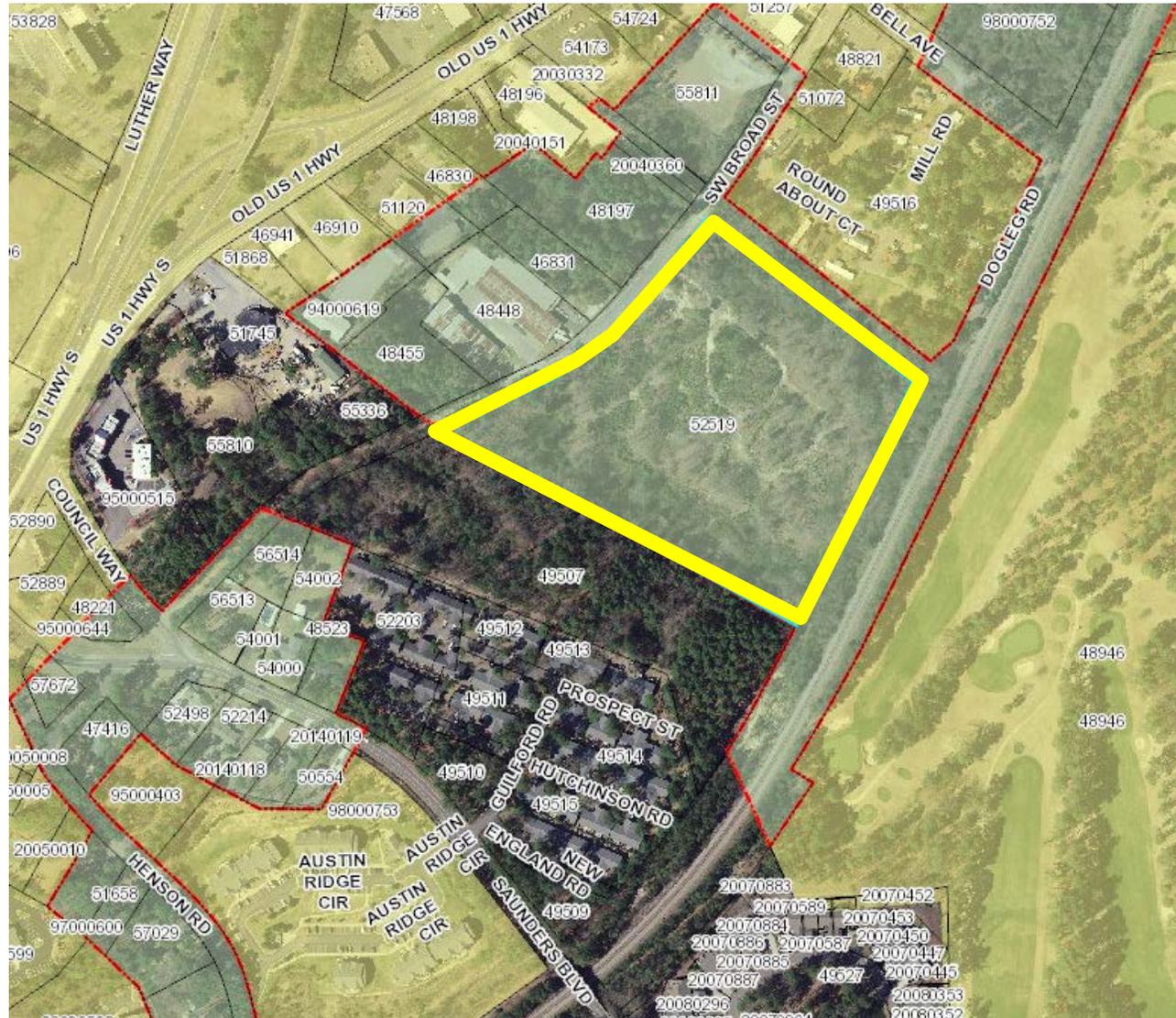
Amendment to the Town of Southern Pines ETJ Ordinance Jurisdiction Map



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Amendment to the Town of Southern Pines ETJ Ordinance

Jurisdiction Map with Aerials



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Amendment to the Town of Southern Pines ETJ Ordinance Zoning Map

