



AGENDA

**Town of Southern Pines Planning Board Regular Meeting
Douglass Community Center
February 17, 2022 at 6:00 PM**

I. Call to Order

II. Approval of Minutes

III. Proceedings:

1. PD-01-22: Planned Development District – Conceptual Development Plan for 12.62+/- acres on the South side of Airport Road between Capital Drive and Lindbergh Place; Petitioner: Rhetson Companies, Inc. by Koontz Jones Design, Authorized Agent
2. Z-01-22: Initial zoning of 4.10 acres located on the East side of NC Highway 22 between Bellhaven Drive and Sullivan Drive to RS-2 following annexation; Petitioner: Benjamin Stout Real Estate Services, Inc.

IV. Unfinished Business

V. New Business

VI. Adjournment

MINUTES
Town of Southern Pines Planning Board Regular Meeting
January 20, 2022 at 6:00 PM

The regular meeting of the Town of Southern Pines Planning Board was held on Thursday, December 20, 2022, at 6:00 PM at the Douglass Community Center, 1185 W. Pennsylvania Avenue, Southern Pines, North Carolina.

Present: Chair Gary Carroll, Vice Chair Diane Westbrook, Benjamin Greene, Lemuel Dowdy and Andy Bleggi

Absent: Cooper Carter and Kim Wade

Town staff present: B.J. Grieve, Planning Director, Suzy Russell, Planner II, and Cindy Williams, Secretary to the Board

CALL TO ORDER

Chair Carroll called the meeting to order at 6:03 PM.

APPROVAL OF MINUTES

Diane Westbrook made a motion, which was seconded by Lemuel Dowdy, to approve the Minutes of the December 16, 2021 regular meeting with one noted change. The motion carried by a vote of 5-0.

ELECTION OF OFFICERS

Lemuel Dowdy made a motion, which was seconded by Diane Westbrook, to re-elect Gary Carroll as Chair of the Planning Board for 2022. The motion carried by a vote of 5-0.

Gary Carroll made a motion, which was seconded by Andy Bleggi, to re-elect Diane Westbrook as Vice Chair of the Planning Board for 2022. The motion carried by a vote of 5-0.

PUBLIC FORUM: PD-12-21 Planned Development District – Preliminary Development Plan

Mr. Kevin Lindsay, on behalf of PTAH, LLC, has applied for a Preliminary Development Plan for Phase 1 of the Waterworks development which will include construction of a 33,000 square foot expansion of the existing 4,260 square foot Waterworks building, a new 9,600 square foot building and construction of 152 permanent parking spaces and 20 temporary gravel parking spaces to serve the proposed buildings.

Chair Carroll asked if there were any conflicts of interest among the members of the Board.

Andy Bleggi requested a recusal as his company owns the subject property.

Diane Westbrook made a motion, which was seconded by Benjamin Greene, to open the public forum. The motion carried by a vote of 4-0.

Mr. Grieve stated that the Preliminary Development Plan is for Phase 1 of the Waterworks development and includes the addition of 33,000 SF of office space to the existing 4,260 SF building, a parking area behind the building, an area of temporary gravel parking and a new 9,600 SF building in the rear of the site for Workhorse Fitness. The proposal appears to be consistent with the Conceptual Development Plan with regard to land use and density. The only change to the previous TIA is a recommendation that the length of the turn lanes be increased to accommodate the proposed uses.

Kevin Lindsay stated that road improvements will include dedicated left and right turn lanes into the development, a dedicated right turn lane going out, a northbound left turn lane into Reservoir Park, and the entrance to Waterworks will line up with the entrance to Reservoir Park. They contacted NCDOT to request a reduction in the speed limit in that area but that request was denied.

Mr. Bleggi stated that the turn lane into Reservoir Park is not a required improvement so he did not want to commit to that at the present time.

Dr. Greene commented that the exterior elevations of the addition are considerably different from the existing building.

Mr. Bleggi responded that the Waterworks development as a whole is being designed to have a more modern look but with features that are in keeping with what existed on the property originally.

Mr. Dowdy asked if the recommendations contained in the 2018 TIA had been incorporated into the current plans.

Mr. Lindsay responded that they are providing access via a full movement intersection to align with Reservoir Park, providing one ingress and two egress lanes, a stop sign at the site driveway, an exclusive northbound right turn lane onto NC 22 with 50 ft. of storage and appropriate taper, a southbound left turn lane with 75 ft. of storage versus the recommended 50 ft., and they have eliminated the service drive. The original plan was to have a second service entrance for emergency and service vehicles but it was decided that was not a good option so they are going

to tie into an existing gravel road that leads to the gas facility and then create access to the site for emergency vehicles.

Mr. Dowdy inquired about changes to the walking trail.

Mr. Bleggi responded that the original plan was to loop the trail around the entire property but they ran into several issues which required modifications. A coffee shop is going to be located within the Workhorse Fitness building which will be convenient to the walking trail.

Chair Carroll opened the forum to the public for any comments and there were none.

Board discussion ensued.

Diane Westbrook made a motion, which was seconded by Lemuel Dowdy, to close the public forum. The motion carried by a vote of 4-0.

Diane Westbrook made a motion, which was seconded by Benjamin Greene, that the Planning Board had no concerns or issues with what was presented during the January 20, 2022 preliminary forum on application PD-12-21 Waterworks Phase 1 Preliminary Development Plan. The motion carried by a vote of 4-0.

PUBLIC FORUM: PD-13-21 Planned Development District - Preliminary Development Plan

Mr. Kevin Lindsay, on behalf of Ubuntu Developer, LLC, has applied for a Preliminary Development Plan for the purpose of developing a 7,000 square foot retail building on 1.12 acres within the Morganton Park South Planned Development. The subject property is identified as PIN: 857100484800 (PARID: 20200422) and per the Moore County tax records, the property owner is listed as Ubuntu Developer LLC.

Diane Westbrook made a motion, which was seconded by Andy Bleggi, to open the public forum. The motion carried by a vote of 5-0.

Ms. Russell provided an overview of the application and stated that the proposal was in compliance with Conceptual Development Plan MRD-01-13 approved in 2013. The property is within the Morganton Road Overlay and the Urban Village Highway Corridor Overlay districts and is designated Traditional Mixed-Use on the CLRP Future Land Use Map. Water and sewer are available to the property. The application complies with all applicable standards with the exception of one deviation request, which is to allow 46 parking spaces, which is 11 more than the 35 spaces that are allowed in the UVHCO. The UDO does allow for flexibility in the administration of the parking standards (UDO §4.5.4).

Ms. Russell stated that the Town Engineer had received an email from Attorney Pamela Duffy stating that she has objections to the continued development that will create more impervious surfaces directing water to the Lowes pond and in turn into the Brucewood pond. The Town Engineer responded to that email as follows: "I have spoken with engineers representing both property owners in this matter. The owners of the Kohl's property and the Lowes Foods property. Both sets of engineers disagree with one another. Ultimately this is a private property matter between the property owners and I have seen nothing to date that would justify placing a hold on development in Morganton Park South relative to the below storm water issues."

Mr. Bleggi asked Ms. Russell if the request for additional parking spaces could be approved administratively.

Ms. Russell responded that approval of additional parking spaces is at the Planning Director's discretion but if the Town Council approves the deviation it becomes part of the Preliminary Development Plan.

Chair Carroll asked what justification had been given for the requested deviation.

Ms. Russell deferred to Mr. Lindsay for that response.

Mr. Lindsay stated that the request was based on the parking standard for other areas that are required to provide one (1) parking space per 100 SF of floor area. They are concerned that 35 spaces will not be adequate parking for the restaurant.

Ms. Russell added that the CDP requires significant buffering of the site.

Mr. Bleggi asked Mr. Lindsay what uses are planned for the other units.

Mr. Lindsay stated that restaurants are planned for two of the five units but the uses of the other three units have not yet been confirmed. Restaurant, retail and office uses are planned for the site.

Mr. Lindsay stated that 0.67 acres of impervious surface was proposed in the drainage calculations that were approved by the Town and that has not changed.

Mr. Dowdy asked Mr. Lindsay if he had any comments in response to the email that staff had received.

Mr. Lindsay responded that they are complying with the limitation of impervious area that was submitted with the sizing of the stormwater basin.

Discussion regarding stormwater retention ensued.

Chair Carroll opened the forum to the public for any comments and there were none.

Diane Westbrook made a motion, which was seconded by Andy Bleggi, to close the public forum. The motion carried by a vote of 5-0.

Diane Westbrook made a motion, which was seconded by Andy Bleggi, that the Planning Board had no issues with what was presented during the January 20, 2022 preliminary forum on application PD-13-21 Old Morganton Road Lot 1 Preliminary Development Plan. The motion carried by a vote of 5-0.

OLD BUSINESS

Mr. Grieve stated that the staff initiated text amendments that were presented at the December 2021 meeting were approved by the Town Council at the January 11, 2022 regular business meeting.

NEW BUSINESS

Mr. Grieve stated that there would be a regular meeting in February but no agenda meeting.

ADJOURNMENT

Lemuel Dowdy made a motion, which was seconded by Benjamin Greene, to adjourn the meeting. The motion carried by a vote of 5-0.

The meeting adjourned at 7:15 PM.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board

Agenda Item

To: Planning Board

From: BJ Grieve, Planning Director

Subject: PD-01-22: Planned Development District - Conceptual Development Plan for 12.62+/- acres on the south side of Airport Road between Capital Drive and Lindbergh Place

Date: February 17th, 2022

I. SUMMARY OF APPLICATION REQUEST:

Mr. Bob Koontz of Koontz Jones Design, on behalf of Rhetson Companies, Inc., has submitted a Planned Development District – Conceptual Development Plan application pursuant to §2.18.4 of the Town of Southern Pines Unified Development Ordinance (UDO) to allow a commercial development containing any of the land uses that are allowed in the Town’s GB-General Business and OS-Office Services zoning districts. Development of the subject property will require connecting Capital Drive through the subject property to Airport Road, providing a greenway connection from Sandhills Community College paths through the development to sidewalks in the Tyler’s Ridge development and on to paths connecting to Reservoir Park, four-sided compliance with UDO 4.10 for commercial structures adjoining Airport Road, and parking configuration oriented internally, towards the proposed Capital Drive extension. The subject parcels are currently zoned PD (Planned Development) and are identified as PIN: 857300963887 (PARID: 00033603) and PIN: 857300974411 (PARID: 00033604). The property owner is Southern Pines Ace Land Company, LLC.

Figure 1: Vicinity & Current Zoning Map (Subject Property outlined in Red):

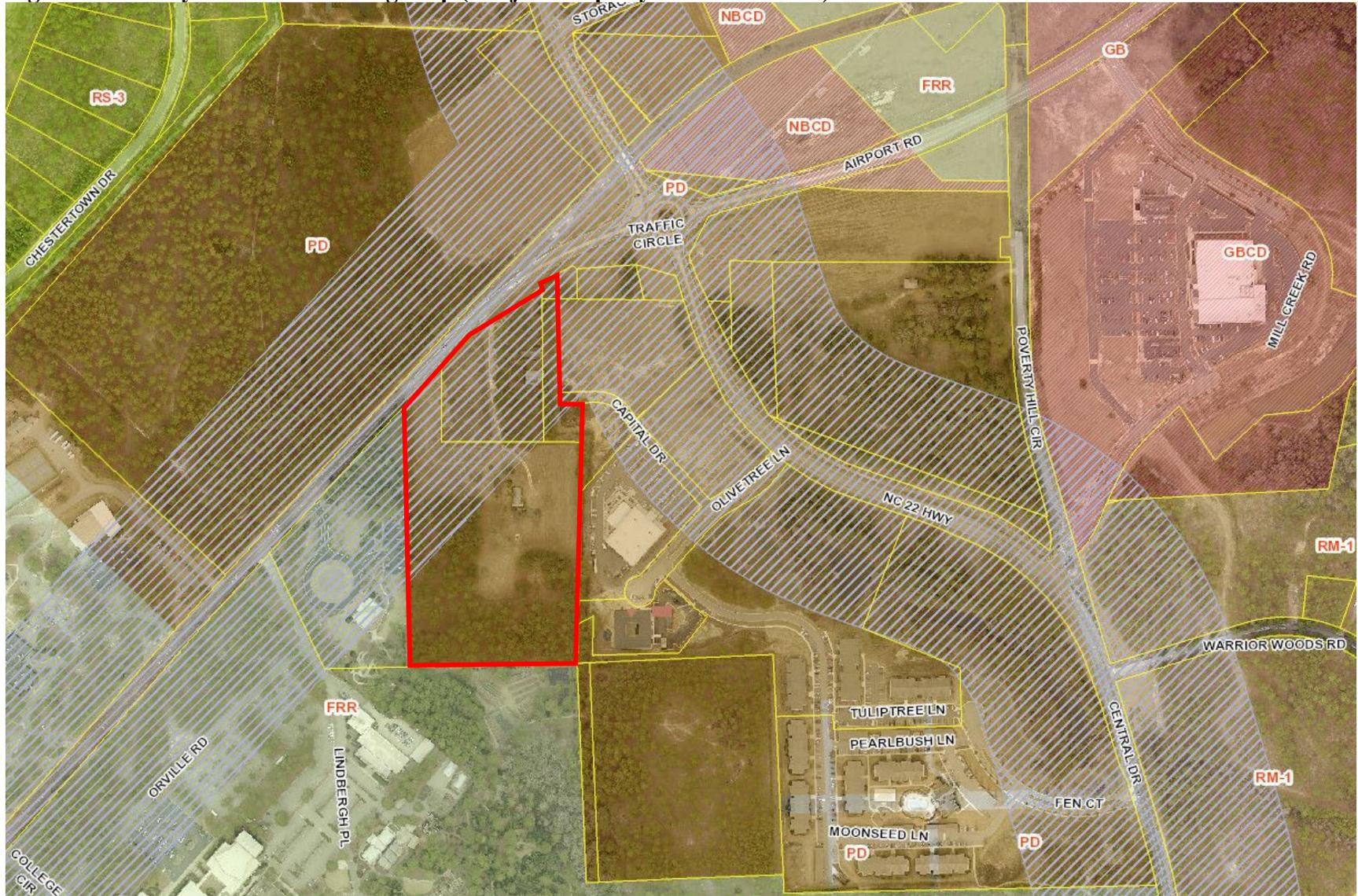
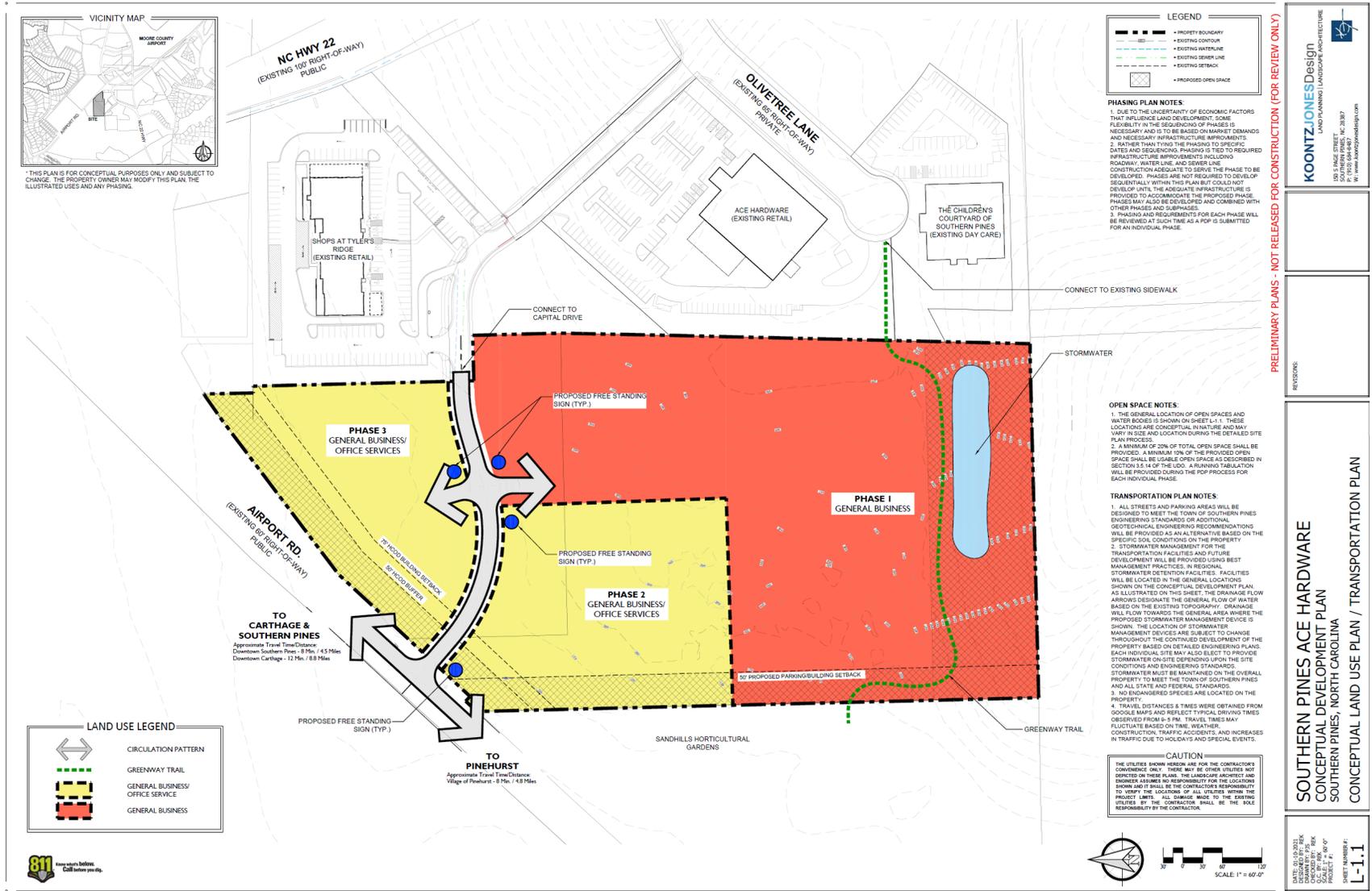


Figure 2: Oblique Aerial Image of Present Condition of Subject Property (January 21, 2022):



Figure 3: Proposed Conceptual Development Plan Layout (PD-01-22):



II. STAFF REVIEW:

A. Review Process:

Applications for a Planned Development District (PD) are reviewed in accordance with UDO §2.18. Creating a Planned Development District is a three-step process including Conceptual Development Plan (CDP), Preliminary Development Plan (PDP) and Final Development Plan (FDP). The first step, CDP, is when the unique zoning standards to which the entire project will be subject in the future are established via a rezoning process. This application is for a CDP.

B. Application Review Dates:

- CDP Application Submitted: January 10, 2022
- Application Deemed Incomplete: January 13, 2022
- The developers held a Neighborhood Meeting on January 18, 2022 in compliance with UDO §2.18.3(D). Meeting minutes, copies of materials presented and a sign-in sheet from the meeting are all attached to this staff report.
- Application Deemed Complete: January 22, 2022
- Notice of February 17, 2022 Planning Board Public Hearing:
 - Posted On-site: January 25, 2022
 - Mailed: January 28, 2022
 - Publication Dates: February 2 and February 9, 2022
- Planning Board Regular Meeting: February 17, 2022

C. Criteria for Review:

The criteria for review and approval of a Conceptual Development Plan (CDP) are found in UDO §2.18.4(H):

Conceptual Development Plan

1. *The proposed PDD satisfies the criteria for a zoning map amendment established in this chapter;*
2. *The Conceptual Development Plan represents an overall Development Pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program, and any other applicable planning documents adopted by the Town;*
3. *The proposed Development is appropriate for the area of the Town in which it is located; and*
4. *The proposed Development will not generate the need for inefficient extensions and expansions of public facilities, utilities and services.*

D. Staff Comments:

i. Consistency with Goals and Policies of the Comprehensive Long Range Plan (CLRP):

The applicant has provided narratives addressing consistency of the proposed CDP with the Town's Comprehensive Long-Range Plan. The applicant's narratives are

attached to this staff report. The CLRP designation of the subject property is “Traditional Mixed Use,” a designation with which the proposed Planned Development generally complies.

ii. Consistency with Criteria for a Zoning Map Amendment and for a Conceptual Development Plan:

An application for approval of a Conceptual Development Plan (CDP) follows the procedure for a rezoning because the CDP document, once approved, will constitute the zoning of the subject properties.

The criteria against which a CDP shall be reviewed are found in UDO §2.18.4(H). The applicants have provided a narrative addressing the purpose of a Planned Development per UDO §2.18.4(A), and a narrative addressing the criteria for a CDP per UDO §2.18.4(H). Copies of the applicant’s narrative documents containing their descriptions of the manner in which the project meets applicable criteria are attached to this staff report.

iii. Deviations from Unified Development Ordinance (UDO):

The applicant has provided a CDP containing the design standards within the ACE Hardware Planned Development. Any development design requirements not specifically modified within the CDP will default to the requirements set forth in the UDO.

The CDP contains two requests for easing of otherwise-applicable UDO design standards. Section 4.2.2 of the CDP allows a reduction of buffer plantings for outdoor seating areas located within the Highway Corridor Overlay, and Section 4.2.4 appears to permit a reduction of buffer plantings when there is a conflict with the location of a greenway trail.

At planning staff’s request, the applicants have included additional restrictions on parking lot location for outparcels adjoining Airport Road (to orient parking internally, not towards Airport Road) and to require front of building architecture for portions of buildings facing both Capital Drive and/or Airport Road.

iv. Consultation with Technical Review Committee:

The proposed development was presented to the Town of Southern Pines Technical Review Committee (TRC) on February 8, 2022. Discussion was held regarding potential airport concerns based on the concerns that were raised with Tyler’s Ridge CUP was undergoing review. It was discussed that the airport authority had been notified and comments were expected (see agency referrals below).

At this time, the TRC is unable to provide further specific feedback because much of the proposed CDP is zoning standards, not specific design to review. Due to the lack of specificity in the CDP regarding future land uses, specific location(s) of land uses and overall site layout (i.e. parking circulation, etc.) the TRC must wait

and review more specific plans submitted with future applications for Preliminary Development Plans.

v. Noteworthy Project Elements for Planning Board & Town Council Consideration:

- The proposed Planned Development is located within the Airport Hazard Overlay (AHO). This overlay consists of two restriction areas, a large “Approach Zone” and a smaller, more restrictive “Clear Zone.” The proposed Planned Development is located within the “Approach Zone,” but not within the more restrictive “Clear Zone.” The “Approach Zone” restricts the height of trees and buildings to below an inclined plane located in the sky as described in UDO §3.6.7(B)(1). The Planned Development does not establish building height restrictions that are unique, so the building heights within the Ace Hardware Planned Development default to those set forth in the RM-1 district, per UDO §3.5.14(O)(2). Building heights within the Ace Hardware Planned Development are therefore 40’.
- The proposed Planned Development is located within the Little River Intake No. 2 Water Supply Watershed. Since all phases of development of the property will involve built-upon area in excess of 24%, the applicants have requested 8.83 acres of exemption allocation to be granted by the Town Council concurrently with the Planned Development CDP. The current balance of exemption allocation in the Little River Intake No. 2 Water Supply Watershed is 577.50 acres (not including the pending request for 25.4 acres of allocation for the Patrick’s Pointe project). If Town Council grants the requested 8.83 acres of allocation to the Ace Hardware Planned Development, the balance will be 568.67 acres and the proposed development will be permitted to develop to a maximum of 65% built-upon area (maximum per the Urban Transition Highway Corridor Overlay).
- A Traffic Impact Analysis (TIA) is not required to be submitted with a Planned Development CDP application. General transportation planning information is provided on the CDP plan. A TIA will be required with each phase of development that will be reviewed individually as Preliminary Development Plans (PDP).

III. Cooperating Agency Review and Comments:

A request for comments from agencies was emailed to representatives of the Town’s Technical Review Committee (TRC), the North Carolina Department of Transportation (NCDOT), Sandhills Community College (given location of proposed PD), U.S. Fish and Wildlife Service, Regional Land Use Advisory Commission (RLUAC) and Moore County Airport on January 25, 2022.

- Dagoberto JuarezPozos with NCDOT commented on January 25, 2022 that his agency is “...currently working with the developer on access and possible

roadway improvements. Do not have things hashed out yet, but definitely will prior to approving a new connection to Airport Rd.” A copy of NCDOT’s comments are attached to this staff report.

- Vagn Hansen with RLUAC provided written comments via email on January 25, 2022. A copy of RLUAC’s comments are attached to this staff report.
- Doug Smith with Sandhills Community College provided written comments via email on January 27, 2022. A copy of SCC’s comments are attached to this staff report.
- Comments were received from Moore County Airport on February 9, 2022. The airport stated that prior to construction on the subject property, the developers must complete FAA Form 7460. Furthermore, the airport provided a list of activities that may not take place on the subject property. The airport recommends something to give land owners notice that they are near an airport, and this could be added to the CDP that will guide future development.
- Comments were received from Mr. John Hammond at the US Fish and Wildlife Service on February 10, 2022. Mr. Hammond stated that the CDP site “falls within the ½-mile radius foraging partition of one active red-cockaded woodpecker cluster.” A copy of Mr. Hammond’s comments are attached to this report.

IV. ATTACHMENTS:

The following materials are provided as attachments to this staff memorandum:

1. DRAFT Planning Board Resolution to Adopt a Written Recommendation
2. CDP Application
3. Neighborhood Meeting Report
4. Narratives
 - a. Addressing UDO §2.18.4(A)
 - b. Addressing UDO §2.18.4(H)
5. CDP Plan
6. CDP Text
7. Survey of Subject Property
8. RLUAC Comments
9. NCDOT Comments
10. SCC Comments
11. MCA Comments
12. USFWS Comments

V. PLANNING BOARD ACTION:

A request for approval of a Conceptual Development Plan is a request for a rezoning. Per North Carolina General Statute 160D-604(d), prior to consideration by the Town Council of the proposed Planned Development District - Conceptual Development Plan (CDP), the Planning Board shall advise and comment on whether the proposed CDP is consistent with the Comprehensive Long Range Plan. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendments by the Town Council.

To assist the Planning Board in performing this task, town staff have prepared the following draft motions for the Planning Board’s consideration, possible modification as necessary, and adoption:

I move that after reviewing the proposed Conceptual Development Plan and considering the criteria for approval of a Planned Development District found in UDO §2.18.4(H):

1. The requested Conceptual Development Plan is consistent with the Comprehensive Long Range Plan for the reasons set forth in Attachment “A” of staff report PD-01-22;
2. The requested Conceptual Development Plan is consistent with the Comprehensive Long Range Plan for the reasons set forth in Attachment “A” of staff report PD-01-22 as revised by the Planning Board;
3. The requested Conceptual Development Plan is inconsistent with the Comprehensive Long Range Plan for the reasons set forth in Attachment “A” of staff report PD-01-22 as revised by the Planning Board;

I further move that the following other matters were considered by the Planning Board and shall be added to Attachment A by town staff as part of the Planning Board’s written recommendation to the Town Council:

- 1.

And, therefore, I move to:

1. Recommend approval of PD-01-22 to the Town Council;
2. Recommend denial of PD-01-22;



ATTACHMENT A

**PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR CONCEPTUAL DEVELOPMENT PLAN APPLICATION
PD-01-22**

WHEREAS, Section 160D-604(d) of the North Carolina General Statutes specifies that the Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the planning board, but that a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

WHEREAS, pursuant to Section 160D-701 of the North Carolina General Statutes, zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to promote the public health, safety, and general welfare.

WHEREAS, the Planning Board conducted a public hearing on February 17, 2022 for consideration of a Planned Development - Conceptual Development Plan for the Ace Hardware Planned Development;

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the Conceptual Development Plan application PD-01-22 is consistent with the Town of Southern Pines Comprehensive Long Range Plan (CLRP) because the entire subject property is specifically designated for a future land use of “Traditional Mixed Use” and the proposed Conceptual Development Plan (CDP) allows all the land uses permitted in the General Business and Office Services zoning districts. The proposed CDP is adjacent to existing commercial and multi-family residential development, can be served by existing water and sewer facilities, is accessible via existing internal private streets that will connect to Airport Road, and contains design requirements that will mitigate impacts of commercial development. Prior to connecting Capital Drive to Airport Road, the developer will be required to meet the access improvement requirements of the North Carolina Department of Transportation.

AND, THEREFORE, BE IT FURTHER RESOLVED that the following additional matters were considered by the Planning Board as a basis for a recommendation of approval to the Town Council regarding PD-01-22:

1. The applicants will revise the CDP to include site and building design requirements that will mitigate the concerns raised in written comments from Moore County Airport and U.S. Fish and Wildlife Service.

ADOPTED this the 17th day of February, 2022.

Gary Carroll, Chairman

ATTEST:

Cindy Williams
Secretary to the Planning Board



Planned Development District Conceptual Development Plan Application

Fee: \$1,800.00

Date Received: _____

Case No.: PD-____-____

Project Information:

Project Name: ACE Hardware Conceptual Master Plan

Physical address: TBD Capital Drive, Southern Pines, NC

PIN: 857300963887 and 857300974411 Parcel ID: 00033603 and 00033604
12.62 acres +/- , final acreage to be determined

Site Size: by final Survey Zoning: CB-CD and PD

Applicant:

Name(s): Rhetson Companies, Inc.

Email: tony@rhetson.com Phone: (910) 944-0881

Mailing Address: 2075 Juniper Lake Road, West End, NC 27376

Authorized Agent, if different from Applicant:

Name(s): Koontz Jones Design

Email: bkoontz@koontzjones.com Phone: (910) 684-8487

Mailing Address: 150 S. Page Street, Southern pines, NC 28387

Legal Property Owner(s), if different from Applicant:

Name(s): Southern Pines Ace Land Company, LLC

Email: RSaunders@southernpinesace.com Phone: _____

Mailing Address: 215 Capital Drive, Whispering Pines, NC 28327

8-27-21

TO THE TOWN OF SOUTHERN PINES PLANNING BOARD AND TOWN COUNCIL:

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council for approval of a Planned Development District – Conceptual Development Plan as required by the Town of Southern Pines Zoning Ordinance. The following information is submitted in support of this application:

The property which is the subject of this application is located on the South side of Airport Road (St./Ave.), between Capital Drive (St./Ave.) and Lindbergh Place (St./Ave.). The property has a frontage of approx. 660 feet and a depth of approx. 892 feet.

The request is based upon **Section 2.18** of the **Town of Southern Pines Unified Development Ordinance**.

The proposed use of the property is as follows:

General business to include offices, retail, grocery, hardware, equipment repairs, construction related businesses, education/public administration/health care/other institutions, transportation/communication/information/utilities, manufacturing/wholesale trades, and general sales or services

Date: 1/10/2022


Applicant

PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES
plan@southernpines.net (910) 692-4003 www.southernpines.net

APPOINTMENT OF AGENT

Rhetson Companies, Inc. and
Koontz Jones Design

The undersigned owner(s), Randall Saunders, hereby appoint(s) Koontz Jones Design as the exclusive agent for the purpose of making an application to the Town of Southern Pines for the approval of the Planned Development District – Conceptual Development Plan described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the approval of a Planned Development District – Conceptual Development Plan; and
4. to act on behalf of the property owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Planned Development District -Conceptual Development Plan under the Southern Pines Unified Development Ordinance.

This Appointment of Agent shall remain in effect until final resolution of the attached application.

Signed this 10th day of January, 2022.



Property Owner



Agent Rhetson companies, inc
Property Owner



Agent
Koontz Jones Design

NEIGHBORHOOD MEETING REPORT

DATE: January 19, 2022

PROJECT: Ace Hardware CDP

LOCATION: Koontz Jones Design Office
150 South Page Street
Southern Pines, NC

SUBMITTED BY: Bob Koontz

ATTENDEES: Bob Koontz, Koontz Jones Design, PLLC
Paul Saathoff, Koontz Jones Design, PLLC
Randy Saunders, Southern Pines Ace Hardware
Tony Bornhorst, Rhetson Companies, Inc.

An informal Neighborhood Meeting was held on Tuesday January 18, 2022, from 4:00 pm to 6:00 pm in the design office of Koontz Jones Design located at 150 South Page Street in downtown Southern Pines. This meeting is required by the Town of Southern Pines Unified Development Ordinance (UDO) for rezoning applications. The owner and project team held this meeting with the adjoining property owners to present the project and solicit feedback on the preliminary plans for the proposed mixed-use Conceptual Development Plan for Southern Pines Ace Hardware. The development of the +/- 12.62-acre property will allow for a mixture of commercial, retail, restaurant, and office uses that will be carefully integrated into the surrounding area and compatible with the surrounding development areas. All adjoining parcel owners within 200' of the proposed development were notified by letter (see attached copy of the letter) ten (10) days prior to the meeting date.

The meeting was informal in nature to allow adjoining property owners the opportunity to drop by at their convenience to review preliminary plans and ask questions of the development team. No formal presentation was provided. Drawings of the conceptual master plan and site location map were provided for review by the property owners. The land planner/landscape architects, the owner, and the owner's representatives were available to answer questions regarding the proposed project.

Adjoining property owners consisting mainly of representatives from Sandhills Community College and the Tyler's Ridge development took the opportunity to review the plans and discuss the project with the development team. A sign-in sheet, showing the name, address, and email address of the nine (9) attendees was kept and is attached to this document.

Randy Saunders introduced himself and provided information on his business and the proposed relocation to the area described in the CDP. The development team presented and reviewed the preliminary plans

with the attendees. Questions relating to many aspects of the proposed development were raised and responded to by the development team. The following is a list of the questions posed to the development team:

- How/Where will the proposed greenway trail connect to the adjacent properties? The development team discussed possible connection points to the adjacent Sandhills Community College (SCC) properties. After discussing with representatives from SCC, it was agreed that a connection near the parking area of the Horticultural Gardens could be a great opportunity to connect to extend the Southern Pines greenway system. The development team also discussed the connection to the existing sidewalk along Olivetree Lane which would then allow for a connection to the reservoir park via Tyler's Ridge apartments.
- What buffers/setbacks will exist between the proposed development and SCC? The development team reviewed the proposed 50' building/parking setback on the west side of the property along the SCC property. It was explained that due to the flat conditions in much of this area that there was a real possibility to leave much of the existing vegetation in this proposed setback.
- Where will storm water be directed and maintained? The development team advised that the stormwater would be directed and maintained on site in the general area as shown in the CDP towards the southern property boundary. A wet pond or dry retention pond will be designed as required by Town and State of North Carolina requirements.
- Roadway connections and circulation throughout the Conceptual Development Plan Area were presented. The development team explained that a connection to Captial Drive at the existing stub near the Shops at Tyler's Ridge would be made. A Captial Drive intersection at Airport Road would also be created. The development team explained that they are working with NCDOT on the intersection and any improvements that would need to be made and that a road widening and turn lane would be necessary.
- Who are the proposed retailers? The development team explained that Ace Hardware would be relocated to the proposed 'Phase 1' area as shown in the conceptual development plan area. Other phases could have a mixture of office, retail, or restaurant uses. It was explained that a list of permissible uses was included with the CDP which eliminated several GB/OS services that would not fit the character of the property.



Robert Koontz, RLA

These notes reflect the author's interpretation of the events during the referenced meeting. Any additions or modifications required should be submitted to the author in writing.

**ACE HARDWARE CONCEPTUAL DEVELOPMENT PLAN
NEIGHBORHOOD MEETING SIGN-IN SHEET**

Name	Address	Email Address
Randy Saunders	218 Capital Drive Carrboro, NC, 28321	Rsaunders@southernpinesace.com
Tony Bornerst	2075 Juniper Lake West End, NC 27376	TONY@RHETSON.COM
Jim O'Malley	121 National Drive Pinhook, NC 28374	jomalley@omalleydevelopment.com
Brenda Jackson	3295 Airport Rd Pinhook, NC	jacksonbr@sandhills.edu
John Deady	3525 Airport Rd, Pinhook Abundant	
Tim Carpenter	146 Aqua Shed Ct	tim@lkcengineering.com
Ron Layne	SCC	layner@sandhills.edu
George W. Little	SCC	gwlittle51@gmail.com
Dang Smith	SCC	smithdo@sandhills.edu

January 6, 2022

Dear adjoining property owner,

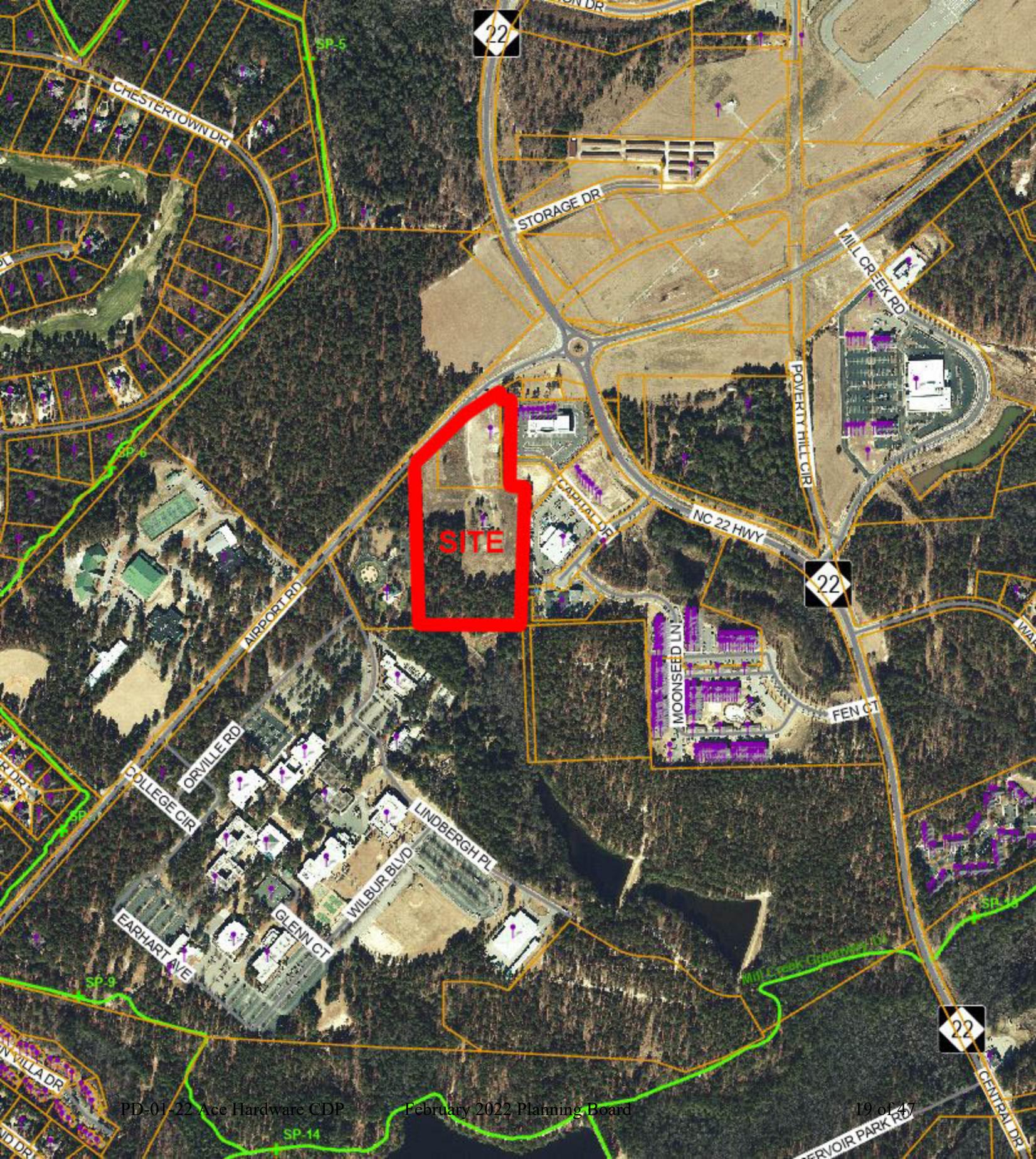
A Neighborhood Meeting will be held to discuss the proposal of a Conceptual Development Plan for a ±13.46-acre property on the south side of Airport Road between Lindbergh Place and NC Highway 22. The property is currently zoned PD (Planned Development). With the proposed Conceptual Development Plan, the applicant is seeking to create a planned development allowing for commercial and office development.

This is not a public hearing. The purpose of this meeting is to inform neighboring property owners of the proposal and to seek comments. The drop-in meeting will be held on Tuesday January 18, 2022, between the hours of 4:00 pm and 6:00 pm at the offices of Koontz Jones Design, located at 150 South Page Street in Southern Pines. This meeting will be informal, with no scheduled presentation, so feel free to come by at your convenience during the designated hours. Conceptual plans will be made available for review and discussion with members of the project team. Anyone seeking additional information regarding this project may call (910) 639-4058.

Best Regards,

A handwritten signature in black ink, appearing to read 'Rt Koontz', with a long horizontal flourish extending to the right.

Robert Koontz, PLA



**Southern Pines Ace Hardware
Conceptual Development Plan Justification**

Below are listed the four (4) criteria required to approve a Conceptual Development Plan (CDP) application as described in Section 2.18.4(A) of the Town of Southern Pines UDO. Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

A Conceptual Development Plan is permitted if the Applicant demonstrates that:

- (1) The mix and intensity of land uses are consistent with the Comprehensive Plan;

The property is zoned Planned Development (PD) on the official zoning maps. The proposed CDP complies with the submission requirements of the PD district and proposes a mixture of uses. Land uses proposed for the are consistent with the Town's Comprehensive Long-Range Plan (CLRP) and promote its objectives. The CLRP has designated the properties included in the application as Traditional Mixed-Use. This CDP encourages a variety of land uses and building types, including multi-family residential, retail/commercial, and office uses. The CDP results in a master planned development, and discourages disjointed, piecemeal development. These are all goals of the Town's Planning documents.

- (2) The general street layout is consistent with mobility needs of the Town and the proposed Development;

Roadway connections will be provided that will efficiently connect adjoining properties to the development's circulation network. Connections to the development will add significant roadway connections and circulation routes for the overall community, adding important mobility connections for all residents. Upon full build-out, connections will be made to existing stub out locations on adjacent parcels and create a comprehensive transportation network.

All roadways and parking areas will be constructed to the Town of Southern Pines standards. Public water and sewer utilities will be connected to existing utilities surrounding the site.

- (3) The phasing plan enables each phase to be developed in a way that it creates a sustainable neighborhood that will be enhanced as each successive phase is developed; and

A phasing plan is provided within the CDP documents and is intended to provide a framework that will promote a complete and cohesive development. Due to the uncertainty of economic factors that influence land development some flexibility in the sequencing of phases is necessary and is to be based on market demands and necessary infrastructure improvements. Standards included in the CDP document will govern the development and set the character of each development phase. Even though phases may be developed over different periods, these standards will ensure consistency.

The proposed phasing strategy above will ensure the Town of Southern Pines that development occurs in an orderly fashion, adequate utilities will be developed as needed, and each phase will enhance the overall development area and surrounding development areas.

(4) The proposed arrangement of land uses and the phasing plan are compatible with surrounding neighborhoods.

Uses within the development are compatible with the surrounding land uses. The property is designated as Traditional Mixed-Use in the CLRP. The development proposed in the CDP prescribes a development with retail, commercial, and office elements.

Surrounding development consists of retail/commercial developments, institutional facilities, and multi-family residential. The proposed development is compatible with the surrounding area and will provide additional connections to the adjacent properties. Phasing as proposed allows for adequate infrastructure completion that will ensure the orderly development of the property and provide infrastructure extensions as necessary to serve the overall development area.

**Southern Pines Ace Hardware
Conceptual Development Plan Criteria Justification**

Below are listed the four (4) criteria required to approve a Conceptual Development Plan (CDP) application as described in Section 2.18.4(H) of the Town of Southern Pines UDO. Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

A Conceptual Development Plan is permitted if the Applicant demonstrates that:

- (1) The proposed PDD satisfies the criteria for a zoning map amendment established in this chapter;

The property is zoned Planned Development (PD) on the official zoning maps. The proposed CDP complies with the submission requirements of the PD district and proposes a mixture of uses. Land uses proposed for the CDP for Southern Pines Ace Hardware are consistent with the Town's Comprehensive Long-Range Plan (CLRP) and promote its objectives. The CLRP has designated the properties included in the application as Traditional Mixed-Use. This CDP encourages a variety of land uses and building types, including retail/commercial and office uses. The CDP results in a master planned development, and discourages disjointed, piecemeal development.

- (2) The Conceptual Development Plan represents an overall Development Pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program, and any other applicable planning documents adopted by the Town;

The subject property is currently zoned Planned Development (PD). There is no approved Conceptual Development Plan (CDP) in place for the PD zoned area. The property is designated as Traditional Mixed-Use in the Town's CLRP.

The vision for the project is to develop a high-quality commercial center that will be carefully integrated into the surrounding area and compatible with the surrounding development areas. Architectural themes, landscaping, and design elements common to Southern Pines will be utilized as described in the Town of Southern Pines UDO or in this CDP document. The master plan provides for a mixture of commercial and office uses.

The proposed CDP for the property is consistent with the Town's Comprehensive Long-Range Plan (CLRP) and promotes its objectives. As stated above, the CLRP has designated the property as a Traditional Mixed-Use. This CDP encourages a variety of land uses and building types including retail/commercial, and office uses. The CDP results in a master planned development, and discourages disjointed, piecemeal development.

- (3) The proposed Development is appropriate for the area of the Town in which it is located; and

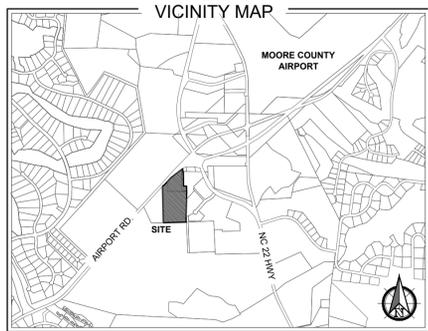
Uses within the development are compatible with the surrounding land uses. The property is designated as Traditional Mixed-Use in the CLRP. The development proposed in the CDP prescribes a development with retail, commercial, and office elements.

Surrounding development consists of retail/commercial developments, institutional facilities, and multi-family residential. The proposed development is compatible with the surrounding area and will provide additional connections to the adjacent properties. Phasing as proposed allows for adequate infrastructure completion that will ensure the orderly development of the property and provide infrastructure extensions as necessary to serve the overall development area.

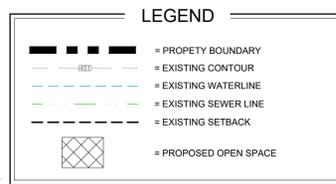
- (4) The proposed Development will not generate the need for inefficient extensions and expansions of public facilities, utilities, and services.

The proposed Development will not generate the need for inefficient extensions and expansions of public facilities, utilities and services. Roadway connections will be provided that will efficiently connect adjoining properties to the development's circulation network.

As described in Sections 4.2.5 of the project narrative, water and sewer utilities are readily available for the project, as well as all other necessary utilities. New utilities to serve the community described in the CDP documents, will follow the existing pattern of utility extensions within the area. Adequate sewer and water capacity to serve the development is available.



* THIS PLAN IS FOR CONCEPTUAL PURPOSES ONLY AND SUBJECT TO CHANGE. THE PROPERTY OWNER MAY MODIFY THIS PLAN, THE ILLUSTRATED USES AND ANY PHASING.



PHASING PLAN NOTES:

1. DUE TO THE UNCERTAINTY OF ECONOMIC FACTORS THAT INFLUENCE LAND DEVELOPMENT, SOME FLEXIBILITY IN THE SEQUENCING OF PHASES IS NECESSARY AND IS TO BE BASED ON MARKET DEMANDS AND NECESSARY INFRASTRUCTURE IMPROVEMENTS.
2. RATHER THAN TYING THE PHASING TO SPECIFIC DATES AND SEQUENCING, PHASING IS TIED TO REQUIRED INFRASTRUCTURE IMPROVEMENTS INCLUDING ROADWAY, WATER LINE, AND SEWER LINE CONSTRUCTION ADEQUATE TO SERVE THE PHASE TO BE DEVELOPED. PHASES ARE NOT REQUIRED TO DEVELOP SEQUENTIALLY WITHIN THIS PLAN BUT COULD NOT DEVELOP UNTIL THE ADEQUATE INFRASTRUCTURE IS PROVIDED TO ACCOMMODATE THE PROPOSED PHASE. PHASES MAY ALSO BE DEVELOPED AND COMBINED WITH OTHER PHASES AND SUBPHASES.
3. PHASING AND REQUIREMENTS FOR EACH PHASE WILL BE REVIEWED AT SUCH TIME AS A PDP IS SUBMITTED FOR AN INDIVIDUAL PHASE.

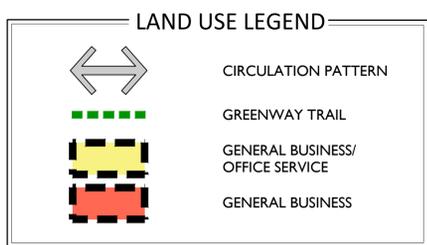
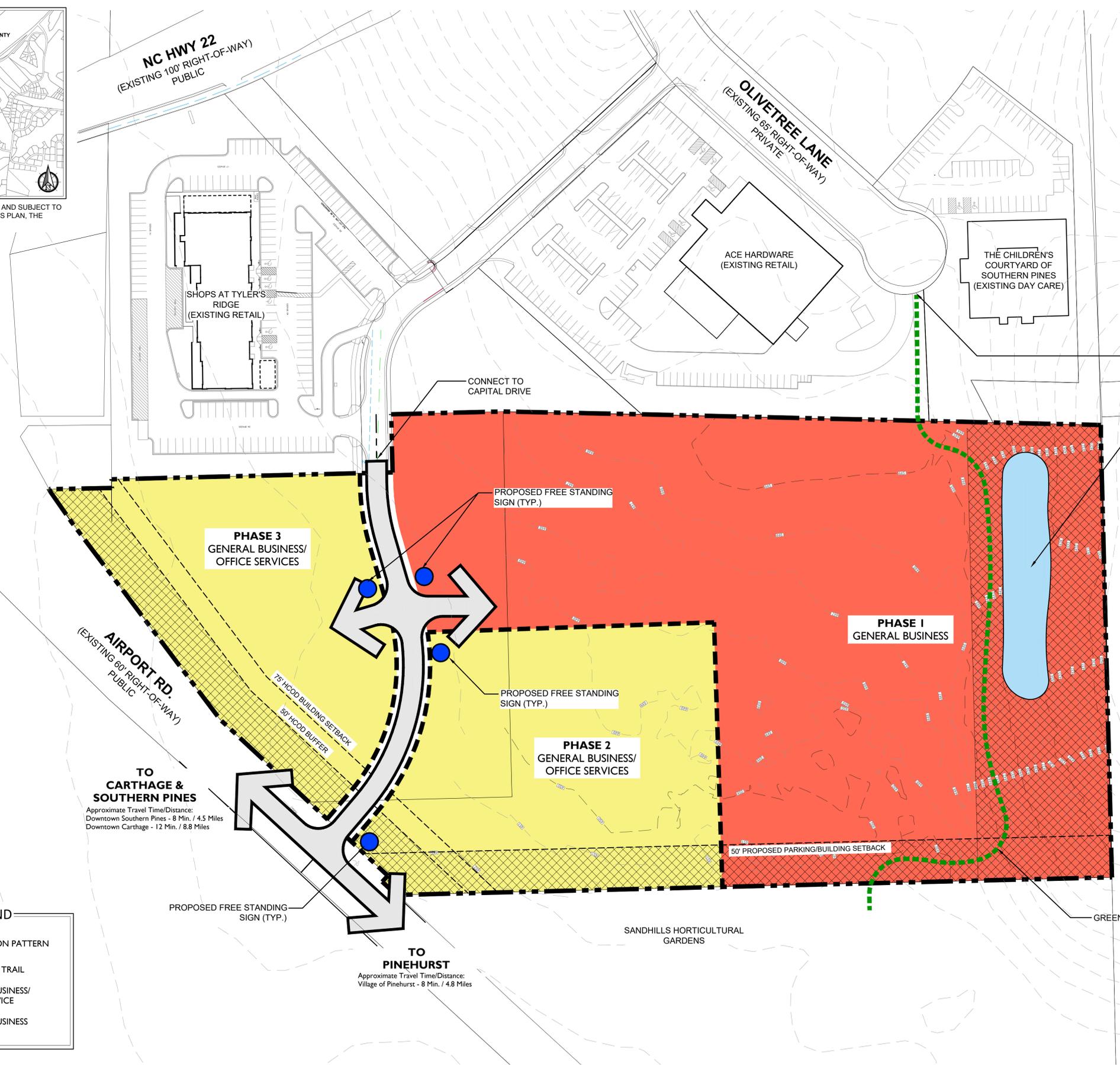
OPEN SPACE NOTES:

1. THE GENERAL LOCATION OF OPEN SPACES AND WATER BODIES IS SHOWN ON SHEET L-1.1. THESE LOCATIONS ARE CONCEPTUAL IN NATURE AND MAY VARY IN SIZE AND LOCATION DURING THE DETAILED SITE PLAN PROCESS.
2. A MINIMUM OF 20% OF TOTAL OPEN SPACE SHALL BE PROVIDED. A MINIMUM 10% OF THE PROVIDED OPEN SPACE SHALL BE USABLE OPEN SPACE AS DESCRIBED IN SECTION 3.5.14 OF THE UDO. A RUNNING TABULATION WILL BE PROVIDED DURING THE PDP PROCESS FOR EACH INDIVIDUAL PHASE.

TRANSPORTATION PLAN NOTES:

1. ALL STREETS AND PARKING AREAS WILL BE DESIGNED TO MEET THE TOWN OF SOUTHERN PINES ENGINEERING STANDARDS OR ADDITIONAL GEOTECHNICAL ENGINEERING RECOMMENDATIONS WILL BE PROVIDED AS AN ALTERNATIVE BASED ON THE SPECIFIC SOIL CONDITIONS ON THE PROPERTY
2. STORMWATER MANAGEMENT FOR THE TRANSPORTATION FACILITIES AND FUTURE DEVELOPMENT WILL BE PROVIDED USING BEST MANAGEMENT PRACTICES. IN REGIONAL STORMWATER DETENTION FACILITIES, FACILITIES WILL BE LOCATED IN THE GENERAL LOCATIONS SHOWN ON THE CONCEPTUAL DEVELOPMENT PLAN. AS ILLUSTRATED ON THIS SHEET, THE DRAINAGE FLOW ARROWS DESIGNATE THE GENERAL FLOW OF WATER BASED ON THE EXISTING TOPOGRAPHY. DRAINAGE WILL FLOW TOWARDS THE GENERAL AREA WHERE THE PROPOSED STORMWATER MANAGEMENT DEVICE IS SHOWN. THE LOCATION OF STORMWATER MANAGEMENT DEVICES ARE SUBJECT TO CHANGE THROUGHOUT THE CONTINUED DEVELOPMENT OF THE PROPERTY BASED ON DETAILED ENGINEERING PLANS. EACH INDIVIDUAL SITE MAY ALSO ELECT TO PROVIDE STORMWATER ON-SITE DEPENDING UPON THE SITE CONDITIONS AND ENGINEERING STANDARDS. STORMWATER MUST BE MAINTAINED ON THE OVERALL PROPERTY TO MEET THE TOWN OF SOUTHERN PINES AND ALL STATE AND FEDERAL STANDARDS.
3. NO ENDANGERED SPECIES ARE LOCATED ON THE PROPERTY.
4. TRAVEL DISTANCES & TIMES WERE OBTAINED FROM GOOGLE MAPS AND REFLECT TYPICAL DRIVING TIMES OBSERVED FROM 9-5 PM. TRAVEL TIMES MAY FLUCTUATE BASED ON TIME, WEATHER, CONSTRUCTION, TRAFFIC ACCIDENTS, AND INCREASES IN TRAFFIC DUE TO HOLIDAYS AND SPECIAL EVENTS.

CAUTION
THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT DEPICTED ON THESE PLANS. THE LANDSCAPE ARCHITECT AND ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE PROJECT LIMITS. ALL DAMAGE MADE TO THE EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY BY THE CONTRACTOR.



TO CARTHAGE & SOUTHERN PINES
Approximate Travel Time/Distance:
Downtown Southern Pines - 8 Min. / 4.5 Miles
Downtown Carthage - 12 Min. / 8.8 Miles

TO PINEHURST
Approximate Travel Time/Distance:
Village of Pinehurst - 8 Min. / 4.8 Miles

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

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-6467
W: www.koontzjonesdesign.com

REVISIONS:

SOUTHERN PINES ACE HARDWARE
CONCEPTUAL DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA
CONCEPTUAL LAND USE PLAN / TRANSPORTATION PLAN

DATE: 01-10-2021
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 60'-0"
PROJECT #:
SHEET NUMBER#:
L-1.1

PD DISTRICT CONCEPTUAL DEVELOPMENT
PLAN APPLICATION
**SOUTHERN PINES ACE
HARDWARE**
SOUTHERN PINES, NORTH CAROLINA

PROJECT NARRATIVE AND DESIGN STANDARDS

1.0 PURPOSE

The purpose of this PD – Conceptual Development Plan application is to:

- Prepare a Conceptual Development Plan (CDP) for Southern Pines Ace Hardware as required to develop the property located in an established Planned Development (PD) district.
- Establish the permitted uses, density, standards and conditions under which the subject property shall be developed through this narrative and the associated plans being submitted with this application.

The Town's Conceptual Development Plan application form is included in the submitted documents. All required items, per Section 2.18.4, Conceptual Development Plan of the Town's Unified Development Ordinance (UDO) are included as a part of this request. The Conceptual Development Plan of this property shall include all standards and conditions included in this document and the submitted supporting documents.

2.0 PROJECT OVERVIEW

2.1 Location

The proposed project described in this application is geographically located north of downtown Southern Pines on the south side of Airport Road, between Lindbergh Place and the NC Hwy 22 traffic circle. A site location map showing the site and immediate surroundings is included with this application. The property is adjacent to the current Ace Hardware building and the Tyler's Ridge business park properties. The site is accessible from NC Hwy 22 via Olivetree Lane and Capital drive and has frontage on Airport Road. The site is fully annexed into the Town of Southern Pines. Utilities are available at the site with capacity to accommodate the proposed development.

2.2 Vision

The vision for the project is to develop a high-quality commercial and office center that will be carefully integrated into the surrounding area and compatible with the surrounding development areas. Architectural themes, landscaping and design elements common to Southern Pines will be utilized as described in the Town of Southern Pines UDO or in this CDP document. The master plan provides for a mixture of commercial, retail, restaurant and office uses.

The project will have frontage and access from Airport Road. Access from Airport Road will connect to the existing Capital Drive and connect to the existing adjacent commercial development. The project will also have access from NC Highway 22 via Olivetree Lane and Capital Drive.

Adjoining properties are zoned PD and FRR, and consist of commercial, office, multi-family residential, and institutional uses (Sandhills Community College). The Town's Comprehensive Long-Range Plan (CLRP) designates the property as Traditional Mixed Use. Proposed development under this CDP would provide compatible uses with the surrounding properties and is consistent with the CLRP.

2.3 Compliance

All development within the site must adhere to the approved standards and conditions stated in this document. As allowed under UDO Section 3.5.14, unique conditions and standards, differing from baseline UDO conditions and standards, can be established in order to facilitate a planned development district. The conditions and requirements stated in this document that vary from the UDO shall supersede the UDO. Prior to the issuance of a building permit and start of any construction, a Preliminary Development Plan for each phase must be submitted and approved per the requirements of Section 2.18.5 of the UDO. All development and building permits are subject to all Local, State and Federal permitting guidelines, architectural review, rules and regulations and must be approved by the Town of Southern Pines. To the extent this document does not otherwise establish a development standard, the UDO standard in effect at the time of application will apply.

The proposed CDP and land uses are consistent with the Town's Comprehensive Long-Range Plan (CLRP) and is consistent with the uses on surrounding and adjoining properties. The CLRP has designated the property as Traditional Mixed Use and is surrounded by commercial, residential, restaurant, institutional and office uses. This CDP provides locations for land uses which may include commercial, retail, restaurant, or office uses.

3.0 EXISTING CONDITIONS

3.1 Existing Natural Features

3.1.1 Prevalent Tree Canopy and Vegetation

An analysis of the tree canopy and vegetation has been provided in the red-cockaded woodpecker survey provided by Dr. Jay H. Carter III & Associates, Inc. and has been included with this application.

3.1.2 Orchards or Other Agricultural Groves

No portion of the site is currently being used for an orchard or agricultural use nor do any exist on the site.

3.1.3 Streams, Wetlands and Floodplain

No streams or wetlands are located on this property. The proposed development is within a high-quality watershed area and is located in the Little River (Intake No. 2) WS-IIIP watershed.

3.1.4 Topographic Features

A topographic map with two (2') foot contours is included in the application exhibits on sheet L-1.0 Existing Conditions.

3.1.5 Unique Land Formations, Endangered/Threatened Species

A red-cockaded woodpecker survey has been prepared by Dr. Jay H. Carter III & Associates, Inc. and has been included with this application.

All development and building permits within the site are subject to all Local, State and Federal permitting guidelines, rules and regulations. Additional studies will be conducted if required for permitting.

3.2 Existing Man-made Features

3.2.1 Streets, Roads, Parking or Other Structures

A gravel drive off of Airport Road is used to access the existing residential structure on site. In addition, Capital Drive is stubbed to the property boundary and will be extended and utilized for the development described in this CDP.

3.2.2 Storm Water Facilities and Structures

There are no existing stormwater facilities located on the property.

3.2.3 Utilities

Sewer – A sewer line is currently located adjacent to the property and is available for connection to this development. The lines can

accommodate future development. Adequate available service for the proposed development is available from the Town of Southern Pines.

Electric - Electric power is available. All new electric lines will be installed underground.

Telephone/Cable – Telephone and cable service are available for the site. All new service lines will be installed underground.

Water – Public water line connections are located near the site. The lines are adequate to accommodate development as proposed.

3.3 Existing Legal Features

3.3.1 Zoning Information - The subject property is currently zoned PD (Planned Development) as indicated on the Town’s Zoning Map. The property is also indicated as Traditional Mixed Use in the Town’s CLRP.

3.3.2 Property Lines - See plans and deeds included with this application

3.3.3 Right of Ways – The Adjacent rights-of-way along Airport Road are shown on plans included with this application on sheet L-1.0 – Existing Conditions.

3.3.4 Easements – No utility easements have been identified.

3.3.5 Ownership Information - See existing conditions plan for depictions of the tracts listed in the table below. Copies of the corresponding recorded deeds evidencing ownership are provided as exhibits with this application.

Tract	Owner	Deed Book	Page Number(s)
1	Southern Pines Ace Land company, LLC	5749	375
2	Southern Pines Ace Land company, LLC	4705	265

Property to be rezoned and annexed will be described by using the property descriptions from the attached deeds and by survey.

3.3.6 Adjacent Parcel information - the adjacent parcel owners, zoning, use, PIN numbers and Parcel ID numbers are listed on

the Adjacent Property Owners list in the exhibit included in this application.

4.0 DEVELOPMENT CONDITIONS

4.1 Development Program

The development of the +/- 12.62-acre property will allow for a mixture of commercial, retail, restaurant, and office uses. All development will follow the standards of the Town's UDO for the specific type of development unless specific development standards are included below.

Uses on the property may include items in the General Business (GB) and Office Services (OS) zoning districts. A list of the permitted uses for the property have been included with this application. These uses have been derived from Exhibit 3-15: Table of Uses in the UDO. GB and OS uses that are not intended for the property have been removed from the list. Permitted Uses for the property are included by their LBCS code in the table provided.

4.2 Additional Design Conditions

The following additional development standards will control development on the site:

4.2.1 Vehicular & Pedestrian Circulation, Parking, and Streets

There will be two (2) points of ingress/egress for the property. The main Ingress/egress to the development will be provided from Airport Road which will connect with Capital Drive and the adjacent commercial properties. Access to the property from NC Highway 22 will be available via Olivetree Lane and the Capital Drive connection. A third additional access point may be provided from Olivetree Lane to the property via a site driveway connection from the existing cul-de-sac. This driveway will be coordinated with the adjacent property owner prior to submission of the Preliminary Development Plan (PDP). A letter permitting the connection will be obtained from the adjoining property owner prior to submission of the PDP and site plan applications.

All roadways and parking facilities will be designed to meet the Town of Southern Pines engineering paving standards or additional geotechnical engineering recommendations will be provided as an alternative based on the specific soil conditions on the property. Deviations to the UDO standards for parking areas, including general parking standards and standards included in the Highway Corridor Overlay District (HCOD) requirements may be requested during the

PDP process, as detailed designs for the site are prepared. On parcels adjacent to Airport Road, parking areas will be oriented toward Capital Drive, with no parking between the building and Airport Road. Service Drives or drive thru lanes may be located in this area, but no parking spaces will be permitted. Roadways adjacent to the community are governed by the NCDOT and therefore ingress/egress locations from Airport Road will require NCDOT approval.

Sidewalks and Trails – Sidewalks will be provided throughout the property and will connect to the existing sidewalk along Capital Drive. In an effort to continue the greenway trail system in this area and connect the shopping center to the community trail system, a trail connection will be made from the sidewalks on Olivetree Lane to the property boundary on western side of the property. This will provide an opportunity to connect to the adjacent property would not prohibit a future greenway connection to the Airport Road trail system.

4.2.2 Open Space

A minimum of 20% of total open space shall be provided. A minimum 10% of the provided open space shall be usable open space as described in Section 3.5.14 of the UDO. A running tabulation will be provided during the PDP process for each individual phase.

Outdoor patio/seating spaces for customers and/or employees may be provided within the development. These seating areas may be permitted in the HCOD setback and buffer area to provide outdoor amenities/open space and activate the streetscape. If these areas are provided in the HCOD, a reduction in the required buffer plantings for the HCOD will be reduced by the area of the patio/seating space. Perimeter landscaping will be provided for these outdoor spaces.

4.2.3 Architectural Standards

All buildings will be required to meet the standards of the commercial building design guidelines described in Section 4.10 of the Town of Southern Pines UDO. Architectural plans must be reviewed and approved by the Town's Architectural Review Board (ARB) prior to building permit authorization.

In addition, all building elevations directly facing Capital Drive and/or Airport Road will adhere to the front of building material and design standards contained in Section 4.10.4 and Section 4.10.6, if applicable. Buildings with fronts facing on both Airport Road and Capital Drive will provide common design and materials on all sides of the building.

4.2.4 Landscaping and Buffering

Landscape standards will meet or exceed the requirements of the Town of Southern Pines UDO per Section 3.5.14(H). Landscape buffers will be installed per the UDO, With the exception of areas long the southern property boundary, where the desity of plantings may conflict with a future greenway trail connection. Should a greenway trail be installed in this area, landscape buffering will be provided so as not to prohibit the greenway trail and provide adequate visibility for safety purposes. This buffering will be coordinated with Town staff to provide adequate visibity and screening.

4.2.5 Utilities

Electric, water, and sewer utilities are currently available near the property as described in Section 3.2.3 of this document. Any new utility lines will be installed underground in accordance with the policies of the local utility providers and the Town of Southern Pines.

From time to time, temporary services may be required and shall be allowed at community facilities, temporary construction offices, temporary sales centers and other common amenities such as parks. Drainage easement areas will be provided as required by the UDO and applicable regulations, the same being designed during, detailed and located during the detailed engineering and permitting of the development phases.

Water and sewer utilities will be provided by the Town of Southern Pines. The cost to construct will be borne by the developer and utility lines, once certified, will be dedicated to the Town of Southern Pines. Power and electric utility will be provided by Duke Energy.

4.2.6 Lighting

Appropriate lighting for any future commercial,retail/office development will be provided. Parking area lighting will be designed in conformance with the requirements of Section 4.8 in the Town of Southern Pines UDO. The cost of installation of any lighting shall not be the responsibility of the Town of Southern Pines. Lighting will be provided by Duke Energy Progress or other utility company.

4.2.7 Signage

All signage will be designed in conformance with the requirements of the Town of Southern Pines UDO in Section 4.6. Signs for “Shopping Centers” will follow Section 4.6.13 and maintain a Unified Sign Plan.

Signs indicated on Sheet L-1.1 of the submission will be permitted in the Unified Sign Plan. Signage, internal to the development, may be provided throughout the property for purposes of identification and wayfinding. Overall Shopping Center signs, along Airport Road, may include signage for businesses from the adjoining retail buildings and shopping center area for parcels with access along Capital Drive and Olivetree Lane.

4.2.8 Temporary Uses/Special Events

Temporary construction trailers including, but not limited to real estate, construction and sales offices may be installed during the period of construction and real estate sales. Any temporary uses or special events must obtain the appropriate permits from the Town of Southern Pines.

4.2.9 Storm Water Management and Water Quality Management

The property is located within a state regulated and protected drainage basin. As such stormwater design will fully comply with all aspects of applicable local and state standards and regulations for storm water management and watershed protection, including specific requirements for erosion and sedimentation control. Best management practices at the time of development for each phase shall be utilized in accordance with NCDEQ guidance. Drainage facilities will be located in the general locations as shown on the conceptual site plan included in this application. These locations are subject to change throughout the continued development of the property based on detailed engineering and grading plans. Stormwater must be maintained on the overall property to meet the Town of Southern Pines, NCDEQ, and any other stormwater regulations.

As permitted by the Town of Southern Pines based on the commercial nature of this project and location within the watersheds, a Watershed Protection Permit has been submitted with this application. This will allow the development to provide up to 70% impervious surface to develop the commercial and office uses.

4.2.10 Setbacks

The setbacks for the property will follow the standards of the UDO for the specific area and uses. A 400' Urban Transition Highway Corridor Overlay is present along Airport Road. Setbacks and standards within the first 400' along Airport Road will follow the Highway Corridor Overlay District (HCOD) guidelines. Portions of the property outside of the Highway Corridor Overlay Districts, will follow the standards of the UDO

for the specific area and uses. In addition to these setbacks, a 50' setback will be provided along the western property boundary which connects to the Sandhills Horticultural Gardens at Sandhills Community College.

6.0 Phasing

Due to the uncertainty of economic factors that influence land development, some flexibility in the sequencing of phases is necessary and is to be based on market demands and necessary infrastructure improvements. Rather than tying the phasing to specific dates and sequencing, phasing is tied to required infrastructure improvements including roadway, water line, and sewer line construction adequate to serve the phase to be developed. Phases are not required to develop sequentially within this plan but could not develop until the adequate infrastructure is provided to accommodate the proposed phase. Phases may also be developed and combined with other phases and subphases. Phasing and requirements for each phase will be reviewed at such time as a pdp is submitted for an individual phase.

Phase 1 will include the construction of the Capital Drive extension which will connect Airport Road to Olivetree Lane. Any utilities required by the Town of Southern Pines, to be located in this roadway, will be constructed as part of this phase as well.

I, JEFFREY L. GREEN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 4705, PAGE 265; BOOK 3914 PAGE 109); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS INDICATED; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10,000±; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

FURTHER AS REQUIRED PER G.S. 47-30(F)(11), I JEFFREY L. GREEN, CERTIFY THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 22ND DAY OF NOVEMBER, A.D., 2021.

Jeffrey L. Green
PROFESSIONAL LAND SURVEYOR

L-3472
LICENSE NUMBER



I HEREBY CERTIFY THAT THE SURVEY SHOWN AND DESCRIBED HEREON IS SOLELY FOR THE PURPOSE OF RECOMBINING EXISTING LOTS. THE SURVEY SHOWN BELOW AND DESCRIBED HEREON IS EXEMPT FROM THE SOUTHERN PINES UNIFIED DEVELOPMENT ORDINANCE (UDO) BY DEFINITION AND/OR ORDINANCE AND NO APPROVAL OF THIS SURVEY IS REQUIRED BY THIS OFFICE.

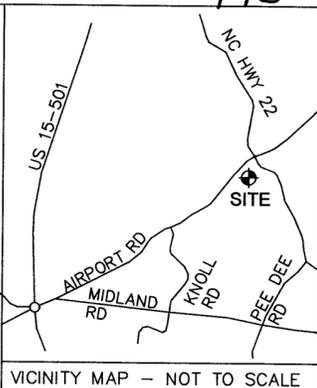
Cindy Williams, Auth Agent
SUBDIVISION ADMINISTRATOR

11/22/21
DATE

Jaimie Walters, REVIEW OFFICER OF MOORE COUNTY, NORTH CAROLINA, CERTIFY THAT THE MAP OR PLAT WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Jaimie L. Walters
REVIEW OFFICER

11-22-21
DATE

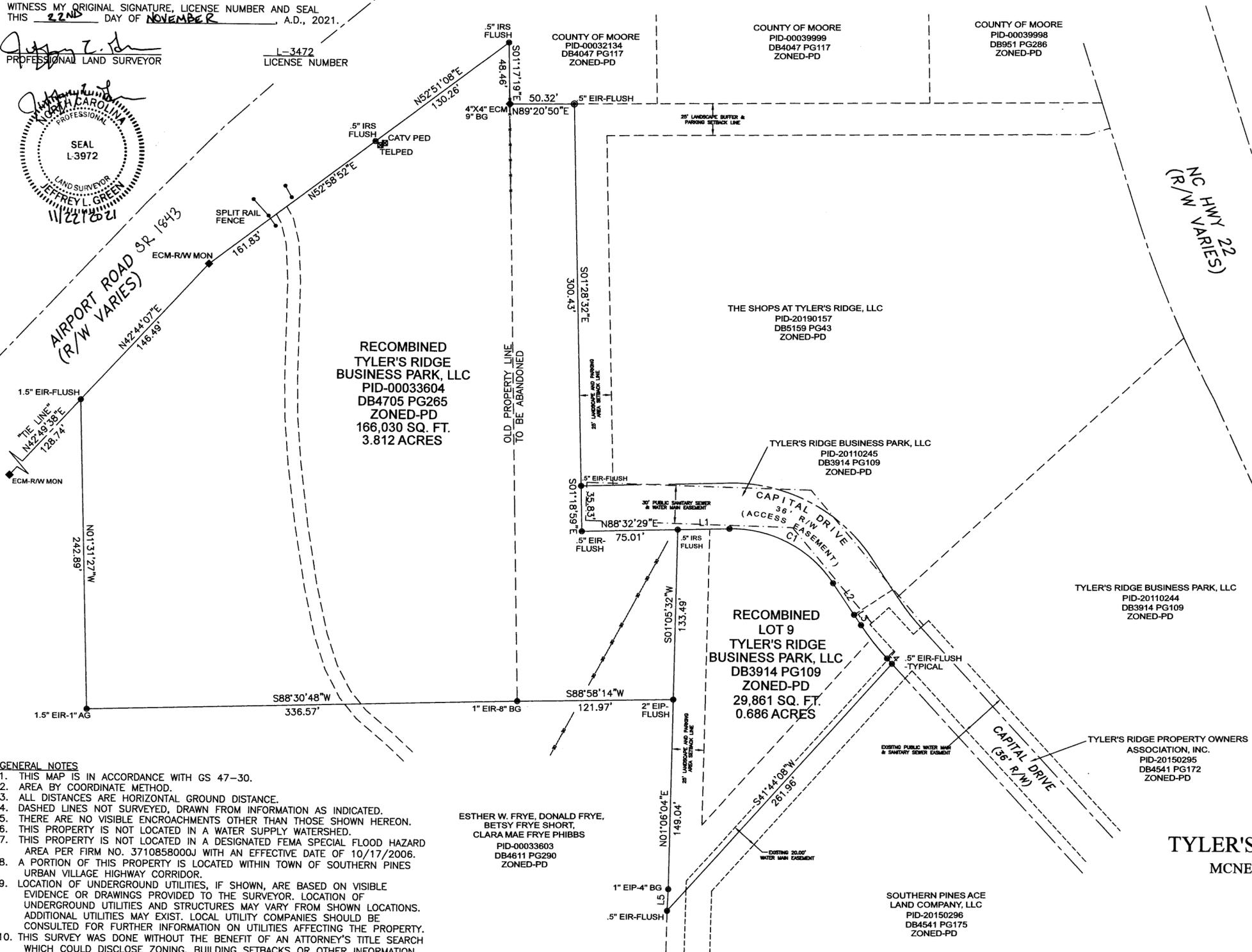


LOT 9, TYLER'S RIDGE BUSINESS PARK, LLC
PID 20190158
PIN 857300976238
DEED BOOK 3914 PAGE 109
PLAT CABINET 18 SLIDE 47
MOORE COUNTY REGISTRY

TYLER'S RIDGE BUSINESS PARK, LLC
PID 00033604
PIN 857300974411
DEED BOOK 4705 PAGE 265
PLAT CABINET 15 SLIDE 772
MOORE COUNTY REGISTRY

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	95.00'	95.45'	91.49'	N62°40'29" W	57°34'04.90"

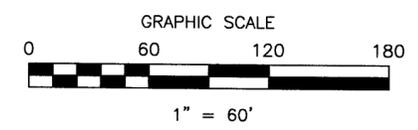
LINE	BEARING	DISTANCE
L1	N88°32'29" E	40.43'
L2	S33°53'26" E	29.86'
L3	S33°53'26" E	9.72'
L4	S42°37'33" E	5.62'
L5	N02°49'22" E	17.06'



- GENERAL NOTES**
1. THIS MAP IS IN ACCORDANCE WITH GS 47-30.
 2. AREA BY COORDINATE METHOD.
 3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCE.
 4. DASHED LINES NOT SURVEYED, DRAWN FROM INFORMATION AS INDICATED.
 5. THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON.
 6. THIS PROPERTY IS NOT LOCATED IN A WATER SUPPLY WATERSHED.
 7. THIS PROPERTY IS NOT LOCATED IN A DESIGNATED FEMA SPECIAL FLOOD HAZARD AREA PER FIRM NO. 3710858000J WITH AN EFFECTIVE DATE OF 10/17/2006.
 8. A PORTION OF THIS PROPERTY IS LOCATED WITHIN TOWN OF SOUTHERN PINES URBAN VILLAGE HIGHWAY CORRIDOR.
 9. LOCATION OF UNDERGROUND UTILITIES, IF SHOWN, ARE BASED ON VISIBLE EVIDENCE OR DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND UTILITIES AND STRUCTURES MAY VARY FROM SHOWN LOCATIONS. ADDITIONAL UTILITIES MAY EXIST. LOCAL UTILITY COMPANIES SHOULD BE CONSULTED FOR FURTHER INFORMATION ON UTILITIES AFFECTING THE PROPERTY.
 10. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF AN ATTORNEY'S TITLE SEARCH WHICH COULD DISCLOSE ZONING, BUILDING SETBACKS OR OTHER INFORMATION WHICH COULD AFFECT THE SURVEYED PROPERTY.
 11. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHT-OF-WAYS AND AGREEMENTS OF RECORD PRIOR TO THE DATE OF THIS PLAT.
 12. GPS COORDINATES ESTABLISHED USING SPECTRA PRECISION SP80 MODEL; NC GNSS REAL TIME NETWORK.
 13. ZONING INFORMATION- ZONED PD. FOR SETBACK INFORMATION CONTACT THE TOWN OF SOUTHERN PINES PLANNING DEPARTMENT AT 910.692.4003

- LEGEND**
- CP-CALCULATED POINT
 - ⊙ EIP-EXISTING IRON PIPE
 - ⊙ EIR-EXISTING IRON ROD
 - ◆ ECM-EXISTING CONCRETE MONUMENT
 - EPK-EXISTING PK NAIL
 - PKS-PK NAIL SET
 - RIGHT OF WAY
 - BOUNDARY LINE
 - - - BOUNDARY NOT SURVEYED

**RECOMBINATION SURVEY
LOT 9 TYLER'S RIDGE &
TYLER'S RIDGE BUSINESS PARK, LLC LOT
MCNEILL TOWNSHIP, TOWN OF SOUTHERN PINES
MOORE COUNTY, NORTH CAROLINA
NOVEMBER 16, 2021 SCALE 1"= 60'
FIELD SURVEY- NOVEMBER, 2021**



PLAT CABINET 19 SLIDE 193

FOR REGISTRATION REGISTER OF DEEDS
Judy D. Martin
Moore County, NC
November 22, 2021 04:19:31 PM
Book 19 Page 193-193
FEE: \$21.00
INSTRUMENT # 2021025554

OWNER: TYLER'S RIDGE BUSINESS PARK, LLC
35 MARTIN DRIVE
WHISPERING PINES, N.C. 28327

SURVEYOR: JEFFREY L. GREEN, PLS
140 AQUA SHED COURT
ABERDEEN, N.C. 28315
(910) 975-2306

BJ Grieve

From: Cindy Williams
Sent: Tuesday, January 25, 2022 9:55 AM
To: BJ Grieve
Cc: Cindy Williams
Subject: FW: PD-01-22 Ace Hardware CDP

FYI

From: RLUAC Executive Director <director@rluac.com>
Sent: Tuesday, January 25, 2022 9:38 AM
To: Cindy Williams <CWilliams@southernpines.net>
Subject: RE: PD-01-22 Ace Hardware CDP

Cindy,

RLUAC does not have any comments on this case.

Thanks,

Vagn

Vagn K. Hansen II, AICP, Executive Director
Regional Land Use Advisory Commission
6205 Raeford Road
Fayetteville, NC 28304
(910) 398-3743
director@rluac.com
www.rluac.com

From: Cindy Williams <CWilliams@southernpines.net>
Sent: Tuesday, January 25, 2022 9:16 AM
To: Scotty Malta <smalta@moirecountyaairport.com>; Douglas Smith <smithdo@sandhills.edu>; Archie Daniel <adaniel@southernpines.net>; Cindi King <CKing@southernpines.net>; Cory Albers <calbers@southernpines.net>; James Michel <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; Maurice Holland <mbholland63@gmail.com>; NCDOT <djuarezpozos@ncdot.gov>; ncsandhillsrcw@fws.gov; Pete Campbell <director@rluac.com>; Ron Istre <RIstre@southernpines.net>
Cc: BJ Grieve <BJGrieve@southernpines.net>
Subject: PD-01-22 Ace Hardware CDP

Good morning,

Please review the attached Notice and proposed site plan and respond with any comments you may have at your earliest convenience.

Thank you.

Please note: The Planning Department has moved to the Community Development Building, 801 SE Service Road.

Sincerely,

Cindy Williams, CZO
Planning Department
Town of Southern Pines
(910) 692-4003

BJ Grieve

From: Cindy Williams
Sent: Tuesday, January 25, 2022 9:55 AM
To: BJ Grieve
Cc: Cindy Williams
Subject: FW: [External] PD-01-22 Ace Hardware CDP
Attachments: PD-01-22 PB PHN - Agency Comments.pdf

FYI

From: JuarezPozos, Dagoberto <djuarezpozos@ncdot.gov>
Sent: Tuesday, January 25, 2022 9:30 AM
To: Cindy Williams <CWilliams@southernpines.net>
Cc: James, Janet R <jrjames2@ncdot.gov>
Subject: RE: [External] PD-01-22 Ace Hardware CDP

Cindy,

We are currently working with the developer on access and possible roadway improvements. Do not have things hashed out yet, but definitely will prior to approving a new connection to Airport Rd.

Dago

From: Cindy Williams <CWilliams@southernpines.net>
Sent: Tuesday, January 25, 2022 9:16 AM
To: Scotty Malta <smalta@moorecountyaairport.com>; Smith, Doug <smithdo@sandhills.edu>; Archie Daniel <adaniel@southernpines.net>; Cindi King <CKing@southernpines.net>; Cory Albers <calbers@southernpines.net>; James Michel <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; Maurice Holland <mbholland63@gmail.com>; JuarezPozos, Dagoberto <djuarezpozos@ncdot.gov>; ncsandhillsrcw@fws.gov; Pete Campbell <director@rluac.com>; ISTRE, RONALD <ristre@southernpines.net>
Cc: BJ Grieve <BJGrieve@southernpines.net>
Subject: [External] PD-01-22 Ace Hardware CDP

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Good morning,

Please review the attached Notice and proposed site plan and respond with any comments you may have at your earliest convenience.

Thank you.

Please note: The Planning Department has moved to the Community Development Building, 801 SE Service Road.

Sincerely,

Cindy Williams, CZO
Planning Department
Town of Southern Pines
(910) 692-4003

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

BJ Grieve

From: Cindy Williams
Sent: Friday, January 28, 2022 8:37 AM
To: BJ Grieve
Subject: FW: PD-01-22 Ace Hardware CDP

FYI

Please note: The Planning Department has moved to the Community Development Building, 801 SE Service Road.

Sincerely,

Cindy Williams, CZO
Planning Department
Town of Southern Pines
(910) 692-4003

From: Douglas Smith <smithdo@sandhills.edu>
Sent: Thursday, January 27, 2022 8:21 AM
To: Cindy Williams <CWilliams@southernpines.net>
Cc: Brenda Jackson <jacksonbr@sandhills.edu>
Subject: RE: PD-01-22 Ace Hardware CDP

Good Morning Cindy,
SCC has no comments, per Dr. Dempsey.

Thanks

Doug Smith
Facilities Director



105 McKean Services Center
598 Lindbergh Place • Pinehurst, NC 28374
910.695-3811
smithdo@sandhills.edu

From: Cindy Williams <CWilliams@southernpines.net>
Sent: Tuesday, January 25, 2022 9:16 AM
To: Scotty Malta <smalta@moorecountyairport.com>; Douglas Smith <smithdo@sandhills.edu>; Archie Daniel <adaniel@southernpines.net>; Cindi King <CKing@southernpines.net>; Cory Albers <calbers@southernpines.net>; James Michel <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; Maurice Holland

<mbholland63@gmail.com>; NCDOT <djuarezpozos@ncdot.gov>; ncsandhillsrcw@fws.gov; Pete Campbell <director@rluac.com>; Ron Istre <Rlstre@southernpines.net>

Cc: BJ Grieve <BJGrieve@southernpines.net>

Subject: PD-01-22 Ace Hardware CDP

Good morning,

Please review the attached Notice and proposed site plan and respond with any comments you may have at your earliest convenience.

Thank you.

Please note: The Planning Department has moved to the Community Development Building, 801 SE Service Road.

Sincerely,

Cindy Williams, CZO
Planning Department
Town of Southern Pines
(910) 692-4003

[EXTERNAL Caution: This email originated outside of the Sandhills Community College's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

E-mail correspondence to and from this sender may be subject to the North Carolina Public Records law and may be disclosed to third parties.

Moore County Airport
PO Drawer 5809
Pinehurst, NC 28374



(910) 692-3212
7825 Aviation Drive
Carthage, NC 28327

February 9, 2022

BJ Grieve, AICP[®], CFM[®], CZO
Planning Director
Town of Southern Pines
180 SW Broad Street
Southern Pines, NC 28387

RE: PD-01-22 Planned Development District – Conceptual Plan for 12.62+/- acres on the south side of Airport Road between Capital Drive and Lindbergh Place

Dear Mr. Grieve,

Thank you for the opportunity to review and comment on this proposed “commercial” property development, presumably with a new Ace Hardware Store as an anchor. Based on its location, the airport has several concerns about this development.

Before anything is built in the location, an FAA Form 7460 must be filed with the FAA (Federal Aviation Administration). Additionally, the Moore County Height Ordinance must be reviewed and followed. Our main concerns are:

1. Building and other structure height(s)
2. Illumination that could blind or effect pilots approaching or departing from the airport
3. Marketing devices including, but not limited to balloons, flashing or search lights, laser lights and fireworks are not to be used on the property.
4. No residential dwellings or other sensitive receptors in the parcel
5. No drones without specific coordination with the airport manager

There should also be some acknowledgement by the prospective property owners, perhaps through an Avigation Easement, that the properties are near an airport and particularly in line with the approach and departure paths to the airport and as such they will experience aircraft overflights, noise, vibrations and other effects generated by aircraft. This may already be covered by established ordinance.

If you have any questions, please don't hesitate to contact me.

Respectfully,

A handwritten signature in blue ink that reads "Scott C. Malta".

Scott C. Malta, A.A.E., C.A.E., Capt USAF (Ret.)
Airport Manager

1 Atch – PD-01-22 PB PHN – agency referral

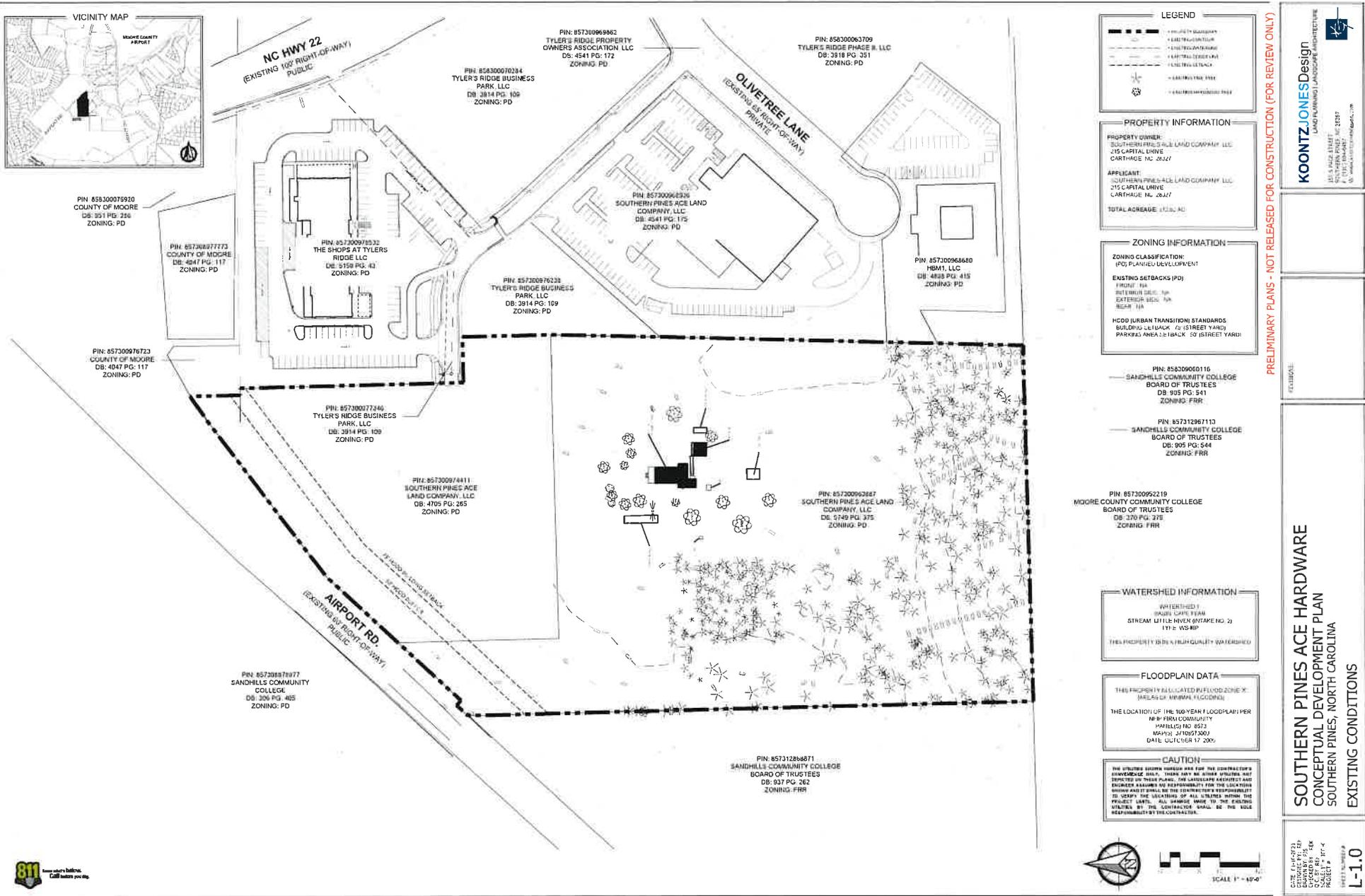
**NOTICE OF PUBLIC HEARING BEFORE THE TOWN OF SOUTHERN PINES
PLANNING BOARD
TO CONSIDER A PROPOSED PLANNED DEVELOPMENT**

Notice is hereby given that a regular meeting of the Town of Southern Pines Planning Board will be held on Thursday, February 17, 2022, at 6:00 PM at the Douglass Community Center, 1185 W. Pennsylvania Avenue, Southern Pines, NC. A public hearing on the following proposed Planned Development-Conceptual Development Plan will be held during the meeting:

PD-01-22: Planned Development District - Conceptual Development Plan for 12.62+/- acres on the south side of Airport Road between Capital Drive and Lindbergh Place; Petitioner: Rhetson Companies, Inc. by Koontz Jones Design, Authorized Agent

Mr. Bob Koontz of Koontz Jones Design, on behalf of Rhetson Companies, Inc., has submitted a Planned Development District – Conceptual Development Plan application pursuant to §2.18.4 of the Town of Southern Pines Unified Development Ordinance (UDO) to allow a commercial development containing any of the land uses that are allowed in the Town’s GB-General Business and OS-Office Services zoning districts. Development of the subject property will require connecting Capital Drive through the subject property to Airport Road, providing a greenway connection from Sandhills Community College paths through the development to sidewalks in the Tyler’s Ridge development and on to paths connecting to Reservoir Park, four-sided compliance with UDO 4.10 for commercial structures adjoining Airport Road, and parking configuration oriented internally, towards the proposed Capital Drive extension. The subject parcels are currently zoned PD (Planned Development) and are identified as PIN: 857300963887 (PARID: 00033603) and PIN: 857300974411 (PARID: 00033604). The property owner is Southern Pines Ace Land Company, LLC.

All interested citizens are invited to attend. The complete application may be reviewed at the Town of Southern Pines Planning office, 801 SE Service Road, Southern Pines, NC or online at [www.southernpines.net/Town/Town Services/Agendas & Minutes](http://www.southernpines.net/Town/Town%20Services/Agendas%20&%20Minutes). Substantial changes to the request may be made following the public hearing.



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

KOONTZJONESDesign
LAND PLANNING / LANDSCAPE ARCHITECTURE

111 S. HAZEL STREET
SOUTHERN PINES, NC 28387
P. 910.333.7888
WWW.KOONTZJONESDESIGN.COM

PROPERTY INFORMATION

PROPERTY OWNER:
SOUTHERN PINES ACE LAND COMPANY, LLC
215 CAPITAL DRIVE
CARTHAGE NC 28327

APPLICANT:
SOUTHERN PINES ACE LAND COMPANY, LLC
215 CAPITAL DRIVE
CARTHAGE NC 28327

TOTAL ACREAGE: 112.12 AC

ZONING INFORMATION

ZONING CLASSIFICATION:
PFD PLANNED DEVELOPMENT

EXISTING SETBACKS (PD)

FRONT: 10'
REAR: 10'
SIDE: 10'

HDD (URBAN TRANSITION) STANDARDS
BUILDING SETBACK: 10' (STREET YARD)
PARKING AREA SETBACK: 50' (STREET YARD)

WATERSHED INFORMATION

WATERBODIES:
POND: SOUTH POND
STREAM: LITTLE RIVER (INTAKE NO. 2)
TYPE: WS-RP

THIS PROPERTY IS IN A HIGH QUALITY WATERSHED

FLOODPLAIN DATA

THIS PROPERTY IS LOCATED IN FLOOD ZONE X
(AREAS OF MINIMAL FLOODING)

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER
NIP-FIRM COMMUNITY
MAP(S): 210657300
DATE: OCTOBER 17, 2009

CAUTION

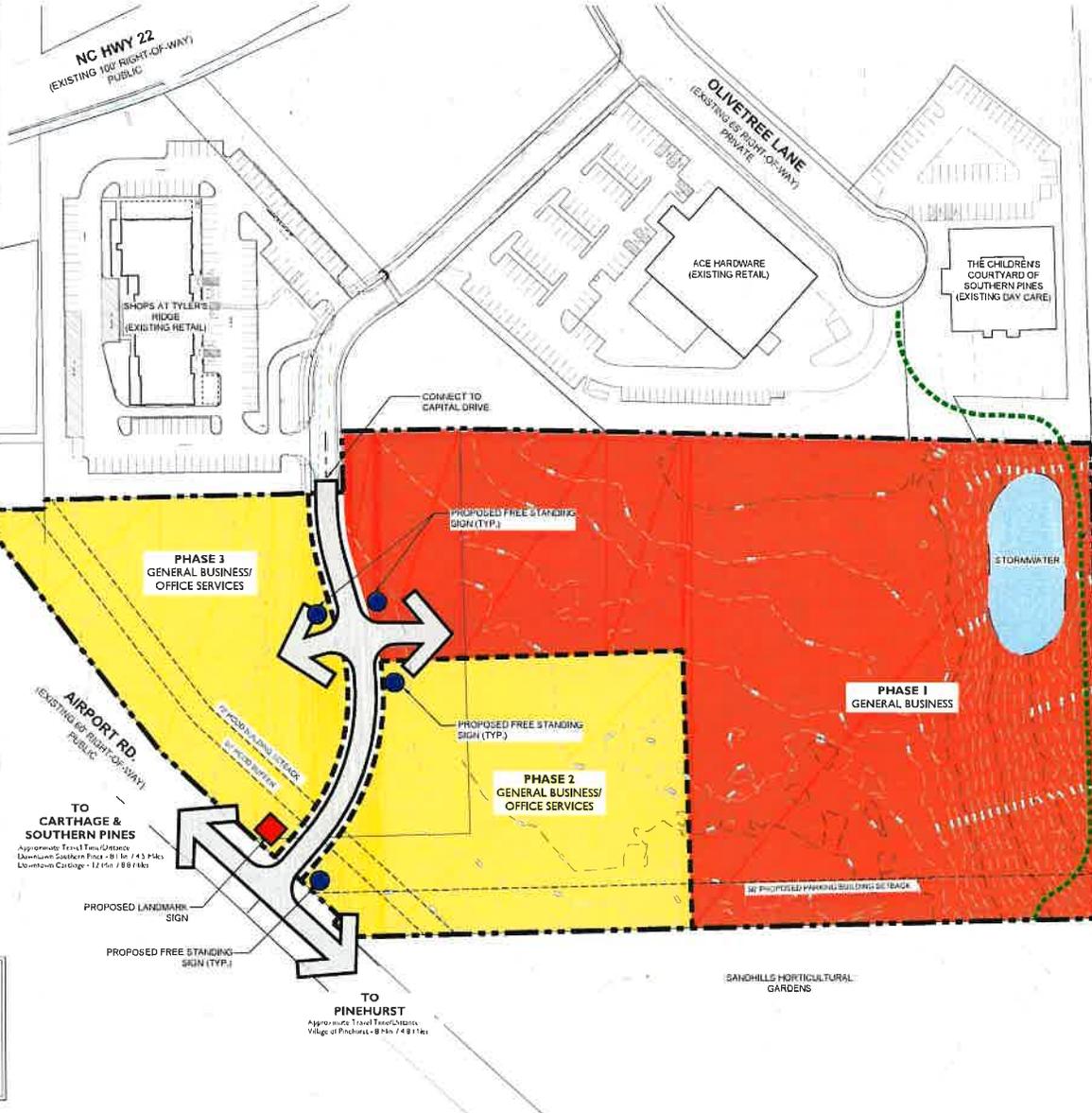
THE UTILITY SYSTEM NUMBER AREA FOR THE CONTRACTOR'S
CONFORMANCE ONLY. THERE ARE NO OTHER UTILITIES NOT
SHOWN ON THESE PLANS. THE LANDSCAPE ARCHITECT AND
ENGINEER ASSUME NO RESPONSIBILITY FOR THE LOCATION
OR DEPTH OF UTILITIES. THE CONTRACTOR'S RESPONSIBILITY
IS TO VERIFY THE LOCATION OF ALL UTILITIES WITHIN THE
PROJECT LIMITS. ALL DAMAGE TO THE EXISTING
UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE
RESPONSIBILITY OF THE CONTRACTOR.

SOUTHERN PINES ACE HARDWARE
CONCEPTUAL DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA
EXISTING CONDITIONS

DATE: 1/27/22
DRAWN BY: JTB
CHECKED BY: JTB
PROJECT #: 22-001
SHEET NUMBER: L-1.0



*THIS PLANS FOR CONCEPTUAL PURPOSES ONLY AND SUBJECT TO CHANGE. THE PROPERTY OWNER MAY MODIFY THIS PLAN, THE ILLUSTRATED USES AND ANY PHASING.



PHASING PLAN NOTES:

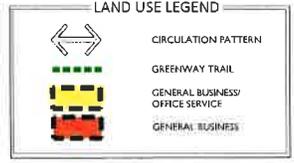
1. DUE TO THE UNCERTAINLY OF ECONOMIC FACTORS THAT INFLUENCE LAND DEVELOPMENT, SOME FEASIBILITY IN THE SEQUENCING OF PHASES IS NOT CLARIFY AND BE TO BE BASED ON MARKET DEMANDS AND NECESSARY INFRASTRUCTURE IMPROVEMENTS.
2. RATHER THAN TYPING THE PHASING TO SPECIFIC DATES AND SEQUENCING, PHASING IS TIED TO REQUIRED INFRASTRUCTURE IMPROVEMENTS INCLUDING HIGHWAY WATER LINE, PROPOSED LINE, CONSTRUCTION HIGHWAY TO SERVE THE PHASE TO BE DEVELOPED. PHASING IS NOT REQUIRED TO DEVELOP SEQUENTIALLY WITHIN THE PHASE BUT SHOULD NOT DEVELOP UNTIL THE ADEQUATE INFRASTRUCTURE IS PROVIDED TO ACCOMMODATE THE PROPOSED PHASE.
3. PHASING AND REQUIREMENTS FOR EACH PHASE WILL BE REVIEWED AT EACH TIME AS A PER IS SUBMITTED FOR AN APPROVAL PHASE.

TRANSPORTATION PLAN NOTES:

1. ALL STREETS AND PARKING AREAS WILL BE DESIGNED TO MEET THE TOWN OF SOUTHERN PINES ENGINEERING STANDARDS OR ADDITIONAL GEOTECHNICAL ENGINEERING RECOMMENDATIONS WILL BE PROVIDED AS NECESSARY BASED ON THE SPECIFIC SOIL CONDITIONS ON THE PROPERTY.
2. STORMWATER MANAGEMENT FOR THE TRANSPORTATION FACILITIES AND FUTURE DEVELOPMENT WILL BE PROVIDED USING BEST MANAGEMENT PRACTICES IN REGIONAL STORMWATER DETENTION FACILITIES. FACILITIES WILL BE LOCATED IN THE GENERAL LOCATIONS SHOWN ON THE CONCEPTUAL DEVELOPMENT PLAN AS ILLUSTRATED ON THIS SHEET. THE DRAINAGE FLOW ANALYSIS DETERMINE THE GENERAL FLOW OF WATER BASED ON THE EXISTING TOPOGRAPHY. CHANNELS WILL FLOW TOWARDS THE GENERAL AREA WHERE THE PROPOSED STORMWATER MANAGEMENT DEVICE IS SHOWN. THE LOCATION OF STORMWATER MANAGEMENT DEVICES ARE SUBJECT TO CHANGE THROUGHOUT THE CONCEPTUAL DEVELOPMENT OF THE PROPERTY DEVELOPER. LOCAL ENGINEERING FIRMS AT EACH INDIVIDUAL SITE MAY ALSO ELECT TO PROVIDE STORMWATER DRAINAGE DEVICES UPON THE SITE.
3. LIGHTS AND SIGNALLING STANDARDS STORMWATER MUST BE MAINTAINED ON THE OVERALL PROPERTY TO MEET THE TOWN OF SOUTHERN PINES AND ALL STATE AND FEDERAL STANDARDS.
4. NO ENDANGERED SPECIES ARE LOCATED ON THE PROPERTY.
5. TRAVEL SPEEDS ARE 35 MPH WITHIN CURVES FROM GOOGLE MAPS AND REFLECT THEICAL. DRIVING TIMES OBSERVED FROM 3 PM TRAVEL TIMES MAY FLUCTUATE BASED ON TIME, WEATHER, LOCAL TRAFFIC, TRAFFIC SIGNALS AND INFLUENCES BY TRAFFIC SIGNALS AND SPECIAL EVENTS.

CAUTION

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONSIDERATION ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES WITHIN THE PROJECT LIMITS. ALL WORKING MADE TO THE EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.



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

KOONTZ JONES Design
LAND PLANNING / LANDSCAPE ARCHITECTURE

1005 PAGE STREET
SOUTHERN PINES, NC 28387
P: 910.293.1844
WWW.KOONTZJONES.COM

**SOUTHERN PINES ACE HARDWARE
CONCEPTUAL DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA
CONCEPTUAL LAND USE PLAN / TRANSPORTATION PLAN**

DATE: 02/14/2024
DRAWN BY: P. B. B.
CHECKED BY: P. B. B.
PROJECT # 24-001
SHEET NUMBER
L-1.1

BJ Grieve

From: Cindy Williams
Sent: Thursday, February 10, 2022 1:59 PM
To: BJ Grieve
Subject: FW: [EXTERNAL] PD-01-22 Ace Hardware CDP
Attachments: PD-01-22 PB PHN - Agency Comments.pdf

Please note: The Planning Department has moved to the Community Development Building, 801 SE Service Road.

Sincerely,

Cindy Williams, CZO
Planning Department
Town of Southern Pines
(910) 692-4003

From: Hammond, John <john_hammond@fws.gov> **On Behalf Of** NC Sandhills RCW, FW4
Sent: Thursday, February 10, 2022 1:56 PM
To: Cindy Williams <CWilliams@southernpines.net>
Cc: Mann, Leigh <leigh_mann@fws.gov>
Subject: Re: [EXTERNAL] PD-01-22 Ace Hardware CDP

Good afternoon, Ms. Williams –

The project site for PD-01-22 Ace Hardware CDP falls within the ½-mile radius foraging partition of one active red-cockaded woodpecker cluster. Rhetsen Companies, Inc. hired a consultant, Dr. J.H. Carter III and Associates, Inc. to assess the project for potential impacts to the federally listed red-cockaded woodpecker. Based on our review of the information provided, the Fish and Wildlife Service concurred with the consultant’s “may affect, not likely to adversely affect” determination on potential impacts to the red-cockaded woodpecker.

General comments:

The cumulative loss of foraging and nesting habitat caused by residential and commercial construction is one of the primary threats to the continued existence of the red-cockaded woodpecker in the Pinehurst/ Southern Pines area.

To maintain suitability of the remaining habitat, we suggest taking measures to prevent damage to the bole and root system of the remaining longleaf pines.

Where practicable, to minimize loss of pine trees, we recommend retaining smaller pines on the property that are not within the immediate development footprint in order to retain future red-cockaded woodpecker habitat.

In addition to leaving as many small pines in place as possible, we recommend that where cutting is necessary, large branches be removed or trimmed as a first option instead of complete tree removal.

Landscaping, whenever possible, should use native shrub species that do not exceed seven feet in height, and exotic invasive plants should be avoided.

We encourage developers and property owners to reforest with longleaf pine seedlings on their properties wherever practicable.

Thanks for the opportunity to comment on this project.

John S. Hammond
U. S. Fish and Wildlife Service
Fish and Wildlife Biologist
Raleigh Ecological Services Field Office
Post Office Box 33726
Raleigh, North Carolina 27636-3726
919-856-4520 extension 28 (phone)
919-856-4556 (fax)
john_hammond@fws.gov
<http://www.fws.gov/raleigh/>

From: Cindy Williams <CWilliams@southernpines.net>

Sent: Tuesday, January 25, 2022 2:15 PM

To: Scotty Malta <smalta@moorecountyairport.com>; Douglas Smith <smithdo@sandhills.edu>; Archie Daniel <adaniel@southernpines.net>; Cindi King <CKing@southernpines.net>; Cory Albers <calbers@southernpines.net>; James Michel <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; Maurice Holland <mbholland63@gmail.com>; NCDOT <djuarezpozos@ncdot.gov>; NC Sandhills RCW, FW4 <ncsandhillsrcw@fws.gov>; Pete Campbell <director@rluac.com>; Ron Istre <RIstre@southernpines.net>

Cc: BJ Grieve <BJGrieve@southernpines.net>

Subject: [EXTERNAL] PD-01-22 Ace Hardware CDP

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Good morning,

Please review the attached Notice and proposed site plan and respond with any comments you may have at your earliest convenience.

Thank you.

Please note: The Planning Department has moved to the Community Development Building, 801 SE Service Road.

Sincerely,

Cindy Williams, CZO
Planning Department
Town of Southern Pines
(910) 692-4003

Agenda Item

To: Planning Board

Via: BJ Grieve, Planning Director

From: Jennifer Hunt, Planner I

Subject: Z-01-22: Initial zoning of 4.10 acres on NC Hwy 22 presently zoned RS (Residential Single-Family) to RS-2 (Residential Single-Family) following annexation into the Town of Southern Pines; Applicant: Benjamin Stout Real Estate Services Inc.

Date: February 17, 2022

I. SUMMARY OF APPLICATION REQUEST:

Mr. Benjamin Stout, on behalf of Benjamin Stout Real Estate Services, Inc., has submitted a request to establish the zoning of five (5) existing parcels totaling 4.10 acres as RS-2 (Residential Single-Family) following annexation of the subject parcels into the Town of Southern Pines. The subject parcels are located on the northeast side of NC Hwy 22 between Sullivan Drive and Belhaven Drive (See Figure 1 and Figure 1a). The subject parcels were located within the Village of Whispering Pines' Extra Territorial Jurisdiction and zoned RS (Residential Single-Family) prior to approval of a petition for voluntary annexation by the Town of Southern Pines Town Council on February 8, 2022. See Figure 2. The proposed RS-2 zoning is the Town of Southern Pines' closest equivalent zoning district to the Village of Whispering Pines' RS zoning. The subject parcels are identified as PIN 857400849276 (PARID 00041291); PIN 857400940142 (PARID 00041293); PIN 857404931919 (PARID 00041294); PIN 857404932803 (PARID 00041296); and PIN 857404932694 (PARID 00041297). Per the Moore County tax records, the property owner is listed as Benjamin Stout Real Estate Services, Inc.

II. PROJECT INFORMATION:

A. Physical Addresses:

100 Sullivan Drive
Southern Pines, NC 28387

7521 NC 22 Hwy
Southern Pines, NC 28387

7541 NC 22 Hwy
Southern Pines, NC 28387

7561 NC 22 Hwy
Southern Pines, NC 28387

7581 NC 22 Hwy
Southern Pines, NC 28387

B. Property Owner/Applicant:

Benjamin Stout Real Estate Services, Inc.
PO Box 53798
Fayetteville, NC 28305

C. Existing Comprehensive Long-Range Plan Designation:

The area proposed to be zoned has annexed into the Town of Southern Pines' corporate limits, but has historically been within the Village of Whispering Pines' Extra-Territorial Jurisdiction (ETJ). Therefore, the property is not included in the Town of Southern Pines Comprehensive Long-Range Plan (CLRP).

D. Existing Zoning:

The area proposed to be zoned was previously located within the Village of Whispering Pines' ETJ and was zoned RS (Residential Single-Family). The adjacent properties are currently zoned RS-2 (Residential Single-Family), RR (Rural Residential) and PD-Planned Development (See Figure 1 and Figure 1a below).

E. Proposed Zoning:

The subject properties were recently annexed into the Town of Southern Pines. The Town is proposing to zone the 4.10-acre subject property from the Whispering Pines RS zoning classification to Southern Pines' RS-2 Residential Single-Family (20,000 sf Lots) zoning classification.

The RS-2 zoning classification has the following purpose (UDO §3.5.4):

“The RS-2 district is established as a district in which to allow primarily low-density Single-Family residential land uses (approximately 2.1 Dwelling Units per acre). The regulations of this district are intended to:

- (1) Preserve existing Single-Family residential neighborhoods that have developed at a low-density; and*
- (2) Encourage new residential Development that is compatible with that in the existing neighborhoods.”*

Building heights and setbacks in the RS-2 zoning district are similar those in the abutting district, however the lot size is less restrictive. In this case, the zoning districts abutting the subject property are the RS-2 and RR residential zoning districts.

Figure 1: Vicinity and Zoning Map (Subject Parcel Outlined Red).

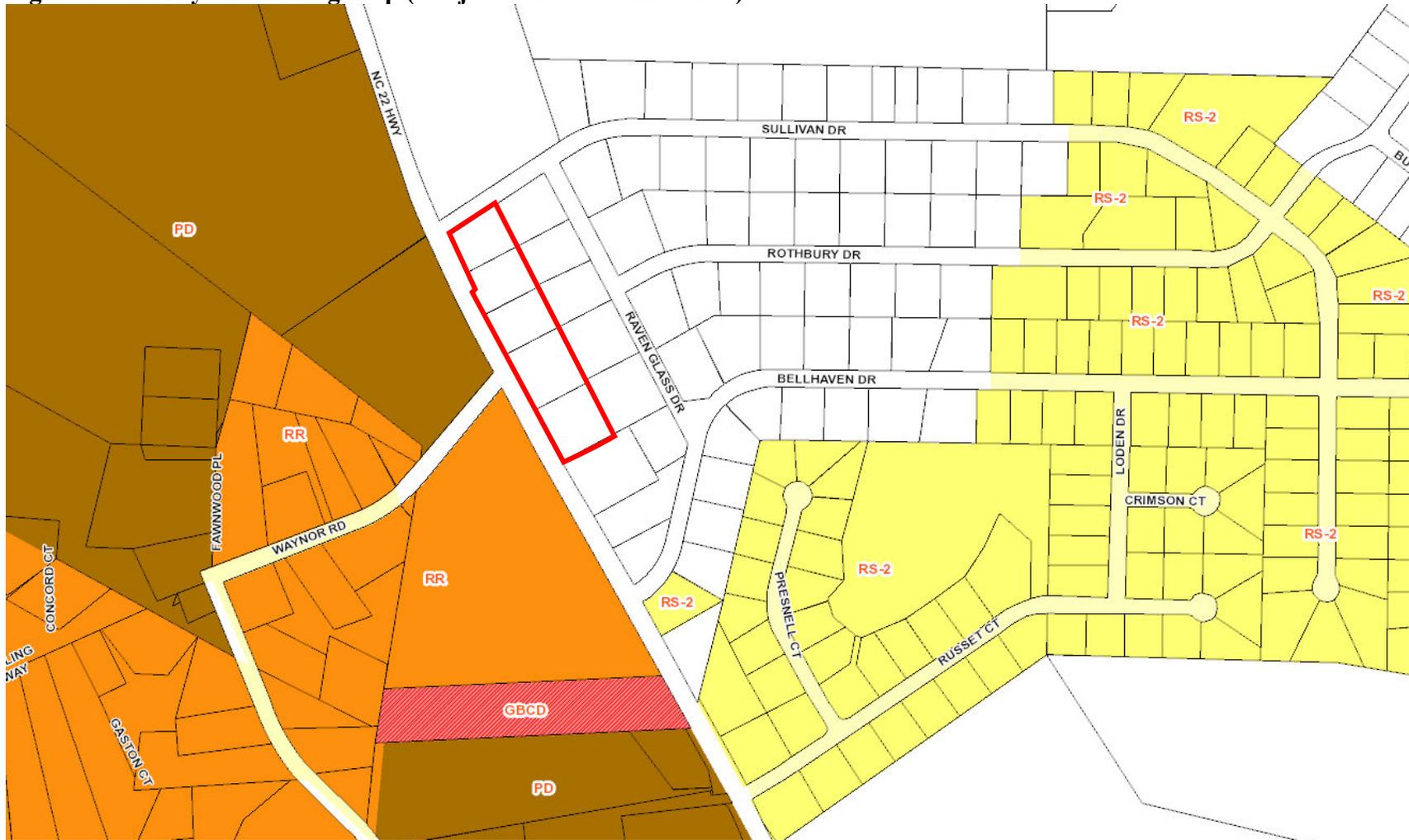


Figure 1a: Aerial 2019 Vicinity and Zoning Map (Subject Parcel Outlined Red).



Figure 2: Subject Property as Presently Developed



III. STAFF REVIEW:

A. Criteria for Review:

When reviewing an application for zoning, the hearing bodies (Planning Board and Town Council) shall consider and be guided by the following criteria, as set forth in UDO §2.17.9.

Criteria for Zoning Map Amendment - UDO § 2.17.9:

*(A) **Consistency.** Rezoning shall be consistent with the adopted Comprehensive Plan.*

*(B) **Adverse Impacts on Neighboring Lands.** The Hearing Body shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Town finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings may promote mixed uses subject to a high degree of design control.*

*(C) **Suitability as Presently Zoned.** The Hearing Body shall consider the suitability or unsuitability of the Tract for its use as presently zoned. This factor, like the others, should be weighed in relation to the other standards, and instances can exist in which the land may be rezoned to meet public need, to reflect substantially changed conditions in the neighborhood, or to effectuate important goals, objectives and policies of the Comprehensive Plan or UDO.*

*(D) **Health, Safety, and Welfare.** The amending ordinance must bear a substantial relationship to the public health, safety or general welfare, or protect and preserve historical and cultural places and areas. The rezoning may be justified, however, if a substantial public need or purpose exists, even if the private owner of the Tract will also benefit.*

*(E) **Public Policy.** Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.*

*(F) **Size of Tract.** The Hearing Body shall consider the size, shape, and characteristics of the Tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single Lot when there have been no intervening changes or other saving characteristics. Proof that a small Tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify ordinance rezoning.*

*(G) **Other Factors.** The Hearing Body may consider any other factors relevant to a rezoning application under state law.*

*(H) **Applicant Representations.** Except for rezoning requests submitted in accordance with the provisions herein for conditional zoning districts, the Hearing Body shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Hearing Body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.*

B. Staff Comments:

i. Consistency evaluation with the Unified Development Ordinance (UDO) for the Initial Zoning of Blue Farm Lots:

- The applicant has prepared a narrative addressing each of the criteria for a zoning map amendment found in UDO §2.17.9. A copy of the narrative is included as an attachment to this memorandum.
- Per the Town of Southern Pines and the Village of Whispering Pines Annexation agreement dated from August 8, 2018, these five subject properties are part of the agreement and are able to be incorporated via annexation procedures of the Town of Southern Pines.
- The proposed zoning is to apply an initial zoning to the subject properties following annexation into the Town of Southern Pines. The proposed RS-2 zoning district is the equivalent zoning available in the Town of Southern Pines to the existing zoning in the Village of Whispering Pines. However, it is important for the Planning Board and Town Council to contemplate all land uses allowed in the RS-2 zoning district for the potential impacts at this particular location. Please reference UDO Exhibit 3-15 *Table of Authorized Land Uses* for a comprehensive list of the permitted land uses in the RS-2 zoning classification.
- The RS-2 zoning district generally allows residences, communication utilities such as towers & antennas, governmental, public utilities, public facilities and crop production either permitted by-right, allowed with supplemental standards, or as conditional uses. Some public and private land uses have greater impacts and may have to undergo additional review as conditional uses.
- The land uses permitted within the RS-2 zoning district requires public facilities and services. The Town of Southern Pines water line exists along NC HWY 22 and is accessible to the five subject properties. A sewer force main exists along NC HWY 22; however, these parcels are not able to tap into the sewer force main. Moore County has already approved septic tanks, and the Town of Southern Pines sewer service permit has been submitted.
- Subsequent to annexation and the zoning map amendment, the future land use map will be amended per State statute §160D-605(a) that says, *“If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required.”*

- Basic commercial services such as medical offices, grocery stores, eateries, coffee, schools and fitness centers exist less than half a mile away, just north of the subject properties near the intersection of Highway 22 and Rays Bridge Road.
- The subject properties are within the Watershed-III (WS-III). The water supply is labeled as Little River (Vass) according to ArcGIS online. According to UDO Exhibit 3-14 it says, *“New Development shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built-upon area. If the new Development exceeds either of these thresholds the project may apply for the 5/70 exemption*.”*
- The five subject properties proposed initial zone of RS-2: “Residential Single Family” is consistent with the existing neighborhood character and the future land use zone for this area in our Current Long-Range Plan (CLRP), which is Residential.

ii. General Comments:

- The Planning Board will hold a public hearing for this request. The meeting will provide an opportunity to hear comment from any member of the public on this legislative matter.
- Notices of the Planning Board’s public hearing were posted, mailed and published as required by the UDO.
- On January 21, 2022 the rezoning request was deemed complete and all the necessary items are included as attachments to this Planning board report.

C. Outside Agency Comments:

- A request for comments was emailed to agencies on January 24, 2022. Agencies notified include Town of Southern Pines Streets, Utilities, Fire, Recreation and Parks, and Engineering departments, the Regional Land Use Advisory Commission (RLUAC), the Village of Whispering Pines, the Moore County Airport and the North Carolina Department of Transportation (NCDOT).
- On January 25, 2022 RLUAC does not have any comments on this case.
- The Planning Department received a letter from the Moore County Airport on February 9, 2022 that comments on this project. They recommend an Avigation Easement, which is an easement or right of overflight in the airspace above a particular property. Please see the attached letter for additional comments from Moore County Airport.

IV. ATTACHMENTS:

The following materials are provided as attachments to this staff memorandum:

1. Zoning Map Amendment Application
2. List of Adjacent Property Owners
3. Deed- Blue Farm Lots 6-10
4. Narrative for Proposed Amendment
5. Plot Plan- Blue Farm Lots 6-10
6. Legal Description/Survey Blue Farm Lots 6-10
7. Moore County Airport Comments

Additional documents related to this application including (but not limited to) property deeds, Authorization of Agent forms, email correspondence, meeting minutes and adjacent property notification records are on file in the Town of Southern Pines Planning Office and available for public inspections during normal business hours.

V. PLANNING BOARD ACTION:

The Planning Board shall consider the criteria for zoning map amendments found in UDO §2.17.9, including consistency with the Comprehensive Long-Range Plan. Per North Carolina General Statute 160D-604(d), prior to consideration of the proposed map amendment by the Town Council, the Planning Board shall advise and comment on whether the proposed amendments are consistent with the Comprehensive Long-Range Plan. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendments by the Town Council.

To assist the Planning Board in performing this task, town staff have prepared the following draft motions for the Planning Board’s consideration, possible modification as necessary, and adoption:

I move that after reviewing the proposed map amendments to the Town of Southern Pines Zoning Map and after considering the criteria for approval of map amendments found in UDO §2.17.9:

1. The proposed amendments are consistent with the Comprehensive Long-Range Plan for the reasons set forth in Attachment “A” of staff report Z-01-22;
2. The proposed amendments are consistent with the Comprehensive Long-Range Plan for the reasons set forth in Attachment “A” of staff report Z-01-22 as revised by the Planning Board;
3. The proposed amendments are inconsistent with the Comprehensive Long-Range Plan for the reasons set forth in Attachment “A” of staff report Z-01-22 as revised by the Planning Board;

I further move that the following other matters were considered by the Planning Board and shall be added to Attachment A by planning staff as part of the Planning Board’s written recommendation to the Town Council:

- 1.

And, therefore, I move to:

1. Recommend approval of Z-01-22 to the Town Council;
2. Recommend denial of Z-01-21 to the Town Council



**PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR ZONING MAP AMENDMENT APPLICATION
Z-01-22**

WHEREAS, Section 160D-701 of the North Carolina General Statutes specifies that zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to protect the public health, safety and general welfare; and

WHEREAS, Section 160D-604 of the North Carolina General Statutes specifies that the Planning Board shall, with any ordinance amendment or zoning map amendment, advise and comment on whether the proposed action is consistent with the adopted comprehensive plan and on other matters as deemed appropriate by the Planning Board, and that the Planning Board shall provide this in the form of a written recommendation to the Town Council; and

WHEREAS, the Planning Board has reviewed the proposed initial zoning which includes the written report, documentation and maps showing the proposed district boundaries and has conducted a public hearing on February 17, 2022 to listen to public comments, ask questions of the Town’s planning staff and consider zoning map amendment application Z-01-22.

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the proposed amendment to the Town of Southern Pines Zoning Map is reasonable, in the public interest and consistent with the current character of the residential neighborhood. The Planning Board concludes that the five parcels requesting the initial zoning of RS-2, Residential Single Family, in the Town of Southern Pines is in concordance with the Annexation agreement between the Village of Whispering Pines and the Town of Southern Pines dated from August 8, 2018, which says that these parcels are voluntarily able to annex into the Town of Southern Pines. The Planning Board recommends adopting the initial zoning request for RS-2 (Residential Single Family) in the Town of Southern Pines. The proposed initial zoning is consistent with the Town of Southern Pines adopted comprehensive plan (CLRP- Comprehensive Long-Range Plan) because the area is currently Residential with the Village of Whispering Pines, will continue to be Residential with the Town of Southern Pines and is consistent with the Town of Southern Pines Comprehensive Long-Range Plan Neighborhood goals (G-4) which says, *“to protect and enhance the function, stability and character of the residential neighborhoods.”* There is no change of land use. The Planning Board recommends the governing board adopt the initial zoning.

ADOPTED this the 17th day of February, 2022.

Gary Carroll, Chairman

ATTEST:

Cindy Williams
Secretary to the Planning Board



Zoning Map Amendment (Rezoning)

REQUIRED APPLICATION MATERIALS:

- Application fee** in the amount of **\$1,500.00**.
- Completed Application** for a Zoning Map Amendment (Rezoning) signed by the applicant. Please do not leave anything blank and make sure that all of the information provided is correct.
- Appointment of Agent**, if applicable, signed by the property owner(s) and the agent.
- List of Adjacent Property Owners**: Please list all properties that are that are within two hundred (200) feet of the outermost boundaries of the subject property (**not counting streets, railroads or other transportation corridors**). Attach additional pages if needed. No fewer than ten (10) property owners shall be notified by mail.
- Deed** copy to provide proof of ownership and property boundaries.
- Reasons for proposed amendment**: Explain the need for the proposed changes to the zoning map. Please provide additional text and/or maps to demonstrate consistency with the approval criteria listed in **UDO §2.17.9 Criteria for Zoning Map Amendments**. The list of criteria is attached.
- Survey** of the subject property.
- Written metes and bounds description** of the subject property.
- Site plan**, if applicable
- Electronic copy (PDF) of all application materials** submitted to plan@southernpines.net.

PLEASE SUBMIT ONLY ONE (1) COMPLETE SET OF ALL MATERIALS.

REVIEW AND APPROVAL:

1. **Staff review**: Planning staff will review the application and notify the applicant if additional materials are needed.
2. **Public hearings**: The applicant is expected to attend a public hearing on the application before the Planning Board followed by a public hearing before the Town Council the following month. (Please refer to the **Application Processing Timeline** to determine the hearing dates.) The Planning Board will recommend approval, conditional approval or denial to the Town Council. The Town Council will consider that recommendation, as well as evidence and testimony presented, and approve, conditionally approve or deny the rezoning request.
3. **Approval**: The approval of an amendment to the UDO text or Zoning Map does not authorize the use, occupancy, or development of property until the applicant receives necessary development approvals, such as subdivision, site plan and building permits. (UDO §2.17.12)



Zoning Map Amendment Application

Fee: \$1,500.00	Date Received: _____	Case No.: Z-____-____
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Project Information:

Street Address: 100 SULLIVAN DR, 7521 , 7541, 7561 AND 7581 NC 22 HWY, CARTHAGE, NC 28327
857404932694, 857404932803, 857404931919,
 PIN: 857400940142 AND 857400849276 Parcel ID: 00041297, 00041296, 00041294, 000041293 AND 00041291
 Site Size: 4.10 ACRES Zoning: RS

Applicant:

Name(s): BENJAMIN STOUT REAL ESTATE SERVICES INC
 Email: ben@benstoutconstruction.com Phone: 910.476.4502
 Mailing Address: PO BOX 53798, FAYETTEVILLE, NC 28305

Authorized Agent, if different from Applicant:

Name(s): SAME
 Email: SAME Phone: SAME
 Mailing Address: SAME

Legal Property Owner(s), if different from Applicant:

Name(s): SAME
 Email: SAME Phone: SAME
 Mailing Address: SAME

TO THE TOWN OF SOUTHERN PINES PLANNING BOARD AND TOWN COUNCIL:

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council to grant a zoning map amendment as required by the Town of Southern Pines Zoning Ordinance. The following information is submitted in support of this application:

The property which is the subject of this application is located on the EAST side of NC 22 HIGHWAY (St./Ave.), between BELLHAVEN DRIVE (St./Ave.) and SULLIVAN DRIVE (St./Ave.). The property has a frontage of 863 feet and a depth of 200 feet.

The zoning map amendment sought is based upon Section(s) 3.5.3. RS-1 – Residential Single-Family (10,000 sf Lots) of the **Town of Southern Pines Unified Development Ordinance**.

The proposed use of the property is as follows:

THE OWNER PLANS TO BUILD ONE SINGLE FAMILY RESIDENCE ON EACH OF THE FIVE LOTS.

Date: 13 Jan 2022



Applicant

**PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES**

PROPERTY OWNERS WITHIN 200 FEET

1. FOOD LION LLC
PO BOX 6500
CARLISLE, PA 17013
2. WILLIAM AND RITA HAIRSTON
102 RAVEN GLASS DRIVE
CARTHAGE, NC 28327
3. TERRENCE AND DENISE HUTTO
106 RAVEN GLASS DR
CARTHAGE, NC 28327
4. ELIZABETH AND DEREK BRANSON
110 RAVEN GLASS DR
CARTHAGE, NC 28327
5. RANDEL AND LAURA ROY
114 RAVEN GLASS DR
CARTHAGE, NC 28327
6. SHANNON STANLEY
118 RAVEN GLASS DR
CARTHAGE, NC 28327
7. JOSEPH AND MEGAN CONRAD
120 RAVEN GLASS DR
CARTHAGE, NC 28327
8. CHARLES HARGROVE
7601 NC HWY 22
CARTHAGE, NC 28327
9. BIBLE TABERNACLE OF SOUTHERN PINES, NC
PO BOX 685
SOUTHERN PINES, NC 28388
10. JAMES D. MABE
7396 NC HWY 22
CARTHAGE, NC 28327

For Registration Register of Deeds
Judy D. Martin

Moore County, NC

Electronically Recorded

October 8, 2021 11:08:09 AM

Book: 5719 Page: 259 - 261 #Pages: 3

Fee: \$26.00 NC Rev Stamp: \$210.00

Instrument# 2021022322

This Instrument Prepared By: H. Craig Phifer, III
Clarke, Phifer, Vaughn, Brenner & McNeill, PLLC
135 Applecross Road,
Pinehurst, North Carolina 28374
NO TITLE SEARCH COMPLETED BY PREPARER

Revenue Stamps: \$210.00

Parcel ID: LRK#00041297; 00041294; 00041291

RETURN TO ATTY STEVE BUND # 516 28

**STATE OF NORTH CAROLINA
COUNTY OF MOORE**

GENERAL WARRANTY DEED

THIS DEED, made this 6th day of October, 2021, by Edmund E. Garrison and wife, Margaret L. Garrison, of 514 Dundee Trail, Southern Pines, NC 28387; **GRANTOR**, to Benjamin Stout Real Estate Services, Inc., **GRANTEE**;

Tax Address: PO Box 53796, Fayetteville, NC 28305

WITNESSETH:

That said Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, tract or parcel of land situated in Mineral Springs Township, Moore County, North Carolina, and more particularly described as follows:

BEING all of Lots Numbered 6,8 and 10, as shown on a map entitled "Blue Farm Section Three, Property of A. P. Johnson, and J. H. Wright, McNeills Township, Moore County, North Carolina", made by H. D. Gilhousen, American Surveying & Mapping, Registered Surveyor, dated May 15, 1990, which is recorded in Plat Cabinet 4, at Slide 319, in the Office of the Register of Deeds of Moore County, North Carolina.

This conveyance is made subject to: (i) utility easements of record; (ii) ad valorem taxes for the current year, which taxes shall be prorated as of the date of closing; and (iii) unviolated restrictive covenants of record that do not materially affect the value of the property.

The property hereinabove described was acquired by Grantors by instrument recorded in Book 1483, Page 43, Moore County Registry, Carthage, North Carolina.

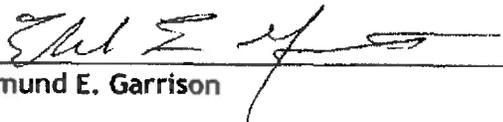
All or a portion of the property herein conveyed [] includes or [X] does not include the primary residence of a Grantor.

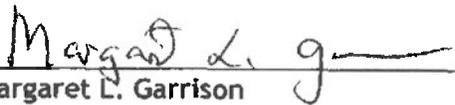
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions noted herein.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.


_____ (SEAL)
Edmund E. Garrison


_____ (SEAL)
Margaret L. Garrison

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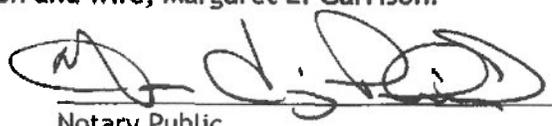
STATE OF NORTH CAROLINA

COUNTY OF MOORE

I certify that the following person(s) personally appeared before me this day and I have personal knowledge of the identity of the principal(s) or, _____ have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a [] driver's license or _____, or a credible witness has sworn to the identity of the principal(s); each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Name of Principal(s): Edmund E. Garrison and wife, Margaret L. Garrison.

Date: October 6, 2021

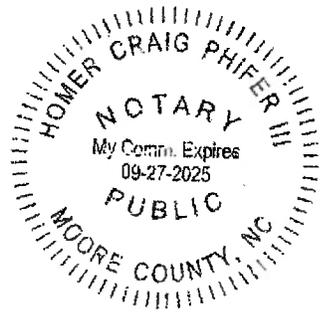


Notary Public

Homer Craig Phifer III
Printed or typed name of Notary Public

My Commission Expires: 27 Sep 2025

[OFFICIAL SEAL]



For Registration Register of Deeds
Judy D. Martin

Moore County, NC

Electronically Recorded

October 8, 2021 1:47:37 PM

Book: 5720 Page: 35 - 37 #Pages: 3

Fee: \$26.00 NC Rev Stamp: \$140.00

Instrument# 2021022389

This Instrument Prepared By: H. Craig Phifer, III
Clarke, Phifer, Vaughn, Brenner & McNeill, PLLC
135 Applecross Road,
Pinehurst, North Carolina 28374
NO TITLE SEARCH COMPLETED BY PREPARER

Revenue Stamps: \$ 140.00 Parcel ID: LRK#00041296 & 00041293
Return to Cathy STEVE Bounce # 51628

**STATE OF NORTH CAROLINA
COUNTY OF MOORE**

GENERAL WARRANTY DEED

THIS DEED, made this 6th day of October, 2021, by Edmund E. Garrison and wife, Margaret L. Garrison, of 514 Dundee Trail, Southern Pines, NC 28387; **GRANTOR**, to Benjamin Stout Real Estate Services, Inc., **GRANTEE**;

Tax Address: PO Box 53798, Fayetteville, NC 28305

WITNESSETH:

That said Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, tract or parcel of land situated in Mineral Springs Township, Moore County, North Carolina, and more particularly described as follows:

BEING all of Lots Numbered 7 and 9, as shown on a map entitled "Blue Farm Section Three, Property of A. P. Johnson, and J. H. Wright, McNeills Township, Moore County, North Carolina", made by H. D. Gilhousen, American Surveying & Mapping, Registered Surveyor, dated May 15, 1990, which is recorded in Plat Cabinet 4, at Slide 319, in the Office of the Register of Deeds of Moore County, North Carolina.

This conveyance is made subject to: (i) utility easements of record; (ii) ad valorem taxes for the current year, which taxes shall be prorated as of the date of closing; and (iii) unviolated restrictive covenants of record that do not materially affect the value of the property.

The property hereinabove described was acquired by Grantors by instrument recorded in Book 1483, Page 43, Moore County Registry, Carthage, North Carolina.

All or a portion of the property herein conveyed [] includes or [X] does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions noted herein.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.


_____ (SEAL)
Edmund E. Garrison


_____ (SEAL)
Margaret L. Garrison

*** THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK ***

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STATE OF NORTH CAROLINA

COUNTY OF MOORE

I certify that the following person(s) personally appeared before me this day and I have personal knowledge of the identity of the principal(s) or, _____ have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a [] driver's license or _____, or a credible witness has sworn to the identity of the principal(s); each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Name of Principal(s): Edmund E. Garrison and wife, Margaret L. Garrison.

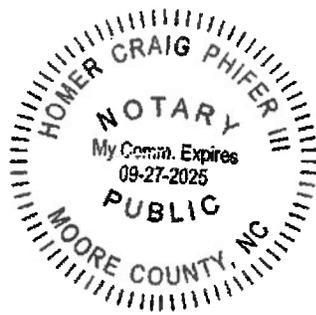
Date: 10/06/2021



Notary Public

Homer Craig Phifer III

Printed or typed name of Notary Public



[OFFICIAL SEAL]

My Commission Expires: 27 SEP 2025

UDO §2.17.9. Criteria for Zoning Map Amendments

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

(A) *Consistency.* Rezoning shall be consistent with the adopted Comprehensive Plan.

The subject properties are presently outside of the Town of Southern Pine' planning jurisdiction and are therefor not included in the planning area or Future Land Use Map (see attached portion of said map) in the 2016 Town of Southern Pines Comprehensive Long Range Plan (CLRP). However, the subject parcels are in close proximity of properties designated for residential and across Highway 22 from properties designated for low density residential on said map.

The proposed zoning of these five parcels is RS-~~1~~². The RS-~~1~~² is established as "a district in which to allow primarily medium density Single-Family residential land uses (approximately 4.3 Dwelling Units per acre). The regulations of this district are intended to: (1) Preserve existing Single-Family residential neighborhoods that have developed at a medium-density; and (2) Encourage new residential Development that is compatible with that in the existing neighborhoods."

Therefore, the requested rezoning to RS-~~1~~², which is intended for single family residential neighborhoods is consistent with surrounding areas that are included in the CLRP and the stated purpose of the proposed zoning district.

(B) *Adverse Impacts on Neighboring Lands.* The Hearing Body shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Town finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings may promote mixed uses subject to a high degree of design control.

The subject properties were recorded as part of a subdivision of similarly sized lots that were also intended for single family residential use. Those lots are to the east and south of the lots in this request. To the north, across Sullivan Drive, is a professional/commercial area comprised of First Health Family Medicine, Domino's Pizza and Food Lion. The area across Hwy 22 is undeveloped and densely vegetated and contains a pond.

Therefore the requested zoning of RS-~~1~~² is the most appropriate zoning classification for the subject properties to avoid adverse impacts to existing or future land uses on neighboring lands and maintains the status quo. It also avoids disruption to neighboring landowners.

(C) *Suitability as Presently Zoned.* The Hearing Body shall consider the suitability or unsuitability of the Tract for its use as presently zoned. This factor, like the others,

should be weighed in relation to the other standards, and instances can exist in which the land may be rezoned to meet public need, to reflect substantially changed conditions in the neighborhood, or to effectuate important goals, objectives and policies of the Comprehensive Plan or UDO.

As stated previously the subject properties are requesting annexation into the Town of Southern Pines' corporate limits and, if approved, the Village of Whispering Pines' RS zoning district will no longer apply to the subject properties. The similarity of permitted uses in the Town of Southern Pines' RS-~~1~~ zoning district to the Village of Whispering Pines' RS zoning district is the basis for zoning the property with the Town of Southern Pines' RS-~~2~~ zoning district upon annexation of the properties.

- (D) *Health, Safety, and Welfare. The amending ordinance must bear a substantial relationship to the public health, safety or general welfare, or protect and preserve historical and cultural places and areas. The rezoning may be justified, however, if a substantial public need or purpose exists, even if the private owner of the Tract will also benefit.*

The subject properties are requesting annexation into the corporate limits of the Town of Southern Pines. If the annexation is approved, the Town of Southern Pines has a limited timeframe within which to apply zoning to the subject properties. Zoning the subject properties with the FRR zoning district is consistent with both the existing zoning under a different jurisdiction and the existing land use. The proposed RS-~~1~~ zoning district therefore serves to protect the public health, safety and general welfare by maintaining a similar zoning during a jurisdictional transition of the subject properties. The proposed zoning also protects and preserves the recreational character and use of the subject properties, for which public services and facilities are presently provided.

- (E) *Public Policy. Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.*

According to vision statements found in Chapter 2 of the Town of Southern Pines CLRP, Southern Pines residents recognize the importance and relevance of housing that is diverse, affordable, and compatible with the neighborhood in which it is developed. The Town is committed to promoting these housing goals in all areas of the community.

Much of Southern Pines' charm, livability and pride of place comes from its traditional neighborhood layout and quality of housing stock. Preserving and building upon these characteristics is a Town priority, for reasons including walkability, small-town feel, service efficiency, safety, and community health. Housing types not typical in Southern Pines today but that add to downtown vitality or provide needed options in

under-used areas are also a priority. Appropriate infrastructure is key to neighborhood continuity and value.

As with the full range of services and policies addressing Southern Pines' vision, provisions and support for housing must be based on a comprehensive view of resources, demographic trends, growth projections and civic desire, together helping foster a more sustainable, livable community.

(F) Size of Tract. The Hearing Body shall consider the size, shape, and characteristics of the Tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single Lot when there have been no intervening changes or other saving characteristics. Proof that a small Tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify ordinance rezoning.

The overall size, shape and configuration of the subject properties consistent with a typical single family residential lot in the RS-~~1~~ zoning. Similar arrangements may be found throughout the Town of Southern Pines' planning jurisdiction. The proposed RS-~~1~~ zoning on existing residential property is therefore appropriate in both size and shape in relation to affected neighboring lands and the community as a whole.

(G) Other Factors. The Hearing Body may consider any other factors relevant to the rezoning application under state law.

This request is effective in meeting several of the Town of Southern Pines' visions in the CLRP. The following is taken from Chapter 8:

".....Increase the diversity of housing types, providing buyers with options most suited to their needs, and providing housing options in close proximity to work and services, thereby reducing the household expenses for transportation. As such, many of this Plan's goals, policies and programs work on an indirect level to improve affordability conditions in Southern Pines. These include policies to support infill housing where desired in neighborhoods, and to increase the potential for small-scale commercial areas that are more accessible to neighborhood residents."

This request is an example of making the most of existing features and services.

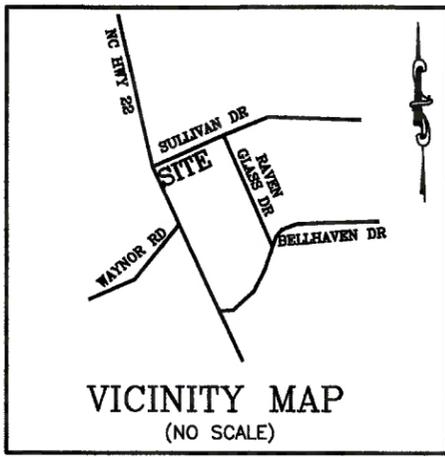
As previously stated, this owner of these properties has requested annexation into the Town Limits of Southern Pines. The time frame for which a zoning, in that jurisdiction, must be applied to the subject parcels is limited. the proposed RS-~~1~~ zoning district is a Southern Pines zoning classification that maintains the historic and existing land use on the subject properties with minimal changes that may impact the

landowner and/or neighboring landowners.

Applicant Representations. Except for rezoning requests submitted in accordance with the provisions herein for conditional use district rezonings, the Hearing Body shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Hearing Body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.

The applicant intends to build one single family residence on each of the five lots in this application and the uses will comply with those allowed in the requested zoning classification.

NOTE : CONTRACTOR TO VERIFY ALL BUILDING SETBACKS PRIOR TO CONSTRUCTION.



5

BLUE FARM SECTION THREE
M.B. 4, PG. 319

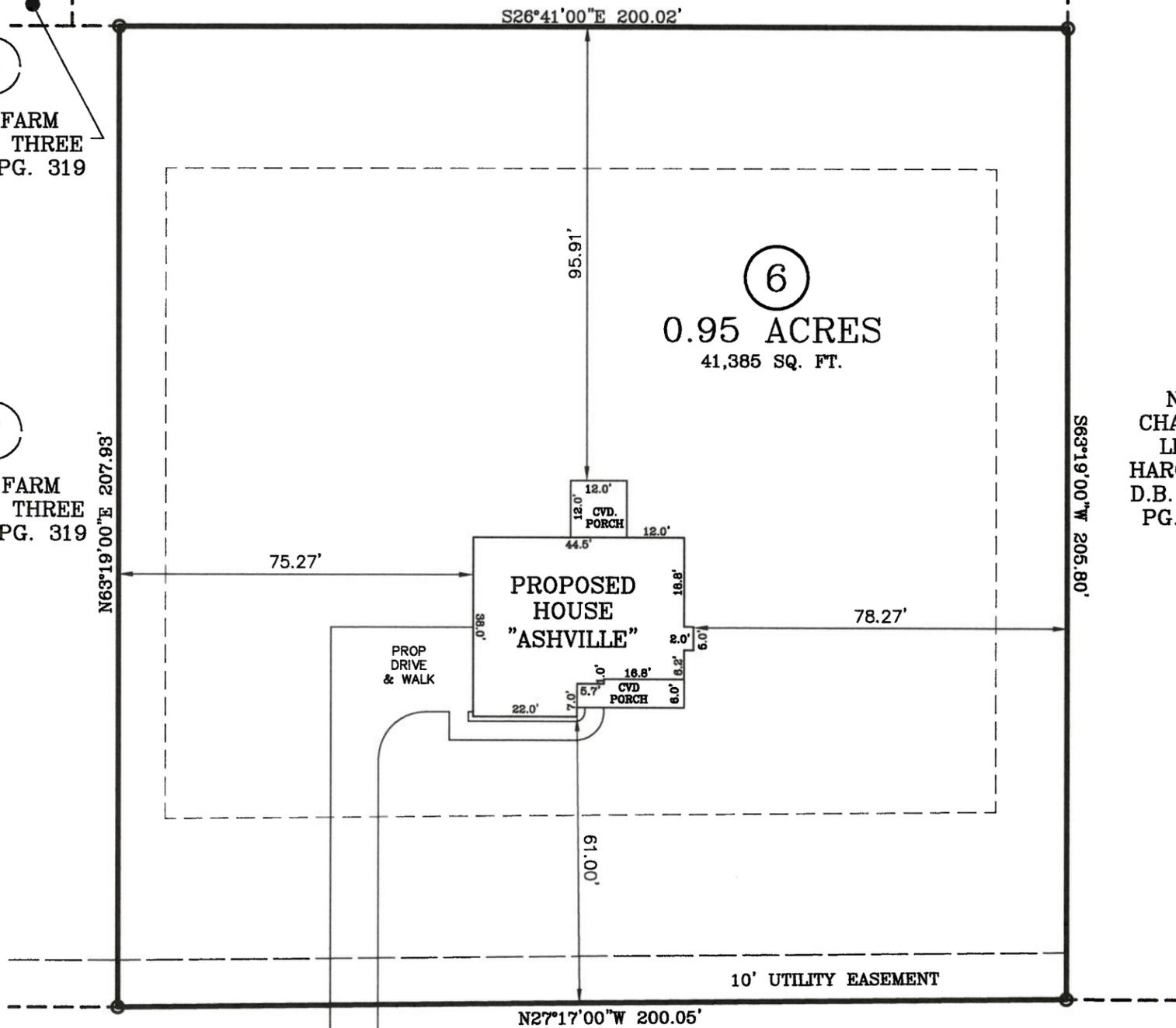
M.B. 4, PG. 319

4
BLUE FARM SECTION THREE
M.B. 4, PG. 319

7
BLUE FARM SECTION THREE
M.B. 4, PG. 319

6
0.95 ACRES
41,385 SQ. FT.

N/F
CHARLES LEON HARGROVE
D.B. 1526,
PG. 328



NC HIGHWAY 22
60 FT. PUBLIC R/W

ZONING:	RS
SETBACKS:	
	FRONT - 40'
	REAR - 30'
	SIDE - 10'

IMPERVIOUS AREA:
HOUSE, PORCHES 1,800 SQ. FT.
DRIVEWAY, SIDEWALK 1,993 SQ. FT.
TOTAL 3,793 SQ. FT.

PLOT PLAN

PLOT PLAN FOR: BEN STOUT CONSTRUCTION
ADDRESS: 7581 NC HIGHWAY 22
CITY OF: SOUTHERN PINES, NC
COUNTY OF: MOORE

TOWNSHIP OF: McNEILLS
REV DATE: NOVEMBER 23RD, 2021
DATE: JULY 27TH, 2021
SCALE: 1" = 30'
REFERENCE: LOT 6
BLUE FARM SECTION THREE
M.B. 4, PG. 319



W. Larry King
W. LARRY KING, PLS - L-1339

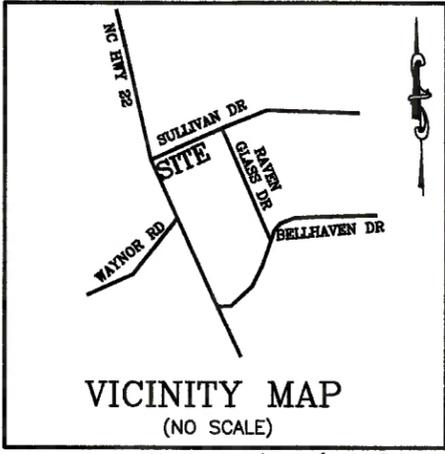
Larry King & Associates, R.L.S., P.A.
P.O. Box 53787
1333 Morganton Road, Suite 201
Fayetteville, NC 28305
Phone: (910)483-4300
Fax: (910)483-4052
www.LKandA.com
NC Firm License C-0887

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I, W. LARRY KING, CERTIFY THAT THIS MAP IS FOR THE PURPOSE OF PERMITTING ONLY, IT IS NOT A SURVEY AND NO RELIANCE MAY BE PLACED ON ITS ACCURACY. THE STRUCTURE SHOWN ON THIS PLOT PLAN IS PLACED ACCORDING TO THE INSTRUCTIONS GIVEN BY THE BUILDER. ALL DIMENSIONS AND SETBACKS SHOULD BE VERIFIED FOR COMPLIANCE WITH ZONING AND COVENANTS.

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NOTE : CONTRACTOR TO VERIFY ALL BUILDING SETBACKS PRIOR TO CONSTRUCTION.



4

BLUE FARM SECTION THREE
M.B. 4, PG. 319

5

BLUE FARM SECTION THREE
M.B. 4, PG. 319

7

1.00 ACRES
43,639 SQ. FT.

7

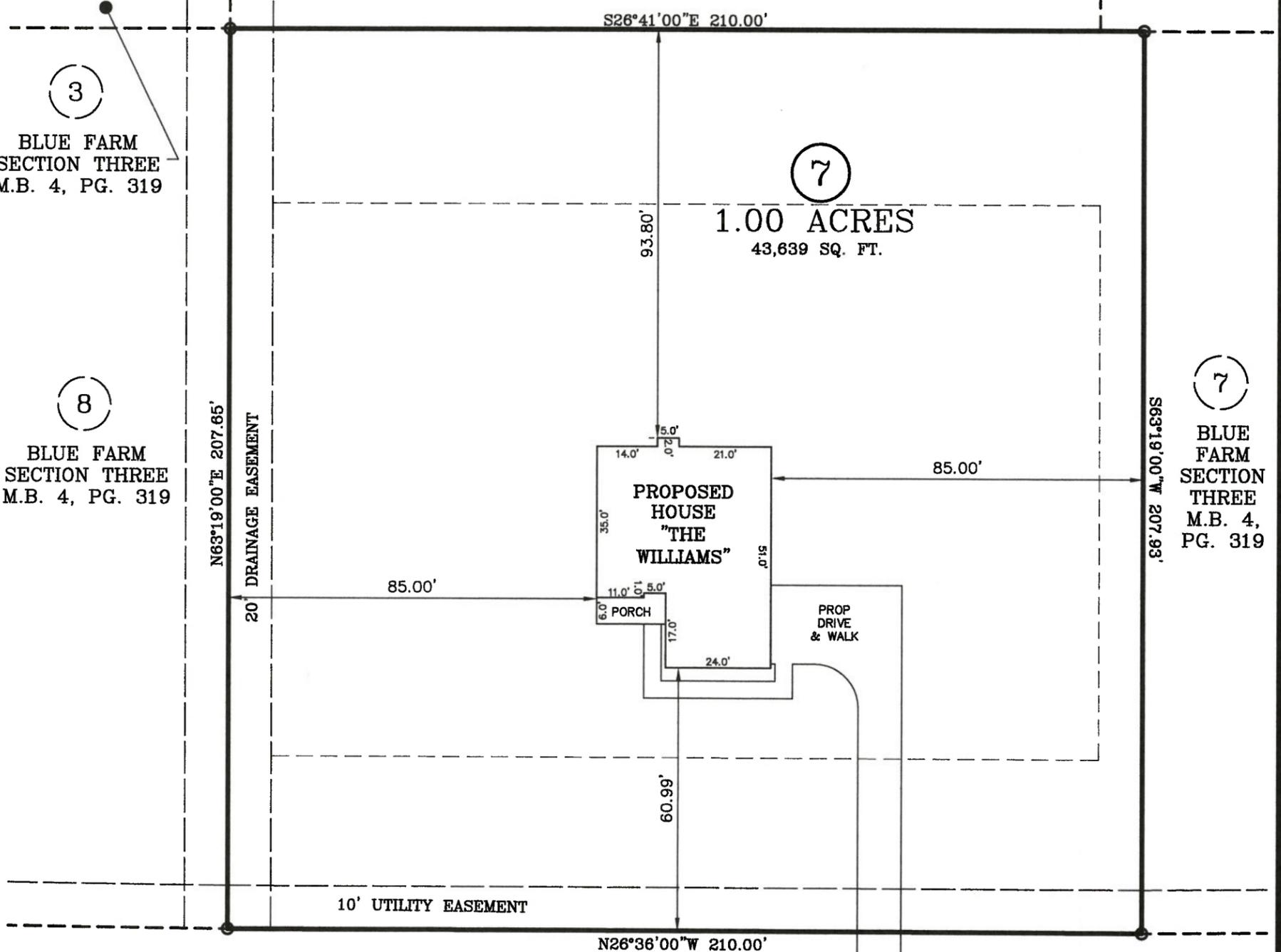
BLUE FARM SECTION THREE
M.B. 4, PG. 319

3

BLUE FARM SECTION THREE
M.B. 4, PG. 319

8

BLUE FARM SECTION THREE
M.B. 4, PG. 319



NC HIGHWAY 22
60 FT. PUBLIC R/W

ZONING: RS
SETBACKS:
FRONT - 40'
REAR - 30'
SIDE - 10'

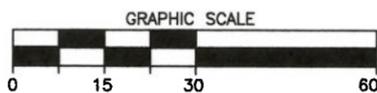
IMPERVIOUS AREA:
HOUSE, PORCHES 1,890 SQ. FT.
DRIVEWAY, SIDEWALK 1,993 SQ. FT.
TOTAL 3,883 SQ. FT.

PLOT PLAN

PLOT PLAN FOR: BEN STOUT CONSTRUCTION
ADDRESS: 7561 NC HIGHWAY 22
CITY OF: SOUTHERN PINES, NC
COUNTY OF: MOORE

TOWNSHIP OF: McNEILLS
REV DATE: NOVEMBER 23RD, 2021
DATE: JULY 27TH, 2021
SCALE: 1" = 30'

REFERENCE: LOT 7
BLUE FARM SECTION THREE
M.B. 4, PG. 319



W. Larry King
W. LARRY KING, PLS - L-1339

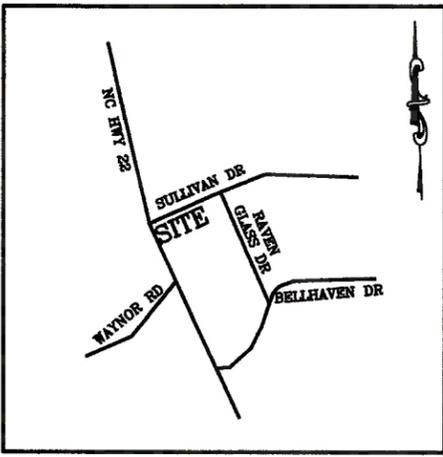
Larry King & Associates, R.L.S., P.A.
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VICINITY MAP
(NO SCALE)

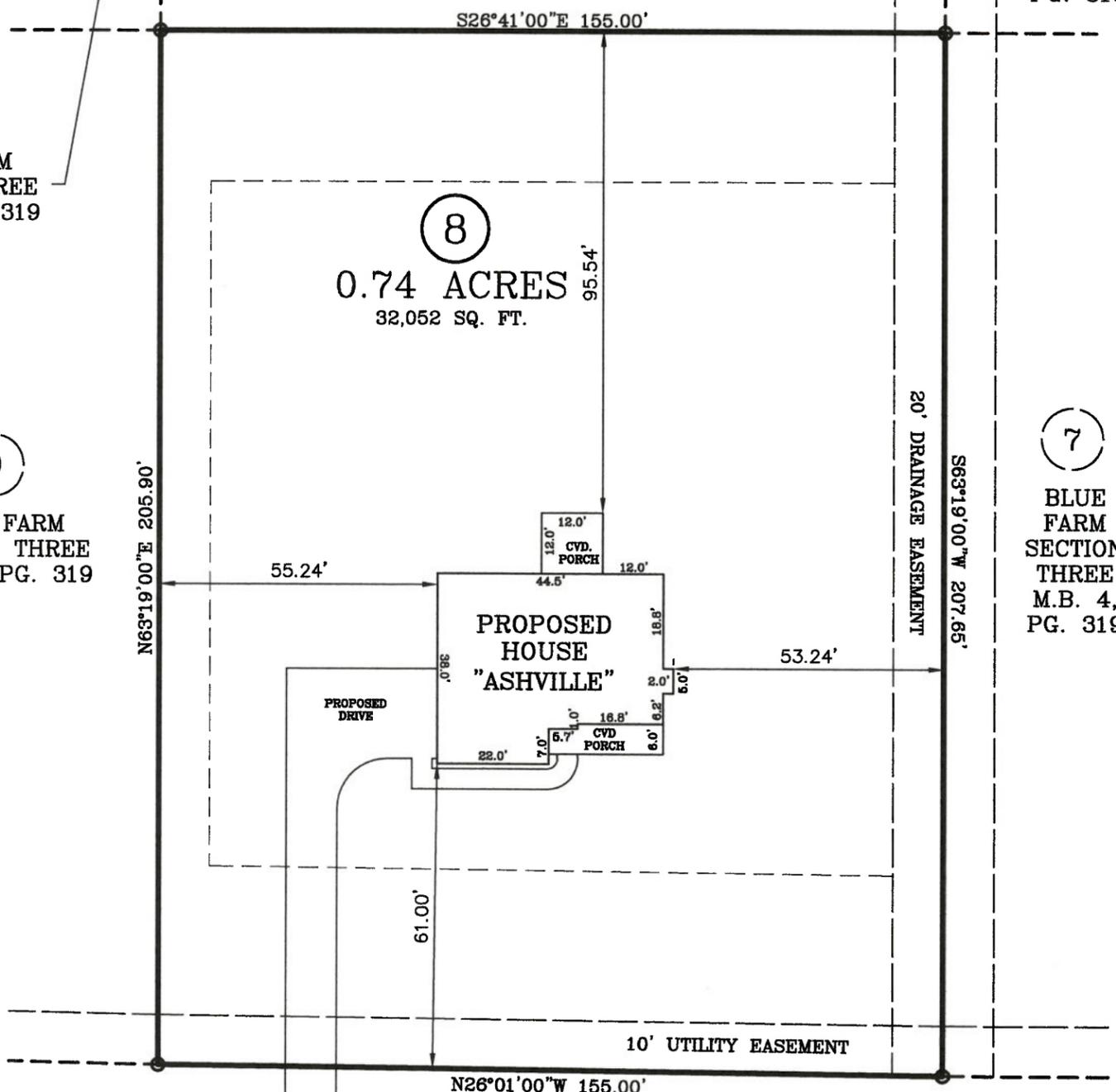
2
BLUE FARM SECTION THREE
M.B. 4, PG. 319

9
BLUE FARM SECTION THREE
M.B. 4, PG. 319

3
BLUE FARM SECTION THREE
M.B. 4, PG. 319

4
BLUE FARM SECTION THREE
M.B. 4, PG. 319

7
BLUE FARM SECTION THREE
M.B. 4, PG. 319



NC HIGHWAY 22
60 FT. PUBLIC R/W

IMPERVIOUS AREA:
HOUSE, PORCHES 1,800 SQ. FT.
DRIVEWAY, SIDEWALK 1,565 SQ. FT.
TOTAL 3,365 SQ. FT.

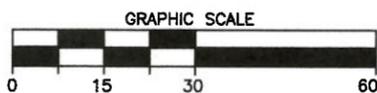
ZONING: RS
SETBACKS:
FRONT - 40'
REAR - 30'
SIDE - 10'

PLOT PLAN

PLOT PLAN FOR: BEN STOUT CONSTRUCTION
ADDRESS: 7541 NC HIGHWAY 22
CITY OF: SOUTHERN PINES, NC
COUNTY OF: MOORE

TOWNSHIP OF: McNEILLS
REV DATE: NOVEMBER 23RD, 2021
DATE: JULY 27TH, 2021
SCALE: 1" = 30'

REFERENCE: LOT 8
BLUE FARM SECTION THREE
M.B. 4, PG. 319



11-23-21
W. LARRY KING, PLS - L-1339

Larry King & Associates, R.L.S., P.A.

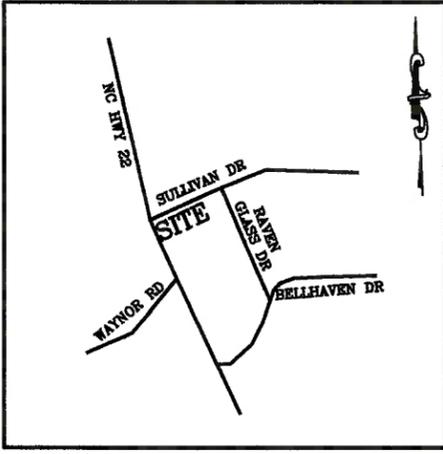
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VICINITY MAP
(NO SCALE)

1

BLUE FARM SECTION THREE
M.B. 4, PG. 319

10

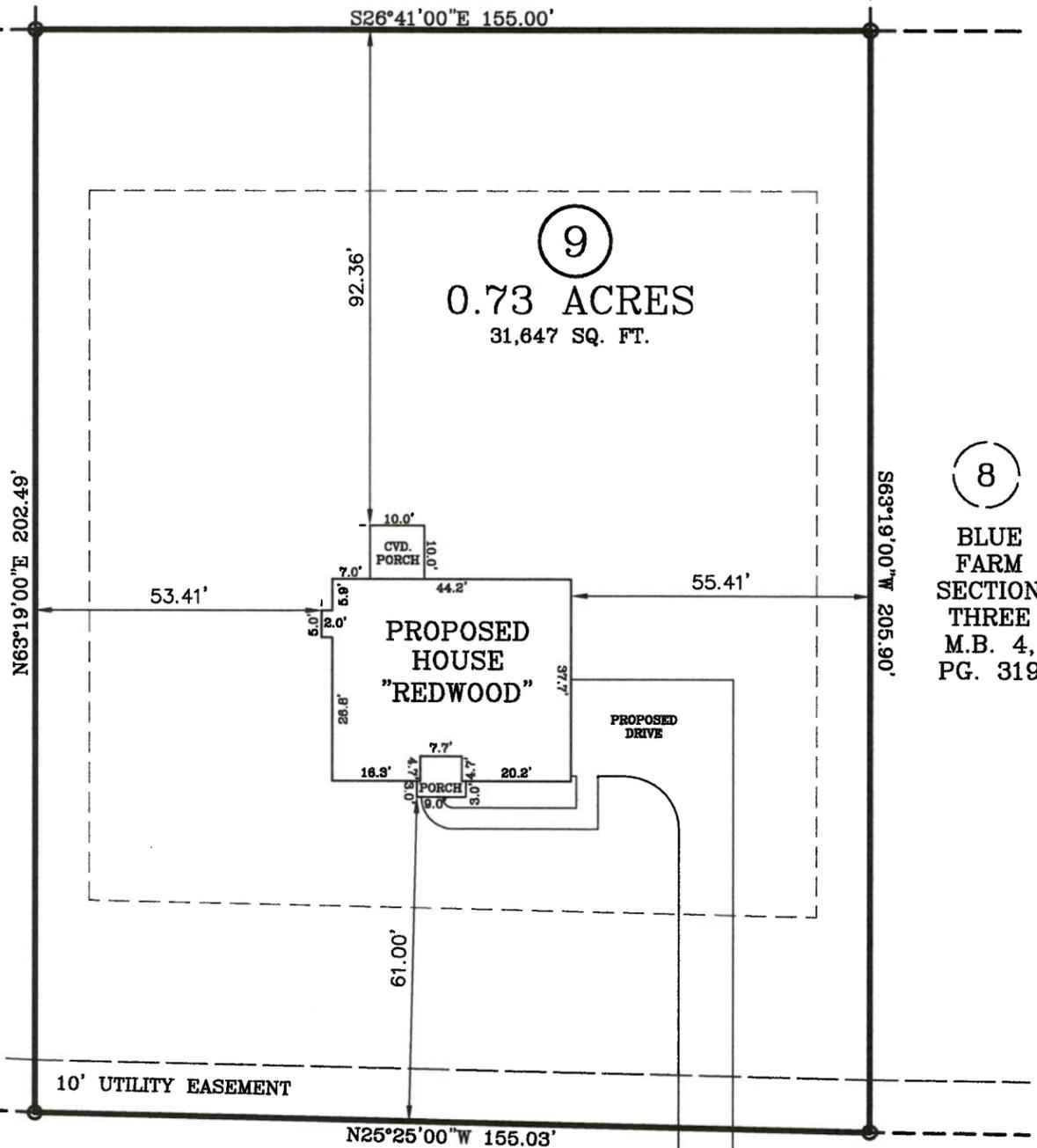
BLUE FARM SECTION THREE
M.B. 4, PG. 319

2

BLUE FARM SECTION THREE
M.B. 4, PG. 319

3

BLUE FARM SECTION THREE
M.B. 4, PG. 319



8

BLUE FARM SECTION THREE
M.B. 4, PG. 319

9

0.73 ACRES
31,647 SQ. FT.

ZONING: RS
SETBACKS:
FRONT - 40'
REAR - 30'
SIDE - 10'

NC HIGHWAY 22
60 FT. PUBLIC R/W

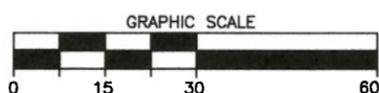
PLOT PLAN

IMPERVIOUS AREA:
HOUSE, PORCHES 1,801 SQ. FT.
DRIVEWAY, SIDEWALK 1,565 SQ. FT.
TOTAL 3,366 SQ. FT.

PLOT PLAN FOR: BEN STOUT CONSTRUCTION
ADDRESS: 7521 NC HIGHWAY 22
CITY OF: SOUTHERN PINES, NC
COUNTY OF: MOORE

TOWNSHIP OF: McNEILLS
REV DATE: NOVEMBER 23RD, 2021
DATE: JULY 27TH, 2021
SCALE: 1" = 30'

REFERENCE: LOT 9
BLUE FARM SECTION THREE
M.B. 4, PG. 319



11-23-21
W. LARRY KING, PLS - L-1339
NORTH CAROLINA PROFESSIONAL SURVEYOR SEAL

Larry King & Associates, R.L.S., P.A.
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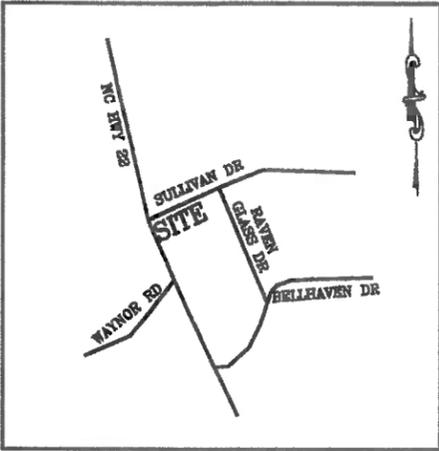
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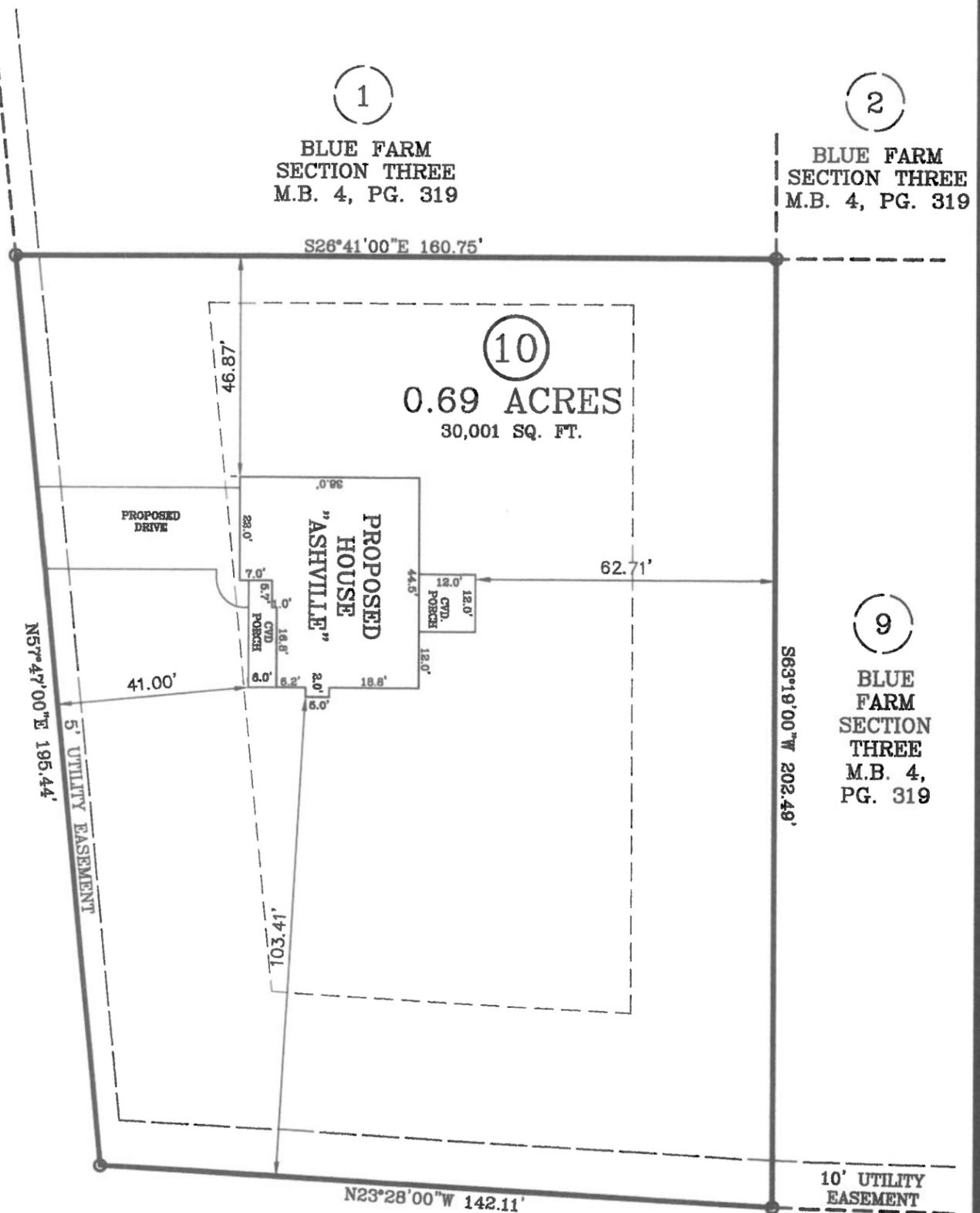
K:\sds\proj\BEN STOUT\BLUE FARM\LOT 9 - PLOT PLAN 11-23-21.dwg, 11/23/2021 1:40:39 PM, tanderson, 1:30

NOTE : CONTRACTOR TO VERIFY ALL BUILDING SETBACKS PRIOR TO CONSTRUCTION.



VICINITY MAP
(NO SCALE)

JACOBS CREEK CIRCLE
30 FT. PUBLIC R/W



ZONING:	RS
SETBACKS:	
FRONT	- 40'
REAR	- 30'
SIDE	- 10'

NC HIGHWAY 22
60 FT. PUBLIC R/W

PLOT PLAN

PLOT PLAN FOR: BEN STOUT CONSTRUCTION
ADDRESS: 100 SULLIVAN DR
CITY OF: SOUTHERN PINES, NC
COUNTY OF: MOORE

TOWNSHIP OF: McNEILLS
REV DATE: SEPTEMBER 2ND, 2021
DATE: JULY 27TH, 2021
SCALE: 1" = 30'

REFERENCE: LOT 10
BLUE FARM SECTION THREE
M.B. 4, PG. 319



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W. Larry King
W. LARRY KING, PLS - L-1339

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ENGINEERING - SURVEYING - DESIGNING - DRAFTING

Larry King & Associates, R.L.S., P.A.

P.O. Box 53787

1333 Morganton Road, Suite 201

Fayetteville, North Carolina 28305

P. (910) 483-4300 F. (910) 483-4052

www.LKandA.com

NC Firm License C-0887



December 6, 2021

LEGAL DESCRIPTION

BLUE FARM SECTION THREE

LOTS 6, 7, 8, 9 and 10

Moore County

4.10 ACRES

LYING in McNeills Township, Moore County, North Carolina, this subject tract being bounded on the northeast by Lots 1, 2, 3, 4 and 5, "Blue Farm, Section Three" as described and recorded in Plat Cabinet 4, Page 319, Moore County Registry; bounded on the southeast by the tract as conveyed to Charles Leon Hargrove, as described and recorded in Deed Book 1526, Page 328, Moore County Registry; bounded on the southwest by the northeast right of way margin NC Highway 22, a 60 foot public right of way; bounded on the northwest by the southeast right of way margin of Sullivan Drive, a 60 foot public right of way, and being more particularly described as follows:

COMMENCING from the northernmost corner of Lot 10, "Blue Farm, Section Three" as described and recorded in Plat Cabinet 4, Page 319, Moore County Registry, said corner of Lot 10 also being the **TRUE POINT AND PLACE OF BEGINNING**;

THENCE as and with the southwest boundary line of Lots 1, 2, 3, 4 and 5 "Blue Farm, Section Three" (Plat Cabinet 4, Page 319), South 26 degrees 41 minutes 00 seconds East for a distance of 880.77 feet to the southernmost corner of Lot 5;

THENCE as and with the southeast boundary line of Lot 6, South 63 degrees 19 minutes 00 seconds West for a distance of 205.80 feet to a point, the southernmost corner of Lot 6, located in northeastern right of way margin of NC Highway 22, a 60 foot public right of way;

THENCE as and with the southwest boundary line of Lot 6, North 27 degrees 17 minutes 00 seconds West for a distance of 200.05 feet to a point;

THENCE as and with the southwest boundary line of Lot 7, North 26 degrees 36 minutes 00 seconds West for a distance of 210.00 feet to a point;

THENCE as and with the southwest boundary line of Lot 8, North 26 degrees 01 minutes 00 seconds West for a distance of 155.00 feet to a point;

THENCE as and with the southwest boundary line of Lot 9, North 25 degrees 25 minutes 00 seconds West for a distance of 155.03 feet to a point;
THENCE as and with the southwest boundary line of Lot 10, North 23 degrees 28 minutes 00 seconds West for a distance of 124.99 feet to a point;
THENCE a curve to the right having a radius of 20.00 feet, an arc length of 28.36 feet and a chord bearing and distance of North 17 degrees 09 minutes 30 seconds East for a distance of 26.04 feet to a point located in the southeast right of way margin of Sullivan Drive (S.R. 1911);
THENCE as and with said right of way margin of Sullivan Drive, North 57 degrees 47 minutes 00 seconds East for a distance of 178.14 feet to the northernmost corner of Lot 10, said point also being the **TRUE POINT AND PLACE OF BEGINNING**.

Together with and subject to covenants, easements, and restrictions of record.
Said property contains 4.10 acres (178,591 square feet).

This description prepared by Larry King & Associates, R.L.S., P.A. on this 06th day of December, 2021, under the supervision of W. Larry King, a Professional Land Surveyor.



W. Larry King, P.L.S., L-1339



Moore County Airport
PO Drawer 5809
Pinehurst, NC 28374



(910) 692-3212
7825 Aviation Drive
Carthage, NC 28327

February 9, 2022

BJ Grieve, AICP[®], CFM[®], CZO
Planning Director
Town of Southern Pines
180 SW Broad Street
Southern Pines, NC 28387

RE: Z-01-22: Initial zoning of 4.01 acres located on the east side of NC Highway 22 between Belhaven Drive and Sullivan Drive to RS-2 following annexation

Dear Mr. Grieve,

Thank you for the opportunity to review and comment on this proposed "residential" property annexation. As there is planned to be residential properties in that location, the airport has no concerns about building height and illumination.

There should however be some acknowledgement by the prospective property owners, perhaps through an Avigation Easement, that the properties are near an airport and as such they could experience aircraft overflights, noise, vibrations and other effects generated by aircraft. This may be covered by established ordinance.

If you have any questions, please don't hesitate to contact me.

Respectfully,

A handwritten signature in blue ink that reads "Scott C. Malta".

Scott C. Malta, A.A.E., C.A.E., Capt USAF (Ret.)
Airport Manager

1 Atch – Z-01-22 PB PHN – agency referral

**NOTICE OF PUBLIC HEARING BEFORE THE TOWN OF SOUTHERN PINES
PLANNING BOARD
TO CONSIDER A PROPOSED AMENDMENT TO THE
TOWN OF SOUTHERN PINES ZONING MAP**

A regular meeting of the Town of Southern Pines Planning Board will be held on Thursday, February 17, 2022 at 6:00 PM at the Douglass Community Center, 1185 W. Pennsylvania Avenue, Southern Pines, NC. Notice is hereby given that a public hearing on the following Zoning Map Amendment will be held during the meeting:

Z-01-22: Initial zoning of 4.10 acres located on the east side of NC Highway 22 between Bellhaven Drive and Sullivan Drive to RS-2 following annexation; Petitioner: Benjamin Stout Real Estate Services, Inc.

Benjamin Stout Real Estate Services, Inc. has submitted a request to zone 4.10 acres RS-2 (Residential Single-Family requiring 20,000 SF minimum lot size) following annexation into the corporate limits of the Town of Southern Pines in order to develop five (5) single-family dwellings on five (5) existing lots. The subject parcels are currently located within the Village of Whispering Pines' extra-territorial jurisdiction and are zoned RS (Residential Single-Family). The subject parcels are identified as PIN 857404932694 (PARID 00041297); PIN 857404932803 (PARID 00041296); PIN 857404931919 (PARID 00041294); PIN 8857400940142 (PARID 00041293); and PIN 857400849276 (PARID 00041291) and pursuant to the Moore County tax records, the property owner is listed as Benjamin Stout Real Estate Services, Inc.

All interested citizens are invited to attend this hearing and be heard. The complete application may be reviewed at the Planning office, 801 SE Service Road, Southern Pines, North Carolina, or online at [www.southernpines.net/Town Services/Agendas & Minutes](http://www.southernpines.net/Town_Services/Agendas_&_Minutes). Substantial changes in the proposed amendment may be made following the public hearing.



