



AGENDA

Wednesday, November 3, 2021: 6:00 PM

Town Council Agenda Meeting

C. Michael Haney Community Room: Southern Pines Police Department
450 W. Pennsylvania Ave

1. CALL TO ORDER

2. TOWN MANAGER'S COMMENTS

3. ACTION ITEMS FOR NOVEMBER 3

a. Review AR-05-21 Southern Pines Retail Center

William Moseley of MREA Southern Pines, LLC. requests approval of an architectural compliance permit for an 8,209 square-foot building in order to construct a retail development at the corner of Murray Hill Rd. and US 15-501.

b. Review AR-06-21 Morganton Park South, Phase 1

John Silverman of Midland Atlantic Properties requests approval of an architectural compliance permit for four commercial structures totaling 221,000 square feet in order to construct an "open air" retail development within the Morgan Park South Phase 1 project.

c. First Introduction: Proposed Updates to the Town Code of Ordinances for Compliance with Senate Bill 300 (S.L. 2021-138)

Senate Bill 300 (S.L. 2021-138) includes various requirements for local governments centered around criminal justice reform and decriminalizes certain local ordinances effective December 1, 2021, unless the local government revises them accordingly to retain criminal enforcement authority. Staff is reviewing the affected ordinances and drafting the necessary revisions for compliance.

4. HEARINGS FOR NOVEMBER 9 BUSINESS MEETING

Action may be taken by Town Council following the close of each hearing.

a. PD-06-21: Legislative Hearing for CDP, 470 NW Broad St.

Koontz Jones Design, on behalf of Riley Walker Development, requests approval of a Planned Development Conceptual Development Plan (CDP) for a three-story mixed-use building. The legislative hearing for this application was opened on September 14. At the applicant's request, the hearing was continued to the November 9th Council meeting to hold a neighborhood meeting. The pending PDP application for this property, PD-07-21, has been withdrawn.

b. AX-06-21: Voluntary Annexation for 295 N. Bethesda Rd.

Bryan and Lisa Murphy have petitioned the Town for a voluntary annexation of a parcel totaling +8.11 acres. The parcel is identified as PIN858119601836 (PARID 96000262) and is located at 295 N. Bethesda Rd.

5. ACTION ITEMS FOR NOVEMBER 9 BUSINESS MEETING

a. Receive Public Input on Proposed Lease of Park Property for Southern Pines Primary School

Staff is working on a proposed lease agreement with the Southern Pines Land & Housing Trust for park property on the campus of the former Southern Pines Primary School.

b. Consider Proposed Lease of Park Property from the Southern Pines Land and Housing Trust

Council will consider the proposed lease agreement described above.

c. Consider Ordinance Updating the Town Code of Ordinances for Compliance with Senate Bill 300 (S.L. 2021-138)

Staff will draft a final ordinance for consideration on the November 9 agenda (pending completion of ordinance).

d. Consider Amendment to Chapter 34 of the Town Code of Ordinances

Staff is developing a proposed amendment to Chapter 34 for the purpose of creating an infrastructure reimbursement policy.

6. CONSENT AGENDA FOR NOVEMBER 9 BUSINESS MEETING

a. Approve Proposed Amendments to Fort Bragg RLUAC Bylaws

The Fort Bragg Regional Land Use Advisory Commission (RLUAC) has developed proposed amendments to its bylaws. In order to officially amend the bylaws, two-thirds of the local government members of RLUAC must approve them.

b. Approve Minutes

- i. October 6, 2021 Council Agenda Meeting
- ii. October 12, 2021 Council Business Meeting
- iii. October 25, 2021 Council Work Session

7. ADJOURNMENT

Meetings/work sessions of the Southern Pines Town Council are now available on the Town's [YouTube channel](#). Video of the Town Council meetings will be live streamed on the channel for viewing either during the meetings or after they have concluded. Please note, the video is provided only for the purposes of viewing the meetings; public comments or questions are not accepted via the live stream. To receive notifications when new content is published, please "subscribe" to the Town's channel at <https://bit.ly/3hXx2Qk>

Agenda Item

To: Reagan Parsons, Town Manager
From: Suzy Russell, Planner II
Subject: AR-05-21 Southern Pines Retail Center
Date: November 9, 2021

I. SUMMARY OF APPLICATION REQUEST:

Mr. William Moseley of MREA Southern Pines, LLC., is requesting approval of an architectural compliance permit for the 8,209 square foot building, within the general business zoning district, for a retail development located at the corner of Murray Hill Road and US Highway 15-501.

II. PROJECT INFORMATION:

- 1. PARID 00046731; PIN 857110451215**
- 2. Owners:**
Daniel Patrick Black Family Limited Partnership
90 Cherokee Road
Pinehurst, NC 28374
- 3. Applicant / Agent:**
MREA Southern Pines, LLC.
William Moseley
1100 Kenilworth Avenue
Suite 210
Charlotte, NC 28204

Figure 1: Vicinity Map and Zoning Map for Subject Property Outlined in White:

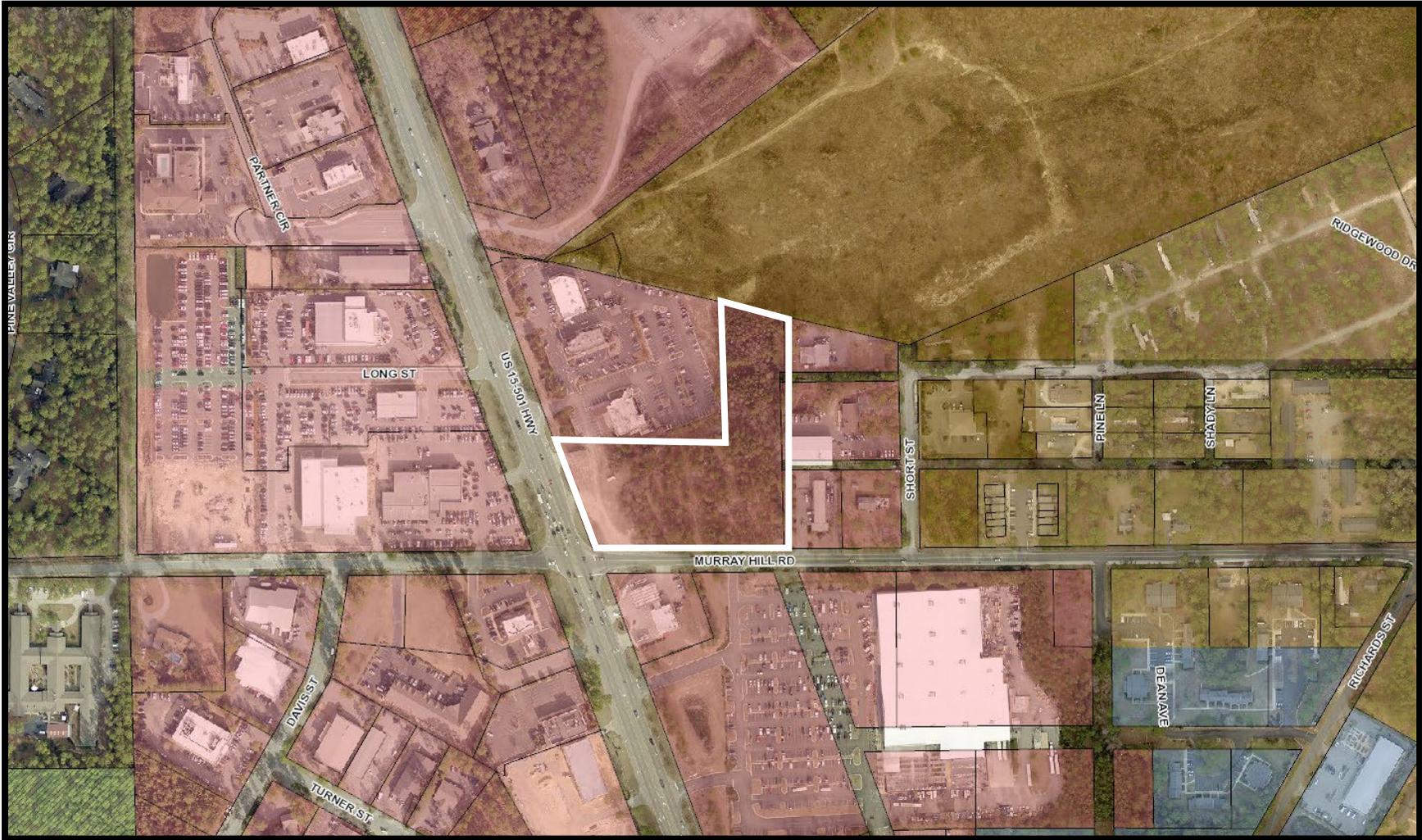
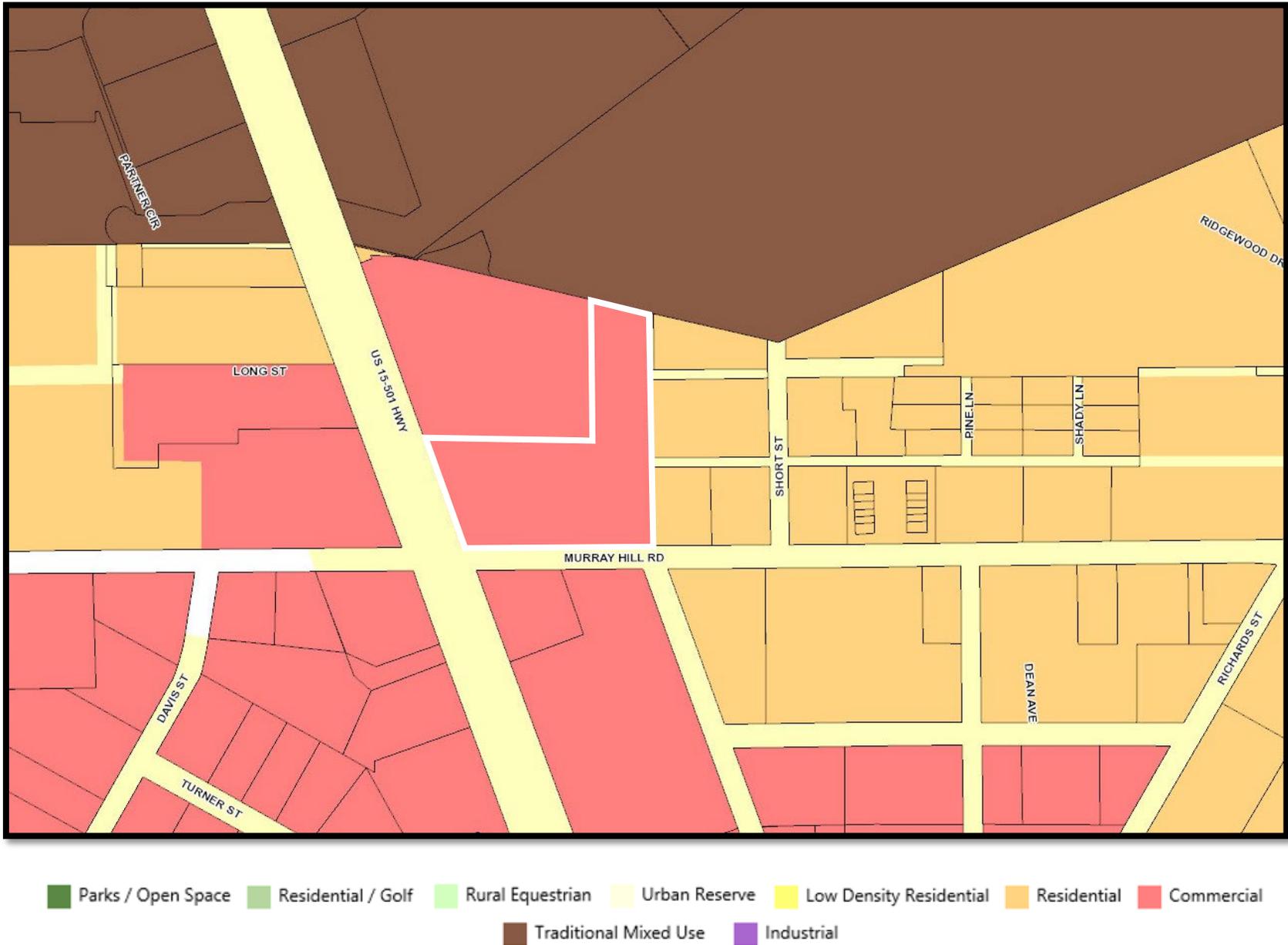


Figure 2: CLRP Future Land Use Map Designates Property as Commercial (Subject Property Outlined in White):



4. Comprehensive Long-Range Plan Designation:

The area is designated as commercial on the Future Land Use Map in the Comprehensive Long-Range Plan (CLRP). *The commercial designation applies to all land dedicated to retail, professional office, or other primarily non-residential, commercial use. It includes the downtown portions along Broad Street and Pennsylvania Avenue, the regional commercial corridor on US 15/501, and all commercial land in between. Higher density residential may be incorporated into mixed-use developments within areas designated for this future land use category.*

5. Zoning:

The parcel is currently zoned General Business (GB) (See figure 1). The GB district is designed to accommodate highway oriented retail, commercial service businesses and in some limited cases light manufacturing, which generally have as their market area the entire Town and surrounding area. The major objectives of this district are to:

1. Encourage planned commercial, light manufacturing conducted within buildings and office parks;
2. Discourage small lot development on major highways;
3. Encourage vehicular access from service drives and other local commercial streets rather than directly from arterial streets; and
4. Provide a location for major shopping facilities and land uses requiring large outdoor spaces.

III. STAFF REVIEW:

1. Review Process:

Applications for Architectural Compliance Permits are reviewed pursuant to UDO §2.26.

2. Application Review Dates:

Application Submitted: September 27, 2021

Application Complete: September 30, 2021

Town Council Agenda Meeting: November 3, 2021

Town Council Meeting: November 9, 2021

3. Criteria for Review:

When reviewing an application for an Architectural Compliance Permit, the Town Council shall approve, conditionally approve or deny the application based on the following criteria, as set forth in **UDO §2.26.7:**

1. *The application is consistent with applicable Comprehensive Plan goals and policies;*
2. *The application substantially conforms with the applicable multi-family or commercial design standards and other applicable provisions of the UDO, including the purposes of the zoning district in which the property is located;*
3. *The application is consistent with applicable conditions of prior Development approvals; and*
4. *The development as proposed will be compatible with neighboring development and has mitigated potential conflicts.*

4. Staff Comments based on Commercial Building Design Requirements per UDO §4.10.4:

The proposed commercial multi-tenant retail building would be a one story, 8,209 square feet in area building. Staff has reviewed the project for compliance with §4.10.4 *Building Design Requirements*.

- UDO §4.10.4 (A) states that the front of buildings shall face and have the primary customer entry facing that street. Corner lot buildings shall face and have the primary customer entry facing the higher order street, facing the corner or facing each street. Buildings that extend the full depth of a block may be required to have entries on each street frontage. Maximum entries for the GB zoning district between customer entries shall not exceed 150'. This 150' may be increased for buildings located at least 40' back from the sidewalk and buildings that have common entries serving multiple businesses.

Generally Compliant:

- The front of the building faces Hwy 15/501, the higher order street.
 - The multiple retail business building customer entries do not exceed 150' spacing.
- UDO §4.10.4 (B) states the width of the buildings or building segments shall not be more than twice the building height. Building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features that create the appearance of building segments.

Generally Compliant:

- The building width in total measures 102'.5" and the height of the building is not provided in the documents submitted for AR-05-21. The GB zoning district allows for a maximum height of 45'. Twice the height would be 90'. Each building segment does not exceed 90'.
 - Building segments are created through changes in rooflines and architectural features for each building segment.
- UDO §4.10.4 (C) states the exterior finish of building walls shall be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete masonry, cast stone and stucco may be used for accents, provided that they cover no more than twenty (20) percent of the exterior walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows.

Generally Compliant:

- The applicant has stated that the building meets the 80% brick requirement. The fiber cement infill panels meet the 20% or less requirement.
- UDO §4.10.4 (D) states that windows shall be glazed in non-reflective clear glass. Windows and doors shall comprise at least 25% of street facing building facades between the elevations of 2 and 10 feet above the grade of the building entry.

Generally Compliant:

- The applicant has stated that the windows will be glazed in non-reflective clear glass.

- The applicant has not provided numbers but staff has determined by looking at the front facing building façade that at least 25% of that façade is made up of windows and doors between the elevations of 2 and 10 feet above the grade of the building entry.
 25% of 29' = 7'.25"
 25% of 19'.75" = 4'.9"
 25% of 34' = 8'.5"

- UDO §4.10.4 (E) states awnings shall be canvas or material of similar appearance and flexibility unless otherwise approved by the Town Council. Street facing awnings shall not be taller than six (6) feet unless specifically approved by the Town Council.

Requesting a Deviation:

- **Six (6) Metal awnings/canopies need to be approved by the Town Council**
 - **All of the awnings appear to be over 6' tall and will need to be approved by Town Council.**
 - Two black metal canopies are on the front elevation
 - One black fabric awning is on the front elevation
 - Two black fabric awnings are on the rear elevation
 - Two black metal canopies are on the rear elevation
 - Two metal canopies are on the East elevation
- UDO §4.10.4 (G) states buildings may use parapets and changes in parapet height or design in the roofline as viewed from any public street shall be required for any building that is wider than 100'.

Generally Compliant:

- The building as viewed from any public street is making use of a parapet with changes in height with each section utilizing different detailing.
- UDO §4.10.4 (H) states that mechanical equipment shall be screened from view from the street and cannot be located between the building and the street.

Requesting a Deviation:

- The applicant has stated that no mechanical equipment is provided. The building was most likely built with mechanical systems to serve HVAC. **Town Council needs to require the applicant to state where the mechanical equipment will be located to determine compliance.**
- UDO §4.10.4 (I) states garage doors and loading bays shall face an interior lot line alley or service drive and shall not face a street unless buffered or screened per the landscaping code in UDO §4.3.

Generally Compliant:

- The applicant has stated there are no garage doors or loading bays.
- UDO §4.10.4 (J) states signage shall comply with standards in UDO §4.6 and will require a sign permit.

IV. ATTACHMENTS PROVIDED BY THE APPLICANT:

1. Application
2. Deed
3. Narrative Addressing Criteria for an Architectural Compliance Permit per UDO §2.26.7
4. Narrative Addressing Building Design Requirements per UDO §4.10.4
5. Elevations
6. Site Plan

V. TOWN COUNCIL ACTION:

The Town Council should consider the purpose of an architectural compliance permit per UDO §2.26 and shall vote on whether the proposed application complies with the criteria per UDO §2.26 and the commercial building design requirements per UDO §4.10.4 as well as the general business zoning district purpose and development standards per UDO §3.5.9.

The Town Council may make one of the following motions or any alternative they wish:

I move to:

1. Approve AR-05-21;
2. Approve AR-05-21 with the following conditions...
3. Deny AR-05-21;



Architectural Compliance Permit Application

Date Received: _____ Fee Paid: _____ Case No.: AR-____-____

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

I, the undersigned, do hereby make application for an Architectural Compliance Permit regarding for the following project:

Project Information:

Project Name: Southern Pines - Murray Hill Rd

Street Address: Murray Hill Road & US Highway 15-501

PIN: 857110451215 Parcel ID: 00046731 Zoning: GB General Business

Type of building (retail, office, etc.): Retail Total square footage: 199345.7

Applicant:

Name: MREA Southern Pines, LLC

Email: bmoseley@moseleyrea.com Phone: (704) 927-9212

Mailing Address: 1100 Kenilworth Avenue, Suite 210, Charlotte, NC 28204

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

Name(s): Daniel Patrick Black Family Limited Partnership

Email: kima@VandVLegal.com Phone: (910) 295-4000

Mailing Address: 90 Cherokee Road, 3rd Floor, Pinehurst, NC 28374
with copy to: 235 Birchwood Ave, Apt 103, Cranford, NJ 07016

Date: 09/16/21

Applicant
William K. Moseley

2000 DEC 28 P 3 32

MRS. JUDITH M. ADAMS
REGISTER OF DEEDS
MOORE COUNTY, N.C.

TAX ADDRESS ✓
RECORDING \$12.00
STAMP
TOTAL \$12.00 pld

01693 00047

BOOK PAGE

Excise Stamps \$

Recording Time, Book & Page

Drafted by John M. May, Attorney at Law
No Title Examination
120 Applecross Road
Pinehurst, NC 28374

Brief Description for Index: 4.58 acres in Sandhills Township

NORTH CAROLINA GENERAL WARRANTY DEED

THIS GENERAL WARRANTY DEED made this *21st* day of December, 2000, by and between **DANIEL P. BLACK and wife, MARY LOU BLACK** (hereafter "Grantor"), of Southern Pines and **DANIEL PATRICK BLACK FAMILY LIMITED PARTNERSHIP, a North Carolina limited partnership** (hereafter "Grantee"), of 1976 Roseland Road, Aberdeen, NC 28315.

WITNESSETH:

The Grantor, as a capital contribution and 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 or parcel of land situated in the Town of Southern Pines, Sandhills Township, Moore County, North Carolina, and more particularly described as follows:

See Exhibit A attached hereto and herein incorporated by reference.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 259, Page 201, Book 535, Page 817 and Book 542, Page 114.

Subject and together with utility easements and restrictive covenants that are enforceable against the property, if any, and the lien for ad valorem property taxes for the current year.

019065

May

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 designations "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.

Daniel P. Black (SEAL)
Daniel P. Black

Mary Lou Black (SEAL)
Mary-Lou Black

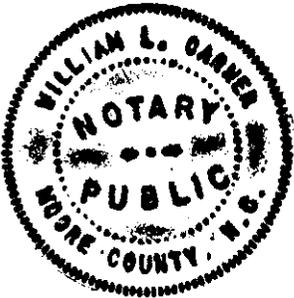
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NORTH CAROLINA, MOORE COUNTY

I, Notary Public of the County and State aforesaid, certify that Daniel P. Black and wife, Mary Lou Black, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 21st day of December, 2000.

My commission expires: 05-03-05

William L. Garner
Notary Public



NORTH CAROLINA-MOORE COUNTY
The foregoing certificate(s) William L. Garner
a Notary/Notaries Public

is/are certified to be correct.
This 28th day of December 2000

Judith M. Adams REGISTER OF DEEDS
ASSISTANT/DEPUTY

EXHIBIT "A"

Being all of Lots 12, 13, 14 and 33 and portions of Lots 15, 30, 31, 32, 61 and 62 and a portion of Long Street and Blue Lane, lying between said lots, all as shown on a map entitled "Longview", Southern Pines, Moore County, North Carolina, dated June 30, 1947, made by J.B. Swett, C.E., said map is recorded in the Office of the Register of Deeds of Moore County in Map Book 3, Page 70, to which map reference is hereby made, said lots and parcels of land being more particularly described as follows:

BEGINNING at a new iron pipe at the intersection of the east line of U.S. Highway 15-501 (150 feet wide) and the north line of Murray Hill Avenue (50 feet wide), running thence with the line of U.S. Highway 15-501 North 20°30.5' West 299.88 feet to an existing concrete monument; thence North 89°27.9' East 424.69 feet to an existing concrete monument; thence North 00°33.5' West 355.02 feet to an existing iron pipe; thence South 75°32.9' East 21.28 feet to an existing iron pipe; thence South 77°04.7' East 128.16 feet to an existing iron pipe; thence South 76°38.2' East 15.85 feet to an existing iron pipe; thence South 00°33.4' East 147.48 feet to an existing iron pipe; thence South 89°36.0' West 10.37 feet to an existing iron pipe; thence South 00°35.1' East 237.59 feet to an existing iron pipe; thence South 00°31.0' East 212.7 feet to an existing iron pipe in the northern line of Murray Hill Avenue; thence along the northern line of Murray Hill Avenue South 89°24.3' West 472.52 feet to the point of beginning, containing 4.58 acres, more or less, as shown on a "Plan of D.P. Black Property" dated February 3, 1986, prepared by Charles D. Ward, Registered Surveyor.

BOOK PAGE
01693 00049

October 8, 2021

Town of Southern Pines

Architectural Review Submission

**Compliance with Southern Pines Unified Development Ordinance
Section 2.26.7 Architectural Compliance Permit Criteria**

Project: Southern Pines Retail Center

Address: 10771, 10773, 10775, 10777 US 15-501 HWY

Owner: MREA Southern Pines, LLC

Please accept the following explanations of the new Southern Pines multi-tenant Retail Building to be located on US 15-501 Hwy in the Town of Southern Pines. The Work of the Project includes construction of the Southern Pines multi-tenant retail building; a one-story, 8,209 square foot building, slab on grade, steel frame, wood roof truss structure system. Brick veneer exterior walls with fiber cement accents, and single-ply membrane roof. The interior is a cold dark shell with gypsum board on metal studs with no flooring and no ceilings. Related site work will include parking lots for cars, access drives, and concrete sidewalks.



In response to Section 2.26.7, we offer the following compliance statements:

- A. The application is consistent with applicable Comprehensive Plan goals and policies in that it promotes growth consistent with the Town of Southern Pine's vision. The new retail center is sensitive to pedestrian relationship and the future occupants. The facility is designed to fit in with the existing fabric and culture of Southern Pines. The site design will provide landscaping as well as access sidewalks and outdoor seating.
- B. As represented in the demonstration above, the new retail center substantially conforms with the commercial design standards and other applicable provisions of the UDO.
- C. This application is consistent with the applicable conditions of the prior Development approvals.
- D. The development as proposed will be compatible with neighboring development and has mitigated potential conflicts.

If you have any questions, please feel free to contact me at richard@bhmarc.com or by phone at 704-333-5931.

Richard Bartlett, Architect
BHM Architects, PA

END.

October 8, 2021

Town of Southern Pines

Architectural Review Submission

Compliance with Southern Pines Unified Development Ordinance Section 4.10.4 Building Design Requirements

Project: Southern Pines Retail Center
Address: 10771, 10773, 10775, 10777 US 15-501 HWY
Owner: MREA Southern Pines, LLC

Please accept the following explanations of the new Southern Pines Multi-tenant Retail Building to be located on US 15-501 Hwy in the Town of Southern Pines. The Work of the Project includes construction of the Southern Pines multi-tenant retail building; a one-story, 8,209 square foot building, slab on grade, steel frame, wood roof truss structure system. Brick veneer exterior walls with fiber cement accents, and single-ply membrane roof. The interior is a cold dark shell with gypsum board on metal studs with no flooring and no ceilings. Related site work will include parking lots for cars, access drives, and concrete sidewalks.

(A) Building Orientation and Entries

The new Southern Pines multi-tenant retail center is specifically designed to match the style and culture of the Town of Southern Pines. It is imperative that the building entrances are readily understandable and accessible and that the primary entrance is prominent. Awnings and canopies are designed over the main entrances to protect the entries.

(B) Building Dimensions

The retail building is 8,209 square feet in size, one story in height, and comprised of a cold dark shell for three future tenants. Refer to sheet A101 and A201 for the floor plan layout and building elevations.



(C) Building Material

The retail building is a predominately brick façade composed of three brick colors for field brick and accent brick bands and with fiber cement infill panels. Fenestrations are comprised of black anodized aluminum window frames. Fabric awnings and metal canopies are utilized at major entrances and drive thru.

(D) Windows

The retail building is designed with large storefronts for pedestrian visibility and tenant access. All windows are low-e.

(E) Awnings

There are fabric awnings and metal canopies on the main frontage of the building to protect pedestrian entry and exit as well as awnings and canopies at the rear of the building for tenant exit and entry. The east elevation includes a metal drive thru canopy.

(F) Galleries and Arcades

There are no galleries or arcades on the retail building. There are protective canopies, no more than 6' projection at the major entrances.

(G) Roofs

The building has as single ply TPO roof membrane, white in color.

(H) Mechanical Equipment

No mechanical equipment is provided for this building at this time as it is a cold dark shell.

(I) Loading Zones and Garage Bays

There are no garage doors or loading bays on the building. Services and deliveries will be accessed through the numerous HM rear doors on the South façade.

(J) Signage

There will be one monument sign as you enter the site. Building signage for each tenant will be present on all four sides of the building.

Summary:

The new Southern Pines Multi-tenant retail center is in compliance with UDO standards.

If you have any questions, please feel free to contact me at richard@bhmarc.com or by phone at 704-333-5931.

Richard Bartlett, Architect
BHM Architects, PA

END.



1 North Elevation
1/8" = 1'-0"

REF SHEET



bartlett hartley & mulkey
2173 hawkins st, suite b, charlotte, nc 28203

AR-05-21 Southern Pines Retail

Southern Pines Retail Center

November 2021 Town Council

No.	Description	Date

North Elevation

Project number	BHMMR011
Date	09/30/21
Drawn by	BHM
Checked by	BHM

EX2

Scale 1/8" = 1'-0"



1

East Elevation

1/8" = 1'-0"

REF SHEET



bartlett hartley & mulkey
2173 hawkins st, suite b, charlotte, nc 28203

AR-05-21 Southern Pines Retail

Southern Pines Retail
Center

November 2021 Town Council

No.	Description	Date

East Elevation		EX3
Project number	BHMMR011	
Date	09/30/21	
Drawn by	BHM	
Checked by	BHM	Scale 1/8" = 1'-0"



1

West Elevation

1/8" = 1'-0"

REF SHEET



bartlett hartley & mulkey
2173 hawkins st, suite b, charlotte, nc 28203

AR-05-21 Southern Pines Retail

Southern Pines Retail Center

November 2021 Town Council

No.	Description	Date

West Elevation

Project number	BHMMR011
Date	09/30/21
Drawn by	BHM
Checked by	BHM

EX4

Scale 1/8" = 1'-0"



1 South Elevation
 1/8" = 1'-0" REF SHEET



bartlett hartley & mulkey
 2173 hawkins st, suite b, charlotte, nc 28203

AR-05-21 Southern Pines Retail

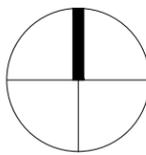
Southern Pines Retail Center

November 2021 Town Council

No.	Description	Date

South Elevation		EX5
Project number	BHMMR011	
Date	09/30/21	
Drawn by	Author	
Checked by	Checker	Scale 1/8" = 1'-0"

NORTH



COMMERCIAL DEVELOPMENT
SOUTHERN PINES, NC

DATE: 09/08/21 | DRAWN BY: BLT

SCALE: 1"=50' | CONCEPT PLAN

MOSELEY
REAL ESTATE ADVISORS

SP-4

KICKBACK
JACK'S

FUTURE
AUTO SERVICE
±10,500 SF

COLLISION
CARE
CENTER

US
15/501

RESTAURANT
±3,200 SF

LEASE AREA
1.11 ACRES
46 SPACES

FUTURE
DEVELOPMENT
AREA
1.99 ACRES

RESTAURANT
±2,320 SF

RETAIL
±1,580 SF

RETAIL
±1,580 SF

RETAIL
±2,720 SF

LEASE AREA
1.47 ACRES
67 SPACES

FUTURE
PAINT
STORE
±4,000 SF

THE
OIL
CHANGER

CAR
DEALERSHIP

MURRAY HILL RD

WELLS
FARGO
BANK

CIRCLE K
GAS
STATION

LOWE'S
HOME
IMPROVEMENT

Agenda Item

To: Reagan Parsons, Town Manager
From: BJ Grieve, Planning Director
Subject: AR-06-21 Morganton Park South, Phase 1
Date: November 9, 2021

I. SUMMARY OF APPLICATION REQUEST:

Mr. John Silverman of Midland Atlantic Properties is requesting approval of an architectural compliance permit for four commercial structures totaling 221,000 square feet of “open air” retail development within the Morganton Park South Phase 1 development. The property on which the four structures are located is on the north side of US Highway 15-501 near the intersection with Commerce Avenue, behind the Chick-fil-A restaurant.

II. PROJECT INFORMATION:

- 1. Property PARID:** 00049222 & 20070558
Property PIN: 857100562348 & 857100357805
- 2. Owners:**
Hyperactive Commercial Investments, LLC
#5 First Village Drive
Pinehurst, NC 28374
- 3. Applicant / Agent:**
John Silverman – Midland Atlantic Properties
8044 Montgomery Road Suite 370
Cincinnati, OH 45236

Figure 1: Vicinity Map and Zoning Map for Subject Property Outlined in White:

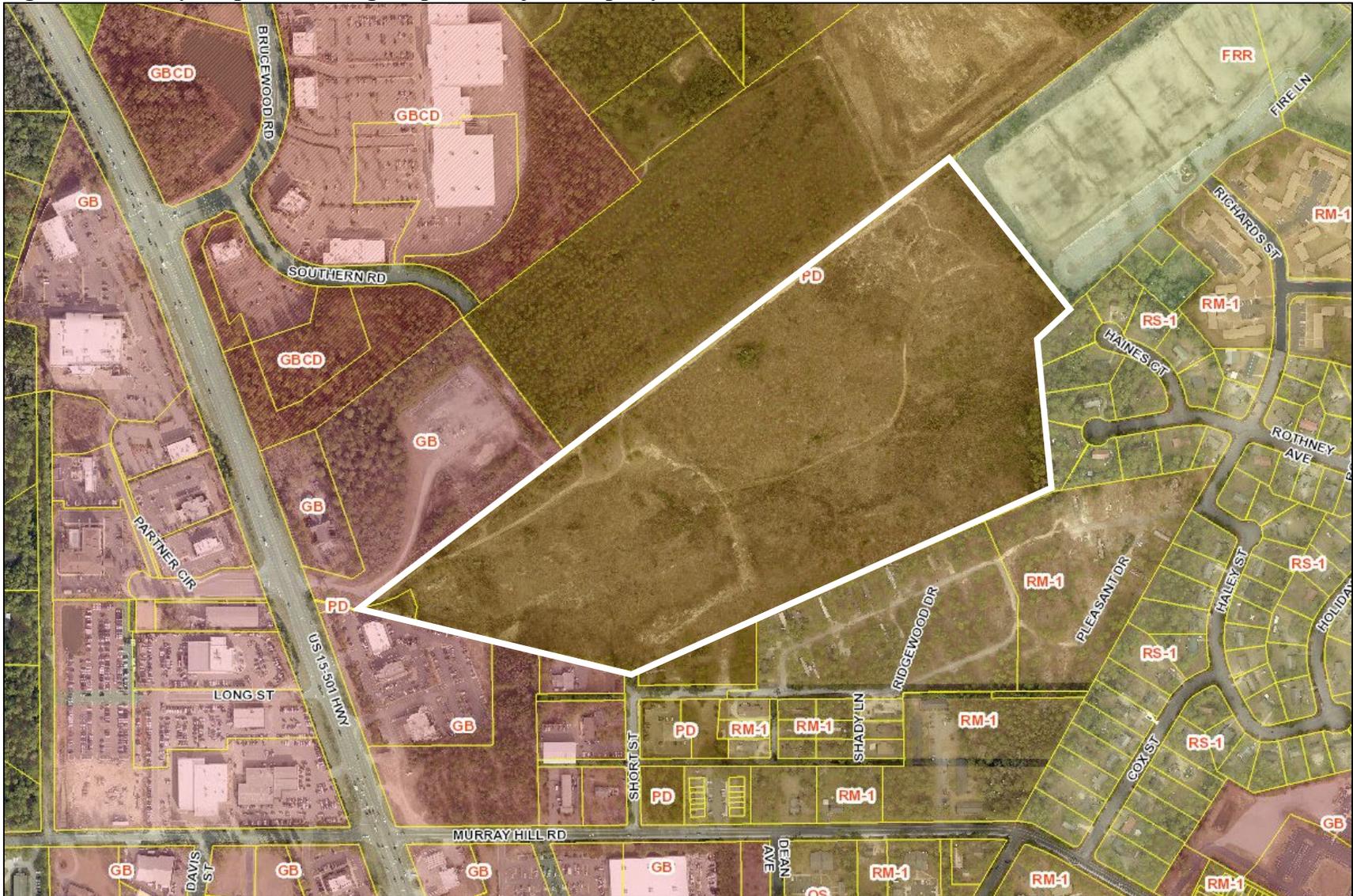
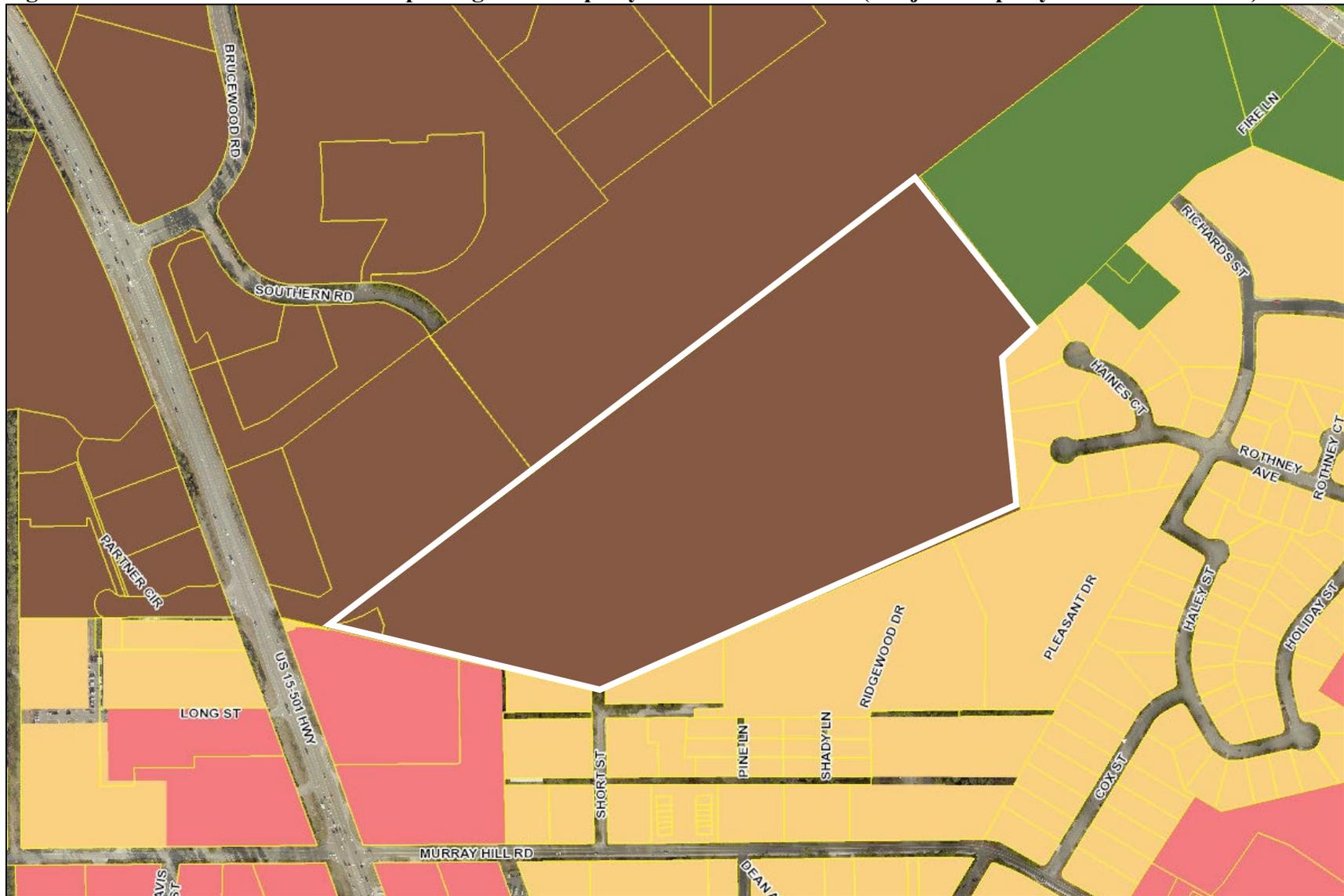


Figure 2: CLRP Future Land Use Map Designates Property as Trad. Mixed Use (Subject Property Outlined in White):



- Parks / Open Space
- Residential / Golf
- Rural Equestrian
- Urban Reserve
- Low Density Residential
- Residential
- Commercial
- Traditional Mixed Use
- Industrial

4. Comprehensive Long-Range Plan Designation:

The area is designated as Traditional Mixed-Use on the Future Land Use Map contained within the Town of Southern Pines Comprehensive Long-Range Plan (CLRP). See Figure 2 above. The “Traditional Mixed-Use” future land use designation is described under the “Future Land Use Categories” in Chapter 4 of the Southern Pines Comprehensive Long-Range Plan as follows:

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

5. Zoning:

The parcel is zoned PD - Planned Development (see Figure 1 above). A Conceptual Development Plan (CDP) for Morganton Park South was approved by the Town Council on September 14, 2021. A Preliminary Development Plan (PDP) for the development of the subject property was approved by the Town Council on October 12, 2021.

III. STAFF REVIEW:

1. Review Process:

Applications for Architectural Compliance Permits are reviewed pursuant to UDO §2.26.

2. Application Review Dates:

Application Submitted: October 4, 2021

Application Complete: October 14, 2021

Town Council Agenda Meeting: November 3, 2021

Town Council Meeting: November 9, 2021

3. Criteria for Review:

When reviewing an application for an Architectural Compliance Permit, the Town Council shall approve, conditionally approve or deny the application based on the following criteria, as set forth in **UDO §2.26.7:**

- 1. The application is consistent with applicable Comprehensive Plan goals and policies;*
- 2. The application substantially conforms with the applicable multi-family or commercial design standards and other applicable provisions of the UDO, including the purposes of the zoning district in which the property is located;*
- 3. The application is consistent with applicable conditions of prior Development approvals; and*
- 4. The development as proposed will be compatible with neighboring development and has mitigated potential conflicts.*

4. Staff Comments based on Commercial Building Design Requirements per UDO §4.10.4:

The layout of the proposed four commercial structures is depicted in a site plan submitted by the applicant that is attached to this report. Two structures contain three architecturally-distinct facades for each of the three units within the structure, and two structures are architecturally consistent. Staff has reviewed the project for compliance with the approved PDP as well as with UDO §4.10.4 *Building Design Requirements*.

- UDO §4.10.4 (A) states that the front of buildings shall face and have the primary customer entry facing that street. Corner lot buildings shall face and have the primary customer entry facing the higher order street, facing the corner or facing each street. Maximum spacing between entries in a PD district is established in the PD and confirmed at FDP per UDO Exhibit 4-15.

Generally Compliant:

- The front of the building faces the new Pine Ridge Parkway collector road.
 - The spacing of entries matches materials submitted and approved in PD-09-21.
- UDO §4.10.4 (B) states the width of the buildings or building segments shall not be more than twice the building height. Building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features that create the appearance of building segments.

Generally Compliant:

- Although no horizontal measurements are provided on building elevations submitted by the applicant, the width of building segments appears to not exceed twice the height of the building. There are portions of the Target (Building F) façade that only use brick piers to segment the building, but this appears to be consistent with using architectural features to achieve segmentation.
 - The building segmentation appears to be consistent with that which was reviewed and approved in PD-09-21.
- UDO §4.10.4 (C) states the exterior finish of building walls shall be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete masonry, cast stone and stucco may be used for accents, provided that they cover no more than twenty (20) percent of the exterior walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows.

Requesting a Deviation:

- The applicant has provided building material percentages indicating that only one façade is 80% brick. The applicant incorrectly states that walls made of Concrete Masonry Units (CMU) on the sides of structures are brick. While CMU is not considered brick, UDO 4.10.4 (C) (2) permits the use of CMU or other building materials on building faces that are not visible from a street and that would be the case here.

- Material boards keyed to building elevations have been provided by the applicant and are attached to this staff report. Materials include a mix of brick, CMU, metals, wood and EIFS.
 - The building materials appear to be consistent with that which was reviewed and approved in PD-09-21.
- UDO §4.10.4 (D) states that windows shall be glazed in non-reflective clear glass. Windows and doors shall comprise at least 25% of street facing building facades between the elevations of 2 and 10 feet above the grade of the building entry.

Requesting a Deviation:

- No depiction of window fenestration between 2’ and 10’ on building elevations has been provided.
 - The applicant has provided percentages of building materials that appear to indicate glazing ranges from up to 47% of a building façade (Building B) down to 9% of a building façade (Building C).
 - The placement of windows appears to be consistent with that which was reviewed and approved in PD-09-21.
- UDO §4.10.4 (E) states awnings shall be canvas or material of similar appearance and flexibility unless otherwise approved by the Town Council. Street facing awnings shall not be taller than six (6) feet unless specifically approved by the Town Council.

Requesting a Deviation:

- Wooden trellis with canvas shading is provided on the west end of Building A.
 - Canvas awnings consistent with UDO 4.10.4 (E) are proposed on Buildings B, D and G.
 - Metal awnings of various designs requiring Town Council approval are proposed on Building C, E and F. Awning designs are depicted on the attached building elevations provided by the applicant.
 - The use of awnings and awning materials appear to be consistent with that which was reviewed and approved in PD-09-21.
- UDO §4.10.4 (G) states buildings may use parapets and changes in parapet height or design in the roofline as viewed from any public street shall be required for any building that is wider than 100’ to avoid uninterrupted planes of longer than 200. Roofing materials visible from public streets shall be standing seam or shingles.

Generally Compliant:

- The building as viewed from Pine Ridge Parkway utilizes changes in roofing elevations to avoid uninterrupted planes of longer than 100’
 - Roofing materials visible from Pine Ridge Parkway on Building A and G are dark shingles.
 - Roofs appear to be consistent with that which was reviewed and approved in PD-09-21.
- UDO §4.10.4 (H) states that mechanical equipment shall be screened from view from the street and cannot be located between the building and the street.

Generally Compliant:

- The elevation drawings submitted by the applicant do not show the location or size of mechanical equipment.
 - The applicant’s narrative states that mechanical equipment will be placed on the roof and screened with parapets.
- UDO §4.10.4 (I) states garage doors and loading bays shall face an interior lot line alley or service drive and shall not face a street unless buffered or screened per the landscaping code in UDO §4.3.

Generally Compliant:

- The building elevations provided by the applicant do not show the rear of buildings where garage doors and loading bays will presumably be located.
 - Garage doors and loading bays on the rear of buildings will face adjoining property zoned RM-1. However, the Morganton Park South Phase 1 PDP will be screened by a minimum 20’ buffer required per the approved CDP.
- UDO §4.10.4 (J) states signage shall comply with standards in UDO §4.6 and will require a sign permit.

Generally Compliant:

- All wall signs depicted on Buildings A-H will require sign permits demonstrating compliance with UDO §4.6.
- Building F is allowed to have additional wall signage per the approved PDP, however, the Target logo on the east elevation of Building F is not permitted per PD-09-21.

IV. ATTACHMENTS PROVIDED BY THE APPLICANT:

1. Application
2. Deed
3. Narrative Addressing Building Design Requirements per UDO §4.10.4
4. Site Plan
5. Elevations
6. Building Materials

V. TOWN COUNCIL ACTION:

The Town Council should consider the purpose of an architectural compliance permit per UDO §2.26 and shall vote on whether the proposed application complies with the criteria per UDO §2.26 and the commercial building design requirements per UDO §4.10.4 as well as the PDP approved for Morganton Park North Phase 1.

The Town Council may make one of the following motions or any alternative they wish:

I move to:

1. Approve AR-06-21;
2. Approve AR-06-21 with the following conditions...
 1. The per the conditions of approval of PD-09-21, the additional Target logo wall sign on the east side of Building F as depicted in the submitted building elevations is not allowed.
3. Deny AR-06-21;



Architectural Compliance Permit Application

Date Received: _____ Fee Paid: _____ Case No.: AR-____-____

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

I, the undersigned, do hereby make application for an Architectural Compliance Permit regarding for the following project:

Project Information:

Project Name: Morganton Park South
Street Address: US Hwy 15-501 across from Partner Circle
PIN: 857100562348 & 857100357805 Parcel ID: 00049222 & 20070558 Zoning: PD - Planned Development
Type of building (retail, office, etc.): Retail Total square footage: 221,587 SF

Applicant:

Name: John Silverman - Midland Atlantic Properties
Email: jsilverman@midlandatlantic.com Phone: (513) 792-5000
Mailing Address: 8044 Montgomery Road, Suite 370, Cincinnati, Ohio 45236

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

Name(s): Hyperactive Commercial Investments, LLC
Email: nconti@pinehurstsurgical.com Phone: (910) 315-8414
Mailing Address: #5 First Village Dive, Pinehurst, NC 28374

Date: October 4, 2021

MIDLAND ATLANTIC PROPERTIES

John I. Silverman Applicant

8-27-21

APPOINTMENT OF AGENT

applicant Midland Atlantic Properties

The undersigned owner(s), Hyperactive Commercial Investments, LLC, hereby appoint(s) Koontz Jones Design as the exclusive agent for the purpose of making an application to the Town of Southern Pines for an **Architectural Compliance Permit** for improvements to the property 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 Town Council for the issuance of an **Architectural Compliance Permit** for improvements to the subject property; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for an **Architectural Compliance Permit** under the Southern Pines Unified Development Ordinance.

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

Signed this 4th day of October, 2021.

MIDLAND ATLANTIC PROPERTIES

John I. Silverman Applicant

HYPERACTIVE COMMERCIAL INVESTMENTS, LLC

Dr. Neil Conti, MD Property Owner
Member/Manager

KOONTZ JONES DESIGN

Robert Koontz, PLA Agent



8-27-21

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John I. Silverman Applicant

HYPERACTIVE COMMERCIAL INVESTMENTS, LLC



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John I. Silverman Applicant

HYPERACTIVE COMMERCIAL INVESTMENTS, LLC

Dr. Neil Conti, MD Property Owner
Member/Manager

KOONTZ JONES DESIGN

Robert Koontz, PLA Agent

8-27-21

For Registration Register of Deeds

Judy D. Martin

Moore County, NC

Electronically Recorded

December 22, 2017 11:02:15 AM

Book: 4917 Page: 528 - 530 #Pages: 3

Fee: \$26.00

NC Rev Stamp: \$4,950.00

Instrument # 2017018768

Drafted by: Robert S. Thompson, Attorney at Law

ROBERT S. THOMPSON, P.A.

325 West Pennsylvania Avenue, Suite E

Southern Pines, North Carolina 28387

Revenue: \$4950²³

NORTH CAROLINA

WARRANTY DEED

MOORE COUNTY

THIS DEED, made this 20th day of December, 2017, by **BSD HOLDINGS, L.L.C.**, a North Carolina Limited Liability Company of 405 Linden Way, Lookout Mountain, TN, 37350, **GRANTOR**, to **HYPERACTIVE COMMERCIAL INVESTMENTS, (HCD), LLC**, a North Carolina Limited Liability Company of 25 Shaw Road, Pinehurst, NC, **GRANTEE**;

WITNESSETH:

That said Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has bargained and sold, 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 situate in Sandhills Township, Moore County, North Carolina, and more particularly described as follows:

Being all of the property described in Exhibit A attached hereto and incorporated herein by reference

Being the property conveyed to Grantor by deed filed in Book 3636, Page 540 of the Moore County Registry.

This conveyance is made subject to: (i) the lien of the County of Moore for taxes or other assessments for the current year, which taxes or other assessments shall be pro rated as of the date of closing; (ii) utility easements and other easements of record and (iii) unviolated restrictive covenants that do not materially affect the value of the property.

TO HAVE AND TO HOLD the aforesaid lot, tract, or parcel of land, and all privileges and appurtenances thereto belonging to the said Grantee in fee simple; subject, however, to the hereinabove stated exceptions, reservations and conditions.

And the Grantor covenants with the Grantee, that Grantor is seized of said premises in fee simple and has the right to convey in fee simple; that the 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; subject, however, to the exceptions, reservations and conditions hereinabove referred to.

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 said Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers, the day and year first above written.

BSD HOLDINGS, L.L.C., a North Carolina Limited Liability Company

By: [Signature]
Vincent Viscomi, Manager

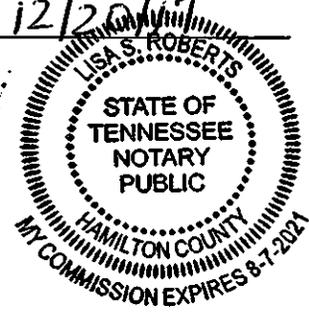
COUNTY OF Hamilton
STATE OF TENNESSEE

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); () I 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; () 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): Vincent Viscomi, Manager

Date: 12/20/17

[Signature]
Notary Public



Lisa S. Roberts
Printed or typed name of Notary Public

My commission expires: 8-7-21

The subject property includes does not include the primary residence of a Grantor.

SCHEDULE/EXHIBIT A

TRACT ONE: BEING ALL OF THAT CERTAIN PARCEL OF LAND IN SANDHILLS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA, CONTAINING 44.83 ACRES, AS SHOWN ON A MAP THEREOF ENTITLED "SURVEY FOR OAKHURST FARMS, LLC" WHICH MAP IS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MOORE COUNTY, NORTH CAROLINA, IN PLAT CABINET 8, SLIDE 192.

SAVING AND EXCEPTING THEREFROM THE FOLLOWING TRACT:
 BEGINNING AT AN EXISTING IRON PIPE IN THE NORTHERN LINE OF PROPERTY NOW OR FORMERLY OWNED BY R&T PROPERTIES OF NORTH CAROLINA, LLC (ACQUIRED BY DEED RECORDED IN BOOK 1569, PAGE 335) AND FROM SAID POINT OF BEGINNING N 77 DEG. 05 MIN. 01 SEC. W 43.96 FEET TO A NEW IRON PIPE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 414.51 FEET AND A CHORD BEARING AND DISTANCE OF N 87 DEG. 20 MIN. 47 SEC. E 4.15 FEET TO A POINT; THENCE S 77 DEG. 02 MIN. 16 SEC. E 35.31 FEET TO AN EXISTING CONCRETE MONUMENT; THENCE N 52 DEG. 51 MIN. 14 SEC. E 23.32 FEET TO A NEW IRON PIPE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 414.51 FEET AND A CHORD BEARING AND DISTANCE OF N 68 DEG. 23 MIN. 46 SEC. E 162.19 FEET TO A NEW IRON PIPE; THENCE S 20 DEG. 06 MIN. 51 SEC. E 66.09 FEET TO A NEW IRON PIPE; THENCE S 12 DEG. 46 MIN. 17 SEC. W 35.55 FEET TO A NEW IRON PIPE; THENCE S 20 DEG. 18 MIN. 11 SEC. E 20.20 FEET TO A NEW IRON PIPE IN THE NORTHERN LINE OF THE AFORESAID R&T PROPERTY; THENCE RUNNING WITH THE NORTHERN LINE OF SAID R&T PROPERTY N 77 DEG. 05 MIN. 09 SEC. W 191.01 FEET TO AN EXISTING IRON PIPE; THENCE CONTINUING WITH THE NORTHERN LINE OF SAID R&T PROPERTY S 15 DEG. 18 MIN. 55 SEC. W 3.03 FEET TO THE POINT AND PLACE OF BEGINNING, BEING 10,548 SQUARE FEET, MORE OR LESS, AS PER SURVEY THEREOF ENTITLED "SURVEY FOR R&T PROPERTIES OF NC, LLC" DATED JUNE 27, 2007, PREPARED BY HOMER S. WADE, PLS OF BORUM, WADE AND ASSOCIATES, P.A. OF GREENSBORO, NC.

TOGETHER WITH ALL OF GRANTOR'S INTEREST IN THE 60 FOOT WIDE, NON-EXCLUSIVE ACCESS EASEMENT TO THE ABOVE PROPERTY FROM US HIGHWAY 15-510 DESCRIBED IN DEEDS RECORDED IN BOOK 821, PAGE 463, AND BOOK 663, PAGE 378, AND SHOWN ON THE ABOVE-REFERENCED MAP.

THIS CONVEYANCE IS MADE SUBJECT TO UTILITY EASEMENTS, OF RECORD AND AD VALOREM TAXES FOR THE CURRENT YEAR.

TRACT TWO:
 BEGINNING AT A NEW IRON PIPE IN THE EASTERN MARGIN OF THE RIGHT-OF-WAY OF US HWY 15/501-NC HWY 211, SAID IRON PIPE MARKING A NORTHWESTERN CORNER OF THE PROPERTY NOW OR FORMERLY OWNED BY R&T PROPERTIES OF NORTH CAROLINA, LLC (ACQUIRED BY DEED RECORDED IN BOOK 1569, PAGE 335); THENCE RUNNING WITH SAID MARGIN OF SAID RIGHT-OF-WAY N 20 DEG. 18 MIN. 11 SEC. W 46.10 FEET TO AN EXISTING IRON PIPE; THENCE S 77 DEG. 05 MIN. 01 SEC. E 121.52 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 414.51 FEET AND A CHORD BEARING AND DISTANCE OF N 86 DEG. 57 SEC. 53 MIN. W 78.04 FEET TO A NEW IRON PIPE; THENCE S 20 DEG. 18 MIN. 11 SEC. E 10.48 FEET TO A NEW IRON PIPE; THENCE S 69 DEG. 44 MIN. W 30.00 FEET TO THE POINT AND PLACE OF BEGINNING, BEING 1,758 SQUARE FEET, MORE OR LESS, LYING AND BEING IN SANDHILLS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA, AS PER SURVEY THEREOF ENTITLED "SURVEY FOR R&T PROPERTIES OF NC, LLC" DATED JUNE 27, 2007, PREPARED BY HOMER S. WADE, PLS OF BORUM, WADE AND ASSOCIATES, P.A. OF GREENSBORO, NC.



MORGANTON PARK SOUTH

SOUTHERN PINES, NC

MORGANTON PARK SOUTH

RSP ARCHITECTS

ARCHITECTURAL COMPLIANCE NARRATIVE

It is Midland Atlantic Properties' intention to develop an approximate 221,000 sf "open air" retail development generally located at the southeast corner of US Highway 15-501 and Pine Ridge Parkway in Southern Pines, North Carolina. This ground up shopping center will be anchored by Target, other national anchor stores, smaller boutique retailers, and a combination of food and beverage. The various retail stores will be inter mixed to create a variety of pedestrian and visual experiences throughout the center. Pedestrian connections to the linear park along the parkway and future developments to the northwest will also provide a neighborhood experience.

The architectural articulation and aesthetic will reference and relate to the character and experience of the Southern Pines Central Business District. With the goal of creating a charming street scape ambiance, intermixed with various retailers and restaurants, the heights, materials, and details at the pedestrian level will reflect aesthetics similar to Southern Pines. The primary building material will be a collection of various colors of brick, used to delineate between each tenant while also maintaining a cohesive visual experience of the center. Building parapets will include brick detailing, storefronts will include wood sills and framing, and the side walks will include brick pavers. This will be reminiscent of the small shops on Broad Street. Areas of low level landscaping and flower pots will interweave around fountains and outdoor patio seating areas. Wall mounted and festoon lighting will give nightly ambiance at the pedestrian level. The center will include a clock tower, which will become the iconic visual beacon for Morganton Park South.

The new retail development will follow the Town design requirements as closely as feasible and will be aesthetically integral to the classic, southern charm of the downtown Southern Pines.

Below is a narrative of how the building complies with section 4.10.4 of the Unified Development Ordinance Commercial Building Design Standards.

4.10.4. Building Design Requirements

(A) Building Orientation and Entries

(1) The front of buildings shall face and have the primary customer entry facing that street. Corner Lot buildings shall face and have the primary customer entry facing the higher order street, facing the corner or facing each street. Buildings that extend the full depth of a block may be required to have entries on each street frontage. **The main portion of in-line buildings will all have customer entrances facing the Parkway. Buildings G and H will form a "L-shape" with entrances facing the main shopping center and the central courtyard providing a transition to the future multi-family property.**

(2) Maximum spacing or distance between customer entries shall not exceed the standards established in Exhibit 4-15. **We comply.**

(B) Building Dimensions

(1) In the CB and DTO districts, buildings or building segments shall be taller than wide. **N/A**

(2) In other districts, the width of buildings or building segments shall not be more than twice the building height. **We Comply**

(3) Building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features that create the appearance of building segments. **Building segments and individual tenants are defined by different steps, piers, and cornice lines in the profile and depth of the facade as well as material changes, canopies and lighting elements.**

(4) Large scale retail structures shall comply with Section 4.10.6. **We Comply**

(C) Building Materials. The exterior finish of building walls shall be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete masonry, cast stone and stucco may be used for accents, provided that they cover no more than twenty (20) percent of the exterior walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows. The Permit Issuing Authority may approve:

(1) The use of alternative building materials that establish an equivalent appearance and have equal or greater durability.

(2) Alternative materials satisfying minimum building code standards on walls that are screened and not visible from any public street, walkway or residential zoning district.

The exterior design of this development complies on an overall use of materials. Individual tenants may deviate from the required percentage of stucco used on the main facade with respect to the tenant prototype design and the compositional break up of materials on either side. The architectural design on either side of the tenant prototype is primarily comprised of brick and accomplishes the aesthetic goals of the center. On the east facades of building G and H, the service side and least visible facade, have a higher percentage of EIFS than in the requirements but will not take away from the over building design.

(D) Windows

(1) Windows shall be glazed in non-reflective, clear glass. **We comply.**

(2) The following standards apply in the CB district

(a) On the ground Floor a minimum of seventy (70) percent of the street-facing building façades between the elevations of two (2) and ten (10) feet above the sidewalk must be comprised of windows with at least eighty (80) percent transparency or doors. In the DTO district, this minimum window requirement is forty (40) percent. **N/A**

(b) On upper Floors a minimum of thirty (30) percent of the street-facing walls of all structures, including parking garages, above the first Floor shall be comprised of clear, windows with at least sixty (60) percent transparency or other openings for parking structures approved by the Planning Director. Openings shall be horizontally aligned with openings on adjacent buildings, vertically aligned, or proportionate with openings on the ground Floor of the building. **N/A**

(c) Window height shall be at least one and one-half (1.5) times the width. **N/A**

(3) In other zoning districts, windows and doors shall comprise at least twenty-five (25) percent of street-facing building façades between the elevations of two (2) and ten (10) feet above the grade of the building entry. **We comply with the exception of the large box stores over 25,000 sf.**

(E) Awnings

(1) Awnings are encouraged and may encroach over the sidewalk within the CB district and may encroach up to six (6) feet into any street side setback in other districts. **We comply.**

(2) The minimum clearance between the lowest point of an awning and sidewalk shall be eight (8) feet. **We comply.**

(3) Awnings shall be canvas or material of similar appearance and flexibility unless otherwise approved by the Town Council. Street facing awnings shall not be taller than six (6) feet unless specifically approved by the Town Council. **We comply.**

(F) Galleries and Arcades

(1) Galleries and arcades are encouraged and may encroach up to six (6) feet into any street side setback but may not encroach into public right-of-way. **Several arcades and canopies have been designed to reflect the character of arcades in the Central Business District, including the train depot canopy.**

(2) The minimum clearance for arcades and galleries shall be twelve (12) feet between the sidewalk and the ceiling of the gallery or arcade. **We comply.**

(G) Roofs

(1) In the CB district horizontal parapets with cornices shall be required along Broad Street. Parapets, gable or hip roofs may be used along other streets in the CB district. Parapet height should vary between adjacent buildings. **N/A**

(2) In other districts, buildings may use parapets with cornices, gable or hip roofs. Changes in parapet height or design, gables or other changes in the roofline as viewed from any public street shall be required for any building that is wider than one hundred (100) feet. For buildings that are wider than one hundred (100) feet, changes in rooflines shall be used to avoid uninterrupted planes of longer than two hundred (200) feet. **Parapets of varying heights are used to screen mechanical equipment and to give variety to the building facade. Buildings greater than 25,000 sf will comply with section 4.10.6**

(3) Shingles or standing seam, non-reflective metal shall be used on all roofs visible public streets. Brightly colored roofs, such as intense blues, reds or oranges are prohibited. **Dark shingle roofs similar to the downtown aesthetic will be used and will comply.**

(H) Mechanical Equipment

Mechanical equipment shall be screened from view from the street and shall not be located between the street and the building. Mechanical equipment shall be on the roof and screened from view with parapets.

(I) Loading Zones and Garage Bays

Garage doors and loading bays shall face an interior Lot line alley or service drive and shall not face a street or residential district unless buffered or screened in accordance with sections 4.3.4 and 4.3.5. Garage doors and loading bays typically face a service drive and will be screened per CDP requirements where adjacent to any residential district. Buildings G and H will have dumpster enclosures which will face the interior of the lot and the enclosure shall be constructed of the same materials as the building.

(J) Signage

Signage shall comply with the standards in section 4.6 and any applicable zoning district standards. Will comply, unless otherwise requested during review of a Unified Shopping Center Sign Plan or Preliminary Development Plan submission.

BUILDING KEY
PHASE 1
FOR
**MORGANTON
PARK SOUTH**
SOUTHERN PINES, NC

US HWY 15-501

TRAFIC LIGHT
@ INTERSECTION



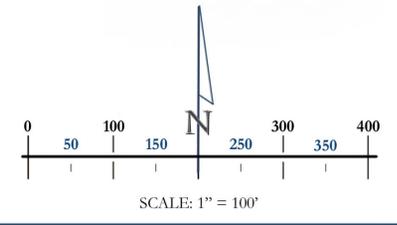
BUILDING A
BUILDING B
BUILDING C
BUILDING D
BUILDING E

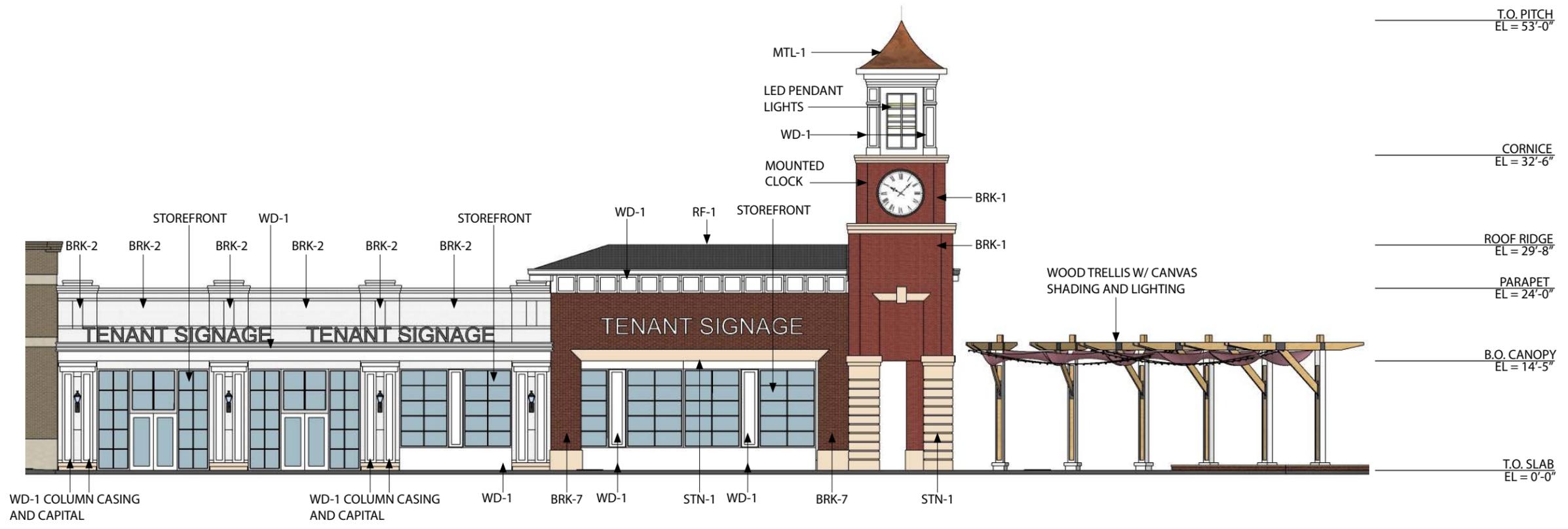
BUILDING F

BUILDING H

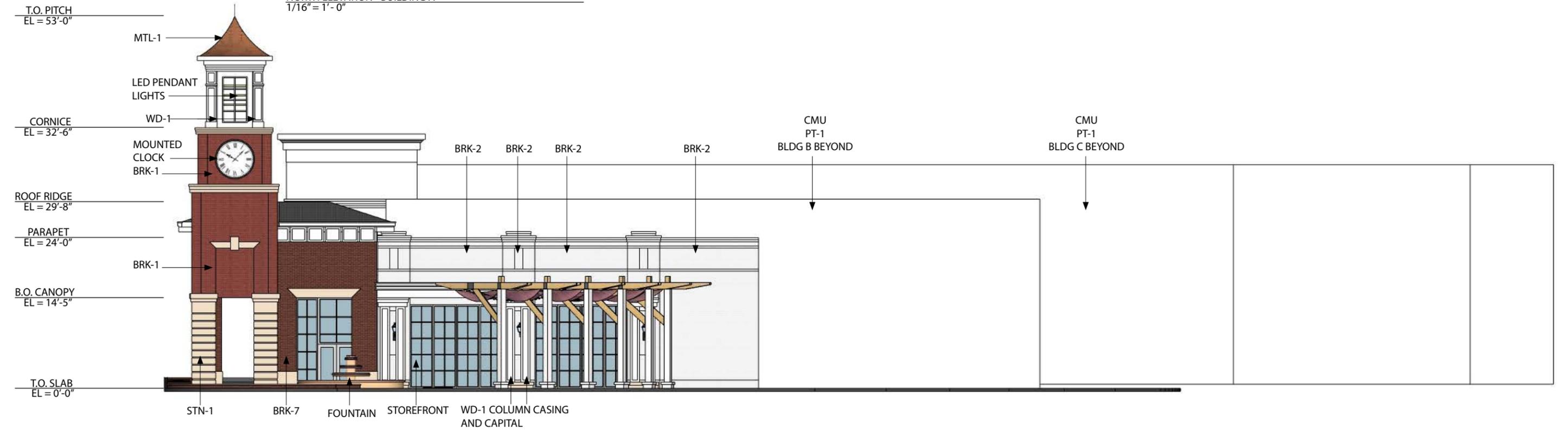
BUILDING G

TO MORGANTON RD.

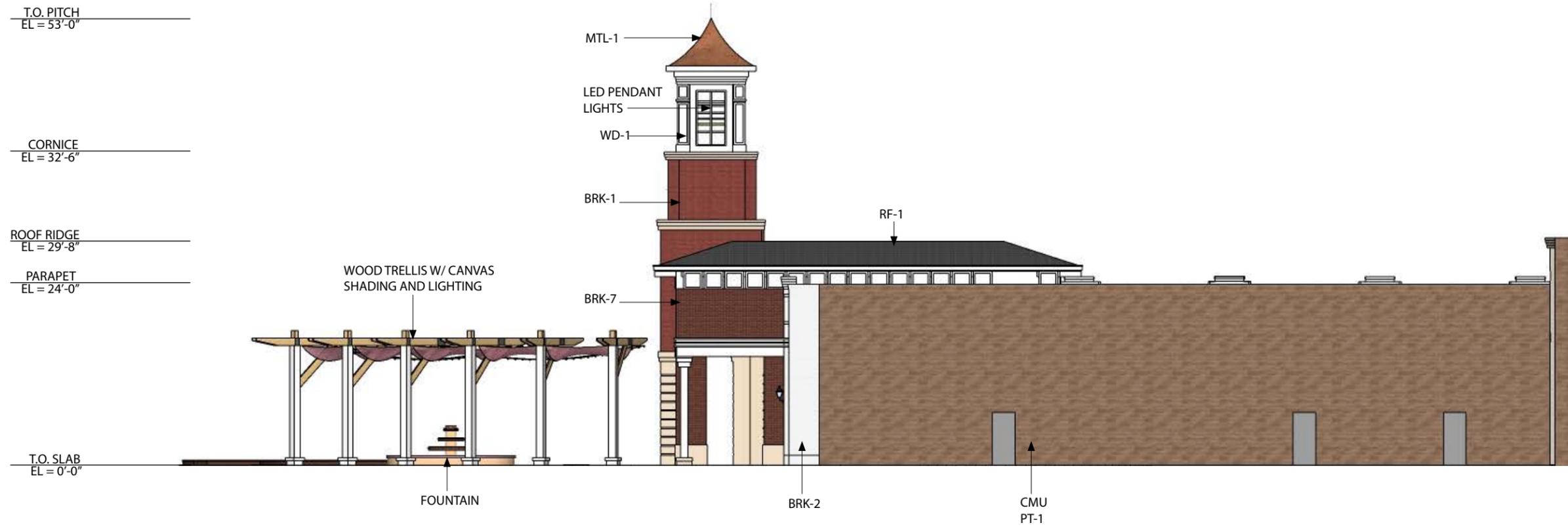




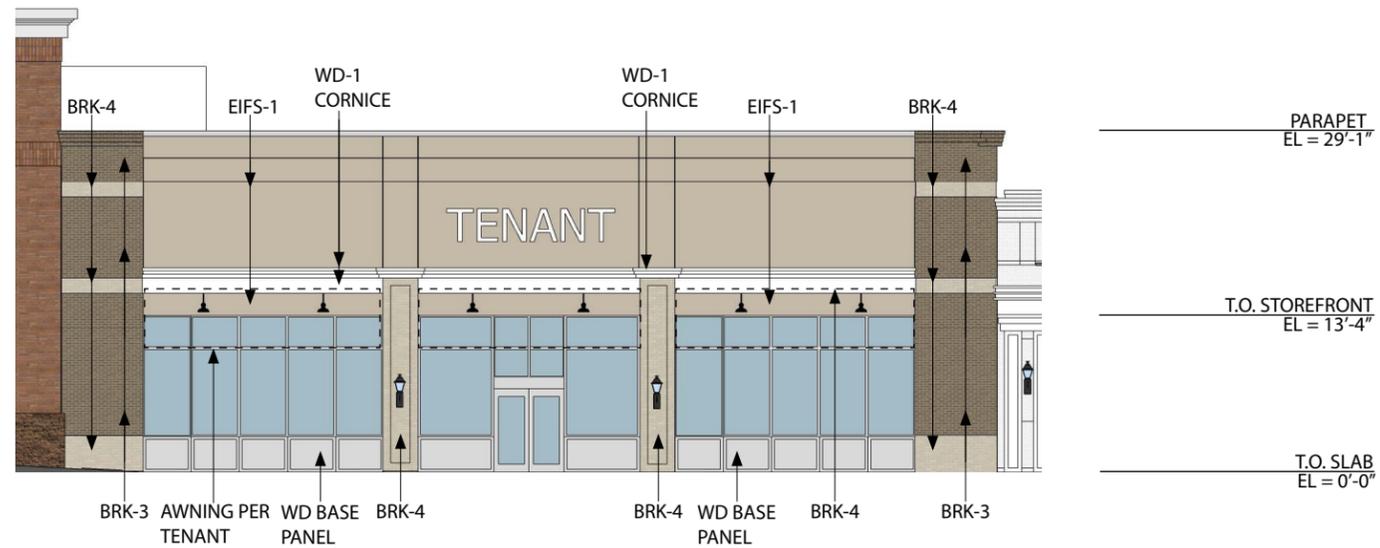
NORTH ELEVATION - BUILDING A
1/16" = 1'-0"



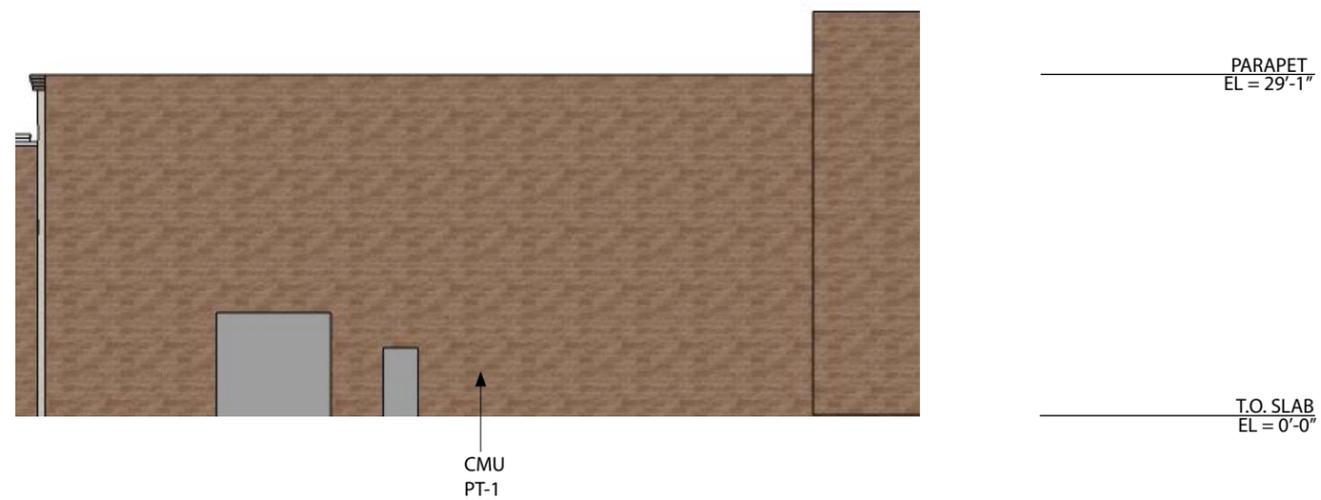
WEST ELEVATION - BUILDING A,B,C
1/16" = 1'-0"



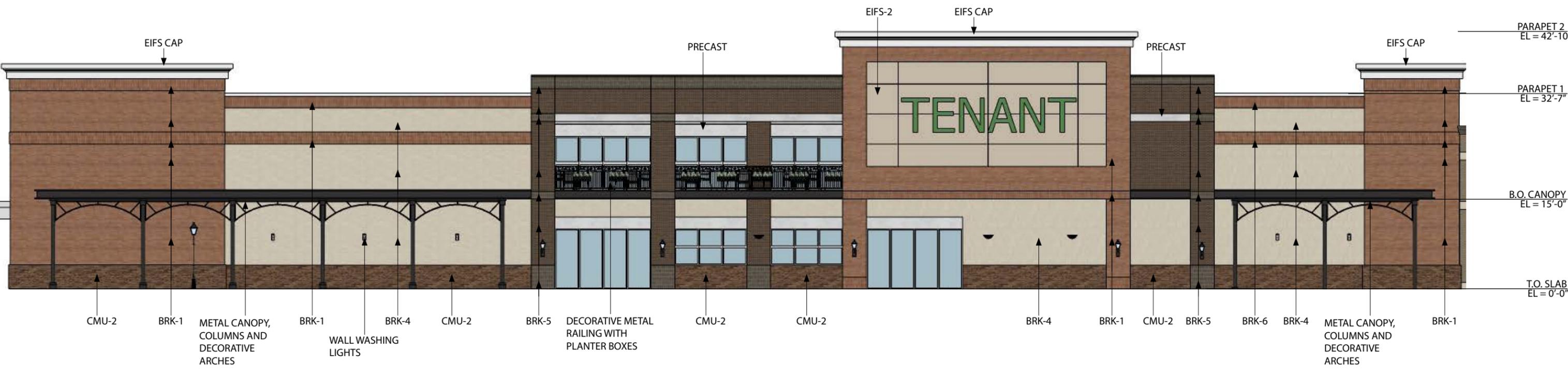
SOUTH ELEVATION - BUILDING A
1/16" = 1'-0"



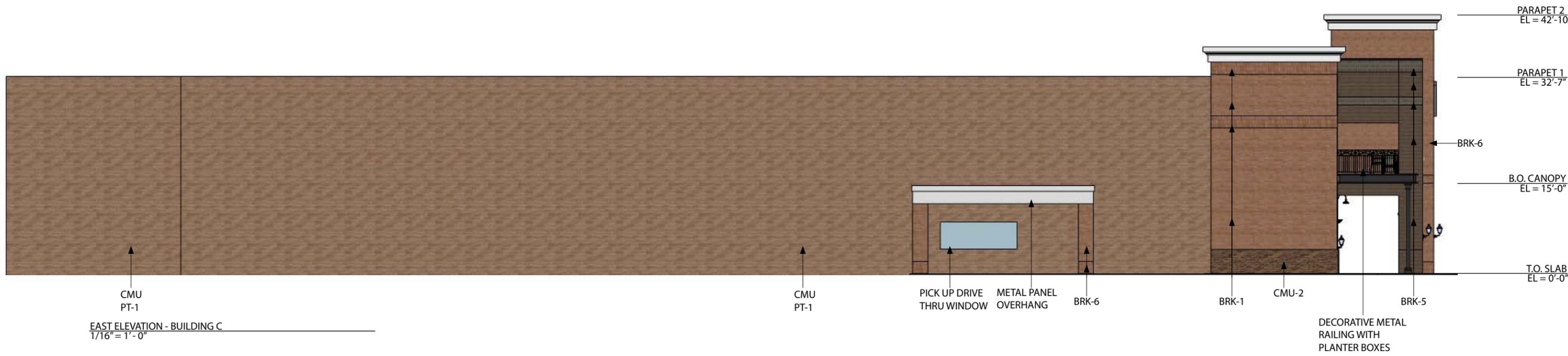
NORTH ELEVATION - BUILDING B
1/16" = 1'-0"



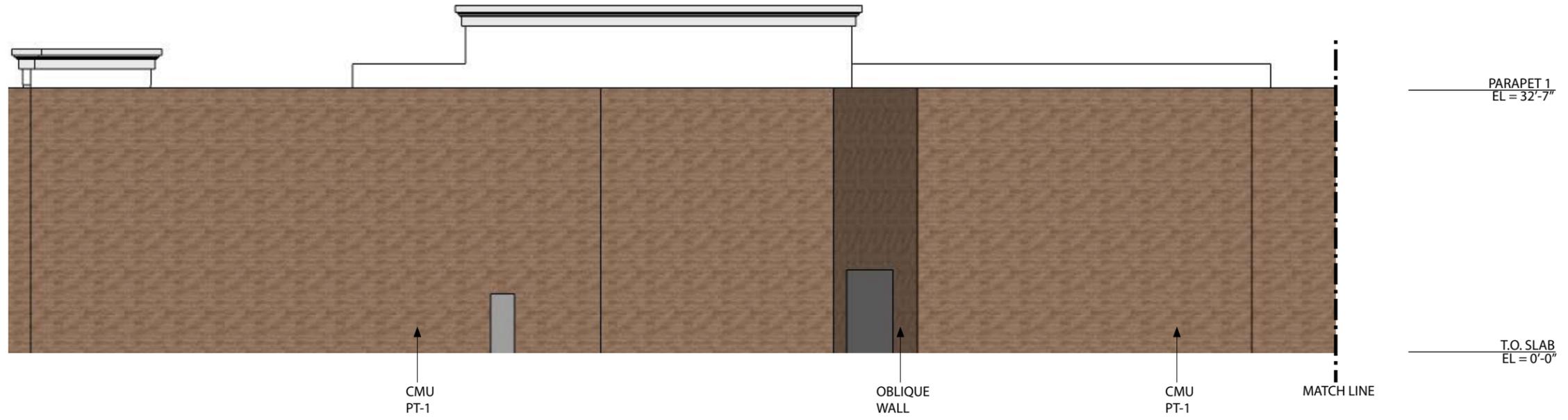
SOUTH ELEVATION - BUILDING B
1/16" = 1'-0"



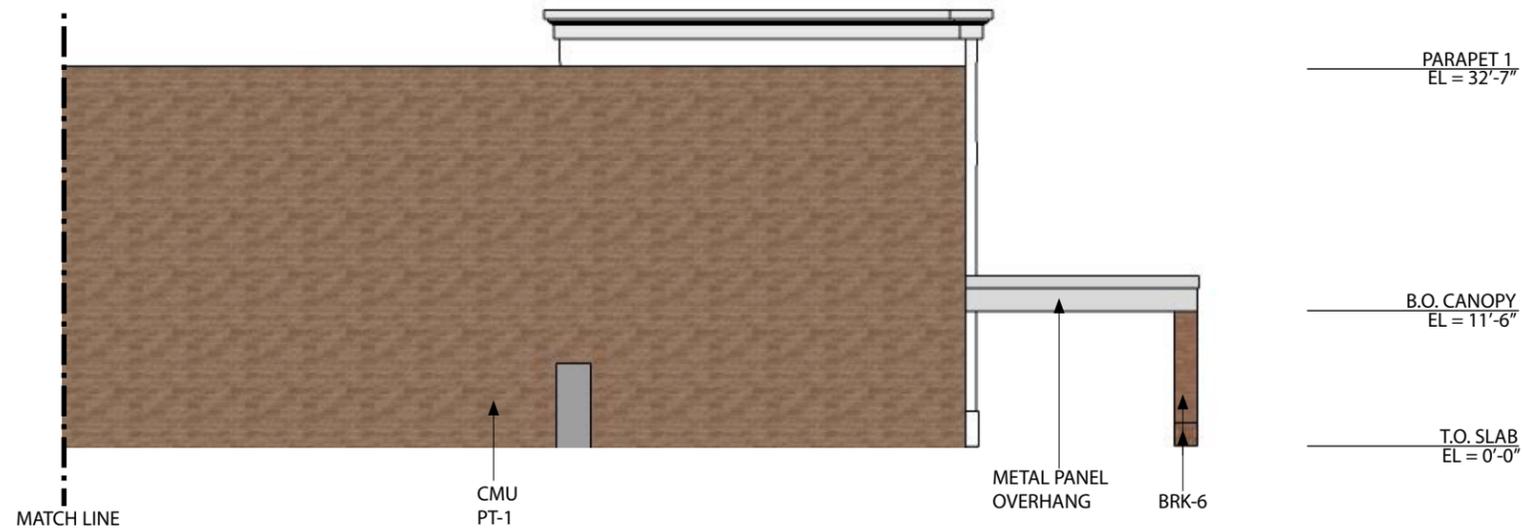
NORTH ELEVATION - BUILDING C
1/16" = 1'-0"



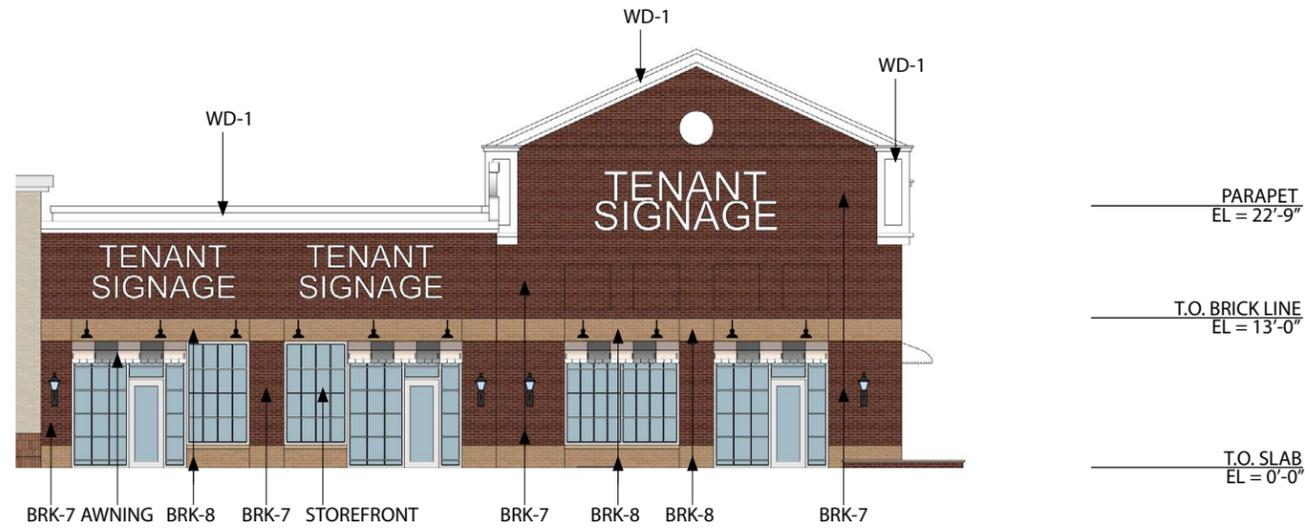
EAST ELEVATION - BUILDING C
1/16" = 1'-0"



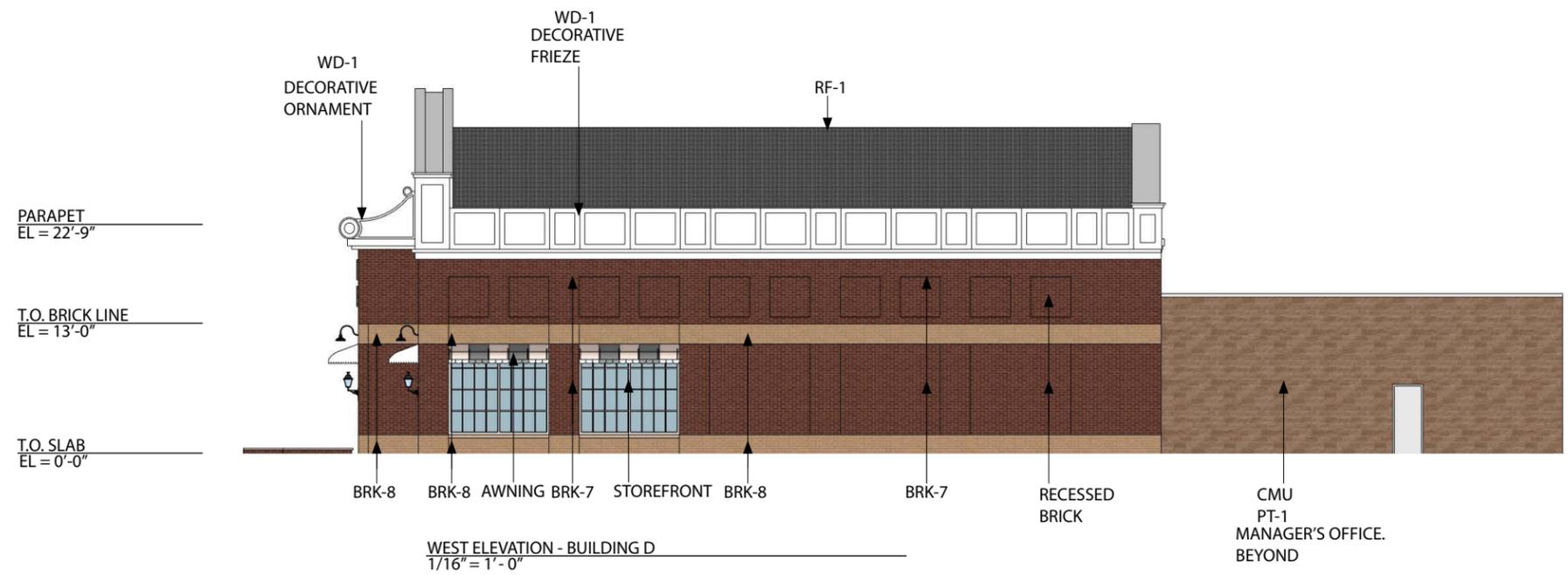
SOUTH ELEVATION - BUILDING C
1/16" = 1'-0"



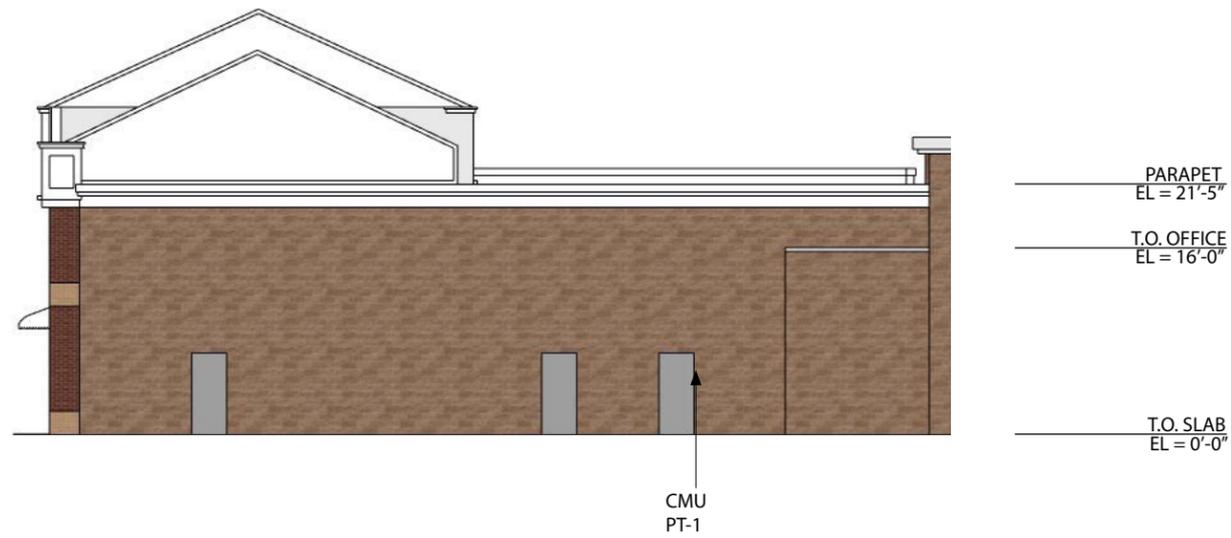
SOUTH ELEVATION - BUILDING C
1/16" = 1'-0"



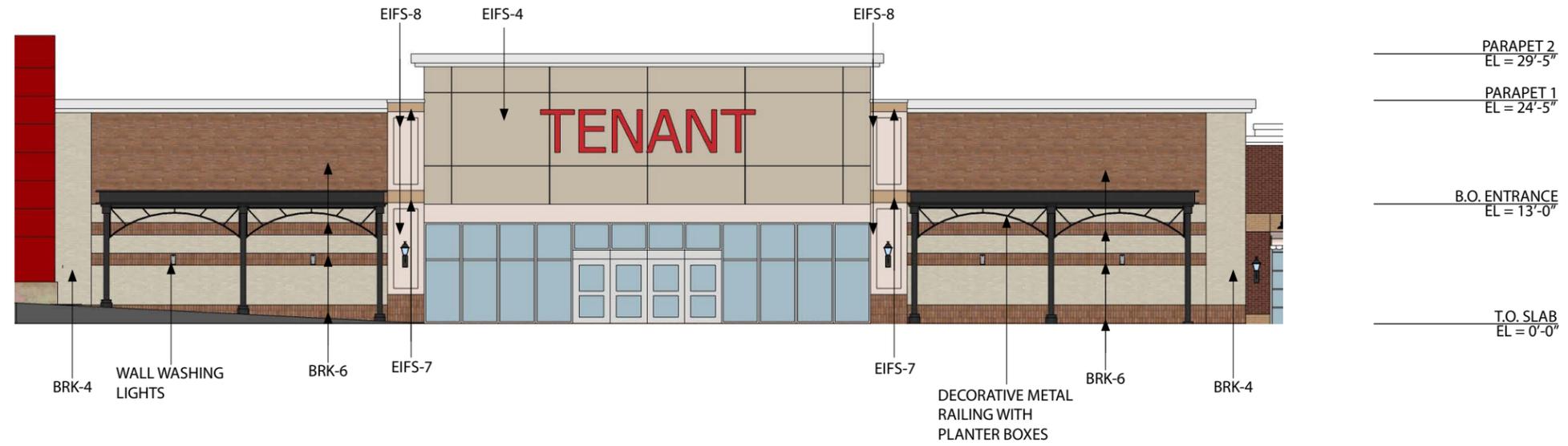
NORTH ELEVATION - BUILDING D
1/16" = 1'-0"



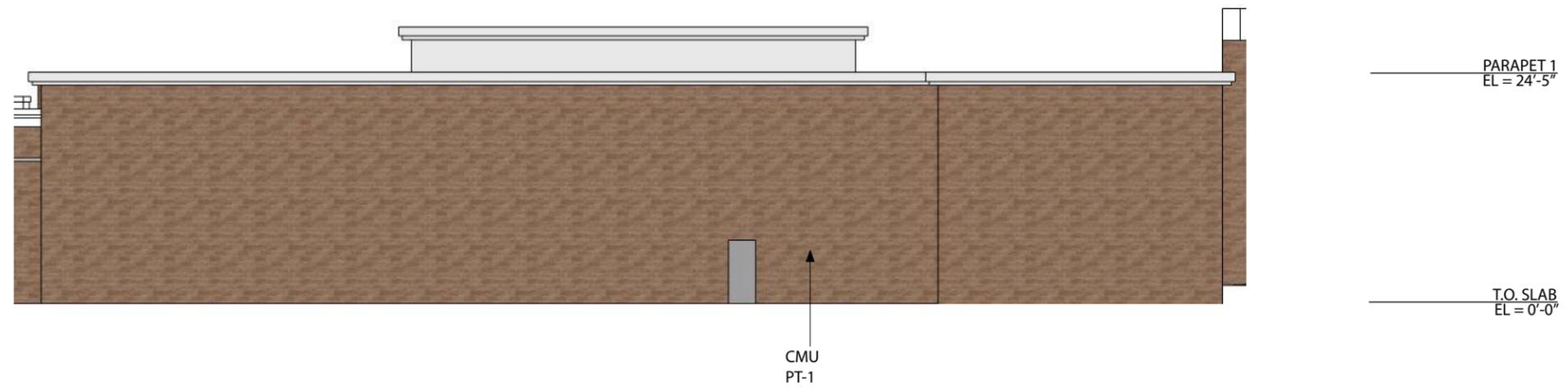
WEST ELEVATION - BUILDING D
1/16" = 1'-0"



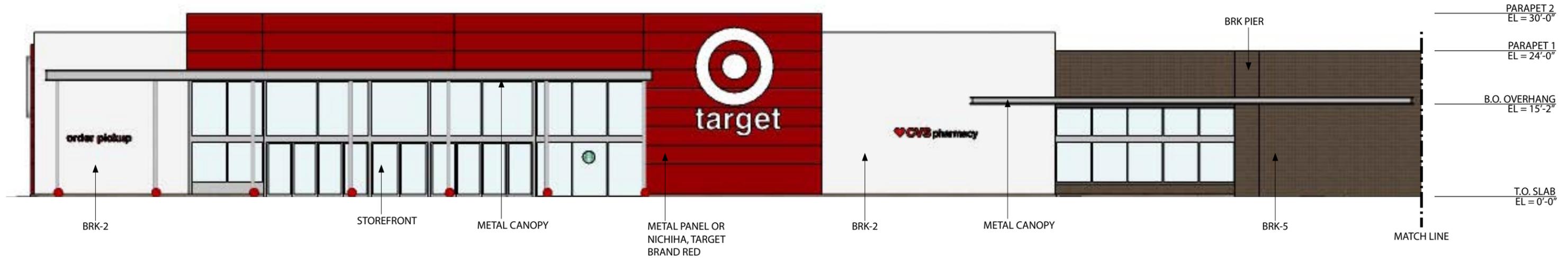
SOUTH ELEVATION - BUILDING D
 1/16" = 1'-0"



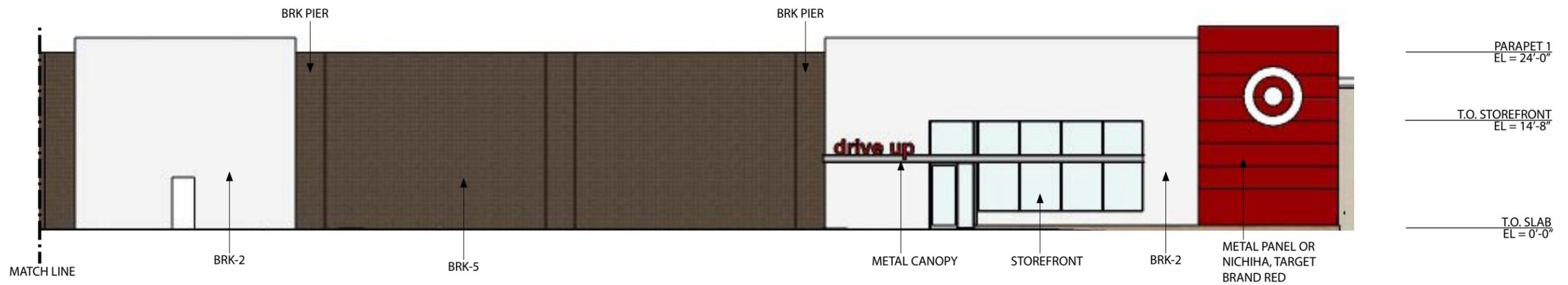
NORTH ELEVATION - BUILDING E
1/16" = 1'-0"



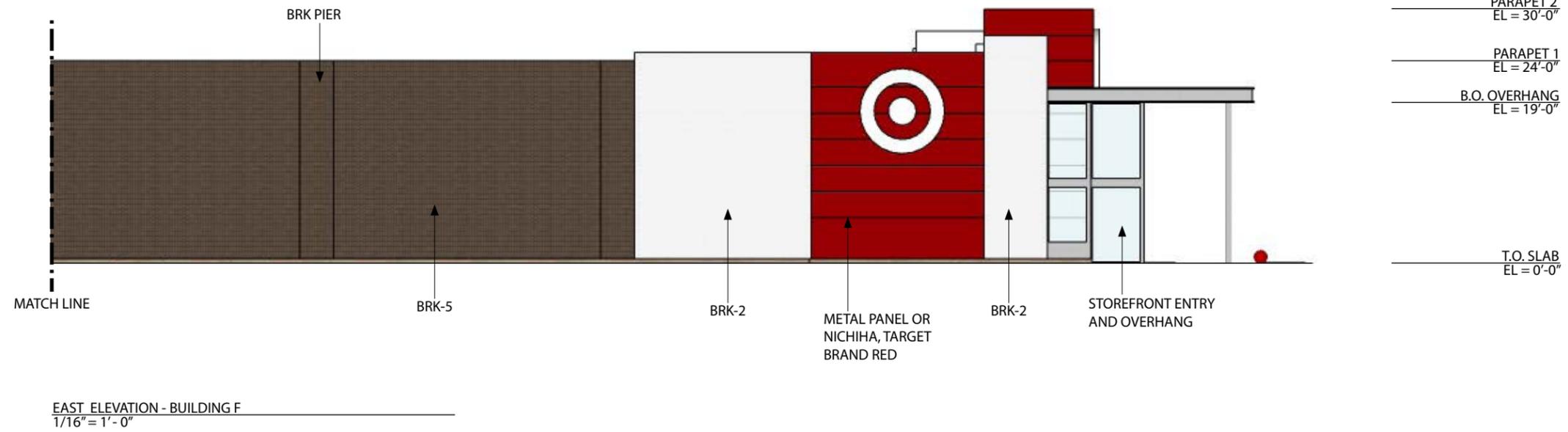
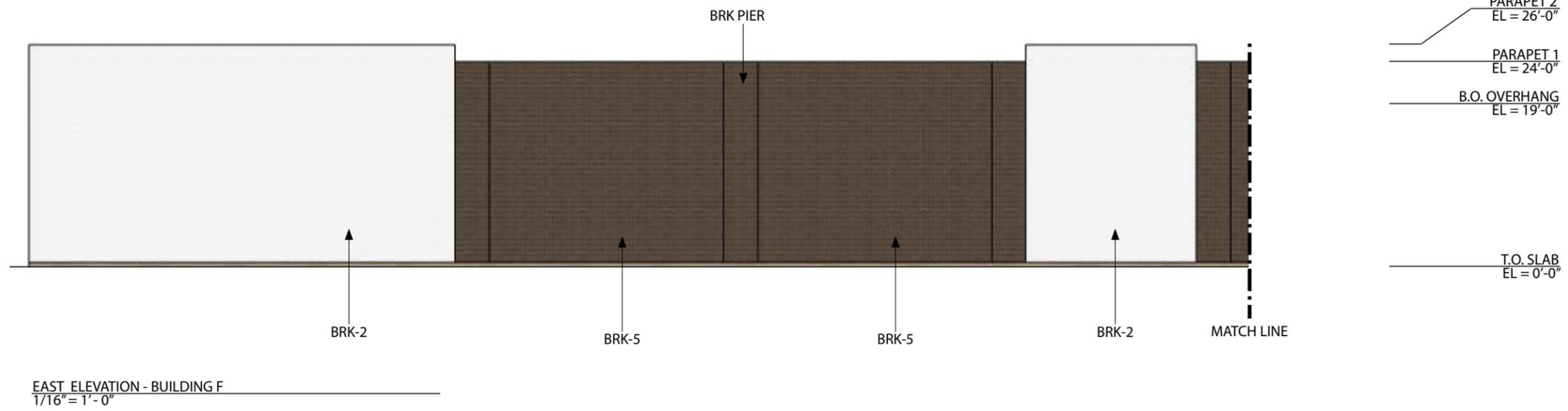
SOUTH ELEVATION - BUILDING E
1/16" = 1'-0"

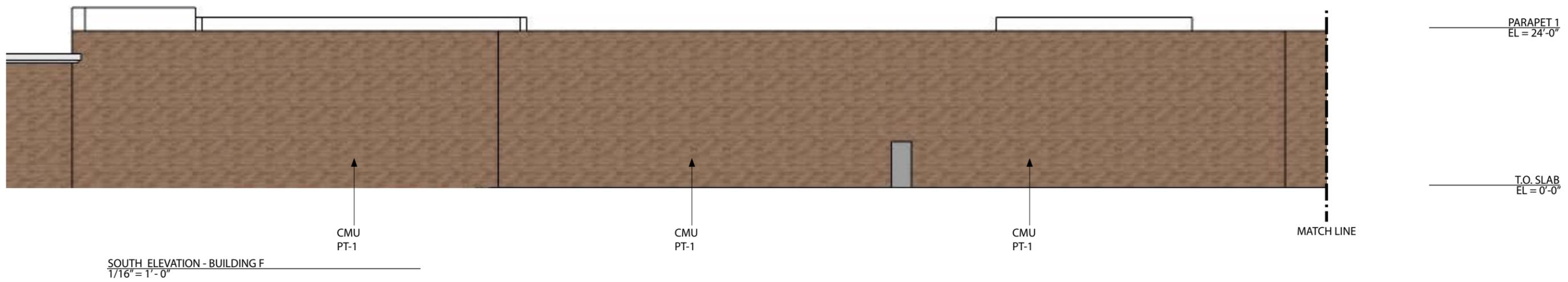


NORTH ELEVATION - BUILDING F
1/16" = 1'-0"



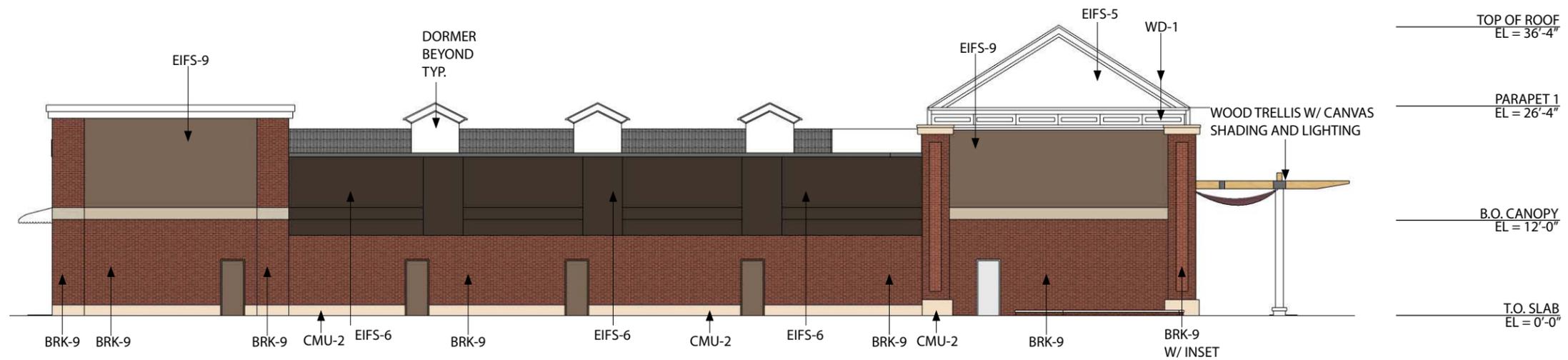
NORTH ELEVATION - BUILDING F
1/16" = 1'-0"







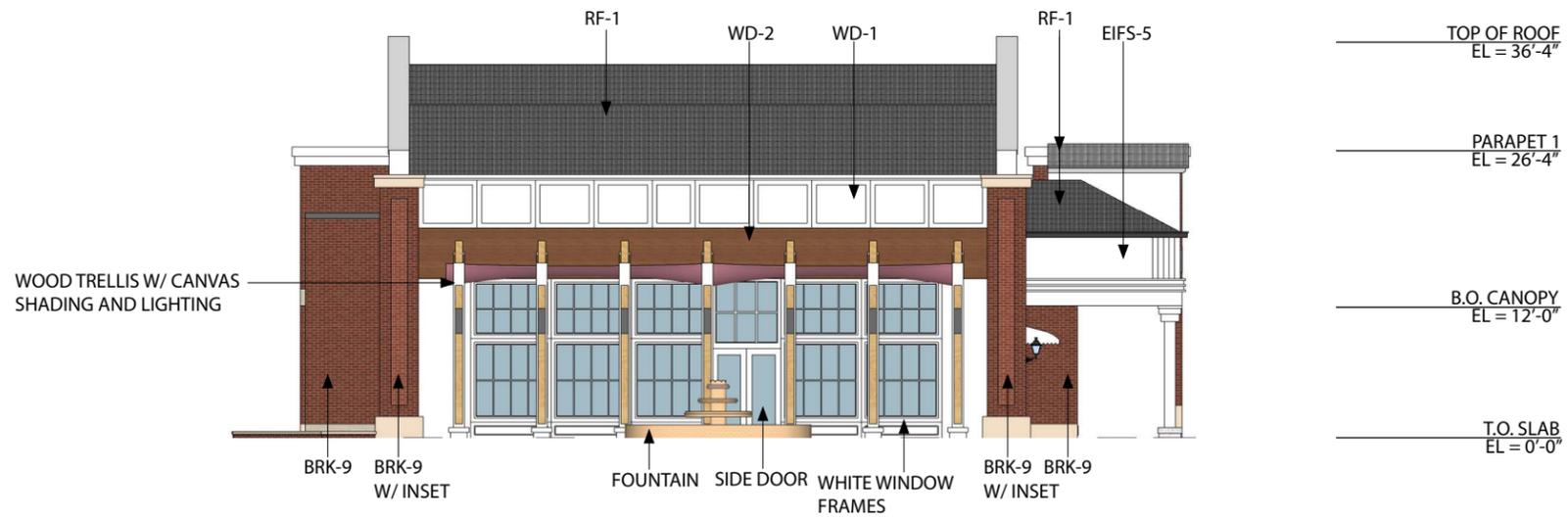
WEST ELEVATION - BUILDING G
1/16" = 1'-0"



EAST ELEVATION - BUILDING G
1/16" = 1'-0"



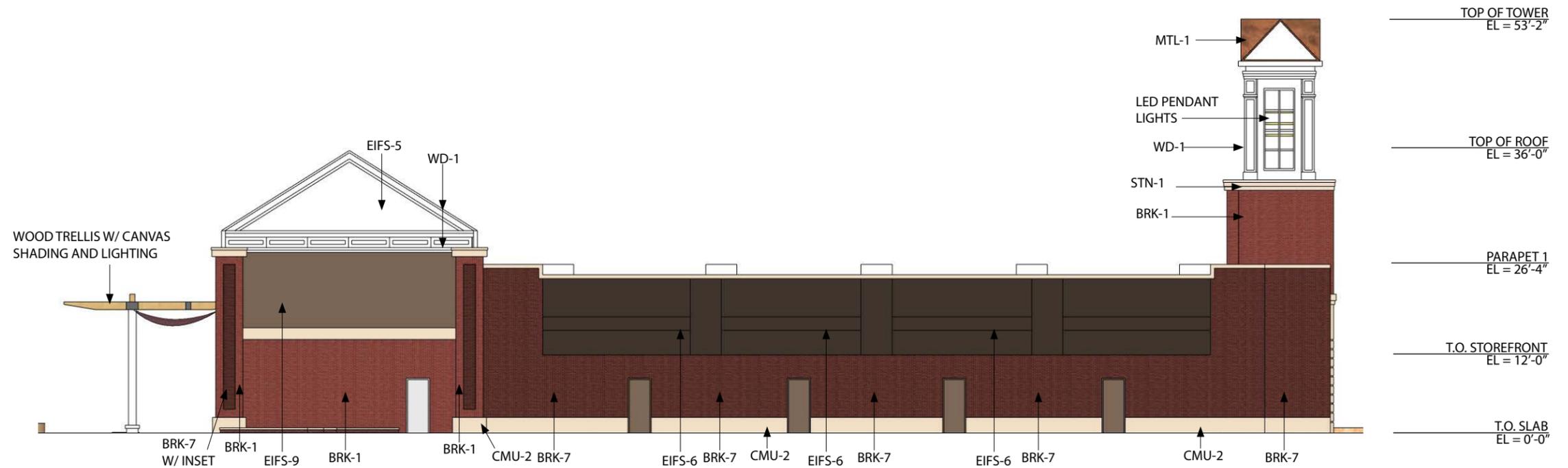
SOUTH ELEVATION - BUILDING G
1/16" = 1'-0"



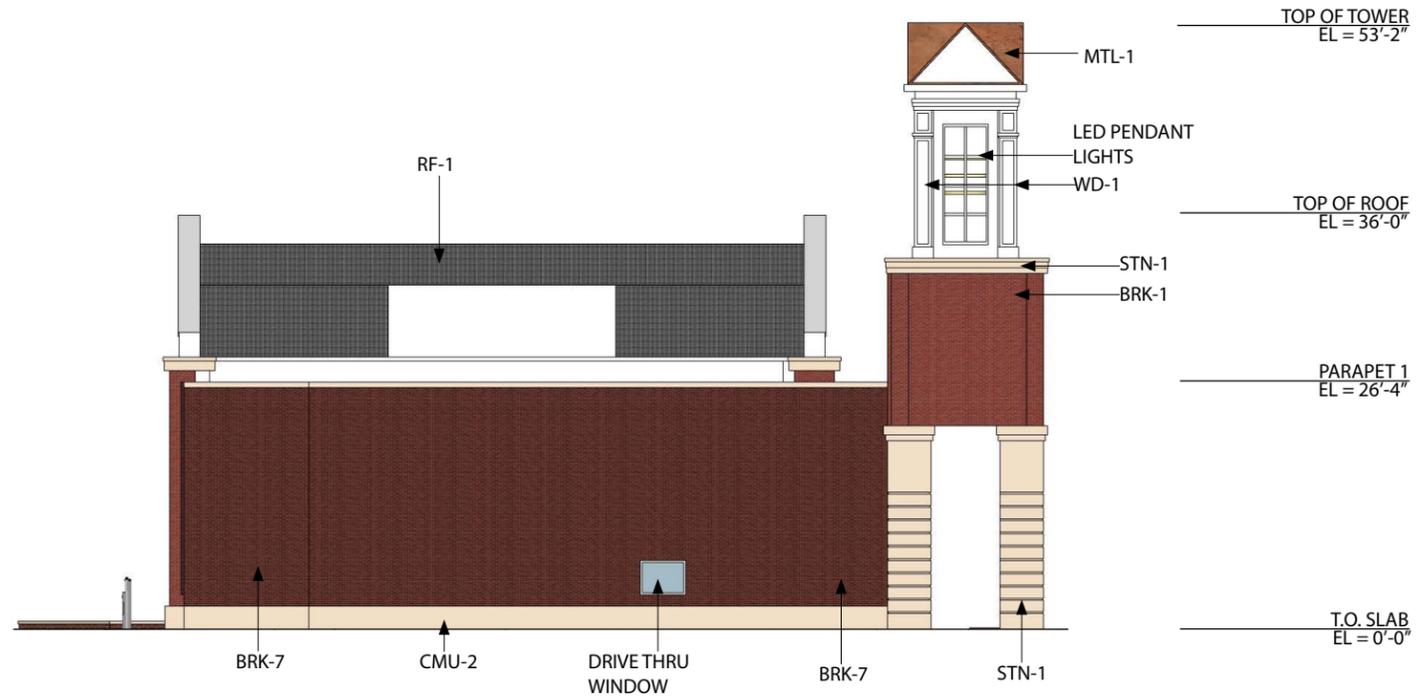
NORTH ELEVATION - BUILDING G
1/16" = 1'-0"



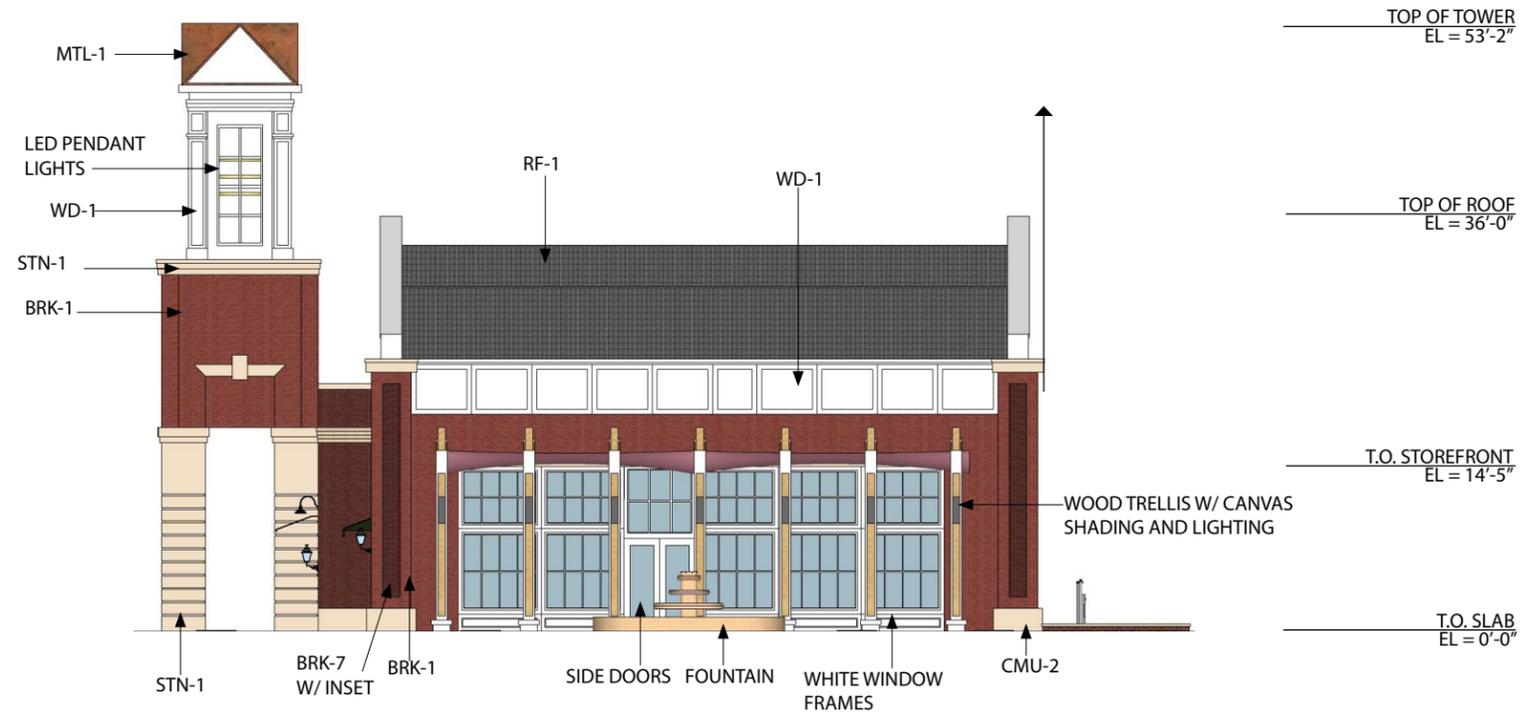
WEST ELEVATION - BUILDING H
1/16" = 1'-0"



EAST ELEVATION - BUILDING H
1/16" = 1'-0"



NORTH ELEVATION - BUILDING H
1/16" = 1'-0"



SOUTH ELEVATION - BUILDING H
1/16" = 1'-0"

BUILDING MATERIAL PERCENTAGES

BUILDING A

NORTH: 75% BRICK, 25% GLAZING
WEST: 50% BRICK, 40% GLAZING, 10% WOOD

BUILDING B

NORTH: 27% BRICK, 47% GLAZING, 26% EIFS

BUILDING C

NORTH: 83% BRICK, 9% GLAZING, 8% EIFS
EAST: 99% BRICK, 1% GLAZING

BUILDING D

NORTH: 67% BRICK, 9% WOOD, 24% GLAZING
WEST: 73% BRICK, 7% GLAZING, 20% WOOD

BUILDING E

NORTH: 55% BRICK, 16% GLAZING, 29% EIFS

BUILDING F

NORTH: 59% BRICK, 21% GLAZING, 20% ARCHITECTURAL PANEL
EAST: 92% BRICK, 8% ARCHITECTURAL PANEL

BUILDING G

WEST: 60% BRICK, 22% GLAZING, 15% WOOD, 5% EIFS
NORTH: 56% BRICK, 25% GLAZING, 10% WOOD, 9% EIFS
SOUTH: 70% BRICK, 27% GLAZING, 3% WOOD, 2% EIFS
EAST: 50% BRICK, 8% WOOD, 44% EIFS

BUILDING H

WEST: 50% BRICK, 26% GLAZING, 24% EIFS
NORTH: 95% BRICK, 5% GLAZING
SOUTH: 50% BRICK, 37% GLAZING, 13% EIFS
EAST: 54% BRICK, 6% WOOD, 40% EIFS

BUILDING A



BRK-1
OXFORD - TRIANGLE



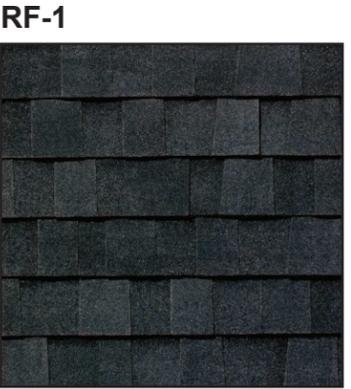
STN-1
SANDSTONE STONE/CONCRETE



BRK-2
DOVER WHITE - TRIANGLE



WD-1
WHITE WOOD - SW 7006



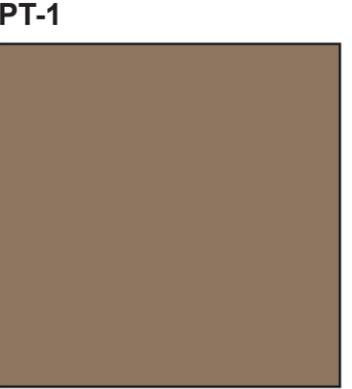
RF-1
DARK SHINGLES



BRK-7
KINGSMILL - PALMETTO



MTL-1
COPPER ROOFING



PT-1
NUTHATCH - SW 6088

BUILDING B



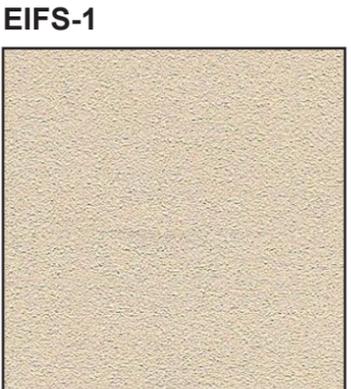
BRK-4
IVORY STONE - PALMETTO



BRK-3
BESSEMER - TRIANGLE



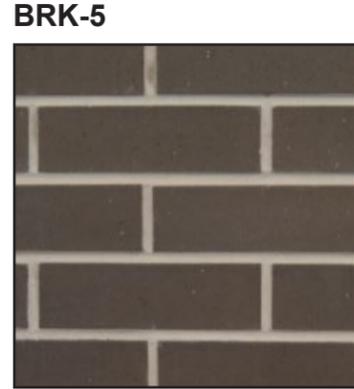
WD-1
WHITE WOOD - SW 7006



EIFS-1
TAN EIFS - DRYVIT

MORGANTON PARK SOUTH MATERIAL BOARDS

BUILDING C



BRK-5
WALNUT - PALMETTO
BLACK WC - PALMETTO



BRK-4
IVORY STONE - PALMETTO



BRK-1
OXFORD - TRIANGLE



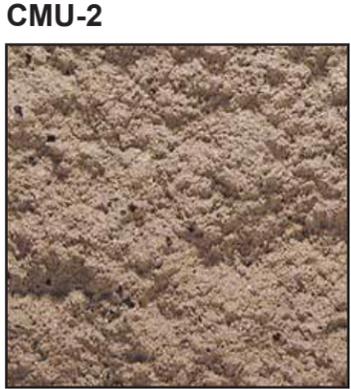
BLACK METAL



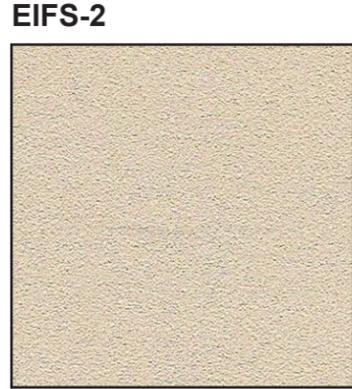
CONCRETE



WD-1
WHITE WOOD - SW 7006

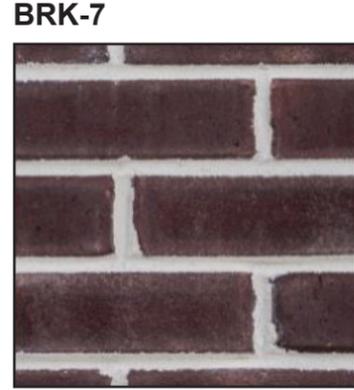


CMU-2
BROWN SPLIT FACE BLOCK



EIFS-2
TAN EIFS - DRYVIT

BUILDING D



BRK-7
KINGSMILL - PALMETTO
AR-06-21 MPS Phase 1



BRK-8
BUFFSTONE - PALMETTO



WD-1
WHITE WOOD - SW 7006



RF-1
DARK SHINGLES

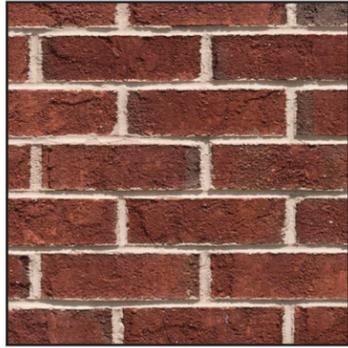
BUILDING E

BRK-4



IVORY STONE - PALMETTO

BRK-6



OXFORD - TRIANGLE



BLACK METAL

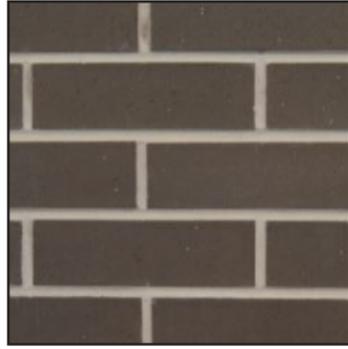
EIFS-4



EIFS - DRYVIT - SW 7006

BUILDING F

BRK-5

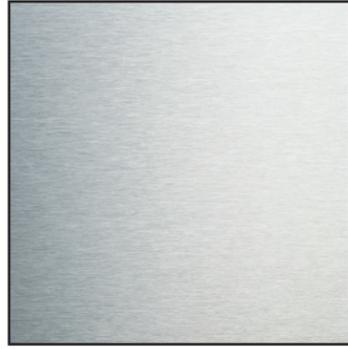


WALNUT - PALMETTO
BLACK WC - PALMETTO

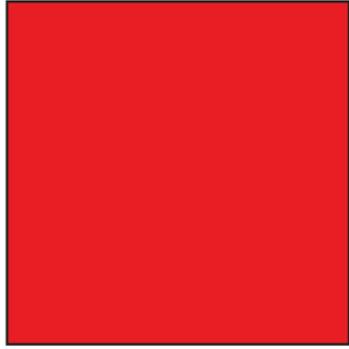
BRK-2



DOVER WHITE - TRIANGLE



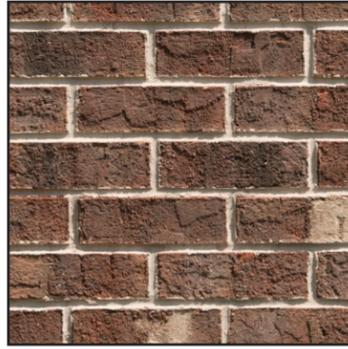
CLEAR ANODIZED METAL



TARGET BRAND RED

BUILDING G

BRK-9



NORTHAMPTON - TRIANGLE

WD-2



VINTAGEWOOD SPRUCE - NICHIIA

WD-1



WHITE WOOD - SW 7006

EIFS-5



EIFS - DRYVIT - SW 7006

RF-1



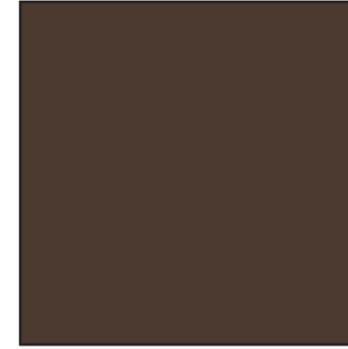
DARK SHINGLES

CMU BASE



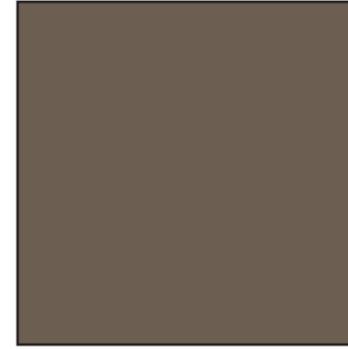
LIMESTONE SPLIT FACE BLOCK

EIFS-6



EIFS - DRYVIT - SW 6076

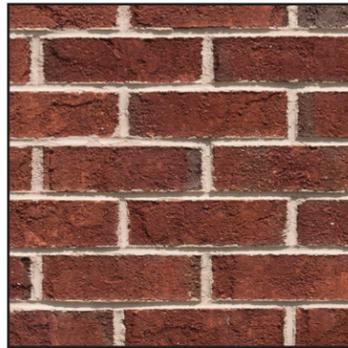
EIFS-9



EIFS - DRYVIT - SW 7515

BUILDING H

BRK-1



OXFORD - TRIANGLE

BRK-7



KINGMILL - PALMETTO

BRK-4



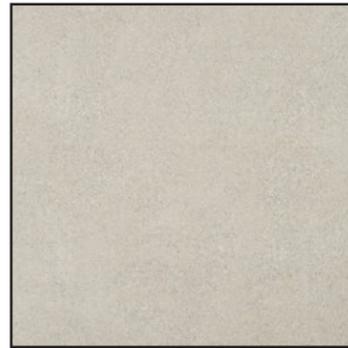
IVORY STONE - PALMETTO

WD-1



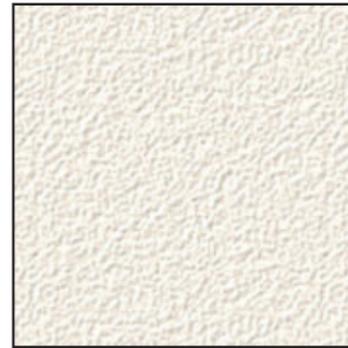
WHITE WOOD - SW 7006

STN-1



SANDSTONE STONE/CONCRETE

EIFS-5



EIFS - DRYVIT - SW 7006

RF-1



DARK SHINGLES

EIFS-6



EIFS - DRYVIT - SW 6076

MEMORANDUM



To: Reagan Parsons, Town Manager

From: Jessica Roth, Assistant Town Manager

Re: First Introduction: Proposed Code Updates for Compliance with Senate Bill 300 (S.L. 2021-138)

Date: October 28, 2021

Background

On September 2, 2021, Governor Roy Cooper signed into law Senate Bill 300 (S.L. 2021-138), which includes various requirements for local governments centered around criminal justice reform. PART XIII of the legislation decriminalizes certain local ordinances effective December 1, 2021. As a result, local governments must revise their ordinances to retain criminal enforcement authority as provided in N.C.G.S. 14- 4. Attached is a policy bulletin from the North Carolina League of Municipalities that highlights the main changes in the legislation that affect local governments.

Staff has reviewed the Town's Code of Ordinances and recommends the following revisions for compliance with this legislation. Staff is working to finalize the ordinance to approve these changes.

Criminal Violations

Staff recommends that the Town retain criminal authority for violations of the following local ordinances. A table with more details on these code sections is attached.

- Chapter 10, General Provisions: §10.18
- Chapter 50, Water & Sewer Use: §50.011, §50.039
- Chapter 90, Public Nuisances: §90.065, §90.081
- Chapter 91, Animals: §91.17, §91.19, §91.20, §91.21
- Chapter 92, Cemeteries: §92.05, §92.28
- Chapter 93, Civil Emergencies: §93.04
- Chapter 95, Fire Prevention: §95.033, §95.034
- Chapter 96, Solid Waste: §96.018
- Chapter 99, Recreation and Parks: §99.02, §99.04, §99.05, §99.06, §99.08, §99.09, §99.10, §99.11, §99.12, §99.13
- Chapter 100, Streets and Sidewalks: §100.40
- Chapter 102, Fire, Smoke, Burglary and Robbery Alarm Systems Regulations: §102.09
- Chapter 113, Garage and Yard Sales, §113.23
- Chapter 114, Door to Door Soliciting: §114.01, §114.12, §114.13, §114.14, §114.15, §114.25, §114.27
- Chapter 119, Gaming Operations: §119.02
- Chapter 130, Molotov Cocktails and Firebombs: §130.01, §130.02, §130.03, §130.04, §130.21, §130.22, §130.23

Sections Recommended for Deletion

While reviewing the Code of Ordinances, staff identified the following sections that are recommended for deletion from the Town's Code. In nearly every instance, these situations are better enforced using the applicable NCGS statutes, so staff recommends deleting these to avoid confusion in enforcement or other legal complications. A table with more details on these code sections is attached.

- Chapter 90, Public Nuisances: §90.036
- Chapter 92, Cemeteries: §92.04, §92.26, §92.27
- Chapter 94, Fair Housing Code: §94.20
- Chapter 98, Library: §98.27
- Chapter 99, Recreation and Parks: §99.03, §99.07, §99.20(a)
- Chapter 112, Farm Products and Farmers' Markets: §112.02
- Chapter 130, Molotov Cocktails and Firebombs: §130.41, §130.42
- Chapter 131, Offenses Against Property: §131.01

Town Ordinance Punishable by G.S. 14-4(a)	Brief Description	Staff Recommendation	Staff Notes
10.18	Changing, amending, altering, or tampering with the Code of Ordinances.	Criminal	
50.011	Tampering with any water pipe, main, or any part of the waterworks or sewer system.	Criminal	
50.039	Interfering with Town representatives sampling, testing, inspecting, etc. piping systems connected to the public water supply.	Criminal	
90.036	Littering.	Delete	State statute applies § 14-399
90.065	Removing or attempting to remove an impounded vehicle without paying all fees or bond in lieu of fees.	Criminal	In accordance with existing chapter 90 section, this should remain criminal
90.081	Making or causing to be made a loud or unnecessary noise that disturbs the health, peace, and safety of others.	Criminal	
91.17	Allowing a dog to run at large.	Criminal	
91.19	Failure to exercise proper care and control so as to prevent an animal from becoming a public nuisance.	Criminal	
91.20	Failure to properly vaccinate an animal.	Criminal	
91.21	Failure to confine an animal believed to have rabies or bitten by an animal believed to have rabies. Failure to notify the County Animal Control Officer.	Criminal	
92.04	Digging graves or exhuming bodies without a license.	Delete	State statute can be used- § 14-148. Defacing or desecrating grave sites.
92.05	Using the cemetery as a playground or engaging in loud noises or profane language.	Criminal	
92.26	Removing or damaging any well, pump, tombstone, monument, bench, etc. within the cemetery.	Delete	State statute can be used- § 14-148. Defacing or desecrating grave sites.
92.27	Littering in the cemetery.	Delete	State statute can be used- § 14-148. Defacing or desecrating grave sites.
92.28	Allowing any animal to run at large in a cemetery or driving a vehicle or horse faster than a walk.	Criminal	
93.04	Violating any of the imposed restrictions during a proclaimed state of emergency.	Criminal	
94.20	As a real estate broker, salesperson, or agent thereof, refusal to rent, lease, sell, to anyone based on race, color, religion, national origin, sex, or place of birth.	Delete	Addressed through higher authority laws
95.033	The bulk storage of petroleum gas within the town limits except as authorized by the zoning ordinances and approved by the Fire Chief.	Criminal	
95.034	Failure to comply with the NC Fire Code regulations regarding the storage of explosives and blasting caps.	Criminal	Would also involve the ATF.
96.018	Failure to properly dispose of biohazardous materials or dangerous trash items.	Criminal	
98.27	Willfully refusing to return library materials or equipment or damaging, defacing, or mutilating library items or equipment.	Delete	State statutes apply - Larceny and Vandalism (Injury to Property)
99.02	Driving any vehicle through the park except on designated drives and parkways.	Criminal	
99.03	Destroying recreation area property.	Delete	State statutes apply - Larceny and Vandalism (Injury to Property)
99.04	Discharging weapons within any park or recreation area.	Criminal	
99.05	Advertising within any recreation facility or area without authorization.	Criminal	Recommend criminal - no recourse for law enforcement response if these incidents occur. We cannot issue civil fines.
99.06	Selling or peddling in any park or recreation area.	Criminal	Recommend criminal - no recourse for law enforcement response if these incidents occur. We cannot issue civil fines.
99.07	Gambling within any park or recreation facility or area.	Delete	State statute can be applied - § 14-292. Gambling
99.08	Possession or consumption of alcoholic beverages or drugs in any park or recreation area.	Criminal	Alcohol possession, consumption, etc. charged under local ordinances. Narcotics related incidents are charged under state statutes.
99.09	Dumping in parks.	Criminal	
99.10	Starting a fire except in designated grill area or fireplaces.	Criminal	
99.11	Excavating in any park without permission.	Criminal	
99.12	Allowing an animal to run at large in a park except at designated dog parks.	Criminal	Recommend criminal- no recourse for law enforcement response if these incidents occur. I.E.- person training a dog in the park who leaves when asked, but refuses to provide their information for a civil penalty. We cannot issue civil fines and or force ID for non-criminal offenses.
99.13	Trapping, catching, wounding, killing, etc. any bird, squirrel, or other animal in the parks.	Criminal	
99.20(a)	Discharging weapons from a boat or on the shores of the lake.	Delete	Repetitive - addressed in §99.04- Discharging weapons within any park or recreation area.
100.40	Obstructing streets or sidewalks.	Criminal	
102.09	Falsely activating a fire, smoke, or burglary alarm to summon police.	Criminal	

112.02	Selling or offering farm products for sale any location other than the Town Farmers' Market.	Delete	Outdated
113.23	Improper parking.	Criminal	
114.01	Soliciting without invitation.	Criminal	
114.12	Charitable solicitor failing or refusing to make available his or her permit.	Criminal	Police Chief does the background and issues a permit
114.13	A charity failing to maintain records of funds raised by solicitation.	Criminal	
114.14	Soliciting charitable contributions without maintaining an accounting system to track donations and disbursements.	Criminal	
114.15	Soliciting charitable contributions via misrepresentation, deception, or fraud.	Criminal	
114.25	Soliciting charitable contributions without a permit.	Criminal	Police Chief does the background and issues a permit
114.27	Failure of a permit applicant to furnish or make available charitable records or books.	Criminal	
119.02	Conducting gaming operations without fully complying with the regulations.	Criminal	
130.01	Consumption of alcoholic beverages in public.	Criminal	
130.02	Disturbing any public meeting.	Criminal	
130.03	A minor remaining out during curfew hours. A parent/guardian permitting or encouraging a minor to be out during curfew.	Criminal	
130.04	Loitering for the purpose of engaging in drug-related activities.	Criminal	
130.21	Discharging a firearm within the town.	Criminal	
130.22	Discharging a BB gun, air gun, or paintball gun within the town.	Criminal	
130.23	Possession of weapons on municipal property.	Criminal	Criminal - requires CCW permit
130.41	The manufacture, possession, or transport of any Molotov cocktail or other firebomb.	Delete	Delete all of chapter 130. GS 14-288.8 is a better state statute plus any federal statutes are applicable.
130.42	Possession of all the items or materials needed to manufacture Molotov cocktails or other firebombs other than on one's own premises.	Delete	Delete all of chapter 130. GS 14-288.8 is a better state statute plus any federal statutes are applicable.
131.01	Damaging the property of another.	Delete	Delete all of chapter 130. GS 14-288.8 is a better state statute plus any federal statutes are applicable.

PREPARING TO IMPLEMENT CRIMINAL JUSTICE REFORM LEGISLATION IN TOWNS AND CITIES

October 2021

Gov. Roy Cooper on September 2, 2021 signed into law a wide-ranging piece of legislation that creates new databases, requires additional background checks and decriminalizes certain local government ordinances. This document is designed to highlight a few provisions in Senate Bill 300 (S.L. 2021-138) Criminal Justice Reform that deserve particular attention from local government attorneys, law enforcement agencies and administrators. Some of the changes may require town councils to adopt or amend ordinances; some provisions may require local governments to create new databases; and other provisions may require that new practices and processes be established. This guidance document highlights the main changes in the legislation. However, this is not legal advice and towns and cities are encouraged to read the entire bill and consult their staff attorneys or contract attorneys to determine the changes they need to implement.

A. DECRIMINALIZATION OF CERTAIN ORDINANCES (PART XIII):

PART XIII of S.L. 2021-138, titled Decriminalization of Certain Ordinances, removes the current presumption that all local ordinances may be enforced criminally (G.S.160A-175) and states that ordinances may be enforced criminally as provided in G.S. 14-4 “only if the city specifies such in the ordinance.” It further states: “Notwithstanding G.S. 160A-75, no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.” It also includes a list of statutory sections in which cities cannot adopt ordinances with criminal enforcement. That list of topic areas are as follows: planning and regulation of development; stream clearing programs; regulating businesses and trades; outdoor advertising; solar collectors; cisterns and rain barrels; taxis; setback lines; curb cut regulations and ordinances regulating trees. The legislation specifies that these changes *go into effect Dec. 1, 2021*, so towns and cities have a limited time frame in which to respond to these changes.

To prepare for the change in the law, towns and cities should consider taking the following steps:

- i. Determine if you have ordinances which impose potential criminal penalties.
- ii. Make a list of ordinances for which you wish to retain criminal enforcement authority.
- iii. Check to make sure the list does not include ordinances that fall under the topic areas disallowed by the legislation.
- iv. Check to make sure the ordinance language includes clear criminal authority.
- v. If these ordinances do not have clear criminal authority, have town council adopt a new ordinance or a statement that comprises specific language in the ordinances that state they can be criminally enforced.
- vi. For ordinances that will not be enforced criminally, establish administrative capabilities to issue and collect civil citations or fines for violations and provide for an appeals process. **PRACTITIONER'S TIP:** For arrestable offenses, judicial officials have the authority to obtain personal identification information for an alleged violator. In civil matters, where only a citation or fine can be issued, obtaining the identity of the alleged violator may be difficult or practically impossible.
- vii. If town councils need to, adopt any new ordinances or changes to ordinances by Dec. 1, 2021, the date Part XIII of S.L. 2021-138 goes into effect. **PRACTITIONER'S TIP:** Since the legislation requires the criminal authority to be specified in "the ordinance," towns and cities should carefully specify criminal enforcement in each applicable ordinance.
- viii. Note that ordinances with criminal enforcement authority cannot be adopted in the first meeting that it is introduced.

B. CREATING POLICIES, DATABASES AND FOLLOW UP PLANS

Certain provisions require the creation of processes whereby law enforcement agencies must track specific types of incidents and report those to a statewide database. Practitioners say it is important that once this information is collected, it be properly retained so that confidentiality requirements are maintained, and that law enforcement officers (LEOs) be given the opportunity to challenge their inclusion if required by law. Once the data has been collected, practitioners also recommend that supervisors keep track of these

incidents, perhaps through an automated alert system, and supervisors create Action Plans to help individual officers avoid repeated occurrences. Setting up the database and tracking the data may be required by the new law but acting on the information may be a best practice to avoid being seen as having failed to follow through on early warning signs.

Under this legislation at least three sets of data must be collected:

1. Critical Incident Database – A new statewide database of critical incidents is established by this legislation. Critical incident is defined as “an incident involving any use of force by a law enforcement officer that results in death or serious bodily injury to a person.” The information collected in this database stays confidential. While the legislation requires law enforcement agencies to report “critical incidents,” involving police officers, it also provides the officer a right, prior to being placed in the database, to request a hearing in Superior Court for a determination of “whether the officer’s involvement was properly placed in the database.” Agencies may want to create a process whereby an officer is informed prior to their names being submitted to this database, and the officer be informed of an opportunity to exercise a right to request a hearing in Superior Court. **PRACTITIONER’S TIP:** It should be noted that the right to a hearing is limited to whether the officer’s involvement was properly placed in the database, not the appropriateness of the officer’s actions during the incident. Also, if the incident results in disciplinary action there may also be a need for a name clearing hearing so these two processes may overlap and possibly conflict. **PRACTITIONER’S TIP:** When advising an officer regarding a hearing, consider the risks of the process in the event of future litigation.
2. Early warning system - Every agency that employs law enforcement is required to develop a confidential early warning system for law enforcement including at minimum instances of use of force, discharge of firearm, vehicle collisions and citizen complaints (Part VIII). The system’s essential purpose is to identify possible problem officers, not to collect data. Many small agencies could implement an early warning system manually. But for some agencies, this could be a time-

consuming effort, requiring the creation of a computerized system that collects the information, creates an alert at a particular threshold of reports and ultimately triggers a supervisor to place the officer on a remedial plan. Some system to monitor the data collected and alert a supervisor to repeated offences may be needed to avoid future claims that the agency failed to properly supervise such officers. The “use of force” information to be collected can be individualized to each agency, possibly including instances where handcuffs were placed on an individual and the number of minor vehicle accidents. The data collected under this database stays confidential. This section is effective Dec. 1, 2021 and applies to actions and behaviors on or after that date.

3. Duty to intervene and report excessive use of force

Part XVI of the legislation creates a duty for LEOs to intervene and report an excessive use of force by a LEO. This may require agencies that do not have such a policy to adopt one. In addition, agencies should also create a reporting system like ones for critical incidents and the early warnings system. Agencies that do not evaluate their officers’ use of force open themselves up for negligent retention and supervision claims. Agencies should evaluate the performance of their officers who consistently trigger alerts to determine what measures should be taken to correct any noted deficiencies in the officer’s performance, including but not limited to, education, additional training, and disciplinary action.

C. RETAINING AND USING THE DATA

Even while they collect additional data required by this legislation, personnel departments should remember that G.S. 160A-168 requires personnel data to be kept confidential unless it is exempt under a specific exemption. In particular, consider: “section (c4). Even if considered part of an employee’s personnel file, the following information regarding any sworn law enforcement officer shall not be disclosed: (3) Any identifying information as defined in G.S. 14-113.20.”

D. OTHER PROVISIONS OF INTEREST THAT MAY REQUIRE AGENCIES TO PREPARE PROCESSES INCLUDE THE FOLLOWING:

- Decertification - Part I of the bill creates a public database of LEO certification suspensions and revocations to be established by the N.C. Criminal Justice Education and Training Standards Commission.
- Applicants for law enforcement positions and current law enforcement will be required to provide fingerprints, and agencies will have to submit those to the SBI for a federal and state background check by June 23, 2023. (Part II)
- Applicants for law enforcement positions will have to undergo psychological screening and local governments will have to foot the bill for the screening. (Part VI).
PRACTITIONER'S TIP: Consider the costs of such screenings and include those costs when preparing budget estimates.
- Law enforcement will need to report Giglio notifications in writing to the statewide Criminal Justice Standards Division. Those required to report these letters include the individual LEO, the agency head and a judge that issues the notification. (Part IV)
- Changes to the body cam recording viewing statute (Part XXI): No later than three business days from receipt of the notarized form - provided by the law enforcement agency - requesting immediate disclosure of footage in a case involving death or serious bodily injury, a law enforcement agency shall file a petition in the Superior Court in any county where any portion of the recording was made for issuance of a court order regarding disclosure of the recording. Any person who willfully records any recording disclosed pursuant to this subsection shall be guilty of a Class 1 misdemeanor. Any person who knowingly disseminates a recording disclosed pursuant to this subsection shall be guilty of a Class I felony. **PRACTITIONER'S TIP:** Check to ensure the law enforcement agency has a supply of high-capacity thumb drives where hours of footage can be downloaded for quick transmittal to the Superior Court judge.
- Part X of the legislation now adds the Governor to the list of individuals who may ask the SBI to investigate deaths due to use of force by a law enforcement officer.

The N.C. League of Municipalities thanks the following city attorneys who provided valuable input into creating this document:

Jeffrey C. Sugg, City of Asheboro

Brian Meyer, Town of Apex

Toni Russ, City of Durham

Tiffanie Sneed, Town of Chapel Hill

*In addition, we would like to thank **Fred Baggett** of the Police Chiefs Association for reviewing the document.*

For questions or comments, please contact:

Leo John, Legislative Counsel, N.C. League of Municipalities

ljohn@nclm.org or 919-522-5138

Agenda Item

To: Reagan Parsons, Town Manager
From: Suzy Russell, Planner II
Subject: PD-06-21; Conceptual Development Plan for a mixed-use building; 470 NW Broad Street
Date: November 9, 2021

I. SUMMARY OF APPLICATION REQUEST:

Robert Koontz of Koontz Jones Design, on behalf of Riley Walker Development, is requesting approval of a Planned Development Conceptual Development Plan for a three-story mixed-use building. The subject property is located at 470 NW Broad Street and is identified with PIN: 858106491691, PARID: 00035953. The property owner listed on Moore County tax records is 470 NW Broad Street, LLC.

II. TOWN COUNCIL ACTION:

At the September 14th, 2021 Regular Meeting of the Town Council, Mr. Bob Koontz requested a continuance to the November 9th, 2021 Regular Meeting in order to hold a neighborhood meeting to identify the public's concerns. Per UDO §2.12.1 the Hearing Body granted continuance of PD-06-21 to the November 9th, 2021 Regular Meeting of the Town Council.

III. PLANNING BOARD ACTION:

At the August 19th, 2021 Regular Meeting of the Planning Board, with all seven members present, the Planning Board held a legislative public hearing for application PD-06-21. Planning staff, Ms. Suzy Russell, presented a review of the conceptual development plan application. Following staff's comments, the applicant's agent, Mr. Bob Koontz, presented the case for approval of the conceptual development plan. The Planning Board followed with questions and comments from Mr. Koontz and staff.

After closing the public hearing, a motion was made by Ms. Kim Wade that after considering the conceptual development plan and considering the criteria for approval of a planned development district found in UDO §2.18.4 (H), the requested conceptual development plan is found to be inconsistent with the comprehensive long-range plan, and the Planning Board adopts the resolution that is included as revised attachment A in the staff memorandum for PD-06-21, as revised at the Planning Board hearing. Ms. Wade further moved to recommend denial of PD-06-21. Mr. Andy Bleggi seconded the motion and the motion carried unanimously.

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.

Please find the signed Revised Attachment A of the Planning Board for PD-06-21 in the attachments section of this report.

IV. PROJECT INFORMATION:

A. Property Owner

470 NW Broad Street, LLC
Braden Riley
PO Box 3248
Pinehurst, NC 28374

B. Applicant:

Riley Walker Companies
Braden Riley
PO Box 3248
Pinehurst, NC 28374

C. Authorized Agent(s):

Koontz Jones Design
Robert Koontz
150 S Page Street
Southern Pines, NC 28387

D. Subject Property Description:

The subject property has previously been developed with a single-family detached residence and was later converted to a commercial building that is currently being utilized as office space. The subject property is also located in the High-Quality Watershed.

E. Size of Subject Property:

0.60 Acres.

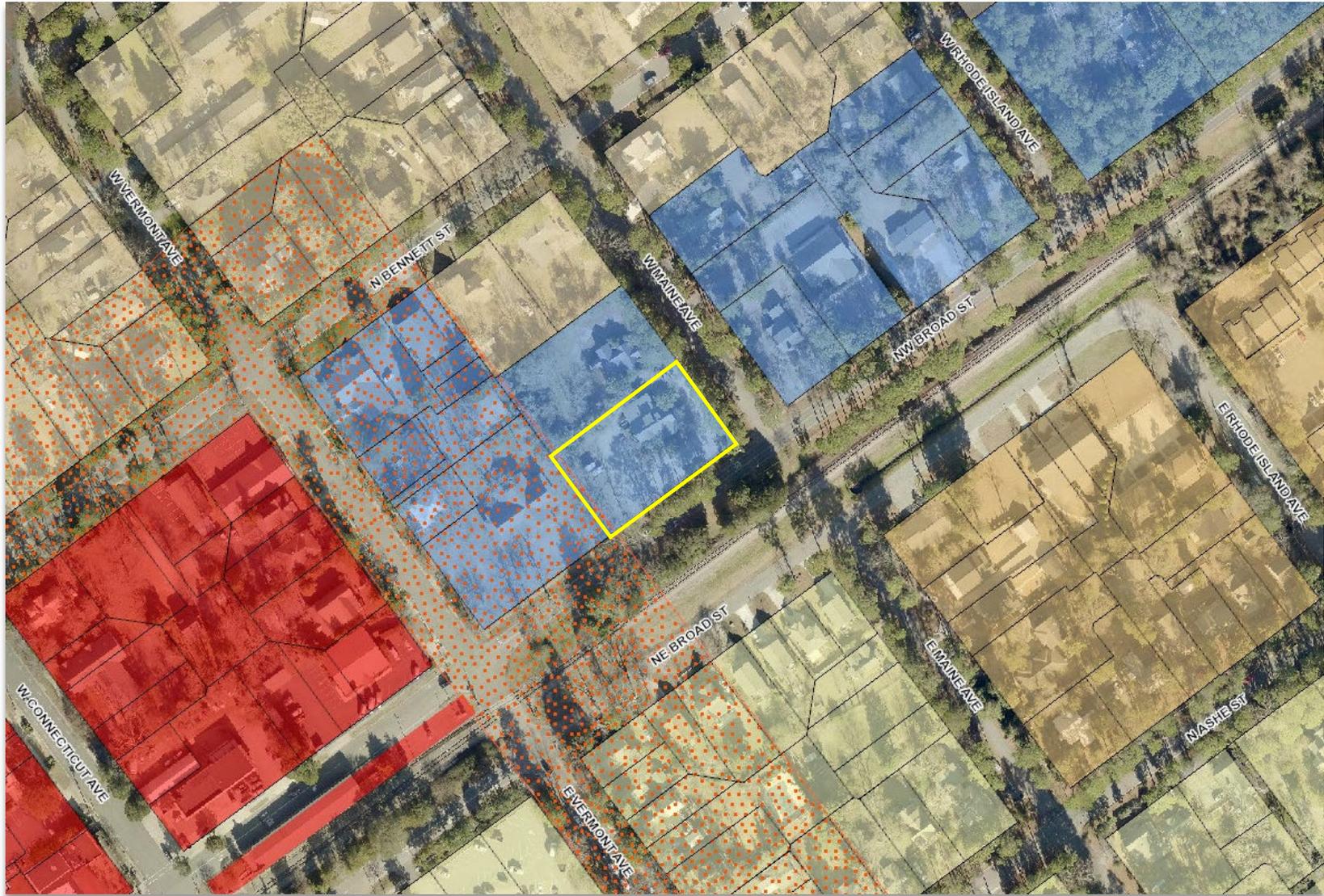
F. Current Property Zoning Classification:

The parcel is currently zoned OS for Office Services. *(See Figure 1: Vicinity & Zoning Map below).*

G. Current Comprehensive Long-Range Plan Future Land Use Map Designation: The subject property is designated Commercial on the

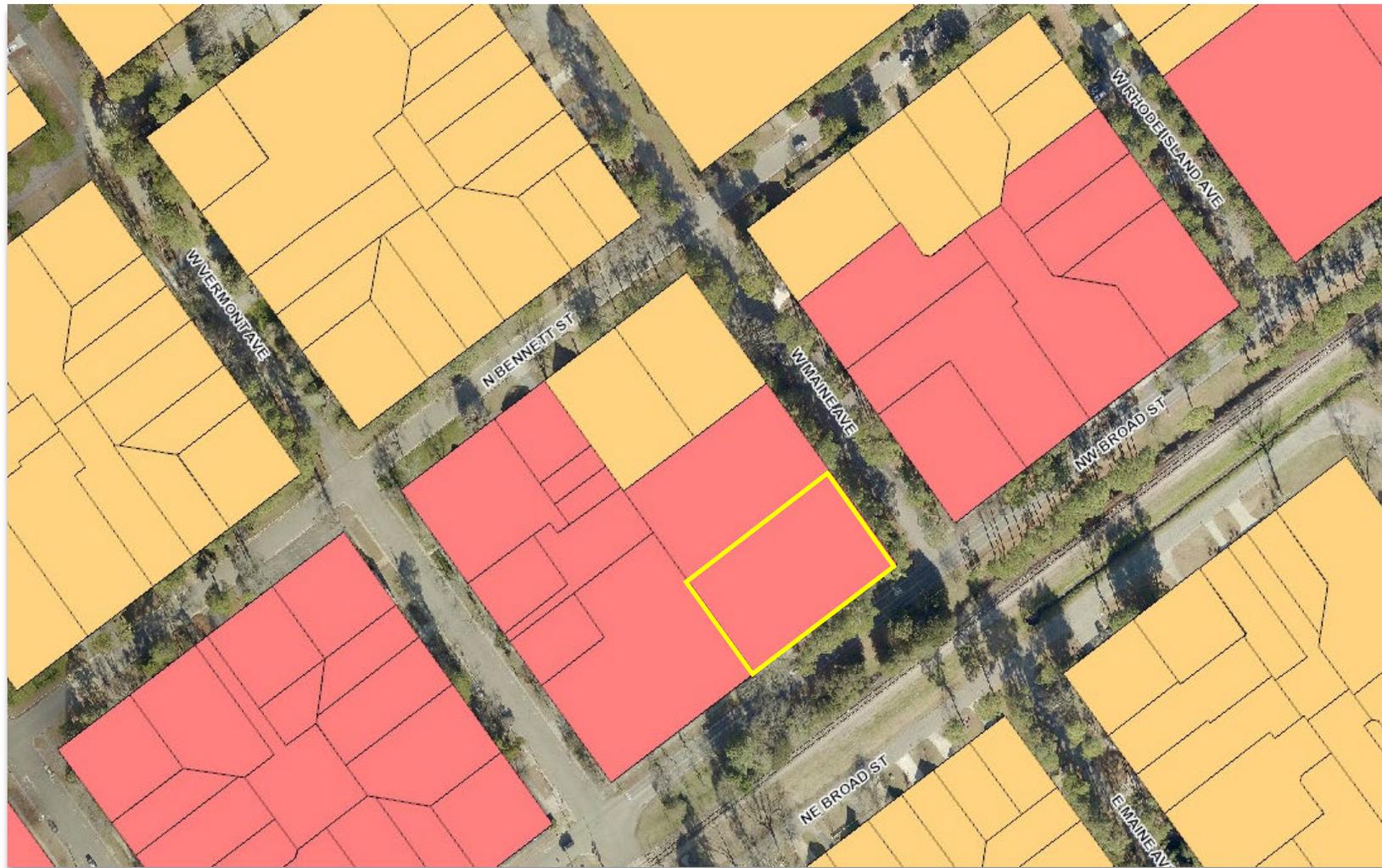
Comprehensive Long-Range Plan. *(See Figure 2: CLRP Future Land Use Map below).*

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



- CB, Central Business
- RM-2, Residential Multi-Family
- RS-1, Residential Single Family
- OS, Office Services
- Downtown Overlay

Figure 2: CLRP Future Land Use Map (Subject Property outlined in yellow):



V. 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. Summary of Procedural Requirements:

- CDP Application Submitted: July 12, 2021
- Application NOT Complete: July 19, 2021
- Application Complete: July 20, 2021
- Notice of August 19, 2021 Planning Board Public Hearing:
 - Posted On-site: July 22, 2021
 - Mailed: July 30, 2021
 - Publication Dates: August 4, 2021 and August 11, 2021
- Neighborhood Meeting: February 9, 2020
- Planning Board Agenda Meeting: August 12, 2021
- Planning Board Regular Meeting: August 19, 2021
- Town Council Agenda Meeting: September 8, 2021
- Town Council Regular Meeting: September 14, 2021 CONTINUED
- Town Council Regular Meeting: November 9, 2021

C. Applicable 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. Town Staff Review & Comments:

i. Consultation with Technical Review Committee:

A pre-application meeting was held on November 3, 2020 and on August 10, 2021.

ii. Consistency with Criteria for a Zoning Map Amendment:

The applicant is requesting a zoning map amendment from the current Office Services (OS) zoning district to a Planned Development (PD) zoning district. The applicant has submitted a Narrative and Justification that addresses compliance with UDO §2.18.4 (H) Criteria for a Conceptual Development Plan and is attached to this memo. The compliance of this proposal with the criteria for a zoning map is addressed in the applicant’s narrative.

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

The request for multi-family and commercial office space is consistent with the commercial designation of this parcel in the CLRP. The commercial designation includes areas of land dedicated to retail, professional office, and high-density residential within mixed-use developments (*Future Land use Categories: Commercial; 4-3*).

iv. Deviations from Unified Development Ordinance (UDO):

- The applicant is specifically requesting a deviation from UDO §3.5.11, the maximum density standards regulated by the OS District. The standards for maximum density in the OS District are 10,000 square feet for the first dwelling and 3,600 square feet (*Summary of OS Development Standards; Exhibit 3-11*) for every additional dwelling. UDO §3.7.1 (E) establishes the office use and the multi-family use, as a *combination use* and further UDO §3.7.1 (F) requires, because one of the combination uses is multi-family with 10 or more dwelling units, the approval of a special use permit or be developed as a planned development.
- The applicant is requesting the following specific land based code system (LBCS) codes that fall under the multi-family residential classification as well as those that are generally considered to be commercial uses that require office space and are allowed in the OS District:

Residence or Accommodation Functions	Multi-Family	LBCS: 1151, 1153
General Sales or Service	Finance and Insurance	LBCS: 2210, 2220, 2230, 2240, 2250, 2310, 2322, 2336
	Business, Professional, Scientific, and Technical	LBCS: 2411, 2412, 2413, 2414, 2415, 2417, 2421, 2422, 2423, 2424, 2430

- The applicant has provided 31 parking spaces. The total required parking spaces for this project equals 33. The UDO allows for a 20% reduction of

parking spaces based on site conditions and availability of on-street parking per §2.46.3 (D) which for this project would be six (6) parking spaces.

- Per UDO §4.9.1 (A) Every residential development shall be developed so that at least five (5) percent of the total area of the development remains permanently as usable open space. The applicant has provided this. However, because this open space is within a PD district UDO §3.5.14 (G) states that the applicant shall provide 20% open space, 10% of which shall be usable open space. UDO §4.9.5 allows for flexibility to deviate from the open space standards if Town Council finds that:
 1. The objectives underlying these standards can be met without strict adherence to them; and
 2. Because of peculiarities in the applicant's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.If the Town Council approves a deviation from open space standards the official record of action taken shall contain a statement of the reasons for allowing the deviation.
An example of such a statement is:
The Town Council approves a deviation from the 20% open space standards for a Planned Development (PD) because the
- An architectural compliance permit will be required for this project. The applicant will be required to meet the development standards for the OS district in §3.5.11 (D) that outline architectural design in addition to those that address the general architectural standards in §4.10.4.
- Site plan review will be required for this project per UDO §2.48.

E. Cooperating Agency Review and Comments:

A request for comments from agencies was emailed to representatives of the Town of Southern Pines Engineering, Streets, Utilities, Fire and Recreation & Parks Departments as well as representatives of the North Carolina Department of Transportation, U.S. Fish and Wildlife Service and the Regional Land Use Advisory Commission on July 26, 2021.

The following comments were provided by the Assistant District Engineer for Division 8, District 2 of the Department of Transportation:

“For this development, they will need to submit a driveway permit for the connection to Broad Street. I know it is an existing connection, but the permit is triggered by the change of use for this property.”

Comments provided by the Town Engineer can be found in the Attachment section of this report.

VI. ATTACHMENTS:

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

1. Applicant's Application
2. Applicants' Deed
3. Applicant's Conceptual Development Plan Narrative and Justification UDO §2.18.4
4. Applicant's Existing Conditions Plan
5. Applicant's Conceptual Development Plan
6. Comments Provided by Town Engineer
7. Emails Received Speaking Against PD-06-21
8. Planning Board Written Recommendation

VII. TOWN COUNCIL ACTION:

A request for approval of a Conceptual Development Plan is a request for a rezoning. Per North Carolina General Statute 160D-605(a), when approving or denying a request for a rezoning, the Town Council shall also approve a statement addressing consistency with the Comprehensive Long Range Plan. Furthermore, per North Carolina General Statute 160D-605(b), the Town Council must also approve a statement about the reasonableness of the rezoning.

To assist the Town Council, town staff have prepared the following draft motions consideration, modification as necessary, and adoption:

I move that after reviewing the proposed Conceptual Development Plan and the criteria for consideration of a Conceptual Development Plan, and after considering the comments received at the Town Council’s public hearing and the Planning Board’s written recommendation:

1. The requested Conceptual Development Plan is inconsistent with the Comprehensive Long Range Plan and is not a reasonable request for rezoning for the reasons set forth in the written Planning Board recommendation attached to staff report PD-06-21;
2. The requested Conceptual Development Plan is inconsistent with the Comprehensive Long Range Plan and is not a reasonable request for rezoning for the reasons set forth in the written Planning Board recommendation attached to staff report PD-06-21 and as modified by Town Council as follows:
3. The requested Conceptual Development Plan is consistent with the Comprehensive Long Range Plan and is a reasonable request for rezoning for the following reasons:

And therefore, I move to:

1. Approve PD-06-21 as set forth in the attachment to staff report PD-06-21;
2. Approve PD-06-21 as set forth in the attachment to staff report PD-06-21, with the condition that the CDP be modified as stated below, and that a final revised copy be provided to the town within 30 days to retain as a public record of the zoning at 470 NW Broad St.;
3. Deny PD-06-21;



Planned Development District Conceptual Development Plan Application

Date Received: _____	Fee Paid: _____	Case No.: PD-____-____
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Project Information:

Project Name: 470 NW Broad Street

Physical address: 470 NW Broad Street, Southern Pines, NC

PIN: 858106491691 Parcel ID: 00035953

Site Size: 0.59 Zoning: OS

Applicant:

Name(s): Riley Walker Companies c/o Braden Riley

Email: randwdevelopment@gmail.com Phone: 919-601-1217

Mailing Address: PO Box 3248, Pinehurst, NC 28374

Authorized Agent, if different from Applicant:

Name(s): Koontz Jones Design c/o Bob Koontz

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): 470 NW BROAD STREET, LLC c/o Braden Riley

Email: randwdevelopment@gmail.com Phone: 919-601-1217

Mailing Address: PO Box 3248, Pinehurst, NC 28374

7-1-19

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 North side of NW Broad St (St./Ave.), between W. Maine Ave (St./Ave.) and W. Vermont Ave. (St./Ave.). The property has a frontage of 200.29 feet and a depth of 130 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:

Office and residential condominium or apartment

ADJACENT PROPERTY OWNERS:

Please list all properties that are that are within two hundred (200) feet of the outermost boundaries of the subject property. Attach additional pages if needed. No fewer than ten (10) property owners shall be notified by mail.

1. Adjacent property: See attached Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
2. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
3. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
4. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
5. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____
6. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____

7. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____

8. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____

9. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____

10. Adjacent property: _____ Parcel ID #: _____
Property owner(s): _____
Mailing address: _____

Date: 12/6/2020

Braden Riley
Applicant

APPOINTMENT OF AGENT

The undersigned owner(s), 470 NW Broad Street, c/o Braden Riley, hereby appoint(s) Koontz Jones Design c/o Bob Koontz 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 6th day of December, 2020.

Braden Riley
Property Owner

Property Owner
[Signature]
Agent

UDO §2.18 Planned Development

§2.18.4(H) Conceptual Development Plan Criteria

- (1) The Conceptual Development Plan conforms to all applicable provisions of this UDO;
- (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.

470 NW Broad Street

Adjoining Property Owners

PIN	PARID	NAME	NAMEZ	ADDRESS	CITY	STATE	ZIP
858106490709	00031262	BIBEY, FREDDIE N SR &	CHARLENE A	445 N BENNETT ST	SOUTHERN PINES	NC	28387
8581063998690	00032614	135 WY HOLDING LLC		175 WEST NEW HAMPSHIRE AVE	SOUTHERN PINES	NC	28387
858106492939	00034295	CUNNINGHAM, WILLIAM THOMAS	CUNNINGHAM, RACHEL FRITTS	175 W MAINE AVE	SOUTHERN PINES	NC	28387
858106493902	00035367	WILLIAMS, NATHAN S	WILLIAMS, JENNIFER M	145 W MAINE AVE	SOUTHERN PINES	NC	28387
858106491691	00035953	470 NW BROAD STREET, LLC		PO BOX 3248	PINEHURST	NC	28374
858106399674	00036385	MCKENZIE, B DONALD	MCKENZIE, DEBRA S	PO BOX 152	SOUTHERN PINES	NC	28388-0152
858100399760	00036386	MCKENZIE, B DONALD	MCKENZIE, DEBRA S	PO BOX 152	SOUTHERN PINES	NC	28388-0152
858100399659	00037071	NELSON, MELVIN G & MARY H		9 MASTERS RIDGE	SOUTHERN PINES	NC	28387-4822
858106490886	00039373	WILDER, GREGORY HUGH &	WOODARD SPEED HEATH	1200 FIRETOWER RD	ELLERBE	NC	28338-8587
858106493786	00039662	HICKS, CARMAN THEODORE II	HICKS, FELICIA JOY	213 DEVONHALL LN	CARY	NC	27518-2680
858106491732	00040316	WOLFBRIDGE INVESTMENT GROUP LLC		PO BOX 4839	PINEHURST	NC	28374
858106490522	00040338	WILLIAMS, DAVID & LINDA FAMILY	LIMITED PARTNERSHIP	629 SHADY GROVE RD	CARTHAGE	NC	28327
858100494804	00040386	LALA OF NC, LLC		150 HIGH POINT RD	PINEHURST	NC	28374
858106399535	00040388	WILLIAMS, LINDA O		629 SHADY GROVE RD	CARTHAGE	NC	28327
858100399752	20140680	ROOSTER HILL FARM, INC		PO BOX 1381	SOUTHERN PINES	NC	28388
858106399717	99000592	MARKHAM, DOYLE G	MARKHAM, LINDA S	PO BOX 160	VASS	NC	28394

For Registration Register of Deeds
Judy D. Martin
Moore County, NC
Electronically Recorded
July 16, 2020 12:43:54 PM
Book: 5372 Page: 241 - 243 #Pages: 3
Fee: \$26.00 NC Rev Stamp: \$750.00
Instrument# 2020012574

GENERAL WARRANTY DEED

THIS INSTRUMENT PREPARED BY:

Richard Lee Yelverton III, Esq.
Van Camp, Meacham & Newman, PLLC
2 Regional Circle (28374)
P.O. Box 1389
Pinehurst, North Carolina 28370

NO TITLE WORK COMPLETED BY PREPARING ATTORNEY

Excise Tax: \$750.00
Parcel I.D.: 00035953

TO BE RECORDED IN THE
DEED RECORDS OF
MOORE COUNTY, NC

THIS DEED made this 15th day of July, 2020, by and between:

<u>GRANTOR</u>	<u>GRANTEE</u>
<p>BARBARA J. MATTHEWS, A SINGLE PERSON Address: 114 Sullivan Drive Carthage, NC 28327</p>	<p>470 NW BROAD STREET, LLC Mailing Address: PO Box 3248 Pinehurst, NC 28374</p>

WITNESSETH:

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.

WITNESSETH, the 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 or parcel of land (referred to in the singular, whether one or more) situated in the Town of Southern Pines, Moore County, North Carolina, and more particularly described as follows:

See Exhibit A attached hereto.

Submitted electronically by "Trevarrow Law Firm"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Moore County Register of Deeds.

This property herein described __ is, or X is not the primary residence of the Grantor.

And being the same property conveyed by instrument recorded in Book 1562, Page 473, in the Moore County, North Carolina, Register of Deeds. See also Book 1353, Page 165, and Book 1353, Page 169 Moore County Registry for prior Deeds

This conveyance is made subject to (i) the lien of the County of Moore for taxes and other assessments for the current year, which taxes or other assessments shall be pro-rated as of the date of closing and which Grantee by acceptance of this deed expressly agrees to pay; (ii) utility easements of record; and (iii) unviolated restrictive covenants of record that do not materially affect the value of the property.

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 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.

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

Barbara J. Matthews (SEAL)
Barbara J. Matthews

15 July 2020
Date

STATE OF NORTH CAROLINA
COUNTY OF MOORE

I, Richard Lee Yelverton III a notary public for the County of Moore and the State of North Carolina, certify that Barbara J. Matthews, personally appeared before me this day, and

- a) () I have personal knowledge of the identity of the principal(s)
- b) (X) I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principle's photograph in the form of a:

N.C.D.C.

c) () A credible witness has sworn to the identity of the principal(s) each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

WITNESS my hand and seal this 15 day of July, 2020.

Signature of Notary Public: [Signature]

My Commission Expires: 2-23-2025

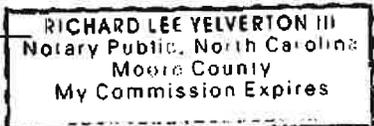


EXHIBIT A**FIRST TRACT:**

All of that certain tract or parcel of land situate in the Town of Southern Pines, McNeill Township, Moore County, North Carolina, and designated as Lots Nos. 7 and 8 and portion of Lots Nos. 6 and 9, all in Block H & 4 as shown on map of Southern Pines, recorded in the Office of the Register of Deeds for Moore County, North Carolina, in Map Book 1, Section 2, Page 70, and BEGINNING At an iron stake at the intersection of the northerly right-of-way line of Broad Street with the westerly right-of-way line of Main Avenue, the easterly corner of Lot No. 8 as shown on the aforesaid map; running thence with the westerly right-of-way line of Main Avenue, North 36 degrees 45 minutes West 130.00 feet to an iron pipe, as new corner in the line of Lot No. 9; thence a new line, South 53 degrees 15 minutes West 125.29 feet to an iron pipe, a new corner; thence South 36 degrees 43 minutes East 130.00 feet to an iron pipe in the northerly right-of-way line of Broad Street; thence North 53 degrees 15 minutes East 125.36 feet to the point of BEGINNING.

SECOND TRACT:

BEGINNING At point located South 53 degrees 15 minutes West 125.36 feet from the intersection of the northwest right-of-way of West Broad Street and the southwest right-of-way of West Main Avenue in the Town of Southern Pines, Moore County, North Carolina, said beginning point also being the southernmost corner of that certain parcel of land heretofore conveyed to Barbara M. Markham and husband, Doyle G. Markham, by deed dated March 17, 1981, and recorded in Deed Book 473 at Page 264 of the Moore County Public Registry; running thence with the northwest right-of-way of West Broad Street, South 53 degrees 15 minutes West 75 feet to the southernmost corner of that certain parcel of land described in that certain deed dated November 30, 1977, recorded in Deed Book 429, at Page 391, of the Moore County Public Registry; leaving said right-of-way and running thence North 36 degrees 43 minutes West 130 feet to a point in the alleyway between Lots 4 and 5 in Block H and 4 in the Town of Southern Pines, said point being a common corner with that parcel of land conveyed to W2, Incorporated by deed dated April 18, 1983; running thence North 53 degrees 15 minutes East 75 feet to the westernmost corner of the above referenced parcel of land, which is recorded in Deed Book 473 at Page 264 of the Moore County Public Registry, and also being the southernmost corner of that certain parcel of land conveyed to W2, Incorporated by deed dated April 30, 1982, and recorded in Deed Book 488, at Page 739, of the Moore County Public Registry; running thence with the southwestern boundary line of the above referenced tract, recorded in Deed Book 473, at Page 264, South 36 degrees 43 minutes East 130 feet to the point and place of BEGINNING, containing 0.22383 acres, more or less, and being a portion of Lots Nos. 5, 6 and 9; and a portion of the alleyway between Lots Nos. 4 and 5 in Block H and 4 in the Town of Southern Pines, Moore County, North Carolina, as shown on a map thereof recorded in Map Book 1, Section 2, Page 70, of the Moore County Public Registry.

470 NW BROAD STREET PD - CONCEPTUAL DEVELOPMENT PLAN NARRATIVE

The purpose of this Planned Development – Conceptual Development Plan (CDP) application is to fully describe the proposed development of a ± 0.60-acre tract of land located at 470 NW Broad Street, between the intersections of West Maine Avenue and West Vermont Avenue in downtown Southern Pines. The property is currently zoned Office/Service (OS). Proposed development of the parcel includes a single mixed-use building containing +/- 4,920 square feet of office space on the ground floor and ten (10) multi-family units on the second and third floors. Multi-family is permitted within the OS district through a CUP process and would permit 5 units. Submission of this CDP application seeks to increase the permitted number of units while following dimensional standards of the OS district. Setbacks, building height, open space, lighting, and landscaping will meet the OS design requirements. The narrative below describes the project and application.

This project represents an infill redevelopment in Downtown Southern Pines and complies with the Town's Comprehensive Long-Range Plan. The mixed-use building will replace an existing 2-story office building currently located on the property. Office and residential uses will be added to Downtown Southern Pines within a short walking distance to the heart of the downtown area. The property is located one block from the Central Business (CB) zoning district and just outside of the downtown overlay.

The building will be required to meet all standards of the commercial building design guidelines described in the Town of Southern Pines Unified Development Ordinance in Section 2.26 Architectural Compliance Permit. Architectural plans must be reviewed and approved by the Town Council and an Architectural Compliance Permit issued prior to building permit authorization. All property setbacks are intended to meet the standards for the OS district described in the UDO.

Standards for individual elements of the design are described below.

- **Pedestrian Connectivity**
 - o Parking areas throughout the site will connect to sidewalks leading to the building entrances and provide accessible access as required.
 - o Sidewalks will be added in the street right-of-way along Maine Avenue and NW Broad Street to the extent of the property boundaries. These sidewalks will be constructed to connect to the future sidewalk system in this area.
- **Parking Areas**
 - o Parking areas will be located on the side and in the rear of the building. This will allow for screening of the parking areas.
 - o Parking spaces for the development will be included on-site and, within the Maine Avenue right-of-way, adjacent to the property. New parking spaces will be developed along Maine Avenue and serve the development and the surrounding area. These spaces, along with the on-street parking located on the east side of Maine Avenue, will provide adequate parking for the building.

- Compact parking spaces will be utilized for a portion of the parking, not to exceed 20% of the total parking as permitted in UDO Section 4.5.5.(B)(1).
- The applicant requests that full parking requirements be reduced for the project since it is a mixed-use building and office parking, and residential parking demands occur at different times of day. This building will be a mixed-use facility, peak parking demand for the multi-family and office development will be required at different times.
- Section 2.46.3.(D) allows for up to a 20% reduction based on site conditions and availability of on-street parking. There is currently some on-street parking adjacent to the property and additional on-street parking is proposed for this development. In addition, Section 4.5.10.(B) permits a reduction in parking for shared parking between uses.
- While specific to the Traditional Neighborhood Development, a standard is provided in the UDO for a reduction in parking for shared office and residential buildings. Section 6.4.4(B)(3) of the permits up to a 50% reduction of required office parking spaces for mixed-use development containing a mix of office and residential uses. New on-street and on-site parking will exceed the total number of spaces required by the UDO for mixed-use buildings under this calculation. Downtown Southern Pines is could be considered a Traditional Neighborhood Development as a whole.
- Parking would be provided as follows:
 - OFFICES: ±4,920 SF (1 SPACE/300 SF)
= 16 SPACES x 50% REDUCTION
= 8 SPACES REQUIRED
 - APARTMENTS: (5) 1-BEDROOM UNITS (1 SP/BEDROOM) = 5 SP
(5) 2-BEDROOM UNITS (1 SP/BEDROOM) = 10 SP
VISITOR PARKING (1 SP / 5 UNITS) = 2 SP
= 17 REQUIRED SPACES
TOTAL PARKING REQUIRED (WITHOUT REDUCTION) = 33 SPACES
TOTAL PARKING REQUIRED (WITH 50% OFFICE REDUCTION) = 25 SPACES

PROVIDED PARKING: 31 SPACES

- **Streets and Access**

- Access to the site's parking area will be provided from a driveway located on NW Broad Street, near the existing site entrance. This access location will also serve as the location for waste removal and emergency access.
- Plans will be coordinated with the Town of Southern Pines and NCDOT.

- **Landscaping**

- Landscaping will be provided as required by the Town of Southern Pines UDO in Section 4.3. This will include tree islands, parking lot landscaping, and streetscape plantings, as required.

- **Lighting**

- All lighting on the property will comply with Section 4.8 of the UDO. Lighting levels along streets and within parking areas will be provided to meet the UDO standards for safety. All light will be projected downward to limit any light spilling onto adjacent properties.

- **Open Space**

- 5% open space for the property will be provided in an outdoor courtyard located on the property. This open space will be accessible and usable by the residents

of the multi-family portion of the building. The courtyard may include an outdoor grilling area, seating areas and/or other recreational options. These will be private and maintained by the property owner's association or the property owner. This meets the standard requirement of the OS zoning district.

- **Architecture**

- o The building is designed to front both NW Broad Street and West Main Street. This allows for the building to wrap the corner and place parking areas on the side and rear, away from street frontage.
- o The building will not exceed the 35' maximum building height permitted in the OS district.

- **Stormwater**

- o The property is currently developed and includes a building and paved parking areas. All existing structures and parking areas will be removed. Stormwater management devices will be provided as necessary and control any additional stormwater runoff generated from the new development.
- o This project is within the Little River (Intake No.2) high-quality watershed and stormwater will be provided accordingly.
- o Plans and calculations will be provided during the detailed site engineering process.

- **Utility Service**

- o Adequate water and sewer service can be provided by the Town of Southern Pines to service this development. Sewer and water service lines currently serve the existing structure and will be adapted to service the proposed building.

- **Signage**

- o All signage will meet the Town of Southern Pines UDO standards included in Section 4.6 of the UDO.

In conclusion, this CDP request follows all standards of the OS zoning district, except for the request of an additional 5 units and a slight reduction in parking based on other UDO standards pertaining to mixed-use, office and residential buildings. If the project were to be reviewed as an OS development, following all standards and density, there would be little if any modification in the building form, site layout, or number of parking spaces. Additional office space could be provided, offsetting the reduction in units. This building will fit within the context of the neighborhood, meets the standards of the underlying zoning, and is consistent with the designation of the property as shown within the Town's Comprehensive Long-Range plan.

EXHIBIT A

470 NW Broad Street 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(H) of the Town of Southern Pines Unified Development Ordinance (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 proposed development satisfies the criteria for a zoning map amendment. The proposed CDP will replace an existing office building located on the property with a mixed-use office and residential building. The current parcel and all surrounding parcels are zoned Office/Service (OS). The CDP application is being filed to permit an increase in the residential density permitted on the property, while following the standards of the existing OS zoning district. If the project were to be reviewed as an OS development, following all standards and density, there would be little if any modification in the building form, site layout, or number of parking spaces. Additional office space could be provided, offsetting the reduction in units. The addition of additional multi-family residential to this property will enhance the property, provide additional residents near downtown, and provide a greater transition between the property and the residential neighborhood located a few parcels to the north, than additional office space. This increase in density will not injure the use and enjoyment of the immediate vicinity.

(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 proposed CDP plan is in harmony with the established development pattern within downtown Southern Pines. This project is also consistent with the goals and objectives of the Comprehensive Long-Range Plan and establishes a development pattern, consistent with the surrounding neighborhood. The proposed CDP will establish a mixed-use infill development close to downtown Southern Pines, in conformance with the Town's Comprehensive Long-Range Plan (CLRP). Investment in this development will not impair the property values of other office or residential uses in the nearby area. The development pattern also meets the land use goals defined by the CLRP by adding development where public utilities are available and developing infill locations located within an established area.

This CDP application complies with all UDO standards related to the Offices/Service (OS) zoning district, except for the density and parking classifications. The proposed development includes +/- 4,920 sf of office use and ten (10) multi-family residential units. Proposed development complies with the building setbacks, building height, and development standards set forth in the UDO for OS development. On-street parking is proposed and will be developed to meet the overall parking needs of the development and supply parking for the surrounding area. These spaces are also consistent with other properties in the area and the recent Downtown Southern Pines parking modifications. Sidewalks will be provided along West Maine Street along the property boundary and tie to locations for future sidewalks.

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

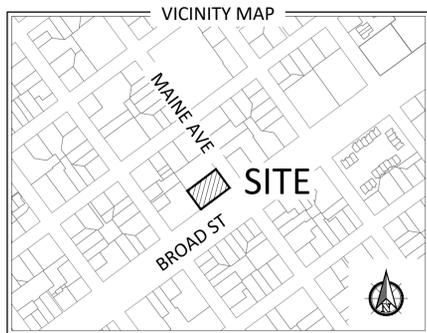
This development will become part of the overall Downtown Southern Pines area and provide additional residential and office development within walking distance of Downtown Southern Pines. Development of this parcel with a mixed-use residential/office building will provide new residents and businesses close to

EXHIBIT A

Downtown that will utilize the recreational, shopping, and dining opportunities presented in the heart of Southern Pines. As a result, the use will not be detrimental to or endanger the public health, safety, comfort or general welfare of the surrounding neighborhood.

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

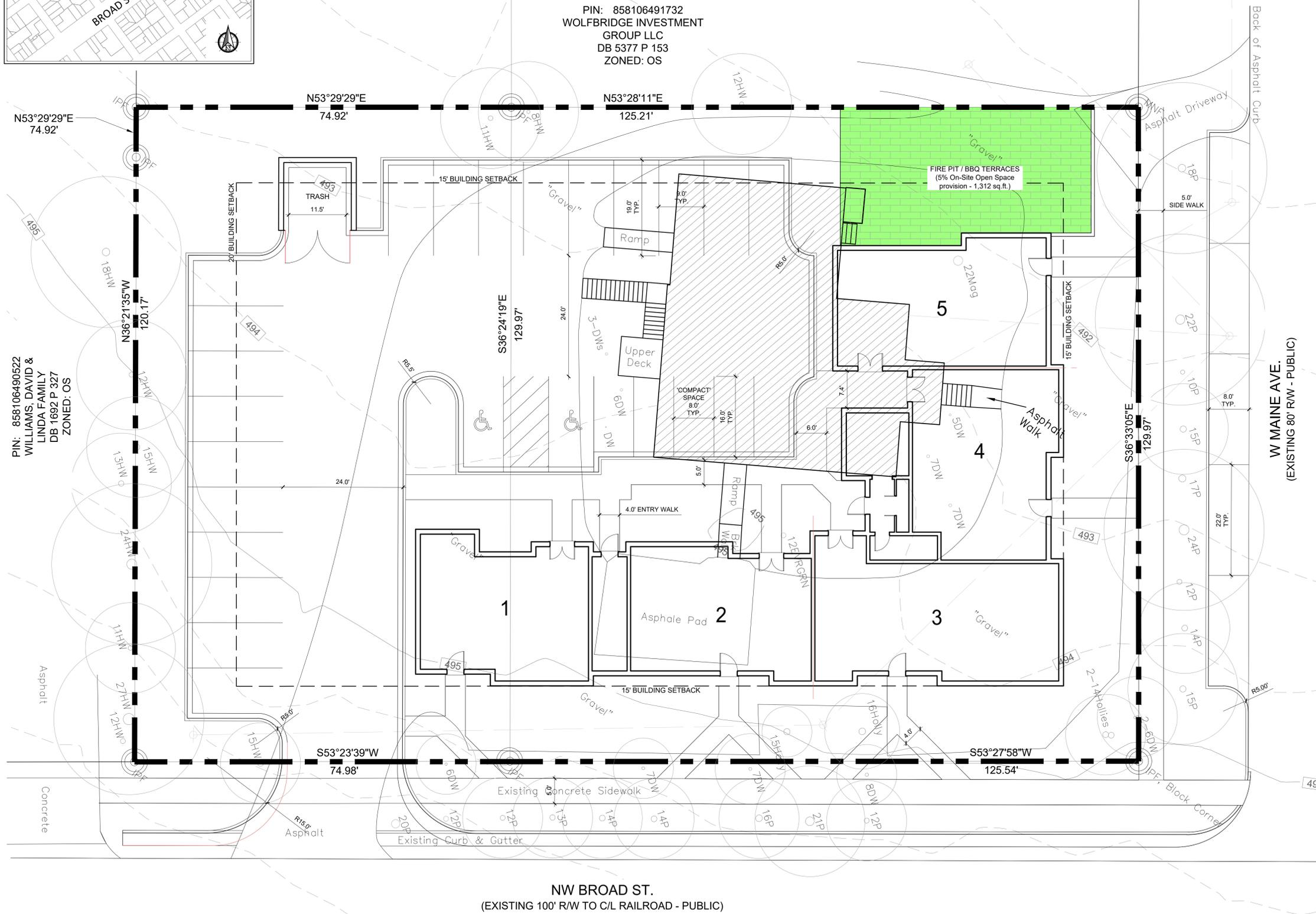
Public water and sewer utilities are readily available for the project and are in place for the existing office building. These utilities will be modified to fit the proposed development, with any cost for on-site utilities being borne by the developer.



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.

FLOODPLAIN DATA
 THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X' (AREAS OF MINIMAL FLOODING)
 THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY PANEL(S) NO: 8582
 MAP(S): 3710858200J
 DATE: OCTOBER 17, 2006

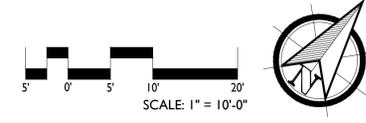
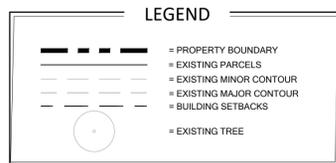
PROPERTY INFORMATION
PROPERTY OWNER(S):
 470 NW BROAD STREET, LLC
 C/O BRADEN RILEY
 PO BOX 3248
 PINEHURST, NC 28374
APPLICANT:
 RILEY WALKER COMPANIES
 C/O BRADEN RILEY
 PO BOX 3248
 PINEHURST, NC 28374
PARCEL ID(S): 00035953
 DB 5372 P 241
TOTAL ACREAGE: ±0.59 AC
TOTAL OPEN SPACE: ±0.03 AC (1,312 SF)
TOTAL IMPERVIOUS SURFACE: ±0.42 AC (70.0%)
REQUIRED PARKING:
 OFFICES: ±4,920 SF (1 SPACE/300 SF)
 = 16 SPACES x 50% REDUCTION
 = 8 SPACES REQUIRED
 APARTMENTS: (5) 1-BEDROOM UNITS (1 SP/BEDROOM) = 5 SP
 (5) 2-BEDROOM UNITS (1 SP/BEDROOM) = 10 SP
 VISITOR PARKING (1 SP / 5 UNITS) = 2 SP
 = 17 REQUIRED SPACES
 TOTAL PARKING REQUIRED (WITHOUT REDUCTION) = 33 SP
 TOTAL PARKING REQUIRED (WITH 50% OFFICE REDUCTION) = 25 SP
PROVIDED PARKING: 31 SPACES



ZONING INFORMATION
ZONING CLASSIFICATION (EXISTING):
 OS - OFFICE SERVICES
ZONING CLASSIFICATION (PROPOSED):
 PD - PLANNED DEVELOPMENT
REQUIRED SETBACKS (MEETS OS STANDARD):
 FRONT: 15' MINIMUM
 INTERIOR SIDE: 20' MINIMUM
 EXTERIOR SIDE: 15' MINIMUM
 REAR: 20' MINIMUM
MAX. BUILDING HEIGHT (MEETS OS STANDARD):
 35'

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. PROPERTY DOES NOT LIE IN A DESIGNATED FEMA SPECIAL FLOOD HAZARD AREA.
 5. LOCATION OF UNDERGROUND UTILITIES, IF SHOWN, ARE BASED ON VISIBLE EVIDENCE AND DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND UTILITIES AND STRUCTURES MAY VARY FROM LOCATIONS SHOWN. ADDITIONAL UTILITIES MAY EXIST. LOCAL UTILITY COMPANIES SHOULD BE CONSULTED FOR FURTHER INFORMATION PRIOR TO CONSTRUCTION.
 6. A COMPLETE TITLE SEARCH WAS NOT PROVIDED TO OR PREPARED BY THE SURVEYOR. PROPERTY IS SUBJECT TO ALL EASEMENTS AND RIGHT-OF-WAYS OF RECORD.
 7. 2' CONTOUR INTERVAL OBTAINED FROM MOORE COUNTY GIS.
 8. EXISTING PARCEL INFORMATION OBTAINED FROM MOORE COUNTY GIS AND TOWN OF SOUTHERN PINES GIS.

DRAINAGE NOTES:
 1. STORMWATER MANAGEMENT DEVICES WILL FOLLOW THE TOWN OF SOUTHERN PINES STANDARDS AND BE APPROVED BY THE TOWN ENGINEER.
 2. ALL DRAINAGE TO BE UNDERGROUND.
 3. DRAINAGE WILL BE RETAINED AND TREATED BY ON SITE STORMWATER MANAGEMENT DEVICES. DETAILED STORMWATER MANAGEMENT PLANS WILL BE PROVIDED DURING PERMITTING OF THE DEVELOPMENT.



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

KOONTZJONESDesign
 LAND PLANNING | LANDSCAPE ARCHITECTURE
 150 S PAGE STREET
 SOUTHERN PINES, NC 28387
 P: (910) 684-6867
 W: www.koontzjonesdesign.com

REVISIONS:

470 NW BROAD ST & W MAINE AVE
 SOUTHERN PINES, NORTH CAROLINA
CONCEPTUAL DEVELOPMENT PLAN

DATE: 12-07-2020
 DESIGNED BY: NS
 DRAWN BY: JS/TH
 CHECKED BY: REK
 SCALE: 1" = 10'-0"
 PROJECT #: KJ02056
 SHEET NUMBER:
L-1.2



Comments Provided by Town Engineer:

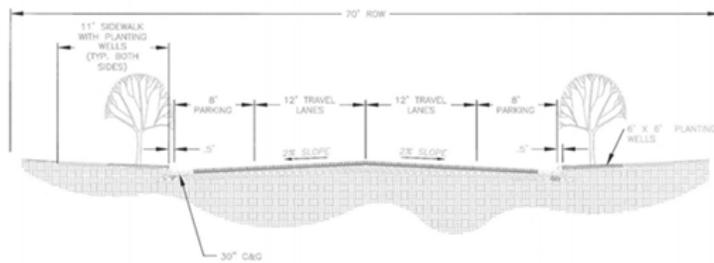
In my opinion W. Maine is classified as a commercial local street. The UDO defines this as "A street whose principal function is to provide access to businesses within commercial districts, carrying automobile and delivery truck traffic at relatively low speeds". Though the area consist of some residential uses right now, the current zoning does allow for commercial uses for the majority of the block and the commercial standards are more stringent than the residential standards. The Town's current standard for a commercial local street are as follows.

Exhibit 4-17: Commercial Street Design Standards

Street Type: Commercial Local Streets

- Right-of-Way Width Minimum: 70 feet
- Street Width: 45 feet from back of curb to back of curb
- Travel Lane Width: 12 feet
- Vehicular Parking Lane Width: 8 feet (gutter may count towards 2 feet)
- Curb and Gutter Width: 2.5 feet
- Sidewalks: 11 feet in width on both sides with planting wells included in the sidewalks. Planting wells should be 6 feet by 6 feet in width and located on both sides of the road with street trees planted in the strip between the pavement and sidewalks

Appendix I: Street Cross Sections #4



The existing W. Maine street is not compliant with the current standard in that it does not include sidewalks, curb and gutter, or on-street parking. The existing 80 feet ROW does have adequate area to include the minimum items. The proposed plan does show improvements (including sidewalks, curb and gutter, and on-street parking) to the street to the extent of its property on the side of the road that the project occurs. An extension of the road meeting Town standards should improve both sides of the street to the same standard. The current street also has 11 feet travel lanes. This does not meet the minimum requirement but given the amount of traffic and dimensions of surrounding streets, I would have no objection to allowing 11 feet travel lanes in lieu of the 12 feet. It should also be noted that on-street parking located with Town rights-of-way should be considered public parking and not be dedicated for the use of a specific development.

Email Received From Carley Sutton:

From: Carley Sutton <corva_coa@yahoo.com>
Date: August 18, 2021 at 6:17:41 PM EDT
To: Peggy Smith <pesmith@southernpines.net>
Subject: Please forward to Planning Board
Reply-To: Carley Sutton <corva_coa@yahoo.com>

To whom it may concern,

I am a Southern Pines native, small business owner, and have been a volunteer with the Welcome Center for more than 5 years. I'd be happy to share with you what brings the majority of visitors and relocators to our town. They come because SP is a charming and unique historic town with a plethora of small businesses and a thriving downtown. They come for the small, quaint neighborhoods that are full of families and walkers. These are things that they cherish and value about our town. They do not come here

because of big box corporations that can be easily found online or within an hour's drive. They do not come here to see historic buildings replaced with cookie cutter homes and businesses. Especially if new buildings do not fit with the historic fabric of their neighborhoods, such as the one being proposed at 470 NW Broad St. The current building on that site is still in good shape and easily refurbished for mixed-use purposes, as well as being of historic interest to the town due to its origins.

On another, similar, note I grew up on a dirt road in the woods off of Morganton Road, an area now being cleared of that forest. I remember the fight against Walmart coming into that area, which was strong enough to push them into their current Aberdeen location. And I remember lamenting those woods when KMART took over that same spot, now occupied by Kohls shopping center. And now even more of that land is being stripped of the beautiful pine forests that are the backbone of this area and the reason this town formed at all. We need those forests far more than we need a Target.

I hope that you take mine and other citizens' thoughts on these matters to heart and make the right decisions to ensure the charm of our beautiful town for generations to

come.

Thank you,
Carley Sutton

[Sent from Yahoo Mail on Android](#)

Email Received From Kim Collins Cotty :

I want to express My great displeasure with the proposed changes to The following properties: 1) to tear down a 1915 property in downtown Southern Pines in order to build yet another three-story apartment building is ludicrous and not in keeping with the quaint village commercial district we have downtown. 2) The property Morganton Rd S, proposed for Target and 600 apartments: overload existing concentration of retail;Unsafe traffic congestion;Overload water and sewer.Vote No!

Kim Collins Cotty at 864-907-4567

Email Received From The Pines Preservation Guild:



August 18, 2021

To: Planning Board
Southern Pines, N.C.

From: The Pines Preservation Guild
Moore County, N.C.

Re: 470 N.W. Broad Street
PID: 00035953

Dear Members of the Board,

We are writing this letter regarding PD-06-21 and PD-07-21, the proposed Planned Development Conceptual Development Plan for 470 NW Broad Street on the August 19 Planning Board agenda.

The application calls for the removal of the circa 1915 C.T. Patch building, to be replaced with one building that includes ten multi-family units and one 4,920sq ft office building. The building in question is on the boundary of but isn't included within the local and national historic districts. Our organization considers this property and the adjacent building on 130 W. Maine Ave, which is also threatened with redevelopment, as two of the most at-risk heritage properties in Moore County.

The C.T. Patch building was built as a home in 1915 for C. T. Patch, one of the founders of Southern Pines and an owner of one of the first department stores in Southern Pines - located at what is now the Ice Cream Parlor and DAHR. C.T. Patch was also instrumental in creating First Citizens Bank, which he and others founded so residents would no longer need to travel to Raleigh for their banking needs. This information can be confirmed by the Moore County Historical Association.

While The Pines Preservation Guild fully supports the new addition of much-needed housing in Southern Pines and Moore County, especially if it is affordable, we also believe that using our existing heritage properties is essential to solving this problem and they should be both protected and sensitively integrated into new housing and commercial plans. This 106-year-old building already offers affordable commercial and residential opportunities and while some rehabilitation is needed, it is generally in good repair. Until last year the structure housed both commercial and residential uses. While the proposal does technically fit within the town's Long Range Plan, it chips away at the very fabric of what makes Southern Pines such a desirable place to live: our heritage buildings and small-scale development. This proposal also sets a precedent of consisting of the first three-story building constructed on the entirety of Broad Street, negatively altering the existing pedestrian-focused streetscape of one- and two-story commercial and residential properties. The height of the proposed buildings also threatens the established human-scale of the primarily residential neighborhood. Until an official Preservation Plan is adopted by the town

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HIGHLIGHTING AND ADVOCATING FOR THE BUILT HERITAGE OF THE SANDHILLS

of Southern Pines, any heritage building outside of the small 10-block Historic District Overlay Zone can be threatened with removal without any ramifications. One heritage building lost ends up turning into a hundred buildings lost, which turns into communities lost.

We are requesting the Southern Pines Planning Board take the above-mentioned factors into consideration when reviewing this application, looking beyond the basic application and understanding the precedent that approving this demolition and redevelopment will have on the very fabric of downtown Southern Pines.

Sincerely,

Leslie L. Brians, President
Emily D. Yopp, Vice President
Grace Crawford, Secretary

Board Members
The Pines Preservation Guild

Email Received From Rachel Cunningham:

To Whom it May Concern,

Good morning! My name is Rachel Cunningham and I live at 175 W Maine Ave with my husband and two children (ages 4 & 6). We have received your letters informing us that there is intent, and plans, to develop the property on 470 NW Broad Street and W Maine Ave.

This development plan would be disruptive to the neighborhood, our way of life, and destructive to the appeal of downtown Southern Pines. We have already been impacted by the increase in development in our area. Since development has increased, we constantly have to be vigilant and safeguard our children, and neighborhood children, from the vehicles going up to 60mph between stop signs, speeding up and down Bennett St to turn up W Maine Ave to bypass downtown traffic and recent drug sales in the neighborhood at the apartments to the right of our property.

We cannot fathom what life would be like in our neighborhood with even more apartments and offices so close to the young families that have made Southern Pines their home. We would dread more traffic due to these apartments/offices bring more people speeding up and down our street and more drunk people walking the streets that stumble/yell loudly through our yard at times. When asked at our community meeting who he was targeting to live in these apartments Mr. Walker said, "families like you". A family of four in 1-2bedroom apartment?! If we are ALL being honest this type of apartment largely targets the single soldier population which is exactly the reason we live in Southern Pines, not Fayetteville, and choose to pay double the cost for a home, double the cost for child care, and it is worth it for now. Since we are a military family we obviously support our military, but fear this approval will start a chain reaction that can't be undone with bringing the "party" lifestyle to downtown vs. the family feel locals are desperately try to keep!

I am also extremely concerned about the demolition of this historic home that belonged to one of Southern Pines founding fathers, C. T. Patch. Our beloved "Ice Cream Parlor" use to be home to his dry goods store for almost 50yrs! And he helped establish the first bank in town so the community didn't have to travel to Raleigh. I will gladly bring in The Pilot clippings I've collected from the archives if needed. One of the main reasons families and visitors flock to this area is because of its historical charm. If we allow developers to destroy historical properties closer and closer to downtown we will eventually lose our reputation as a small charming town! Someone will have to be accountable at the end of the day for tearing down town history that SHOULD be restored!

I could go on with several more reasons why you should NOT approve this. But if I'm being honest with you, and myself, would it really even matter at this point? I'm still confused why myself, neighbors and this community have to bleed reasons after reasons why this is not a benefit to the downtown integrity/look/feel/vibe/etc! It's very defeating being in this position where we're voicing concerns/evidence/facts because we physically live on this street and these developers are finding ways to get around zoning. This property has already had a specific zoning for years, why have I been put in a position to defend why you should NOT allow this change of zoning! They want higher, to push out farther and more more more!

My husband is a active duty Lt. Colonel and currently is the Professor of Military Science at North Carolina State University. I am a native to this beautiful town and we've come back to put down roots. We both are unfortunately unable to attend tonight's meeting (Thursday, August 19th, 2021, at 6pm at the Douglass Community Center) due to work schedules. We are pleading with the Town of Southern Pines to consider the safety and way of life for the residence of this neighborhood, and deny Riley Walkers development company the opportunity to rezone the property on NW Broad St. and W Maine Ave.

Thank you for your time,
Abutter: Rachel Cunningham
175 W Maine Ave
Southern Pines



**PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR CONCEPTUAL DEVELOPMENT PLAN APPLICATION
PD-06-21**

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 August 19th, 2021 for consideration of a Conceptual Development Plan for a rezoning to Planned Development District for application PD-06-21;

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the Conceptual Development Plan application PD-06-21 is inconsistent with the Town of Southern Pines Comprehensive Long-Range Plan (CLRP) because the existing OS – Office/Service zoning on the subject property already encourages and allows for a mixture of medium-density residential uses and offices and services uses and is an appropriate and desirable implementation of the Commercial future land use designation found in the CLRP in this area of Southern Pines.

AND, THEREFORE, BE IT FURTHER RESOLVED that the following additional matters were considered by the Planning Board as a basis for a recommendation of denial to the Town Council regarding PD-06-21:

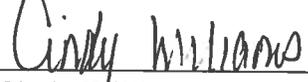
1. That the additional multi-family units proposed as part of the Planned Development is too high of a density for the subject property.
2. That there is no community support for the proposed development, with four emails submitted prior to the hearing and five residents speaking at the hearing against the project.
3. That the proposed development is inconsistent with the historic character of downtown Southern Pines.
4. That the Planning Board feels that this parcel is suitable as it is presently zoned and the Planning Board is supportive of mixed-use at the density that would be allowed under the existing zoning.

ADOPTED this the 19th day of August, 2021



Gary Carroll, Chairman

ATTEST:



Cindy Williams
Secretary to the Planning Board

Agenda Item

To: Reagan Parsons, Town Manager

From: Cindy Williams, Planning Technician

Subject: AX-06-21: Public Hearing on a Request for Voluntary Annexation of Property Contiguous to the Corporate Limits of the Town of Southern Pines; 8.11 acres; Petitioners: Bryan J. Murphy and Lisa R. Murphy

Date: November 9, 2021

I. SUMMARY OF APPLICATION REQUEST:

Bryan J. Murphy and Lisa R. Murphy are requesting voluntary annexation of a contiguous parcel that is currently outside of the corporate limits of the Town of Southern Pines. Per the Moore County tax records, the subject parcel identified as PIN 858119601836 (PARID 96000262) is owned by Bryan J. Murphy and Lisa R. Murphy.

II. PRIOR TOWN COUNCIL ACTION:

During the September 27, 2021 Town Council Work Session, the Town Council approved a *Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31*.

During the October 12, 2021 Town Council Regular Meeting, the Town Council approved a *Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31, As Amended*.

III. PROJECT INFORMATION:

A. Physical Address:

295 N. Bethesda Road
Southern Pines, NC 28387

B. Property Owners/Applicants:

Bryan and Lisa Murphy
205 Midland Lane
Pinehurst, NC 28374

C. Property Identification & Parcel Identification Number:

PIN 858119601836; PARID 96000262

D. Size of Property:

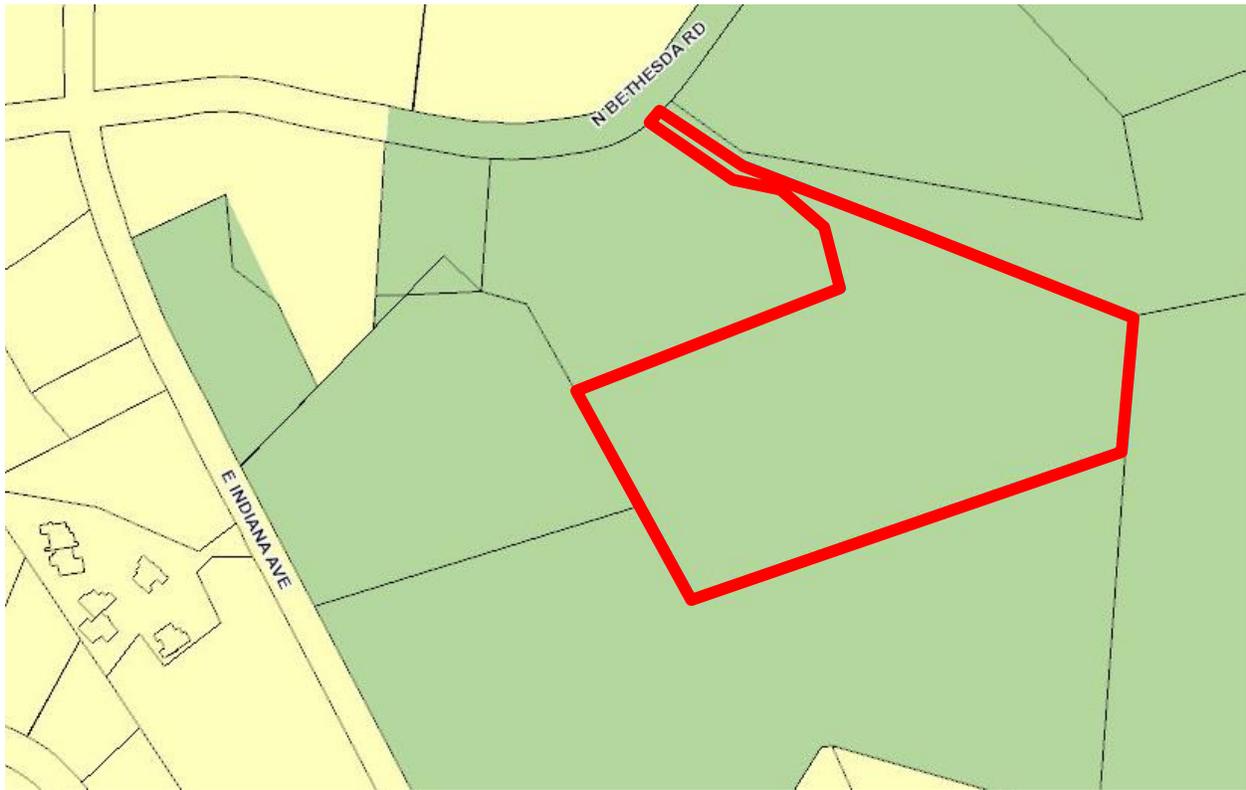
Total current combined acreage: 8.11 acres

IV. STAFF COMMENTS:

- The applicants have submitted an annexation petition accompanied by a map and a written metes and bounds description of the subject property.
- The request is a voluntary request for a contiguous annexation as the adjacent properties are within the corporate limits of the Town of Southern Pines (see Figure 1).
- The subject property is presently zoned RE (Rural Estate) and the adjacent properties are presently zoned RE and RS-3 (Residential Single Family).
- At the September 27, 2021 Town Council Work Session, the Town Clerk was directed to investigate the sufficiency of the petition for voluntary annexation of the subject property.
- At the October 12, 2021 Town Council Regular Meeting, the Town Clerk certified the sufficiency of the petition for annexation and the Town Council approved a Resolution (#990) fixing a date for a public hearing on the petition for annexation.
- The purpose of this agenda item is to hold a public hearing to consider the annexation request.
- **Comprehensive Long Range Plan Analysis:**
 - The subject property is identified as “Commercial” on the Comprehensive Long Range Plan (CLRP) Future Land Use Map (see Figure 3). Per the CLRP 2015-2016 update:

“The Commercial designation applies to all land dedicated to retail, professional, office, or other primarily non-residential, commercial use. It includes the Downtown portions along Broad Street and Pennsylvania Avenue, the regional commercial corridor on US 15/501, and all commercial land in between. Higher density residential may be incorporated into mixed-use developments within areas designated for this future land use category.”

Figure 1: Adjacent Property (Area to be Annexed Outlined in Red)



□ Town of Southern Pines Corporate Limits

□ Town of Southern Pines ETJ

Figure 2: Zoning Map (Area to be Annexed Outlined in Black)

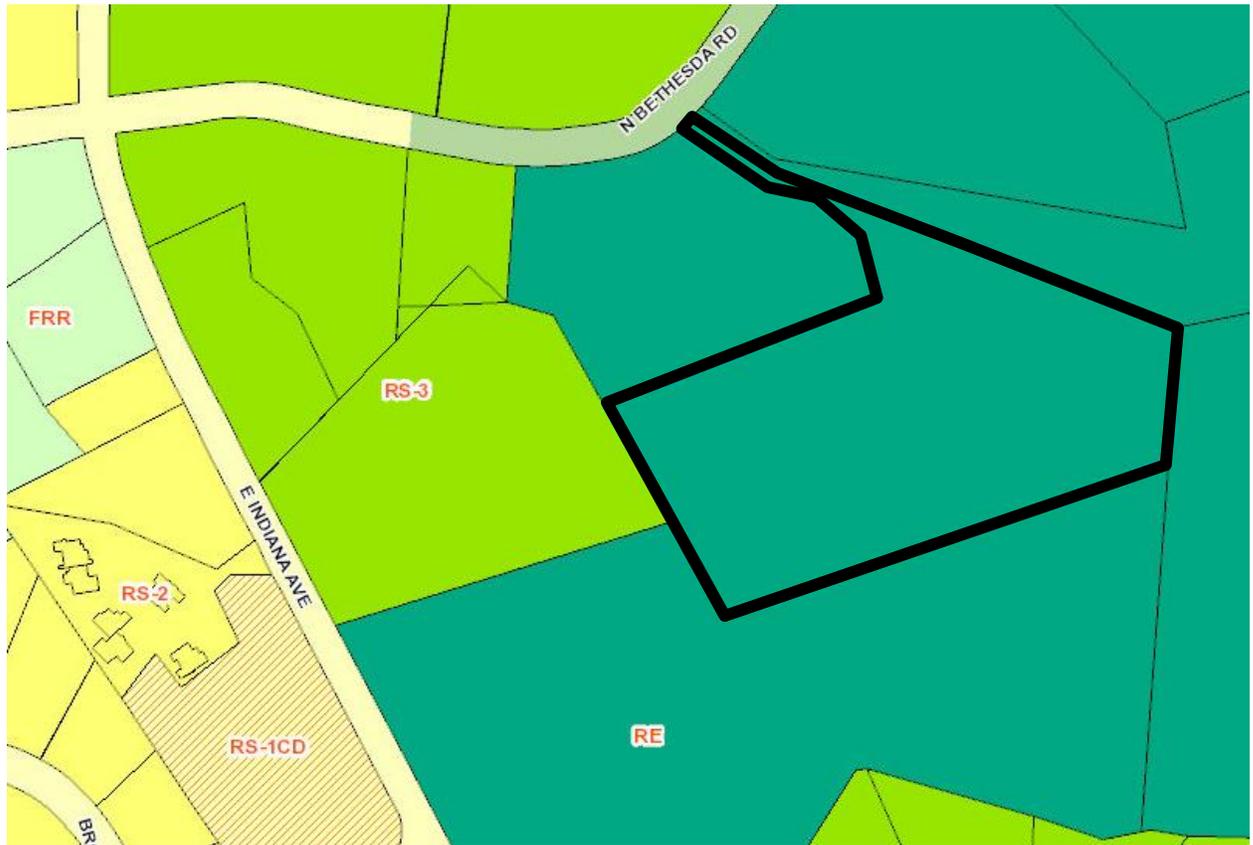
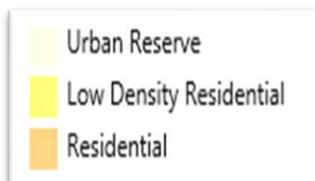
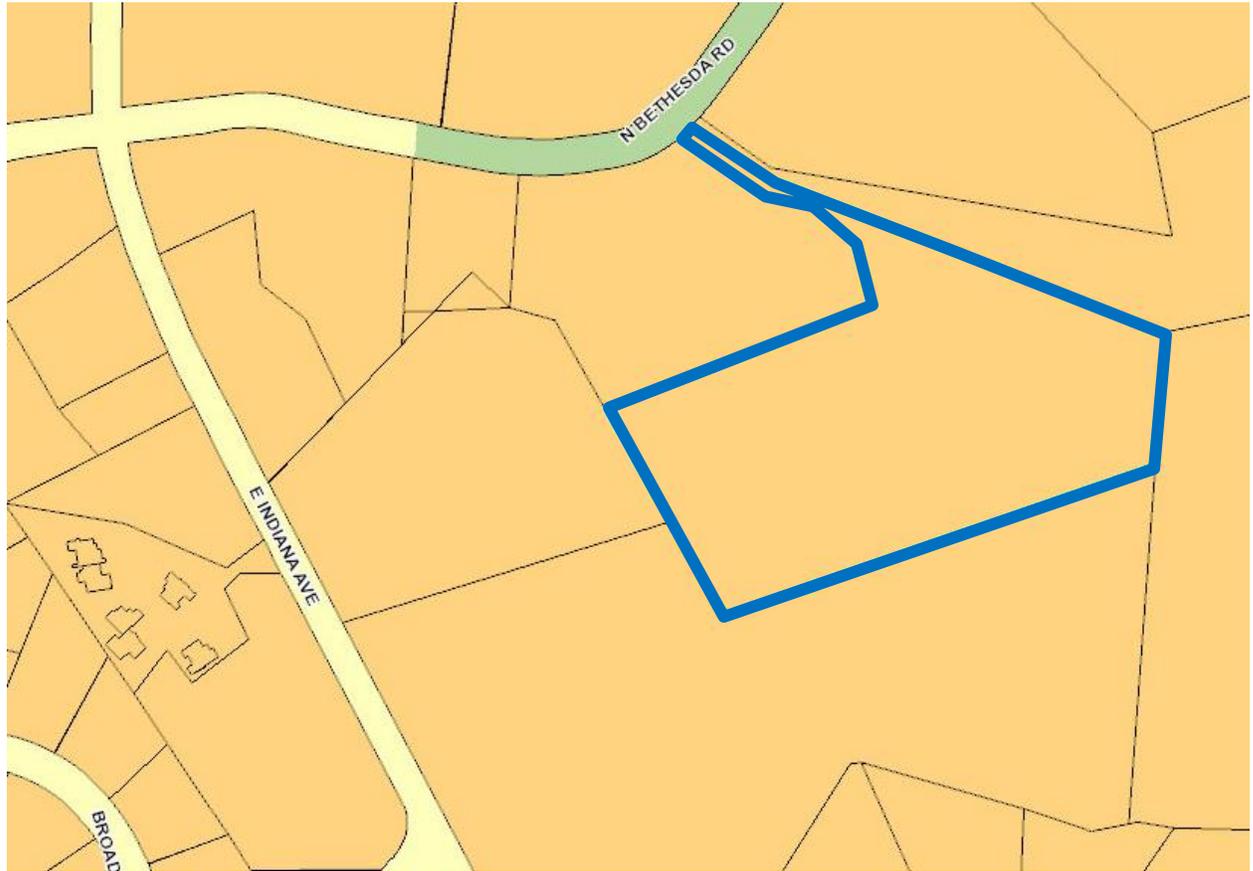


Figure 3: CLRP Future Land Use Map (Area to be Annexed Outlined in Blue)



V. ATTACHMENTS:

1. Petition
2. Written metes and bounds description
3. Survey of subject property

VI. TOWN COUNCIL ACTION:

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

- 1) I move to adopt an Ordinance approving the Voluntary Annexation request in application AX-06-21 for the property as defined in the submitted written metes and bounds description, and to have the Ordinance effective immediately.

-or-

- 2) I move to deny the Voluntary Annexation in application AX-06-21 for the property as defined in the submitted metes and bounds description.

PETITION FOR VOLUNTARY ANNEXATION



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

1. I/We the undersigned owner(s) of real property respectfully request that the area described in the attached Exhibit A be annexed to the Town of Southern Pines.
2. The area to be annexed is **contiguous** to the Town of Southern Pines and the boundaries of such territory are described in the attached metes and bounds description, Exhibit A.
3. The area is identified as PIN: 858119601836 ; PARID: 96000262

Property Owner(s):

Name: Bryan J. Murphy Signature: [Signature]
 Address: 205 Midland Lane
Pinehurst, NC 28374

Name: Lisa R. Murphy Signature: [Signature]
 Address: 205 Midland Lane
Pinehurst NC 28374

Name: _____ Signature: _____
 Address: _____

(Duplicate this form to add names, addresses and signatures of property owners, as necessary.)

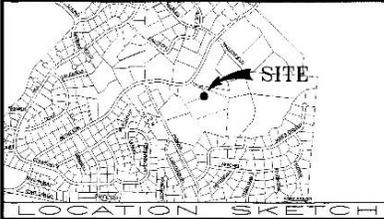
7-28-21

AX-06-21

Metes & Bounds Description of Properties Petitioning for Annexation:

A certain tract of land in Sandhills Township, Moore County, near Southern Pines, North Carolina, fronting on the southeast side of Bethesda Road (State Road No. 2042) about 200 yards east of Indiana Avenue, bounded on the North by William Gozzi, on the East by Frederick Whaley, on the West by Fleury, Cameron & Sparks and on the South by Sparks, described as follows:

BEGINNING at a concrete monument at the southeast corner of the 13.73 acre tract deeded to Richard J. Reynolds, III, recorded in Deed Book 555, Page 285 in the Moore County Registry; running thence from the beginning as the common line of Sparks and Gozzi, S 69°51'59" W 774.21 feet to an iron stake, a common corner of Sparks and Gozzi; thence N 29°55'00" W 178.86 feet to a concrete monument, a common corner of Sparks, Cameron and Gozzi; thence N 29°55'00" W 220.55 feet to an iron pipe, the south corner of a 4.09 acre tract; thence as the common line of the Fleury 4.09 acre tract and Gozzi, the following calls: N 68°19'14" E 484.25 feet to an iron pipe; thence N 20°08'01" W 113.32 feet to an iron pipe; thence as a curve to the left, having a radius of 100.00 feet; an arc length of 106.24 feet, a chord of N 50°34'00" W 101.31 feet to an iron pipe; thence N 81°00'00" W 80.24 feet to an iron pipe; thence N 56°46'00" W 174.75 feet to an iron pipe in the southeast line of Bethesda Road; thence as the southeast line of Bethesda Road, N 41°17'00" E 29.29 feet to an iron pipe; thence leaving the road, as a new line, S 56°46'00" E 159.91 feet to an iron pipe; thence S 69°24'29" E 724.09 feet to a concrete monument, a common corner of Whaley and Gozzi; thence as the common line of Whaley and Gozzi, S 03°12'00" W 217.76 feet to the beginning, containing 8.11 acres, more or less, and being a portion of the Richard J. Reynolds, III property that is recorded in Deed Book 555, Page 285 in the Moore County Registry.



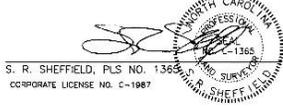
FOR REGISTRATION, REGISTER OF DEEDS
 DATE 3/16/18
 TIME 2:02:55 PM
 BOOK 17 PAGE 736-736
 FILE 81.00
 INSTRUMENT # 2018007145

OWNER:
 ROBERT A. FLEURY
 285 N. BETHESDA RD.
 SOUTHERN PINES, NC 28387

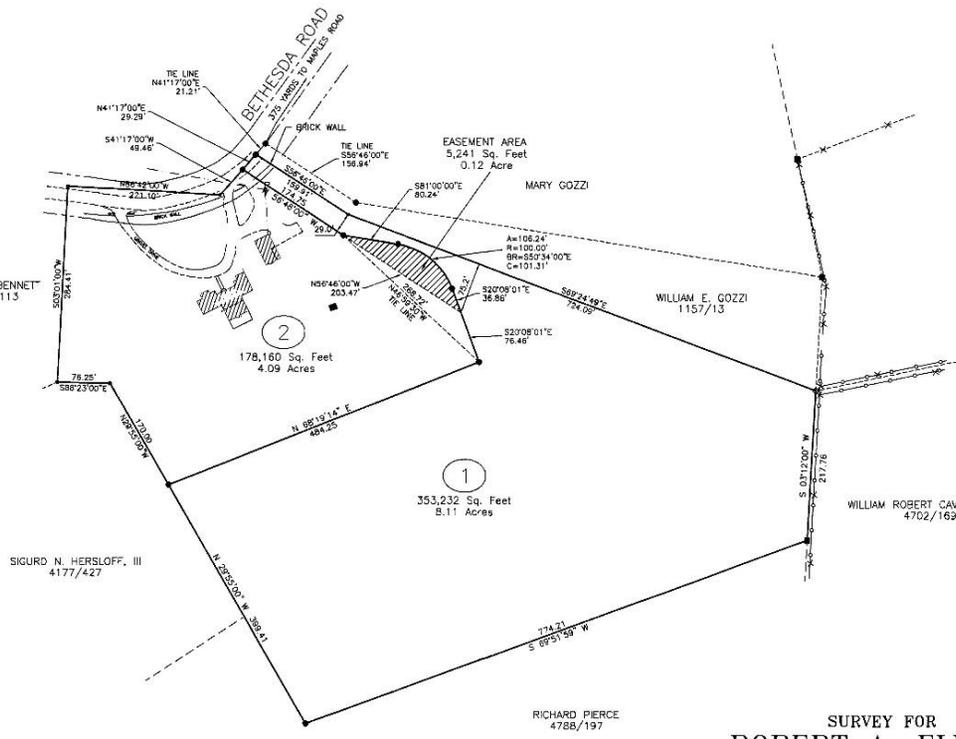
SURVEYOR:
 STEPHEN R. SHEFFIELD & ASSOCIATES, P. A.
 1680 NC HWY. 5, SUITE NO. 170
 ABERDEEN, N. C. 28315
 910-255-0420

I, S. R. SHEFFIELD, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. FURTHER: THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

WITNESS MY ORIGINAL SIGNATURE, LICENSURE NUMBER AND SEAL THIS 7th DAY OF MARCH, 2018, A.D.



S. R. SHEFFIELD, PLS NO. 1365
 CORPORATE LICENSE NO. C-1987



- ACREAGE DETERMINED BY COORDINATE METHOD.
 REFERENCE: DEED BOOK 4349 PAGE 100
 DEED BOOK 2183 PAGE 123
 MOORE COUNTY REGISTRY
- UNLESS OTHERWISE DENOTED:
 ■ = EXISTING IRON STAKE
 ■ = EXISTING CONCRETE MONUMENT
 □ = SET CONCRETE MONUMENT
 ○ = SET IRON STAKE
 □ = SQUARE FOOTAGE
 / = UTILITY POLE
 W = WATER METER
 V = WATER VALVE
 P = FIRE HYDRANT
 B = CATCH BASIN
 S = SANITARY SEWER MANHOLE
 ▲ = POWER SERVICE STUB
 ⊕ = SEWER SERVICE STUB
 ⊕ = TELEPHONE SERVICE STUB
 ⊕ = CABLE TV SERVICE STUB
 --- = FENCE

SURVEY FOR
ROBERT A. FLEURY
 LOT NOS. 1 & 2
FLEURY PROPERTY
 SANDHILLS TOWNSHIP, MOORE COUNTY,
 NORTH CAROLINA
 MARCH 6, 2018 - * - SCALE 1"=100'
 STEPHEN R. SHEFFIELD & ASSOCIATES, P.A.
 1680 NC HWY. 5, SUITE NO. 170
 ABERDEEN, NORTH CAROLINA



FLEURY-#2018.DWG
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REVISED: 04-04-2018 TO DEFINE PROPOSED EASEMENT

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF SOUTHERN PINES, NORTH CAROLINA
AX-06-21: 295 BETHESDA ROAD**

THAT WHEREAS, the Town Council has been petitioned under G.S. 160A-31 as amended to annex the area described herein; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation, AX-06-21, was scheduled to be held in regular session of the Town Council at the Douglass Community Center at 6:00 P.M. on the 9th day of November, 2021 after due notice by publication on October 3, 2021; and

WHEREAS, after the completion of said public hearing and upon consideration of any comments, objections or presentation at that hearing, and

WHEREAS, based on the certification of the Town Clerk and other information presented at said hearing, Council finds it proper and in the best interest of the Town to annex the following parcel according to the requirements of G.S. 160A-31:

A certain tract of land in Sandhills Township, Moore County, near Southern Pines, North Carolina, fronting on the southeast side of Bethesda Road (State Road No. 2042) about 200 yards east of Indiana Avenue, bounded on the North by William Gozzi, on the East by Frederick Whaley, on the West by Fleury, Cameron & Sparks and on the South by Sparks, described as follows:

BEGINNING at a concrete monument at the southeast corner of the 13.73 acre tract deeded to Richard J. Reynolds, III, recorded in Deed Book 555, Page 285 in the Moore County Registry; running thence from the beginning as the common line of Sparks and Gozzi, S 69°51'59" W 774.21 feet to an iron stake, a common corner of Sparks and Gozzi; thence N 29°55'00" W 178.86 feet to a concrete monument, a common corner of Sparks, Cameron and Gozzi; thence N 29°55'00" W 220.55 feet to an iron pipe, the south corner of a 4.09 acre tract; thence as the common line of the Fleury 4.09 acre tract and Gozzi, the following calls: N 68°19'14" E 484.25 feet to an iron pipe; thence N 20°08'01" W 113.32 feet to an iron pipe; thence as a curve to the left, having a radius of 100.00 feet; an arc length of 106.24 feet, a chord of N 50°34'00" W 101.31 feet to an iron pipe; thence N 81°00'00" W 80.24 feet to an iron pipe; thence N 56°46'00" W 174.75 feet to an iron pipe in the southeast line of Bethesda Road; thence as the southeast line of Bethesda Road, N 41°17'00" E 29.29 feet to an iron pipe; thence leaving the road, as a new line, S 56°46'00" E 159.91 feet to an iron pipe; thence S 69°24'29" E 724.09 feet to a concrete monument, a common corner of Whaley and Gozzi; thence as the common line of Whaley and Gozzi, S 03°12'00" W 217.76 feet to the beginning, containing 8.11 acres, more or less, and being a portion of the Richard J. Reynolds, III property that is recorded in Deed Book 555, Page 285 in the Moore County Registry.

A map of the area herein described is provided with this Ordinance as Attachment A.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina in regular session this 9th day of November, 2021:

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the above

described territory is hereby annexed and made part of the Town of Southern Pines as of the 9th day of November, 2021.

Section 2. Upon and after the 9th day of November, 2021 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Southern Pines and shall be entitled to the same privileges and benefits as other parts of the Town of Southern Pines. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Southern Pines shall cause to be recorded in the office of the Register of Deeds of Moore County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof. Such a map shall also be delivered to the County Board of Elections as required by G.S. 163-288.1.

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

Adopted this 9th day of November, 2021.

ATTEST:

TOWN OF SOUTHERN PINES

Elizabeth Robertson, Deputy Town Clerk

Carol R. Haney, Mayor

APPROVED AS TO FORM:

Douglas R. Gill, Town Attorney

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on November 9, 2021 as shown in the Minutes of the Town Council for that date.

Elizabeth Robertson, Deputy Town Clerk

NORTH CAROLINA
MOORE COUNTY

LEASE AGREEMENT

THIS LEASE is made this ____ day of _____, 2021, by and between the SOUTHERN PINES LAND AND HOUSING TRUST INC., referred to as the "Trust" or "Lessor," and the TOWN OF SOUTHERN PINES, referred to as "Town" or "Lessee."

WHEREAS, the Trust has a contract to purchase certain property which includes the Blanchie Carter Playground (referred to as "Playground"), described in the attachment A to this Lease Agreement;

WHEREAS, the Trust has entered into a contract with the Moore County Board of Education for the purchase of certain property encompassing approximately 17 acres. The Playground is located within the 17-acre parcel ("Subject Property");

WHEREAS, the purchase of entire parcel by the Trust is being made pursuant N.C. Gen. Stat. § 160A-266(b) and the deed conveying the property to the Trust shall contain certain deed restrictions regarding the maintenance and use of the property;

WHEREAS, the Town wishes to lease the property from the Trust immediately upon the purchase of the property by the Trust under the terms of this Lease Agreement;

WHEREAS, this Lease Agreement shall only become binding on the parties if the Trust obtains fee simple ownership of the 17-acre parcel (which includes the Playground).

NOW, THEREFORE, for valuable consideration, the parties do covenant and agree as follows:

1. Immediately upon the purchase of the entire 17-acre tract, the Trust leases to the Town for the Town's use and enjoyment the Playground.

2. In consideration of the right to lease the Playground for the term of the lease and, in consideration of the Trust's obligation to service and maintain the Playground during the term of the lease, as set forth herein, the Town will pay to the Trust the sum of \$160,000 on or before December 10, 2021. The \$160,000 payment shall be held in Trust by the attorney representing the Trust for the purchase of the property and shall be returned to the Town if, for any reason, the Trust does not obtain fee simple interest in the Subject Property.

3. Subject to the service and maintenance requirements imposed upon the Trust, the Town leases and accepts the premises on an "as is" basis on the day the Trust obtains fee simple interest in the entire tract, at which time the premises are deemed ready for occupancy as contemplated by this Lease Agreement.

4. The term for which the Town may use and occupy the Playground, in the manner provided below, shall be 99 years from the date of the commencement of the lease as set forth herein, subject to the requirements of law.

5. During the term of the lease, the Trust shall be responsible for all expenses for maintenance of the Playground, including water.

6. In consideration of the payment of \$160,000 by the Town as set forth herein, during the term of the lease, the Trust will provide all services and materials for maintenance and upkeep of the Playground, including the necessary supplies, materials, painting, and labor, specifically including, but not limited to, mowing as needed depending on the season and inspecting and maintaining playground equipment present at transfer or added during this lease, and will bear the costs for such activities, and will keep the premises in a clean and neat condition, consistent with the standards generally applicable to parks and playgrounds of this kind, regardless of whether the cleaning and upkeep are necessitated by its own use or by use by others. Failure to maintain those obligations shall result in the Town assuming them and billing the Trust the costs thereof plus 10% administrative fee.

7. Signs may be used or installed by the Trust only with the express permission of the Town.

8. During the term of the lease, the Town shall not modify or make improvements to the premises, other than minor repairs, without the consent of the Trust which consent shall not be unreasonably withheld. The Trust shall be permitted to make any improvements to the Playground consistent with the intent and theme of the original master plan, attached as Exhibit A, or as expressly approved in writing by the Town Manager or Director of Parks and Recreation. It is agreed that all repairs, modifications, additions, or improvements shall be and become a permanent part of the real estate, and as such the property of the Trust.

9. The leased premises, during the term of this lease, shall be used exclusively as a public playground and outdoor educational, experiential learning, and recreational facility,

though it may serve as a host space for the Town or the Trust for temporary events, festivals, fundraisers, and gatherings. Except when used exclusively for other uses as provided in this agreement, the Playground must be available for public use from dawn to dusk, Monday through Sunday.

10. The Town may not assign this lease or sublet any part of the Playground without the written consent of the Trust.

11. The parties acknowledge and agree that this lease shall take effect immediately upon the Trust obtaining fee simple interest and the entire 17-acre tract. If for any reason the Trust does not obtain fee simple of the Subject Property within 60 days of the execution of this lease, this lease shall become null and void and the \$160,000 payment made to the Trust in consideration for the 99-year lease term and the accompanying service and maintenance requirements imposed on the Trust, shall be immediately returned to the Town.

12. The Trust specifically agrees that it will procure and keep in force, at its own expense, liability insurance in an amount of not less than \$1,000,000 in respect to bodily injury, disease, illness, death or property damage suffered by any one person or entity, arising out of any one accident. The policy or policies of insurance shall show the Town as an additional insured as Town's interest may appear. The Trust will cause a certificate of insurance to be furnished to the Town evidencing that coverage and the policy shall provide that the insurance may not be canceled without written notice to the Town at least thirty (30) days before any cancellation. The Town, in its capacity as Lessee, may obtain liability or property insurance for the Subject Property as it deems necessary.

13. This Lease Agreement constitutes the entire understanding between the parties and shall not be modified except in writing signed by the parties. This lease is binding on the parties hereto, their heirs, and permitted assigns.

14. The designation Lessor and Lessee 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, Lessor and Lessee have executed this Lease Agreement in duplicate.

TRUST: SOUTHERN PINES LAND AND HOUSING TRUST

By: _____

President

TOWN: TOWN OF SOUTHERN PINES

By: _____

Mayor, Town of Southern Pines

**ORDINANCE AMENDING CHAPTER 34,
ESTABLISHING SECTION 34.20 REIMBURSEMENT POLICY FOR PUBLIC
INFRACTIONS**

BE IT ORDAINED by the Town Council of the Town of Southern Pines, North Carolina, in regular session assembled this 9th day of November, 2021, that Chapter 34, Town Policies, be amended to add Section 34.20 Reimbursement Policy for Public Infrastructure. Section 34.20 shall read as follows:

1. The Town, in its sole discretion, may enter into an agreement under NCGS 160A-499 to reimburse a developer for the cost of infrastructure for the development that is included in the Town's Capital Improvement Plan and that is more extensive than otherwise would be required by ordinance or by the Town's policy.
2. The cost of installing the proposed infrastructure improvements shall be borne initially by the participating developer or developers.
3. The reimbursement agreement shall contain a maximum ("not to exceed") reimbursement, and reimbursement shall not occur until the subject infrastructure has been approved by the Town and the developer's offer of dedication accepted by the Town. The developer or developers shall be reimbursed for actual costs up to the maximum, and be responsible for costs in excess of the agreed upon maximum reimbursement. Such costs may be reimbursed in a lump sum or over a period of years, as set forth in the reimbursement agreement.
4. Operation and maintenance of dedicated infrastructure shall become the responsibility of the Town, unless the agreement outlines alternative parameters of ongoing responsibility as otherwise permitted or required by Town ordinance (such as a POA for instance).

Adopted this 9th day of November, 2021.

ATTEST

TOWN OF SOUTHERN PINES

Elizabeth Robertson, Deputy Town Clerk

Carol R Haney, Mayor

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of November 9th, 2021, as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Deputy Town Clerk

**RESOLUTION OF ADOPTION
FORT BRAGG REGIONAL LAND USE ADVISORY COMMISSION
BYLAW REVISIONS**

WHEREAS, The Fort Bragg Regional Land Use Advisory Commission (RLUAC) was established in 1991 at the conclusion of the Joint Land Use Study to serve as a regional forum to advance planning and communication between the military bases and the surrounding local governments; and

WHEREAS, RLUAC was established in 1991 under the authority of NCGS 160A-461 for the purpose of interlocal cooperation and was subsequently incorporated as a 501(c)3 membership-based non-profit organization in 2004; and

WHEREAS, RLUAC is the leading advocate for coordination and collaboration between Fort Bragg and local governments on issues related to compatible growth and environmental sustainability in the North Carolina Sandhills region; and

WHEREAS, the Town of Southern Pines is a member of RLUAC; and

WHEREAS, On November 19, 2020, and on August 19, 2021, RLUAC approved amendments to modernize its governance structure and implement the organization’s strategic plan; and

WHEREAS, Approval of two-thirds of the local government members of the Commission is needed to officially amend the bylaws.

NOW, THEREFORE, BE IT RESOLVED that the Town of Southern Pines Town Council hereby approves the revised RLUAC Bylaws as amended on November 19, 2020, and on August 19, 2021, at the quarterly membership meetings of RLUAC.

Adopted this 9th day of November, 2021.

ATTEST:

TOWN OF SOUTHERN PINES

Elizabeth Robertson, Deputy Town Clerk

Carol R. Haney, Mayor

I certify that this Order was adopted by the Town Council of the Town of Southern Pines at its meeting on November 9, 2021 as shown in the Minutes of the Town Council meeting for that date.

Elizabeth Robertson, Deputy Town Clerk

RLUAC

Regional Land Use Advisory Commission

October 13, 2021

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

VIA EMAIL

Dear Mr. Parsons,

Over the past year, the Fort Bragg Regional Land Use Advisory Commission (RLUAC) has developed and voted to approve amendments to its bylaws that modernize its governance structure and implement the organization's Strategic Plan. The next step in the process requires the approval of two-thirds of the local government members of RLUAC to officially amend the bylaws. The current local government members include the counties of Cumberland, Harnett, Hoke, Moore, Richmond, Robeson, Sampson, and Scotland; and the municipalities of Aberdeen, Eastover, Erwin, Fayetteville, Hoffman, Hope Mills, Laurinburg, Lillington, Pinebluff, Pinehurst, Raeford, Spring Lake, Southern Pines, Vass, and Wagram.

The mission of RLUAC is to provide a forum for communication between Fort Bragg and local governments; educate and inform local government leaders, the development community, legislative representatives and the general public about compatible growth and environmental issues; provide local governments with timely, credible and authoritative analysis of the compatibility of land use and development proposals; assist local governments with the adoption of plans and policies that foster compatible growth and protect critical environmental resources; and preserve and protect Fort Bragg's training and operational mission from incompatible civilian development patterns.

A redlined version of the bylaws and proposed amendments is attached along with a clean version of the new bylaws for your review. We request your Town Council's timely consideration and approval of this request at your next available regular meeting to help us finalize the bylaw amendments and move forward into 2022.

Respectfully,

John K. McNeill, Chairman
Regional Land Use Advisory Commission
Mayor, City of Raeford

RLUAC Board of Directors

Al Aycock (MG, USA, Retired), Ex-Officio
Greg Bean (COL, USA, Retired), At-Large
Will Best, NC Department of Commerce
Roland Hall, Sampson County
Rawls Howard, Cumberland County
Mark Locklear, Vice Chairman, Harnett County

Michael Lynch, Secretary, At-Large
Robert McLaughlin, Wagram (Scotland)
John Hammond, US Fish & Wildlife Service
Glen Prillaman, At-Large
Jeff Sanborn (COL, USA, Retired), Pinehurst (Moore)
Robert Fleming, Fort Bragg

**BYLAWS OF THE
FORT BRAGG REGIONAL LAND USE ADVISORY COMMISSION, INC.
REVISED IN 2005 AND 2021**

ARTICLE 1 – TITLE

The organization shall be the Fort Bragg Regional Land Use Advisory Commission, Inc., herein after referred to as “RLUAC.”

ARTICLE 2 – MISSION

The purposes and duties of the RLUAC are as follows:

1. Provide a forum for communication between Fort Bragg and local governments;
2. Educate and inform local government leaders, the development community, legislative representatives and the general public about compatible growth and environmental issues;
3. Provide local governments with timely, credible and authoritative analysis of the compatibility of land use and development proposals with the military training and operational missions of Fort Bragg;
4. Assist local governments with the adoption of plans and policies that foster compatible growth and protect critical environmental resources; and
5. Preserve and protect Fort Bragg’s training and operational missions from incompatible civilian development patterns and environmental degradation.

ARTICLE 3 – ESTABLISHMENT

RLUAC is established through the authority of N.C.G.S. Chapters 160A-460 through 466 and 55A et. al.

ARTICLE 4 – MEMBERSHIP

1. Regular Members: Regular membership consists of the units of local government that are party to the interlocal cooperation agreement to establish the organization.
 - a. Regular Members may be admitted to the Commission upon invitation by the Board of Directors and approval by the full Commission, contingent upon the governing body of the local government adopting a resolution to join the Commission in accordance with NCGS 160A-461.
 - b. Regular Members may withdraw their membership at any time by the adoption of a resolution by the governing body effecting its withdrawal from the Commission. Upon the effective date of the withdrawal, the appointment and term of service of both voting and non-voting representatives of the Regular Member shall be rescinded.
2. Associate Members: Associate membership consists of entities or individuals that are not party to the interlocal cooperation agreement, which have a direct relationship to the mission of the organization.
 - a. Fort Bragg: United States Army Garrison Fort Bragg is admitted as an enduring Associate Member.
 - b. Partner Organizations: An organization that works closely with Fort Bragg and local governments to achieve a common mission.

- i. The US Fish & Wildlife Service, Sustainable Sandhills Inc., the NC Department of Commerce, and the NC Wildlife Resources Commission are admitted as enduring Associate Members.
 - ii. The Board of Directors may admit or remove Partner Organizations as Associate Members by a simple majority vote.
 - c. Individual: An individual that has specialized knowledge, skills, or experience related to the mission of RLUAC gained through their prior association with Fort Bragg, a local government member, and/or another Partner Organization.
 - i. The Board of Directors may nominate an Individual for admission or removal as an Associate Member, subject to approval of the Commission.
 - ii. The nomination to add or remove an Individual shall not be effective until approved by a majority of the voting representatives at a regular meeting of the Commission.

ARTICLE 5 – MEMBER REPRESENTATION

1. Regular Members: The Regular Members shall have voting and non-voting representation on the Commission.
 - a. Voting Representative:
 - i. Each Regular Member shall appoint one voting representative to the Commission.
 - ii. The voting representative shall be appointed by the Regular Member’s governing body.
 - iii. Regular Members are encouraged to appoint a member of the governing body as the voting representative, with preference for an individual who has basic knowledge of the Fort Bragg region’s physical, environmental, social, and economic makeup and a general understanding of land use planning.
 - iv. The length of the term for a voting representative shall be three (3) years.
 - v. Voting representatives may be reappointed to successive terms, without limitation.
 - b. Non-Voting Representative(s):
 - i. Each Regular Member may appoint one or more elected officials, planning board members and/or employees of the local government as non-voting representatives, as they deem appropriate.
 - ii. Non-voting representatives’ term of service shall continue until replaced or until such time that their appointment is rescinded.
2. Associate Members: Associate Members shall have non-voting representation on the Commission, as specified below:
 - a. US Army Garrison Fort Bragg: The Garrison Commander is designated as the representative for Fort Bragg. He/she may appoint additional Garrison staff at their discretion to serve as non-voting representatives on the Commission.
 - b. Partner Organizations: Partner Organizations may appoint one or more non-voting representatives to serve at the will of the Partner Organization on the Commission.
3. Individual Member: An Individual Member is a non-voting representative on the Commission.

ARTICLE 6 – MEETINGS OF THE COMMISSION

1. Meetings – Meetings of the full membership of the Commission shall be held quarterly.
2. Attendance – The attendance of the voting representatives of the Regular Members is mandatory. If a voting representative is absent from more than two (2) consecutive meetings or three (3) meetings in a calendar year, and such absences are not caused by extraordinary events, the Regular Member is obligated to remove the voting representative and appoint a replacement to fulfill the unexpired term of the removed voting representative.
3. Quorum – The presence of a simple majority of the duly appointed voting representatives of the Regular Members of the Commission shall constitute a quorum and allow the Commission to conduct business.
4. Public – All regular and special meetings, hearings, records, and accounts of the Commission shall be open to the public in accordance with North Carolina public records and open meetings law.
5. Special Meetings – Special meetings may be called at the discretion of the Chairman or by the request of a majority of the Board of Directors or the voting representatives of the Regular Members of the Commission. The Chairman may designate in advance regular or special meetings for the presentation of reports on the comprehensive plan, or on general planning discussions, deferring hearings and petitions to subsequent meetings.
6. Prayer – All Commission meetings may be opened with prayer.
7. Written Material – All written material used for consideration in Commission meetings become part of the official records of that meeting and are to be kept on file in the office of the Executive Director.
8. Action – Transaction of business and the taking of official action shall require an affirmative vote of a majority of the voting representatives of the Commission present at the meeting.
9. Motions – Motions by a voting representative shall be restated by the Chairman before a vote is taken. The name of the maker of the motion and that of the second shall be recorded.
10. Voting – The voting representatives shall vote by voice or by show of hands. In the event that a vote is not unanimous, the minutes shall show the names of how each voted on each issue.
11. Suspension of Voting Privilege – The voting privileges of a voting representative shall be suspended if the Regular Member is not current with their annual membership dues. Voting privileges of a voting representative will be restored once the Regular Member becomes current with their annual membership dues.
12. Abstentions – When a voting representative wishes to abstain from consideration on any issue, he or she shall make a formal request to the Chairman, prior to action by the Commission. Notification of a request for abstention should be made as soon as the voting representative is aware of such a possibility. At the meeting, the Chairman shall ask if there is any opposition to the request. Abstention will be allowed only with a consenting vote of a majority of the Commission present.
13. Remote Meeting Procedures – When, in the opinion of the Chairman, it would be appropriate for the Commission to meet remotely via means of electronic communication, the policies and procedures specified by statute at the time of the meeting for remote meetings held by local governments in North Carolina shall be observed.

ARTICLE 7 – OFFICERS/DUTIES

1. Chairman – The Chairman shall preside at all meetings, appoint members to committees, and perform such other duties as may be specified by the Commission. The Chairman shall be selected from among the voting representatives of the Regular Members of the Commission.
2. Vice-Chairman – The Vice-Chairman shall act in the capacity of the Chairman in his / her absence. The Chairman shall be selected from among the voting representatives of the Regular Members of the Commission.
3. Secretary – The Secretary shall keep the minutes, execute such documents as authorized by the Commission, in the name of the Commission, and perform such other duties as the Commission may determine or direct. The Secretary may be assisted in their duties by a third-party, subject to approval by the Executive Committee of the Board of Directors. The Secretary shall be selected from among the voting representatives of the Regular Members of the Commission.
4. Treasurer – The Commission shall appoint an individual to serve as Treasurer of the Commission. The Treasurer shall be responsible for all funds of the association including income and disbursements and proper record keeping as approved by the Board of Directors. At the close of each fiscal year, the Treasurer shall be responsible for the preparation of a complete financial report which shall be submitted to the Board of Directors. The individual appointed to serve as Treasurer shall not be required to be a Member or Representative of the Commission.
5. Executive Director – The Chairman may appoint an Executive Director upon recommendation by the Board of Directors and approval by a vote of the Regular Members of the full Commission. The responsibilities of the Executive Director shall be established by the Board of Directors and set forth in an employment agreement between the Commission and the incumbent. The Executive Director shall serve in their position as an at-will employee of the Commission, and may be dismissed in accordance with the terms of their employment agreement.

ARTICLE 8 - BOARD OF DIRECTORS

1. Composition: The Board of Directors shall consist of the following:
 - a. Executive Committee (3 members):
 - i. Chairman
 - ii. Vice Chairman
 - iii. Secretary
 - b. Director (6 at-large):
 - i. Two at-large directors shall be voting representatives of Regular Members
 - ii. Four of the at large directors may be appointed from the Regular Member category, the Associate Member Partner Organization, or Individual Member categories.
 - c. Ex-Officio Director (3):
 - i. The Chairman of the Board of Directors may appoint up to three (3) additional members from any membership category to serve as non-voting members of the Board of Directors.
2. Elections: The Executive Committee shall serve as the nominating committee, establishing a slate of Officers and Directors for submission to the full Commission by May 1st of each even numbered year. The slate of officers shall be approved by the voting representatives at a regular meeting of the Commission in May of each even numbered year. If the slate of officers is not approved, open nominations will be considered for each position until each of the officers and directors are approved by the voting representatives.

3. Terms: The Board of Directors shall serve for two-year terms and may serve a maximum of three (3) consecutive terms if re-elected by the Commission (additional terms of office shall be permitted following a break in service of one term). Terms of office shall begin on July 1 of each odd numbered year, and shall continue until such time as their successors are appointed and assume office.
4. Meetings of the Executive Committee shall be called as necessary by the Chairman or Vice Chairman to plan agendas for the Commission and to deliver decisions on matters of importance when it is impractical to convene a special meeting of the Commission.
5. Meetings of the Board of Directors shall be open to the public.
6. A quorum must be present for the Board of Directors to vote. A quorum consists of a majority of the current voting membership of the Board.

ARTICLE 9 - COMMITTEES

1. The Board of Directors is authorized to form committees to carry out specialized tasks or projects, as deemed necessary and appropriate by the Board.
2. The term of the committee shall be set by the Board of Directors at the time of its formation. Standing committees are authorized, and any committee may be dissolved upon an affirmative vote of the Board of Directors.
3. Each committee shall consist of either three (3) or (5) members, at the discretion of the Board of Directors.
4. At least one member of the Board of Directors shall be appointed to serve on each committee.
5. The Chairman of the Board of Directors shall appoint and remove members of each committee, subject to the consent of the other two members of the Executive Committee. In the event of a disagreement on the appointment (removal) of an individual to a committee by the members of the Executive Committee, the matter of the appointment shall be voted on by the full Board of Directors.
6. Appointment to a committee shall be open to any voting or non-voting representative serving on the Commission.
7. Terms of appointment for representatives to a committee shall be two (2) years. Successive appointments shall be permitted, without limitation.
8. The Chairman of the Commission shall appoint an individual who is a member of the Board of Directors to serve as the Chairman of each committee.
9. Committees shall meet as needed. Meetings shall be called by the Chair of each committee. Electronic communication for committee meetings shall be authorized, provided that a record is kept of such communication.

ARTICLE 10 - AMENDMENTS

1. These Bylaws may be amended upon an affirmative vote of the full Commission, subject to approval by the governing bodies of the Regular Members of the Commission.
2. The affirmative vote of two-thirds of the governing bodies of the Regular Members of the Commission is required to approve amendments to the Bylaws.
3. Two-thirds of the Regular Member governing bodies can amend or revise the Bylaws without approval of the Commission.

ARTICLE 11 - DISSOLUTION

Two-thirds of the Regular Member governing bodies, as appointing authorities, can reorganize or dissolve the Commission at their discretion; however, the Commission shall continue in existence as long as two (2) or more local government signatories retain active membership.

ARTICLE 12 - RULES

Robert's Rules of Order Revised shall govern the conduct of meetings, unless modified by the voting representatives.

ARTICLE 13 - REPORTS

Electronic copies of the minutes of meetings shall be provided to the voting representatives of Regular Members in advance of the next regular meeting.

Amended this ____ day of _____, 2021.

_____, Chairman

BYLAWS OF THE
~~FT. FORT BRAGG/POPE AIR FORCE BASE~~ REGIONAL LAND USE ADVISORY
COMMISSION, INC.
REVISED IN 2005 AND 2021

ARTICLE 1 – TITLE

The ~~title organization~~ shall be the Fort Bragg/~~Pope Air Force Base~~ Regional Land Use Advisory Commission, Inc. ~~(, herein after referred to as “RLUAC”).~~

ARTICLE 2 – MISSION

The purposes and duties of the ~~Fort Bragg/Pope Air Force Base Regional Land Use Advisory Commission~~RLUAC are as follows:

- ~~1. To promote a regional perspective on land use and~~ Provide a forum for communication between Fort Bragg and local governments;
- ~~2. Educate and inform local government leaders, the development community, legislative representatives and the general public about compatible growth and environmental issues of mutual concern to the adjacent local communities and the;~~
- ~~1-3. Provide local governments with timely, credible and authoritative analysis of the compatibility of land use and development proposals with the military installations, training and operational missions of Fort Bragg;~~
- ~~2. To provide a forum for discussing noise and accident potential problems relating to land use and deliberate and develop mitigation actions.~~
- ~~4. To Assist local governments with the adoption of plans and policies that foster compatible land uses impacted by growth and protect critical environmental resources; and~~
- ~~3-5. Preserve and protect Fort Bragg’s training and operational missions from incompatible civilian and military areas development patterns and environmental degradation.~~
- ~~4. To foster increased local economic development opportunities, particularly as they relate to the military.~~

ARTICLE 3 – ESTABLISHMENT

The ~~Fort Bragg/Pope Air Force Base Regional Land Use Advisory Commission~~RLUAC is established through the authority of N.C.G.S. Chapters 160A-460 through ~~464~~466 and 55A et. al.

ARTICLE 4 – MEMBERSHIP

- ~~1. Composition: Fort Bragg/Pope Air Force Base Regional Land Use Advisory Commission membership is limited to Fort Bragg, Pope Air Force Base, and all municipal / county governments within Cumberland, Harnett, Hoke, Moore, Richmond, Robeson, Sampson, and Scotland Counties.~~
- ~~2. Each member county and municipality shall appoint one voting member. Member governments are encouraged to appoint an elected official to be their voting member. They may also appoint as many non-voting members as they deem appropriate. Fort Bragg and Pope Air Force Base may appoint as many non-voting members as they deem appropriate.~~
- ~~3. Voting and non-voting members shall be appointed by the Boards of Commissioners from the Cities and Counties they represent. Military members/representatives shall be appointed by the Commanding Officer(s) from the military installations which they represent.~~

1. Voting and non-voting members should have a Regular Members: Regular membership consists of the units of local government that are party to the interlocal cooperation agreement to establish the organization.
 - a. Regular Members may be admitted to the Commission upon invitation by the Board of Directors and approval by the full Commission, contingent upon the governing body of the local government adopting a resolution to join the Commission in accordance with NCGS 160A-461.
 - b. Regular Members may withdraw their membership at any time by the adoption of a resolution by the governing body effecting its withdrawal from the Commission. Upon the effective date of the withdrawal, the appointment and term of service of both voting and non-voting representatives of the Regular Member shall be rescinded.
2. Associate Members: Associate membership consists of entities or individuals that are not party to the interlocal cooperation agreement, which have a direct relationship to the mission of the organization.
 - a. Fort Bragg: United States Army Garrison Fort Bragg is admitted as an enduring Associate Member.
 - b. Partner Organizations: An organization that works closely with Fort Bragg and local governments to achieve a common mission.
 - i. The US Fish & Wildlife Service, Sustainable Sandhills Inc., the NC Department of Commerce, and the NC Wildlife Resources Commission are admitted as enduring Associate Members.
 - ii. The Board of Directors may admit or remove Partner Organizations as Associate Members by a simple majority vote.
 - c. Individual: An individual that has specialized knowledge, skills, or experience related to the mission of RLUAC gained through their prior association with Fort Bragg, a local government member, and/or another Partner Organization.
 - i. The Board of Directors may nominate an Individual for admission or removal as an Associate Member, subject to approval of the Commission.
 - ii. The nomination to add or remove an Individual shall not be effective until approved by a majority of the voting representatives at a regular meeting of the Commission.

ARTICLE 5 – MEMBER REPRESENTATION

1. Regular Members: The Regular Members shall have voting and non-voting representation on the Commission.
 - a. Voting Representative:
 - i. Each Regular Member shall appoint one voting representative to the Commission.
 - ii. The voting representative shall be appointed by the Regular Member's governing body.
 - 4.iii. Regular Members are encouraged to appoint a member of the governing body as the voting representative, with preference for an individual who has basic knowledge of the Fort Bragg/~~Pope Air Force Base~~ region's physical, environmental, social, and economic makeup. ~~In addition, and a basic general understanding of the planning process and land use planning, in particular, is recommended.~~

~~5. Terms of Voting and Non-Voting Members:~~

~~a.iv. The length of the term for a voting member representative shall be three (3) years. ~~Non-voting members serve at the will of the appointing body and have no specified terms.~~~~

~~b.v. Voting members representatives may be reappointed to successive terms, without limitation.~~

b. Non-Voting Representative(s):

i. Each Regular Member may appoint one or more elected officials, planning board members and/or employees of the local government as non-voting representatives, as they deem appropriate.

ii. Non-voting representatives' term of service shall continue until replaced or until such time that their appointment is rescinded.

2. Associate Members: Associate Members shall have non-voting representation on the Commission, as specified below:

a. US Army Garrison Fort Bragg: The Garrison Commander is designated as the representative for Fort Bragg. He/she may appoint additional Garrison staff at their discretion to serve as non-voting representatives on the Commission.

b. Partner Organizations: Partner Organizations may appoint one or more non-voting representatives to serve at the will of the Partner Organization on the Commission.

3. Individual Member: An Individual Member is a non-voting representative on the Commission.

ARTICLE ~~5~~6 - MEETINGS OF THE COMMISSION

1. ~~1.~~ Meetings – Meetings ~~will~~ of the full membership of the Commission shall be held quarterly throughout the year, generally on the third Thursday of February, May, August, and November.

3. Attendance – ~~Attendance~~ The attendance of the voting representatives of the Regular Members is mandatory. If ~~an appointee~~ a voting representative is absent from more than two

2. (2) consecutive meetings or three (3) meetings in a calendar year, and such absences are not caused by extraordinary events, the ~~member~~ Regular Member is obligated to ~~resign in writing~~ remove the voting representative and appoint a replacement to fulfill the unexpired term of the removed voting representative.

3. Quorum – The presence of a simple majority of the duly appointed voting representatives of the Regular Members of the Commission shall constitute a quorum and allow the Commission to conduct business.

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4. Public – All regular and special meetings, hearings, records, and accounts of the Commission shall be open to the public in accordance with North Carolina public records and open meetings law.

5. Special Meetings – Special meetings ~~shall~~ may be called at the ~~request~~ discretion of the Chairman or by the request of a majority of ~~members~~ the Board of Directors or the voting representatives of the Regular Members of the Commission. The Chairman may designate in advance regular or special meetings for the presentation of reports on the comprehensive plan, or on general planning discussions, deferring hearings and petitions to subsequent meetings.

6. Prayer – All Commissions meetings may be opened with prayer.

7. Written Material – All written material used for consideration in Commission meetings become part of the official records of that meeting and are to be kept on file in the office of the Executive Director.

ARTICLE 6 – OFFICERS/DUTIES

- ~~1. Chairman – The Chairman shall preside at all meetings, appoint members to committees, and perform such other duties as may be ordered by the Commission.~~

- ~~2. Vice Chairman – The Vice Chairman shall act in the capacity of the Chairman in his absence.~~

- ~~3. Secretary — The Secretary shall keep the minutes, execute such documents as authorized by the Commission, in the name of the Commission, and perform such other duties as the Commission shall determine or direct.~~
- ~~4. Executive Director — The position of Executive Director may be authorized by the Board of Directors and appointed or discharged by a vote of the Fort Bragg / Pope Air Force Base Regional Land Use Advisory Commission (RLUAC) membership. The employment of the Executive Director shall be an at will employment. The responsibilities and job requirements of the Executive Director shall be as follows:~~

Responsibilities

- ~~a. Make the logistical arrangements for and participate in RLUAC quarterly meetings (4 each year).~~
- ~~b. Make the logistical arrangements for quarterly Board of Directors meetings (4 each year). He /she shall offer suggestions for topics and speakers for the RLUAC quarterly meetings.~~
- ~~c. Serve as the “point of contact” / primary liaison for RLUAC information and public relations.~~
- ~~d. Represent the RLUAC at public hearings, meetings, and conferences as directed by the Board of Directors.~~
- ~~e. Contact and confirm speakers for the RLUAC quarterly meetings.~~
- ~~f. Prepare agendas for RLUAC quarterly meetings and Board of Directors’ meetings (8 each year).~~
- ~~g. Oversee the preparation of minutes for RLUAC quarterly and Board of Directors’ meetings (8 each year).~~
- ~~h. Coordinate the mailing of minutes and meeting notices (by U.S. mail and e-mail) for RLUAC quarterly meetings and Board of Directors’ meetings (8 each year).~~
- ~~i. Oversee the maintenance of accurate and up-to-date membership rolls and attendance records.~~
- ~~j. Maintain current information regarding regional, state, and national legislative issues of interest.~~
- ~~k. Complete various other tasks as assigned by the Board of Directors.~~
- ~~l. Fund Raising — Coordinate efforts to raise funding to support RLUAC operations.
 - ~~1) Prepare and submit grant proposals to appropriate corporations and foundations.~~
 - ~~2) Prepare and mail fund raising letters to potential financial supporters.~~
 - ~~3) Make presentations to potential funding entities as opportunities arise.~~~~
- ~~m. Incorporation — Facilitate the process of incorporating the RLUAC and securing tax exempt designation with the State of North Carolina and the federal government.~~

Job Requirements

~~A Master's Degree in Planning or Public Administration curriculum and three years planning and management experience, which includes one year in a supervisory capacity; or a College Degree and five years of specifically related planning and management experience, including one year in a supervisory capacity; or an equivalent combination of education and experience.~~

The Executive Director job description may be amended by the Board of Directors.

ARTICLE 7 BOARD OF DIRECTORS

~~1. The Board of Directors shall act as the Executive Committee and shall be elected from the membership for two year terms.~~

~~2. Composition~~

~~a. The Chairman, Vice Chairman, Secretary, one representative selected from each of the County delegations, and a representative from each of the military installations shall constitute the Board of Directors.~~

~~b. Non voting members may be named to the Board of Directors by the officers as they deem necessary.~~

~~3. Meetings of the Executive Committee shall be called as necessary by the Chairman or Vice Chairman to plan agendas for the Advisory Commission and to provide decisions on matters of importance when it is impractical to convene a special meeting of the full Advisory Commission.~~

~~4.1. Meetings of the Board of Directors shall be open to the public.~~

~~5.1. A quorum must be present for the Board of Directors to vote. A quorum consists of a majority of the current membership.~~

ARTICLE 8 ELECTIONS

~~1. The Chairman shall be elected at the first regular meeting in each odd numbered year. Terms of office shall be for two years beginning in the year 2007. The Commission shall elect the Chairman from its membership.~~

~~2. The Vice Chairman shall be elected at the first regular meeting in each odd numbered year. Terms of office shall be for two years. The Commission shall elect the Vice Chairman from its membership.~~

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- ~~3. The Secretary shall be elected at the first regular meeting in each odd-numbered year. Terms of office shall be for two years. The Secretary is not required to be a member of the Commission.~~

ARTICLE 9 – VOTING

- ~~1.8.~~ Action – Transaction of business and the taking of official action shall require ~~a concurring~~ an affirmative vote of a majority of the voting ~~members~~ representatives of the Commission present at the meeting.
- ~~2.9.~~ Motions – Motions by a voting representative shall be restated by the Chairman before a vote is taken. The name of the maker of the motion and that of the second shall be recorded.
- ~~3.10.~~ Voting – ~~Voting~~ The voting representatives shall ~~be~~ vote by voice or by show of hands. In the event that a vote is not unanimous, the minutes shall show the names of how each voted on each issue.
- ~~11. Abstaining~~ Suspension of Voting Privilege – The voting privileges of a voting representative shall be suspended if the Regular Member is not current with their annual membership dues. Voting privileges of a voting representative will be restored once the Regular Member becomes current with their annual membership dues.
- ~~4.12.~~ Abstentions – When a ~~Commission member~~ voting representative wishes to abstain from consideration on any issue, he or she shall make a formal request to the Chairman, prior to action by the Commission. Notification of a request for abstention should be made as soon as the ~~member~~ voting representative is aware of such a possibility. At the meeting, the Chairman shall ask if there is any opposition to the request. Abstention will be allowed only with a consenting vote of ~~a~~ a majority of the Commission present.
- ~~13. Remote Meeting Procedures – When a voting member of the~~ in the opinion of the Chairman, it would be appropriate for the Commission is unable to attend a meet remotely via means of electronic communication, the policies and procedures specified by statute at the time of the meeting for remote meetings held by local governments in North Carolina shall be observed.

ARTICLE 7, he or she – OFFICERS/DUTIES

1. Chairman – The Chairman shall preside at all meetings, appoint members to committees, and perform such other duties as may ~~assign~~ be specified by the Commission. The Chairman shall be selected from among the voting representatives of the Regular Members of the Commission.

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2. Vice-Chairman – The Vice-Chairman shall act in the capacity of the Chairman in his / her absence. The Chairman shall be selected from among the voting representatives of the Regular Members of the Commission.
3. Secretary – The Secretary shall keep the minutes, execute such documents as authorized by the Commission, in the name of the Commission, and perform such other duties as the Commission may determine or direct. The Secretary may be assisted in their duties by a third-party, subject to approval by the Executive Committee of the Board of Directors. The Secretary shall be selected from among the voting representatives of the Regular Members of the Commission.
4. Treasurer – The Commission shall appoint an individual to serve as Treasurer of the Commission. The Treasurer shall be responsible for all funds of the association including income and disbursements and proper record keeping as approved by the Board of Directors. At the close of each fiscal year, the Treasurer shall be responsible for the preparation of a complete financial report which shall be submitted to the Board of Directors. The individual appointed to serve as Treasurer shall not be required to be a Member or Representative of the Commission.
5. Executive Director – The Chairman may appoint an Executive Director upon recommendation by the Board of Directors and approval by a vote of the Regular Members of the full Commission. The responsibilities of the Executive Director shall be established by the Board of Directors and set forth in an employment agreement between the Commission and the incumbent. The Executive Director shall serve in their position as an at-will employee of the Commission, and may be dismissed in accordance with the terms of their employment agreement.

ARTICLE 8 - BOARD OF DIRECTORS

1. Composition: The Board of Directors shall consist of the following:
 - a. Executive Committee (3 members):
 - i. Chairman
 - ii. Vice Chairman
 - iii. Secretary voting authority to another RLUAC
 - b. Director (6 at-large):
 - i. Two at-large directors shall be voting representatives of Regular Members
 - ii. Four of the at large directors may be appointed from the Regular Member category, the Associate Member Partner Organization, or Individual Member categories.
 - c. Ex-Officio Director (3):
 - i. The Chairman of the Board of Directors may appoint up to three (3) additional members from any membership category to serve as non-voting members of the Board of Directors.
2. Elections: The Executive Committee shall serve as the nominating committee, establishing a slate of Officers and Directors for submission to the full Commission by May 1st of each even numbered year. The slate of officers shall be approved by the voting representatives at a regular meeting of the Commission in May of each even numbered year. If the slate of officers is not approved, open nominations will be considered for each position until each of the officers and directors are approved by the voting representatives.
3. Terms: The Board of Directors shall serve for two-year terms and may serve a maximum of three (3) consecutive terms if re-elected by the Commission (additional terms of office shall be permitted following a break in service of one term). Terms of office shall begin on July 1 of

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each odd numbered year, and shall continue until such time as their successors are appointed and assume office.

4. Meetings of the Executive Committee shall be called as necessary by the Chairman or Vice Chairman to plan agendas for the Commission and to deliver decisions on matters of importance when it is impractical to convene a special meeting of the Commission.
5. Meetings of the Board of Directors shall be open to the public.
6. A quorum must be present for the Board of Directors to vote. A quorum consists of a majority of the current voting membership of the Board.

ARTICLE 9 - COMMITTEES

1. The Board of Directors is authorized to form committees to carry out specialized tasks or projects, as deemed necessary and appropriate by the Board.
2. The term of the committee shall be set by the Board of Directors at the time of its formation. Standing committees are authorized, and any committee may be dissolved upon an affirmative vote of the Board of Directors.
3. Each committee shall consist of either three (3) or (5) members, at the discretion of the Board of Directors.
4. At least one member of the Board of Directors shall be appointed to serve on each committee.
5. The Chairman of the Board of Directors shall appoint and remove members of each committee, subject to the consent of the other two members of the Executive Committee. In the event of a disagreement on the appointment (removal) of an individual to a committee by the members of the Executive Committee, the matter of the appointment shall be voted on by the full Board of Directors.
6. Appointment to a committee shall be open to any voting or non-voting representative serving on the Commission.
7. Terms of appointment for representatives to a committee shall be two (2) years. Successive appointments shall be permitted, without limitation.
8. The Chairman of the Commission shall appoint an individual who is a member designated by of the Board of Directors to serve as the Chairman of each committee.
- 5-9. Committees shall meet as needed. Meetings shall be called by the Chair of each committee. Electronic communication for committee meetings shall be authorized, provided that voting member in writing to the Corporation, a record is kept of such communication.

ARTICLE 10 REMUNERATION

~~Members of the Commission may be reimbursed for their expenses by their appointing body in accordance with that body's policies and procedures.~~

ARTICLE 11 – AMENDMENTS

1. These Bylaws may be amended by upon an affirmative vote of the full Commission, subject to approval by the governing bodies of the Regular Members of the Commission.
- ~~1. The affirmative vote of two-thirds of all voting members present, provided all the governing bodies of the Regular Members of the Commission is required to approve amendments conform to established policies and law.~~

Bylaws

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~~2. Two-thirds of the appointing bodies must approve to~~ the Bylaws ~~and all changes.~~

~~2.3.~~ Two-thirds of the ~~appointing~~ Regular Member governing bodies can amend or revise the Bylaws without approval of the Commission.

ARTICLE ~~12~~11 - DISSOLUTION

Two-thirds of the ~~appointing~~ Regular Member governing bodies, as appointing ~~authority~~ authorities, can reorganize or dissolve the Commission ~~without advance notice~~ at their discretion; however, the Commission shall continue in existence as long as two (2) or more local government signatories retain active membership.

ARTICLE ~~13~~12 - RULES

Robert's Rules of Order Revised shall govern the conduct of meetings, unless modified by the voting ~~members~~representatives.

ARTICLE ~~14~~13 - REPORTS

~~Minutes~~Electronic copies of the minutes of meetings shall be provided to the voting representatives of Regular Members in advance of the next regular meeting. ~~Copies of the minutes of all meetings shall also be mailed to the appointing authority.~~

~~Adopted~~Amended this ~~13~~th ___ day of ~~January, 2005~~_____, 2021.

~~Timothy McNeill,~~_____, Chairman



DATA SHEET FOR APPOINTMENT TO
COMMITTEES, COMMISSIONS
AND BOARDS

COMMITTEE, COMMISSION, OR BOARD IN WHICH INTERESTED: Appearance Commission, any group involved in the beautification, maintenance or of the *preservation of the walkability of historic Southern Pines.*
NAME: Susan Ward TELEPHONE: 443.834.3643
ADDRESS: 575 Clark St. SoP EMAIL: sqward511@gmail.com

EDUCATIONAL BACKGROUND

B.S. Elementary Ed.
Masters - Reading Educ.

EMPLOYMENT

JOB TITLE: Retired
EMPLOYER: _____

CIVIC AND PROFESSIONAL ACTIVITIES: Volunteer - Sunrise Theater, SoP

PAST MEMBERSHIP IN ORGANIZATIONS AND OFFICES HELD: _____

ANY ADDITIONAL INFORMATION AND COMMENTS: Willing to get my hands dirty digging, planting, trimming, etc.

DATE: 10/7/2021 SIGNATURE: Susan Ward

PLEASE RETURN TO: Administration
125 SE Broad Street
Southern Pines, NC 28387
admin@southernpines.net



Your application will remain on file 12 months from the date of completion