



AGENDA

Tuesday, October 22, 2024: 3:00 PM

Town Council Work Session

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

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

4. ACTION ITEMS

a. Approve Meeting Minutes for September 2024

Staff requests approval for the following meeting minutes:

- September 10, 2024, Town Council Business Meeting
- September 24, 2024, Town Council Work Session

b. Consider Appearance Commission Appointment

The Appearance Commission has a pending appointment for Council consideration: Kim Kaplan to serve the remainder of Lauren Cramer's unfulfilled term. Said term will expire 9/13/2025.

c. Consider Historic District Commission Appointment

The Historic District Commission has an opening due to a member moving away: appoint Sarah Farrell to serve the remainder of Michelle Peele's unfulfilled term. Said term will expire 7/12/2025.

d. Consider RD-01-24: Offer of Dedication for Carolina Green Parkway

Midland Southern Pines Retail, LLC and others are petitioning the Town of Southern Pines to accept an offer of dedication for Carolina Green Parkway from West Morganton Road to US Highway 15-501.

e. Consider SU-03-24: Written Decision for Simon Property

Staff has prepared a draft Written Decision for application SU-03-24 for the Town Council's review and approval. The Special Use Permit is for the expansion of a non-conformity (multiple accessory structures without a primary land use) on the Simon property at 148 S. Hardin St.

f. Consider MAPP-01-24: Written Decision for Hyland Hills Townhomes Major Subdivision

Staff has prepared a draft Written Decision for application MAPP-01-24 for the Town Council's review and approval. The Major Subdivision Preliminary Plat is for Hyland Hills Townhomes.

g. Consider MAPP-02-24: Written Decision for Clark Street Townhomes Major Subdivision

Staff has prepared a draft Written Decision for application MAPP-02-24 for the Town Council's review and approval. The Major Subdivision Preliminary Plat is for Clark Street Townhomes.

h. Resolution #1098 - Direct the Town Clerk to investigate the sufficiency of the petition and certify the result, per NCGS 160A-31(c).

RAB Investments, LLC. has submitted an application for annexation of 2 tracts of land totaling approximately +/- 2.64 acres of land.

i. Consider Ordinance #3085 for Memorial Park Skatepark Rules

ORDINANCE #3085: With the skate park scheduled to open in December, NCGS mandates that the Town must adopt certain rules governing safety equipment and liability. Staff has prepared the necessary code updates for consideration on the October 22nd agenda.

5. COUNCIL UPDATES AND DISCUSSION

a. Skateboard/Pedestrian District Discussion

In fall 2021, Council also considered two community requests regarding enforcement of skateboarding on public streets and in the downtown district. The skatepark project began to emerge at the same time and the Council agreed to postpone any further action until the skatepark opened. Staff will share the recommended approach if Council wishes to pursue this further.

b. Lead and Copper Rule

Staff will discuss recent changes to the EPA's Lead and Copper Rule.

c. Planning Department Update

Staff will update Council on applications advancing from the Planning Board to Council and discuss implementation efforts related to the 2040 Comprehensive Plan.

6. COUNCIL ROUNDTABLE

7. CLOSED SESSION

a. Town Manager's Annual Review

Council will hold a closed session as authorized in N.C.G.S. §143-318.11(a)(6) to discuss a personnel matter.

8. 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>



MINUTES

Tuesday, September 10, 2024: 6:00 PM

Town Council Business Meeting

E.S. Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

Mayor Clement called the meeting to order. The following members of Town Council were present: Mayor Taylor Clement; Bill Pate; Ann Petersen; Debra Gray; and Brandon Goodman.

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

- The Carolina Parkway dedication is on hold until N.C.D.O.T. accepts maintenance of the traffic signals.

- The transfer of watershed credits has not yet been approved by the County due to their meeting was delayed. The meeting is now scheduled for October and no issues are foreseen.

Councilmember Petersen questioned the Airport Road resolution to lower the speed limit. If the Village of Pinehurst does not agree to request the same for their section of Airport Road, then can we still proceed with the request for a section of Airport Road that belongs Southern Pines? After discussion, the Council requested that Item 6c be removed from the Agenda and moved to next month.

a. Adoption of Agenda

Mayor Pro Tem Pate moved to approve the Consent Agenda for today's September 10th Council Meeting with the removal of Item 6c, seconded by Councilmember Gray; the vote was unanimous. Motion passed.

4. PRESENTATIONS

a. Sprucing Up Southern Pines Awards

The 2024 winners of the Sprucing Up Southern Pines program, organized by the Appearance Commission, have been invited for recognition.

Cynthia Dowdy of the Appearance Commission recognized the commission members that were present and then proceeded to give background information regarding the Sprucing Up Southern Pines Awards. Ms. Dowdy then announced the winners of this year's awards while Mayor Clement congratulated each individually.

5. PUBLIC COMMENTS

Tom Lily of 103 Boswell Place, shared a traffic safety concern regarding a section of Airport Road from Knoll Rd to the Airport Road traffic circle. Mr Lily believes the existing speed and traffic volume create unsafe traffic conditions and proposes that the speed limit be reduced.

John McNerny of 460 Crest Road, appreciates the notation on the agenda identifying which public hearings are quasi-judicial. Mr. McNerny would also like to ask that town staff refrain from planting pine trees between the sidewalk and the road or in a center median as he feels there is not enough room for the trees to properly mature in such locations.

6. CONSENT AGENDA

Mayor Pro Tem Pate moved to approve the Consent Agenda with the removal of Item 6c, seconded by Councilmember Petersen; the vote was unanimous.

Motion passed.

a. Budget Amendments

Amendments to the 2024-25 FY Budget.

b. Joint Resolution on Inter-local Agreement with Moore County

Authorizing an Inter-local Agreement for the transfer of Watershed Allocation Credits in the Little River II Intake Watershed from Moore County to Southern Pines as authorized by State Law.

c. Resolution Requesting that the NCDOT Decrease Speed Limits For A Portion of Airport Road

A request that the NCDOT decrease the speed limit of Airport Road between the Knoll Road intersection and Airport Traffic Circle from 45 to 35mph.

Item removed from Agenda by Council vote.

d. Ordinances to Amend Water and Sewer Connection Charges

- Regularly scheduled adjustment to tap fees per the CPI-U published in August, amounting to 5.2%
- Corrects typo in the fee schedule adopted with the Budget prior to calculation of the CPI-U adjustment
- Moves CPI-U window to April-April so that future adjustments may be made in conjunction with other fees at Budget adoption each year.

e. Resolution of Tentative Award for the Sewer Rehabilitation and Replacement Project ARPA Grant (Project # SRP-W-ARP-0248)

Resolution of Tentative Award for the Sewer Rehabilitation and Replacement Project ARPA Grant (Project # SRP-W-ARP-0248). This is a tentative award pending approval of the Division of Water Infrastructure, the agency administering the grant program.

f. Approve Meeting Minutes for August 2024

Staff has prepared the following meeting minutes for approval:

- August 13, 2024, Town Council Business Meeting Minutes
- August 27, 2024, Town Council Work Session Meeting Minutes

7. PUBLIC HEARINGS

a. PD-04-24: WNC8 Distribution Center (Quasi-Judicial Decision)

Patrick Theodossiou of SunCap Property Group and Bob Koontz of Koontz Jones Design have submitted a Planned Development District – Preliminary Development Plan application for the addition of a ±65,200 square-foot distribution center, including warehousing, office, and courier services, within the Southern Pines Corporate Park on a ±15.77-acre portion of the parcels identified as PINs 858200843785 and 858216941750

Mayor Clement opened the hearing.

Attorney Petersen, standing in for Town Attorney McCarley, qualified the Council.

Town Clerk Beth Robertson swore in the participants.

Senior Planner Alaina Mallette presented the application and staff report to the Council.

- Town Staff Report entered as Exhibit A.
- Town Staff Presentation entered as Exhibit B.
- NCDOT Exhibit Traffic Impact Analysis entered as Exhibit C.

Councilmember Petersen verified the pursuit of a Greenway Trail and discussion ensued.

Councilmember Petersen questioned the placement of sidewalks on Air Tool Drive, which Senior

Planner Mallette advised were a part of previous plans approved in 2007 and discussion ensued.

Councilmember Petersen asked Senior Planner Mallette to further explain two previously mentioned dates. Senior Planner Mallette shared that the applicant has agreed to a commitment date of September 2025 to have a Greenway Trail completed or some sort of financial surety in place.

The Applicant has also agreed to improve the bridge where Air Tool Drive crosses to Town standards.

Mayor Clement asked for confirmation that the church and industrial lots located within the development site are zoned Industrial existed previous to this development and Senior Planner Mallette confirmed this was the case, adding that there is a requirement for buffering between the new development and those previously existing lots.

Councilmember Petersen questioned if all the traffic from this development would come to and from Yadkin Road? Senior Planner Mallette stated that drivers will have access to continue in either direction on Air Tool Drive, and it is unknown whether they would all choose to continue to Yadkin or go the opposite way.

Councilmember Petersen again questioned the inclusion of the Greenway Trail in the plans and Mayor Clement questioned the timing of the inclusion of the trail with Senior Planner Mallette confirming that the Greenway Trail was added to the plans after the applicants' meeting with the Planning Board. Discussion ensued.

Bill Bryan, attorney of Morning Star Law Group in Durham, is representing the applicants. Mr. Bryan gave a brief overview of the application before introducing his expert witnesses:

- Bob Koontz of Koontz Jones Design as project manager.
- Nathan Ronburg, Traffic Engineer at Kimely Horn
- Franklin Dean, Appraiser at Village Appraisers, LLC
- Applicant Patrick Theodossiou of SunCap Property Group
- Ms Allison Brag of Kimely Horn, Civil Engineer and project co-designer
- Tyree Moore of SunCap Property Group

Mr. Bryan noted that while Mr. Dean's report is included in the staff report, the report is not complete and so will be entered into evidence again.

Mr. Bryan's materials are entered as Exhibit D

Mr. Theodossiou of SunCap Property Group addressed the Council to give a brief introduction of the project.

Mr. Koontz gave an overview of his qualifications and presented the preliminary plan and introduced his PowerPoint as Exhibit F.

Letter from JH Carter entered as Applicant Exhibit A. Councilmember Petersen expressed her displeasure with Mr. Carter not being present to answer questions.

Mayor Pro Tem Pate asked for verification that the Greenway Trail would connect to the sidewalks.

Attorney Petersen was asked to verify if the Applicant Exhibit A could be considered hearsay. After discussion, Attorney Petersen stated that the letter from JH Carter could be accepted to the extent that it was used to form Mr. Koontz's expert opinion.

Discussion ensued.

Mr. Ronberg presented his qualifications to the Council and then presented his traffic analysis report (TIA) entered as Applicant Exhibit B.

- Mayor Clement questioned the details surrounding the intersection at Air Toole Drive and discussion ensued.

Ms. Brag presented her qualifications to the Council and testified that there would be sidewalks installed on both sides of Air Tool Drive.

Discussion ensued.

Mayor Pro Tem Pate and Councilmember Petersen questioned how the data is obtained for the TIA.

Town Manager Parsons asked for clarification on the inclusion of a crosswalk and sidewalk on both sides of Air Tool Drive. After discussion, Mr. Theodossiou testified that they have no issue adding striping for a crosswalk across Air Tool Drive from sidewalk to sidewalk.

Discussion ensued regarding the NCDOT letter of recommendations received the previous day with Mr Romberg advising the Council that in the applicant has proposed a condition that states the applicant would agree to the necessary improvements once Town staff, NCDOT staff and the applicant have met to discuss further.

Planning Director Grieve asked Mr. Romberg to clarify an earlier statement that the proposed building had '72 bays' for trucks. Mr. Theodossiou stated that there are 72 queuing spaces for the bay doors, which is a fraction of that number. Mr. Romberg added that the data his report is based on comes from facilities of a similar size and use. This particular user avoids scheduled trips during peak hours to avoid unnecessary traffic impacts. Mayor Pro Tem Pate questioned what would happen if the user changed and Mr. Romberg stated that the analysis in that case actually showed less trips per hour and a reduction in traffic.

Mr. Dean presented his qualifications and reviewed the data in his report for the Council. Mr. Dean's report is entered into the record as Applicants Exhibit D. Mayor Clement questioned the impact on residential homes in the area.

Mayor Clement asked Mr. Ronberg to clarify the earlier discussion on vehicles exiting left versus right onto Air Tool Drive with Mr. Ronberg testified that the TIA assumed that 80% of the site trips would turn right onto Air Tool Drive and 45% of those then take the right to Yadkin. The user also specifies that an average of 4 box trucks and 14 eighteen-wheelers visit the site per day.

Mr Bryan presented the applicant's closing arguments.

Planning Director Grieve clarified the exhibit labels and Mr. Koontz's PowerPoint presentation is entered into the record as Applicants Exhibit F.

Discussion ensued on the differences between the 2007 and current greenway standards.

Mayor Clement closed the public hearing.

Council, the applicant and staff discussed modifications added and agreed to the conditions during the hearing.

Councilmember Goodman moved to adopt Attachment 1 of the staff report, as drafted, as Findings of Fact regarding the proposed Preliminary Development Plan PD-04-24, seconded by Mayor Pro Tem Pate; the vote was unanimous.

Motion passed.

Councilmember Goodman moved to approve the Preliminary Development Plan for PD-04-24 with the following additional conditions:

- Condition 1 - change the last sentence from "greenway trail may..." to "greenway trail shall at a minimum meet the 2007.."

- Add a crosswalk connecting the new sidewalk from new Access Road A across Air Tool Drive
- any conditions recommended by the final approved TIA after review and discussion by the Town of Southern Pines, NCDOT and the applicant will be implemented as described in the document and agreed between the parties.

Councilmember Gray seconded the motion and the vote was unanimous.

Motion passed.

8. ACTION ITEMS

a. AR-11-24 BHAWK Rickhouse #2

Mr. Bryan Welborn of Neal Smith Engineering, is requesting an Architectural Compliance Permit for construction of a second rickhouse at the Brad Halling American Whiskey Co. (BHAWK) whiskey distillery Planned Development, on behalf of the legal property owner, Brad Halling American Whiskey Co., LLC. The proposed construction of a 6,000 square-foot “rickhouse” is an addition to the existing campus.

Planning Director Grieve presented the application and staff report.

Discussion ensued.

Mayor Clement questioned if the applicant has to return for architectural review for each additional rickhouse even if they were all built with same features.

Jessica Halling of Cameron and co-owner of BHAWK addressed the Council, thanking them for their support. Mrs. Halling requested that the Town waive any further architectural reviews for the rickhouses with the understanding that they will not deviate substantially from the current design.

Councilmember Petersen moved to approve AR-11-24: BHAWK Rickhouse #2 to include Rickhouse B, C and D with the 2 deviations as written in the September 10, 2024, Town Council Staff Report and as shown on site plan ZP-13-21 provided that there are no further deviations from UDO 4.10.2. The motion was seconded by Mayor Pro Tem Pate and the vote was unanimous.

Motion passed.

9. ADJOURNMENT

Upon motion by Councilmember Goodman, seconded by Councilmember Petersen and carried unanimously, Council adjourned at 8:58 pm.

Motion passed.

Respectfully submitted:

Elizabeth Robertson, Town Clerk



MINUTES

Tuesday, September 24, 2024: 3:00 PM

Town Council Work Session

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

1. CALL TO ORDER

Mayor Clement called the meeting to order. The following members of Town Council were present: Mayor Taylor Clement; Bill Pate; Ann Petersen; Debra Gray and Brandon Goodman.

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons is not present due to the Annual ICMA conference.

Asst. Town Manager/Fire Chief Mike Cameron reviewed the agenda.

4. ACTION ITEMS

a. Consider PD-04-24: Written Decision for WNC8 Distribution Center PDP

Staff has prepared a draft Written Decision for application PD-04-24, WNC8 Distribution Center PDP, for the Town Council's review and approval.

Mayor Clement opened the discussion.

Mayor Pro Tem Pate moved to approve PD-04-24; Written Decision for WNC8 Distribution Center PDP, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

b. Ordinance #3078 - Directing the Housing Inspector to Remove or Demolish the Property Herein Described as Unfit for Human Habitation and Directing that a Notice be Placed Thereon that the Same Not Be Occupied Until Violations Remedied.

Staff is requesting approval for the demolition of an unsafe building at 1225 & 1245 Old U.S. 1 Hwy, Southern Pines

Mayor Clement opened the discussion.

Asst. Town Manager/Fire Chief Cameron reviewed the request of the Council.

Discussion ensued with Chief Cameron answering questions regarding procedure and expense.

Councilmember Goodman moved to adopt Ordinance #3078; Directing the Housing Inspector to Remove or Demolish the Property Herein Described (1225 & 1245 Old U.S. 1 Hwy) as Unfit for Human Habitation and Directing that Notice be placed Thereon that the Same Not Be Occupied Until Violations Remedied. The motion was seconded by Mayor Pro Tem Pate and the vote was unanimous.

Motion passed.

c. Ordinance #3079 - Directing the Housing Inspector to Remove or Demolish the Property Herein Described as Unfit for Human Habitation and Directing that a Notice be Placed Thereon that the Same Not Be Occupied Until Violations Remedied

Staff is requesting approval for demolition of an unsafe building at 312 S Gaines Street, Southern Pines.

Mayor Clement opened the discussion.

Asst. Town Manager/Fire Chief Cameron reviewed the request for the Council.

Councilmember Goodman moved to adopt Ordinance #3078; Directing the Housing Inspector to Remove or Demolish the Property Herein Described (312 S. Gaines St) as Unfit for Human Habitation and Directing that Notice be placed Thereon that the Same Not Be Occupied Until Violations Remedied. The motion was seconded by Mayor Pro Tem Pate and the vote was unanimous. Motion passed.

d. Ordinance #3080 - Budget Amendment to Water - Sewer Upgrade Capital Project Fund

Staff requests approval on this budget amendment, which was mistakenly left out of the Business Meeting packet.

Mayor Clement opened the discussion.

Asst. Town Manager/Fire Chief Cameron reviewed the request to the Council.

Mayor Pro Tem Pate moved to Adopt Ordinance #3080; Budget Amendment to Water-Sewer Upgrade Capital Project Fund, seconded by Councilmember Gray; the vote was unanimous. Motion passed.

e. Ordinance #3066 - Adopt Town Council Rules of Procedure

At the request of Council, Town Attorney Mac McCarley has Incorporated the Council's comments into a new draft set of procedural rules for the Town Council. He will discuss the proposed rules and next steps for adopting them, if desired by Council.

Town Attorney Mac McCarley presented the Ordinance to the Council.

Council discussed in length the Public Comment period rules and agreed that the following needed to be added to Rule 37(b) 'if more than ten (10) persons request to speak, then the council may add an additional Public Comment period at the end of the meeting.'

Mayor Pro Tem Pate moved to adopt Ordinance #3066 - Town Council Rules of Procedure as amended by adding a sentence in the 4th bullet of Rule 37(b), seconded by Councilmember Gray; the vote was unanimous. Motion passed.

f. Ordinance #3081 - Amend the Town Code of Ordinances, Chapter 96 - Solid Waste, Recycling & Yard Waste

Staff is requesting an amendment to the Town Code of Ordinances to reflect changes with the Town's trash and recycling program.

Mayor Clement opened the discussion.

Asst. Town Manager/Fire Chief Cameron reviewed the request to the Council.

Councilmember Gray moved to adopt Ordinance #3081; Amend the Town Code of Ordinances, Chapter 96 - Solid Waste, Recycling & Yard Waste, seconded by Councilmember Petersen; the vote was unanimous. Motion passed.

5. COUNCIL UPDATES AND DISCUSSION

Mayor Pro Tem Pate

- Congratulated Town Manager Reagan Parsons on 30 years of service as a Town Manager.
- Mentioned the following business openings:
 - * Sheetz on September 30th
 - * Target on October 13th

Mayor Clement

- Commended the Fire Department and staff for their work on the September 11th Remembrance Ceremony

- Has received several compliments for the Planning Department and Inspections Department

- The Moore County Chapter of D.A.R. celebrated their 100th anniversary on September 14th

- Met with the N.C.D.O.T. on September 17th regarding integrated mobility

- Attended the groundbreaking for the new Skatepark

- Shout out to the Recreation Department and Communications Specialist Gerald Ostlund for their campaign of handing out Southern Pines dog bandanna's to dog walkers obeying the leash laws around town.

- Noted the Eye Candy Gallery grand opening on September 28th

No other comments by councilmembers were voiced.

Chief Cameron advised the Council that citizens sharing their concerns regarding increasing traffic around the Episcopal Day School.

6. COUNCIL ROUNDTABLE

7. ADJOURNMENT

Upon motion by Councilmember Goodman, seconded by Councilmember Gray and carried unanimously, Council adjourned at 4:11 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk



DATA SHEET FOR APPOINTMENT TO COMMITTEES, COMMISSIONS AND BOARDS

COMMITTEE, COMMISSION, OR BOARD IN WHICH INTERESTED: The Apperance Commission and the Bike
and Pedestrian Advisory Committee

NAME: Kim Kaplan TELEPHONE: 304-482-3218

ADDRESS: 360 Tall Timbers Drive, Pinehurst 28374 EMAIL: 1kimkaplan@gmail.com

EDUCATIONAL BACKGROUND

Highest degree is an MBA. Undergrad degree in Hospital Administration, licsened as a Realtor in WV & NC
for 13+ years, Graduate of the Real Estate Institute, RN degree with 14 years in the ER and ICU,

EMPLOYMENT

JOB TITLE: Realtor , Kaplan Realty/Keller Williams Pinehurst

EMPLOYER: Self employed but under the umbrella of Keller Williams Pinehurst
(I moved here 2 years ago from Parkersburg, WV)

CIVIC AND PROFESSIONAL ACTIVITIES: I was VP of the WV Transporation Committee through the County
Commissionors office to help w/ design/construction of a greenway and a waterway, volunteered on many local
beautification projects in downtown Parkersburg, a member of The Parkersburg WV Bicycle Advisory Board ,

PAST MEMBERSHIP IN ORGANIZATIONS AND OFFICES HELD:
Parkersburg WV Art Center Board Member, Member of 'Women in Business' , President of a BNI Group (Business
Networking Internation Parkersburg Chapter), member of Junior League.

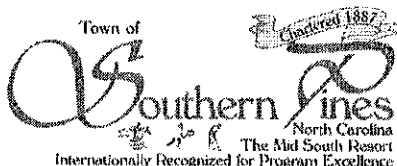
ANY ADDITIONAL INFORMATION AND COMMENTS:
President of a philanthropic non profit orgaizaiton that raised money for various orgaizations in the
Parkersburg area to assist in programing with a local childrens camp, the SPCA , Local Alzheimers Association
Chapter, etc. Help build barns and repair fencing for non profit organizations (horse rescue's) in Moore County.

DATE: _____ SIGNATURE: _____

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



**DATA SHEET FOR APPOINTMENT TO
COMMITTEES, COMMISSIONS
AND BOARDS**

COMMITTEE, COMMISSION, OR BOARD IN WHICH INTERESTED: Historic District Commission

NAME: Sarah Farrell TELEPHONE: 9106907183

ADDRESS: 545 E. Massachusetts Ave. EMAIL: sarah@theestateofthings.com

EDUCATIONAL BACKGROUND

B.A. Communication Studies

EMPLOYMENT

JOB TITLE: Project Manager, Realtor, Serial House Restorer

EMPLOYER: Self Employed

CIVIC AND PROFESSIONAL ACTIVITIES: _____

PAST MEMBERSHIP IN ORGANIZATIONS AND OFFICES HELD: _____

ANY ADDITIONAL INFORMATION AND COMMENTS: I'm a Moore Co. native and I've had a vested interest since 2004 in maintaining the integrity of preservation efforts and the historic architectural styles represented in our town that give it personality and charm. The emerging and now present challenge is to find the balance between new construction and development and preservation.

DATE: 4/7/24 SIGNATURE: Sarah Farrell

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

Agenda Item

To: Reagan Parsons, Town Manager

From: B.J. Grieve, Planning Director

Subject: RD-01-24: Petition for Acceptance of Carolina Green Parkway

Date: October 22, 2024

I. SUMMARY OF APPLICATION REQUEST:

Midland Southern Pines Retail, LLC is offering road improvements and right of way identified as Carolina Green Parkway for dedication to the Town of Southern Pines for ownership perpetual maintenance.

II. STAFF COMMENTS:

Legal property owner Midland Southern Pines Retail, LLC has submitted a Petition for Acceptance of Carolina Green Parkway. A copy of the Petition for Acceptance is attached to this memo.

Pursuant to §100.21 of the Code of Ordinances of the Town of Southern Pines, in order for a street in the Town of Southern Pines to be offered for dedication to the public, the street must be shown on a plat and submitted to the Town for approval.

A plat entitled “Minor Subdivision for Midland Southern Pines Retail, LLC, Tract A – 13.35 Acres, Tract D – 3.05 Acres, Tract E – 0.45 Acres and Right-of-Way for Carolina Green Parkway” showing the right of way for Carolina Green Parkway was recorded on July 29, 2024 at Plat Book 20, Page 401. A copy of the recorded plat is attached to this memo.

The Town Engineer and Planning Director have inspected and approved construction of all required portions of Pine Ridge Parkway, including street surfaces, curbs, sidewalks, streetlights and landscaping.

Staff has prepared a resolution accepting the offer of dedication for Town Council’s consideration. A copy of the resolution prepared by staff is attached to this memo.

Figure 1: Vicinity and Zoning Map

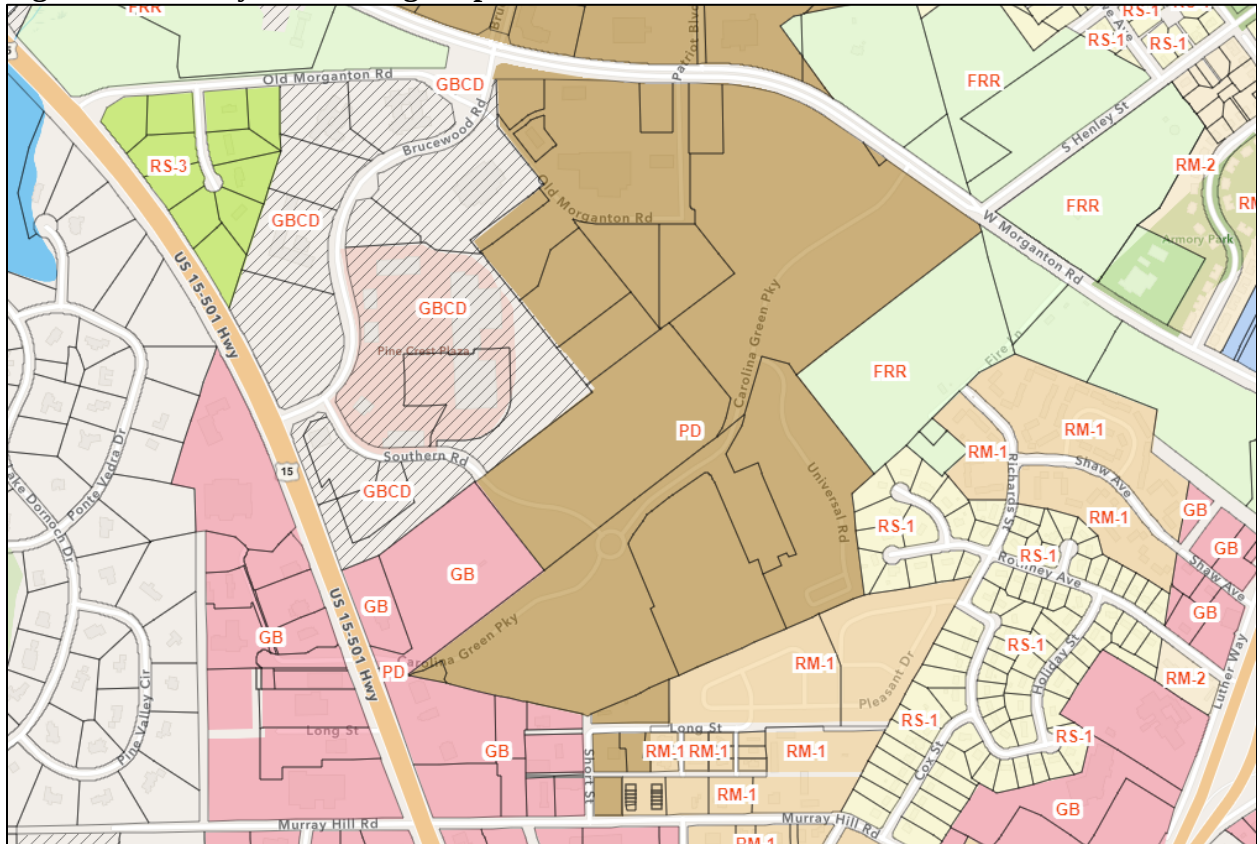


Figure 2: Carolina Green Parkway (South End, Looking North) – October 12, 2024



Figure 3: Carolina Green Parkway (North End, Looking South) – October 12, 2024



III. ATTACHMENTS:

1. Petition for Acceptance of Carolina Green Parkway
2. Minor Subdivision Plat
3. Draft Resolution Accepting Offer of Dedication

IV. TOWN COUNCIL ACTION:

In accordance with GS §160A-374, the Town Council must approve by Resolution any offer of dedication that is within its subdivision regulation jurisdiction. The Town Council shall vote on whether the offer of dedication complies with GS §160A-374 and Town Code of Ordinances §100.20-100.27. The Town Council may choose one of the following motions or any alternative they wish:

I move to:

1. Approve the Resolution Accepting Offer of Dedication RD-01-24 for Carolina Green Parkway;
2. Deny the Resolution Accepting Offer of Dedication RD-01-24 for Carolina Green Parkway; or
3. take some other action.

MIDLAND SOUTHERN PINES RETAIL, LLC
a Delaware limited liability company

“Petitioner”

THE TOWN OF SOUTHERN PINES
a North Carolina municipal corporation

The “Town”

**PETITION FOR ACCEPTANCE OF
CAROLINA GREEN PARKWAY
INTO THE TOWN OF SOUTHERN
PINES’ STREET MAINTENANCE
PROGRAM**

Petitioner, Midland Southern Pines Retail, LLC, a Delaware limited liability company has constructed Carolina Green Parkway (the “Parkway”) over land that is either: (i) owned in fee title by Petitioner or (ii) subject to easement agreements in favor of Petitioner giving Petitioner the right to construct the Parkway and dedicate such Parkway to the Town. All of the parties that own fee title to the land comprising the newly constructed Parkway have executed that certain Minor Subdivision for Midland Southern Pines Retail, LLC recorded July 29, 2024 in Plat Cabinet/Book 20, Slide/Page 21 of the Moore County Register of Deeds which is attached hereto as Exhibit A (the “Plat”). Petitioner has constructed the Parkway in connection with a new retail development adjacent to the Parkway. Petitioner has recorded the Plat showing the location of the Parkway as a public right of way to connect U.S. Highway 15-501 to Morganton Road. Pursuant to the Town of Southern Pines Unified Development Ordinance (UDO) Section 4.11.14(A) the recording of a plat with streets or rights of way listed as public shall constitute an offer of dedication of such streets or rights of way. In furtherance thereof, Petitioner herewith confirms the offer of dedication of the Parkway pursuant to the Plat which is attached hereto as Exhibit A. Petitioner herewith petitions the Town to accept the dedication of the Parkway.

In support of the petition and pursuant to Section 100.20-27 of the Town's Code of Ordinances, Petitioner represents to the Town the following:

1. That Petitioner owns or has easements on the portions of land over which the Parkway exists and the completed Parkway is, pursuant to the Plat and herewith, being offered for dedication to the Town, and as such, Petitioner has the legal right to offer this Petition;

2. That the Parkway as shown on the Plat has been constructed by Petitioner to the Town's construction standards and the Town's Public Works Department has confirmed same; and

3. That there are no liens of any nature against any of the rights of way or streets comprising the Parkway, except for those that will be paid off and released as part of the dedication and acceptance of the Parkway.

WHEREFORE, Petitioner respectfully requests the Town to (1) accept the Parkway within the public right of way as shown on the Plat and (2) upon such acceptance, to thereafter maintain the streets comprising the Parkway.

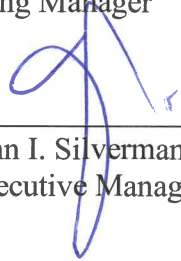
This the 13th day of August, 2024.

PETITIONER:

MIDLAND SOUTHERN PINES RETAIL, LLC
a Delaware limited liability company

By: Midland Southern Pines Venture Partners,
LLC
a Delaware limited liability company
its Sole Member

By: MAP Pine Ridge, LLC
an Ohio limited liability company
its Operating Manager

By: 

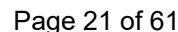
John I. Silverman
Executive Manager

EXHIBIT A

The Plat

[see attached]

0102939.0739970 4887-3996-4613v4





RESOLUTION #1099
THE TOWN OF SOUTHERN PINES TOWN COUNCIL OFFICIALLY ACCEPTING
OFFER OF DEDICATION TO THE PUBLIC FOR THE
CAROLINA GREEN PARKWAY
RD-01-24

WHEREAS, the Town of Southern Pines has subdivision regulation jurisdiction over the land on which Carolina Green Parkway is located; and

WHEREAS, Carolina Green Parkway is currently a privately-maintained street; and

WHEREAS, pursuant to §100.21 of the Code of Ordinances of the Town of Southern Pines, North Carolina, a plat entitled “Minor Subdivision for Midland Southern Pines Retail, LLC, Tract A – 13.35 Acres, Tract D – 3.05 Acres, Tract E – 0.45 Acres and Right-of-Way for Carolina Green Parkway” and recorded in Plat Book 20 Page 401 depicts the right of way of Carolina Green Parkway (Exhibit A); and

WHEREAS, the aforementioned plat depicts the accurate location of street boundary lines, ownership of adjacent properties and adjacent and intersecting streets; and

WHEREAS, North Carolina General Statutes §160A-374 allows any city council to accept by resolution any offer of dedication made to the public of lands for streets when the lands are located within its subdivision-regulation jurisdiction; and

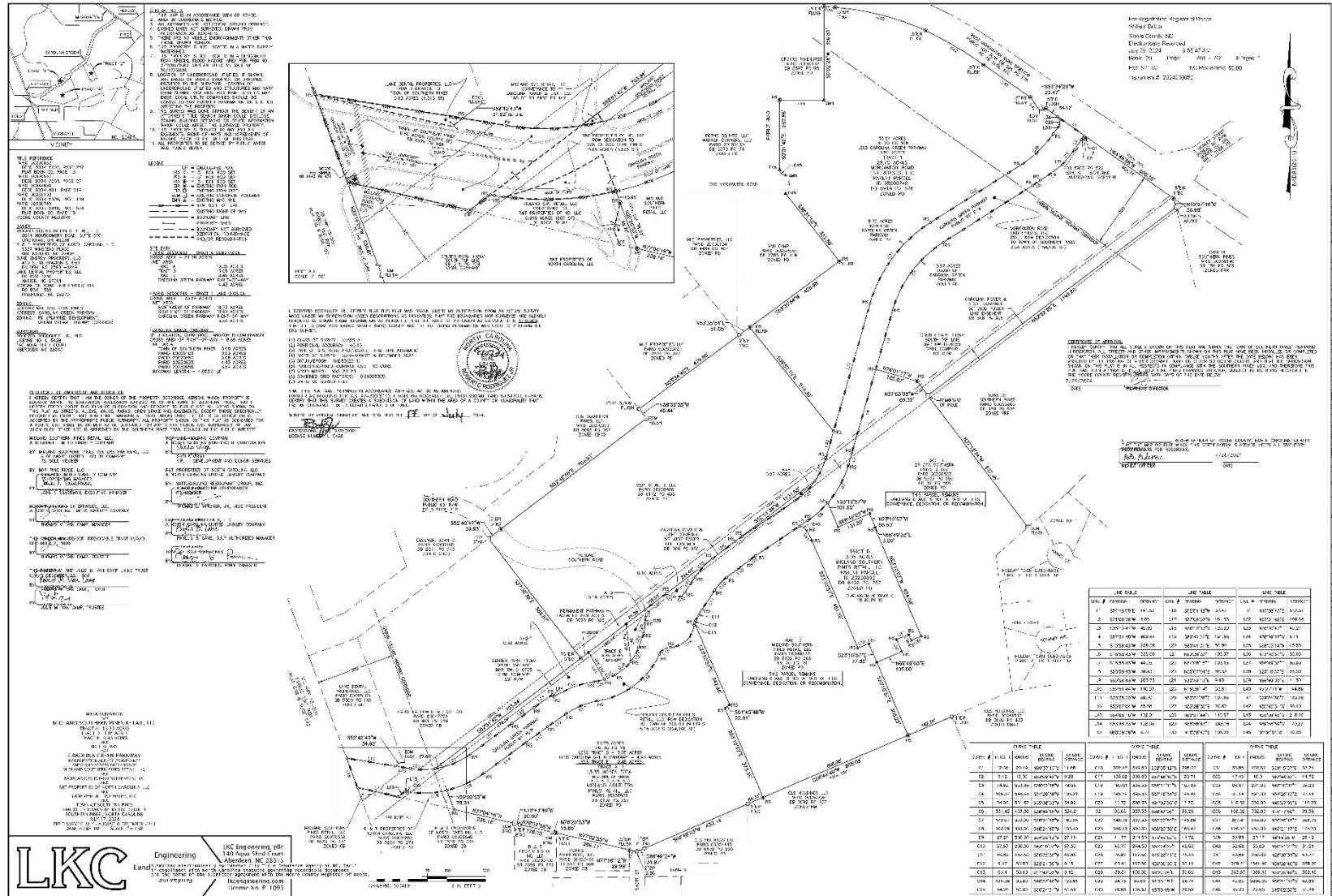
WHEREAS, the construction of all required portions of Carolina Green Parkway, including street surfaces, curbs, sidewalks, street lights and landscaping, is complete and the Town Engineer and Planning Director have inspected and approved construction.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines that the Town of Southern Pines hereby accepts for ownership, operation and maintenance the Carolina Green Parkway right of way as depicted on Plat Cabinet 20, Slide 401 as shown on Exhibit A attached hereto.

Adopted this 22nd day of October 2024.

I certify that this Resolution was adopted by the Town Council of the Town of Southern Pines at its meeting on October 22, 2024, as shown in the Minutes of the Town Council meeting for that date.

Elizabeth Robertson, Town Clerk

Exhibit A

Agenda Item

To: Reagan Parsons, Town Manager

From: Alaina Mallette, Senior Planner

Subject: SU-03-24 Request to Expand a Nonconforming Site to Add Personal Storage Building at 148 South Hardin Street: Owner/Applicant: Orbia and Elaine Simon

Date: October 22, 2024

I. PURPOSE

Per UDO §2.14.6(F)(11), “A written decision must be approved for every quasi-judicial application, either by entering the decision at the end of the hearing or at a subsequent meeting of the hearing body, which shall generally be the next scheduled meeting. As part of the written decision, the hearing body must make findings of fact and conclusions as to applicable standards and any conditions. The chair may direct the planning director or town attorney to draft a written decision for approval by the hearing body at its next regularly scheduled meeting, which approval may be on a consent agenda.”

Planning staff has prepared a draft of the written decision of the Town Council’s approval of application SU-03-24 that was heard by the Town Council on October 8, 2024, that the Town Council may now wish to adopt. If the Town Council approves the drafted written decision, the Mayor will sign the document. The original signed version will be delivered to the applicant, authorized agent, and property owner with Planning staff and the Town Clerk maintaining copies of the signed document for their respective files.

II. SUMMARY OF APPLICATION REQUEST

Orbia and Elaine Simon, property owners and applicant, submitted a request to expand a nonconforming site, per UDO Section 7.1.8, which does not have a principal building (i.e., solely, accessory buildings). The proposed personal storage building is intended to store the owners’ personal belongings. The application included a narrative and images of the proposed storage structure. The subject parcel is identified as PIN 857200927322 (PARID 00031796) and is located at 148 S Hardin Street.

III. TOWN COUNCIL EVIDENTIARY HEARING AND ACTION

A public evidentiary hearing regarding the proposed Special Use Permit was opened on October 8, 2024. The oath was administered to all witnesses choosing to speak. Planning staff entered the October 8, 2024, staff report as Exhibit A and staff’s October 8, 2024, presentation as Exhibit B. The applicants (i.e., Orbia and Elaine Simon) and Planning Director BJ Grieve each provided testimony. After closing the hearing, the Town Council voted 4-0 to adopt Attachment 1 of the staff report as Finding of Facts. The Town Council then voted 4-0 to approve SU-03-23 with no conditions.

IV. ATTACHMENTS

1. Written Decision of the Board: SU-03-24

V. TOWN COUNCIL ACTION

The Town Council may wish to take one of the following actions.

I move to...

1. Take no action;
2. **Accept the Written Decision for SU-03-24 as prepared by the Town staff;**
3. *(An action listed above)* with the following conditions...; or
4. *(Action not listed above)*



CASE NUMBER: SU-03-24

**FINDINGS OF FACT, DECISION OF THE COUNCIL, AND ORDER IN THE MATTER
OF A SPECIAL USE PERMIT REQUEST TO EXPAND A NONCONFORMING SITE
AT 148 SOUTH HARDIN STREET**

DESCRIPTION OF MATTER

Orbia and Elaine Simon, property owners and applicant, submitted a request to expand a nonconforming site, per UDO §7.1.8, which does not have a principal building (i.e., solely, accessory buildings). The proposed personal storage building is intended to store the owners' personal belongings. The application includes a narrative and images of the proposed storage structure. The subject parcel is identified as PIN 857200927322 (PARID 00031796) and is located at 148 S Hardin Street.

A public evidentiary hearing regarding the proposed Special Use Permit amendment was opened on October 8, 2024. The oath was administered to all witnesses choosing to speak. Planning staff entered the October 8, 2024, staff report as Exhibit A and staff's October 8, 2024, presentation as Exhibit B. The applicants (i.e., Orbia and Elaine Simon) and Planning Director BJ Grieve each provided testimony. After closing the hearing, Town Council discussed and voted on the draft findings of fact and final decision. Detailed discussion during the evidentiary hearing can be found in the meeting minutes on record in the Town Clerk's office and online.

FINDINGS OF FACT

1. The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Special Use Permit approval has fully met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Special Use Permit, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.
2. The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criterion A (i.e., the proposed special use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations), in that no evidence of discrepancies with the applicable provisions of the UDO (i.e., UDO §3.6.4 WSPO, UDO §3.6.8 WPO, UDO §3.5.11 and Exhibit 3-11 OS district standards, UDO Exhibit 4-1 Dimensional Standards, and UDO §5.3 Accessory Uses) has been identified.
3. The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criterion B (i.e., the proposed special use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the

immediate vicinity for the purposes already permitted), in that the 2040 Comprehensive Plan calls for this area to be commercially or civically activated with civic, retail, or institutional land uses. The request does not call for commercial or civic development, but expands the total square footage of non-principal residential structures. This request would not preclude future commercial and civic development consistent with the 2040 Comprehensive Plan's vision for this property.

4. The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criterion C (i.e., adequate public facilities shall be provided as set forth herein), in that the site is adequately served by water and sewer main lines on S. Hardin Street.
5. The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criterion D (i.e., the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood), in that no evidence regarding impacts on adjacent property values nor orderly development was submitted into the record. Therefore, the Town Council has not identified any issues that would impede orderly development of surrounding properties.
6. The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criterion E (i.e., the establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare), in that no evidence was submitted nor identified showing health, safety, comfort, or general welfare impacts.
7. The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criterion F (i.e., the public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use), in that no individual testimony was identified to outweigh public interest and welfare for the expansion of accessory structure square footage on the non-conforming lot.
8. The Town Council finds that the application complies with UDO §7.1.8(B) Criteria for the Expansion of a Non-Conformity, Criterion 1 (i.e., the termination of such non-conformity will result in unnecessary hardship), in that the Applicants would need to construct a dwelling unit or other principal use to bring the site into compliance. Construction of a principal land use would require additional design and permitting processes, which is the reasoning for the Applicant's request to expand the non-conforming lot's accessory uses.
9. The Town Council finds that the application complies with UDO §7.1.8(B) Criteria for the Expansion of a Non-Conformity, Criterion 2 (i.e., the continuation of the non-conformity will not be contrary to the public interest), in that no evidence was presented regarding any significant adverse impacts to public interest.
10. The Town Council finds that the application complies with UDO §7.1.8(B) Criteria for the Expansion of a Non-Conformity, Criterion 3 (i.e., the continuation of the non-conformity will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district), in that, as an accessory use, the site will still have space for a conforming

principal use, therefore, the proposed accessory structure is not likely to permanently injure the uses of adjacent properties.

11. The Town Council finds that the application complies with UDO §7.1.8(B) Criteria for the Expansion of a Non-Conformity, Criterion 4 (i.e., the use will be in harmony with the spirit and purpose of these regulations and the Comprehensive Plan goals, objectives, and policies), in that the subject property is located within a proposed Neighborhood Activity Center. The proposed accessory residential structure would not preclude future commercial and civic development consistent with the 2040 Comprehensive Plan's vision for this property.
12. The Town Council finds that the application complies with UDO §7.1.8(B) Criteria for the Expansion of a Non-Conformity, Criterion 5 (i.e., the plight of the Applicant for which the continuation of the non-conformity is sought is due to unique circumstances existing on the property and/or within the surrounding district), in that the ownership of the property is unique in that the property owners do not reside on the property and the original dwelling unit has since been removed leaving only accessory structures remaining.
13. The Town Council finds that the application complies with UDO §7.1.8(B) Criteria for the Expansion of a Non-Conformity, Criterion 6 (i.e., the continuation of the non-conformity will not substantially weaken the general purposes of this UDO or the regulations established for the applicable zoning district), in that no evidence was submitted nor identified showing that the UDO and district purposes would be weakened with development of the proposed storage shed for personal residential use.
14. The Town Council finds that the application complies with UDO §7.1.8(B) Criteria for the Expansion of a Non-Conformity, Criterion 7 (i.e., the continuation of the non-conformity will not adversely affect the public health, safety, and welfare), in that no evidence was submitted nor identified showing negative health, safety, comfort, or general welfare impacts.
15. The Town Council finds that the application complies with UDO §7.1.8(B) Criteria for the Expansion of a Non-Conformity, Criterion 8 (i.e., mere financial hardship caused by the cost of meeting the requirements of the UDO does not constitute grounds for finding that compliance is not reasonably possible), in that the Applicant has not claimed any financial hardship as a basis for the request.

CONCLUSION AND DECISION

Therefore, by a vote of 4-0 (with the fifth councilmember absent), the Town Council voted to approve Special Use Permit SU-03-24 with no conditions of approval.

This is the 22nd day of October, 2024.

FOR THE TOWN COUNCIL:

Taylor Clement, Mayor

Agenda Item

To: Reagan Parsons, Town Manager

From: BJ Grieve, Planning Director
James Broadwell, Planner I

Subject: MAPP-01-24: Major Subdivision Preliminary Plat for Hyland Hills Townhomes, on ±2.42 acres on the West side of Dover Street and the North Side of Hyland Hills Road; Petitioner: Mr. Trevor Hansen, on behalf of Moore HL Properties, Inc.

Date: October 22, 2024

I. PURPOSE

Per UDO §2.14.6(F)(11), “A written decision must be approved for every quasi-judicial application, either by entering the decision at the end of the hearing or at a subsequent meeting of the hearing body, which shall generally be the next scheduled meeting. As part of the written decision, the hearing body must make findings of fact and conclusions as to applicable standards and any conditions. The chair may direct the Planning Director or Town Attorney to draft a written decision for approval by the hearing body at its next regularly scheduled meeting, which approval may be on a consent agenda.”

Planning staff have prepared a draft of the written decision of the Town Council’s approval of application MAPP-01-24 that was heard by the Town Council at the regular meeting on October 8, 2024 that the Town Council may now wish to adopt. If the Town Council approves the drafted written decision, the Mayor will sign the document. The original signed version will be delivered to the applicant, authorized agent, and property owner with Planning staff and the Town Clerk maintaining copies of the signed document for their respective files.

II. SUMMARY OF APPLICATION REQUEST

Mr. Trevor Hansen of Koontz Jones Design, LLC, on behalf of Moore HL Properties, Inc., submitted a Major Subdivision Preliminary Plat application pursuant to the Town of Southern Pines Unified Development Ordinance (UDO) §2.20. The plat intends to subdivide the three parent tracts into 24 townhomes with a homeowners’ association. The parent tracts are presently a natural wooded area. The subject property is located on Hyland Hills Road and Dover Street. Per the Moore County tax records, the property is identified as PARID 00035711, 20190609, and 00991774, which comprises 2.42 acres, and is owned by Moore HL Properties, Inc.

III. TOWN COUNCIL EVIDENTIARY HEARING AND ACTION

A public evidentiary hearing regarding the proposed Major Subdivision Preliminary Plat (MAPP) for the Hyland Hills Townhomes was called to order with four members present on October 8, 2024. The oath was administered to all witnesses choosing to speak. Planning staff entered the October 8, 2024, staff report as Exhibit A and staff’s October 8,

2024 presentation as Exhibit B. The authorized agent, Mr. Trevor Hansen, entered their presentation as Exhibit C. After closing the hearing, Town Council discussed and voted on the draft findings of fact.

After detailed discussion on topics including, but not limited to, the implications of a red-cockaded woodpecker study, the fundamental need and constraints of highway buffers for this project, and Dover Street improvements, the Town Council voted 3-1 to adopt with conditions Attachment 1 of the staff report as Finding of Facts. The Town Council then voted 3-1 to approve MAPP-01-24 as presented at the October 8, 2024 Town Council Meeting. Councilman Goodman moved to adopt and Councilwoman Gray seconded both motions.

IV. ATTACHMENTS

1. Written Decision of the Board: MAPP-01-24

V. TOWN COUNCIL ACTION

The Town Council may wish to take one of the following actions.

1. No action;
2. Accept the Written Decision for MAPP-01-24 as prepared by the Town staff;
3. An action listed above with the following conditions...; or
4. Action not listed above...



CASE NUMBER: MAPP-01-24

**FINDINGS OF FACT, DECISION OF THE BOARD, AND ORDER IN THE MATTER
OF A MAJOR SUBDIVISION PRELIMINARY PLAT APPLICATION FOR THE
HYLAND HILLS TOWNHOMES**

DESCRIPTION OF MATTER

Mr. Trevor Hansen, on behalf of Moore HL Properties, Inc., submitted a Major Subdivision Preliminary Plat application pursuant to the Town of Southern Pines Unified Development Ordinance (UDO) §2.20 for 24 townhomes on 2.42 total acres on parcels identified as PARID 00035711, 20190609, and 00991774. The developer plans to accomplish this project in two phases. Per the Moore County tax record, the subject property is owned by Moore HL Properties, Inc.

A public evidentiary hearing regarding the proposed Major Subdivision Preliminary Plat (MAPP) for the Hyland Hills Townhomes was called to order with four members present on October 8, 2024. The oath was administered to all witnesses choosing to speak. Planning staff entered the October 8, 2024 Staff Report as Exhibit A and staff's October 8, 2024 presentation as Exhibit B. The authorized agent, Trevor Hansen of KoontzJones Design, entered their presentation as Exhibit C. After closing the hearing, Town Council discussed and voted on the draft findings of fact. Detailed discussion during the evidentiary hearing can be found in the meeting minutes on record in the Town Clerk's office and online.

FINDINGS OF FACT

1. The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for the Major Subdivision Preliminary Plat approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Preliminary Plat, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.
2. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 1 (the application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities) in that the townhomes will provide additional housing diversity in the area. The proposed subdivision is also consistent with the General Framework Map and Conservation and Development Maps, which each categorize the site as an Area to Enhance and Neighborhood within the town's extraterritorial jurisdiction. The open space will serve the community by preserving natural character and buffering between residential zones and a major highway. The applicant will improve Dover Street to NCDOT and town standards, and the Moore County

Public Works Department will install a water and sewer framework. Therefore, the project is also consistent with its surrounding open space, street, and utility plans.

3. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 2 (the proposed subdivision complies with the UDO and applicable state and federal regulations) in that once the project receives a Watershed Exemption Allocation it will comply with UDO Exhibit 3-14. By consulting with US Fish and Wildlife to conduct a Red Cockaded Woodpecker analysis and modifying the Hyland Hills site plan accordingly if necessary, the development will comply with federal Endangered Species Act regulation. Given the UDO requirements for 50' highway yard and 15' side yard buffers, the unique layout of the parcels, and the challenge imposing a 50' highway yard buffer will involve, buffer modification (pursuant to UDO §4.3.8) as depicted on the Preliminary Plat is appropriate. Employing a deed of easement for buffer area that overlaps with private lots is also appropriate to ensure the buffer's longevity.
4. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 3 (the proposed Subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property) in that the 24 townhome lots and their respective dimensions meet density standards. RM-1 zoning standards call for 10-12 units per acre and this site is 2.42 acres, which is well within the prescribed density. The unique layout of the site also makes for an equally unique access plan. By making one alley access from Dover Street and the other from Hyland Hills Road, the circulation plan will minimally impact adjacent properties.
5. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 4 (the proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties) in that the project improves the entirety of Dover Street and timely installs landscaping buffers to protect privacy. The applicant will improve asphalt thickness to NCDOT standards and access width to the Town of Southern Pines standards (pursuant to NCGS 160D-804 and UDO §4.11.14). This ensures the increased vehicle traffic resulting from the project doesn't further erode Dover Street. Installing HOA controlled 15' side yard buffers prior to issuing final plats will ensure the development's coexistence with adjacent residential properties. The buffers mitigate the negative impact to adjacent properties' privacy and viability. Restricting the use of a bond or extension of compliance for the side yard buffers will ensure this mitigation measure is in place prior to vertical construction.
6. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 5 (the proposed public facilities are adequate to serve the normal and emergency demands of the proposed development, and to provide for the efficient and timely extension to serve future development) in that the proposed utility plan adequately meets water, fire flow, and sewer requirements. Utility development in the manner proposed, though installed by an outside agency, is consistent with town standards and will serve this part of the community efficiently and adequately. The 10-inch fire flow connection is also adequate to serve emergency demands.

CONCLUSION AND DECISION

Therefore, by a vote of 3-1, the Town Council voted to approve with conditions the Hyland Hills Townhomes MAPP-01-24 with the following additional conditions:

Condition 1 – Improve Dover Street

- The project developer shall execute two improvements to the entirety of Dover Street:
 1. Pave asphalt to the current NCDOT thickness standards.
 2. Widen the street's access width to town standards.

The applicant may conduct these improvements according to the approved phasing plan.

This condition is pursuant to NCGS 160D-804, UDO §4.11.14, and MAPP Criteria 1 and 4.

Condition 2 – Conduct the Red Cockaded Woodpecker Study and Protection Measures

- The applicant shall conduct the necessary Red Cockaded Woodpecker (RCW) study to identify any cavity trees, sensitive foraging area, and overall impact to the active foraging area prior to any lot clearing.
- The applicant must modify the site's design according to any findings resulting from the study including, but not limited to, preserving identified RCW cavity trees. Town staff shall also verify the US Fish and Wildlife letter and any applicable site adjustments prior to lot clearing.
This condition is essential in complying with federal Endangered Species Act regulation, and therefore, MAPP Criterion 2.

Condition 3 – Install Western Landscape Buffers Prior to Final Plat

- The applicant shall install all 15' side yard landscape buffers on the western side of the subject property, separating townhomes from existing RS-2 residences prior to the town issuing final plats. To ensure a level of privacy is timely restored to adjacent neighbors before vertical construction, the applicant may not employ a landscaping performance guarantee in these areas to receive a final plat. However, the applicant may complete landscape requirements and apply for a final plat separately by phase.
This condition is pursuant to UDO §4.3.4, UDO Exhibit 4-3, and MAPP Criteria 2 and 4.

Condition 4 – Develop According to the Phasing Plan

- The applicant will develop the Hyland Hills Townhomes project by phase according to sheet L-1.2, per the boundaries indicated on the approved Overall Development Plan, sheet L-1.1. Final plats for each phase will be issued once all site development components are complete and verified by town staff. The project will be phased according to the following description:
 - Phase 1
 - Completion of site development around lots T-1 through T-14 per the submitted Preliminary Plat Overall Development Plan, sheet L-1.1. Inclusive of site grading, stormwater installation, landscape requirements, and installation of the alley road off Hyland Hills Dr, Pikesville Ct.
 - All proposed sewer and water utility improvements for the entire project including the proposed sewer lift station at the loop of Whistle Pig Cir.
 - Improvements to Dover St, per NCDOT standards, up to and including lot T-6, which will provide fire service access for Townhome Lots T-1 through T-6.

- Phase 2
 - Completion of site development around lots T-15 through T-24 per the submitted Preliminary Plat Overall Development Plan, sheet L-1.1. Inclusive of site grading, stormwater installation, landscape requirements, and installation of the alley off Dover St, Whistle Pig Cir.
 - Remainder of the Town required improvement of Dover St up to Whistle Pig Cir.
- Construction Sequence for Townhome Units Following Final Plat Approval and need for Certificate of Occupancy
 - First will be construction of the townhomes on lots T-7 through T-14
 - Second will be construction of the townhomes on lots T-1 through T-6
 - Third will be construction of the townhomes on lots T-15 through T-24

Condition 5 – Allocate Watershed Exemption

- 2.42 acres of 5/70 exemption allocation are granted with the Hyland Hills Townhomes preliminary plat, MAPP-01-24.

This is the 22nd day of October, 2024.

FOR THE TOWN COUNCIL:

Taylor Clement, Mayor

Agenda Item

To: Reagan Parsons, Town Manager

From: BJ Grieve, Planning Director
James Broadwell, Planner I

Subject: MAPP-02-24: Major Subdivision Preliminary Plat for Clark Street Townhomes, on ±1.52 acres on the north side of Clark Street; Petitioner: Mr. Trevor Hansen, on behalf of Legacy Homes Construction, Inc.

Date: October 22, 2024

I. PURPOSE

Per UDO §2.14.6(F)(11), “A written decision must be approved for every quasi-judicial application, either by entering the decision at the end of the hearing or at a subsequent meeting of the hearing body, which shall generally be the next scheduled meeting. As part of the written decision, the hearing body must make findings of fact and conclusions as to applicable standards and any conditions. The chair may direct the Planning Director or Town Attorney to draft a written decision for approval by the hearing body at its next regularly scheduled meeting, which approval may be on a consent agenda.”

Planning staff have prepared a draft of the written decision of the Town Council’s approval of application MAPP-02-24 that was heard by the Town Council at the regular meeting on October 8, 2024 that the Town Council may now wish to adopt. If the Town Council approves the drafted written decision, the Mayor will sign the document. The original signed version will be delivered to the applicant, authorized agent, and property owner with Planning staff and the Town Clerk maintaining copies of the signed document for their respective files.

II. SUMMARY OF APPLICATION REQUEST

Mr. Trevor Hansen of Koontz Jones Design, LLC, on behalf of Legacy Homes Construction, Inc., submitted a Major Subdivision Preliminary Plat application pursuant to the Town of Southern Pines Unified Development Ordinance (UDO) §2.20. The plat intends to subdivide the parent tract into eight townhomes with a homeowners’ association. The parent tract is presently a partially cleared lot with one vacant building. The subject property is located north of Clark Street and South of Midlothian Drive. Per the Moore County tax records, the property is identified as PARID 00032727, which comprises 1.52 acres, and is owned by Legacy Homes Construction, Inc.

III. TOWN COUNCIL EVIDENTIARY HEARING AND ACTION

A public evidentiary hearing regarding the proposed Major Subdivision Preliminary Plat (MAPP) for the Clark Street Townhomes was called to order with four members present on October 8, 2024. The oath was administered to all witnesses choosing to speak. Planning staff entered the October 8, 2024, staff report as Exhibit A and staff’s October 8, 2024 presentation as Exhibit B. The authorized agent, Mr. Trevor Hansen, entered their

presentation as Exhibit C. After closing the hearing, Town Council discussed and voted on the draft findings of fact.

After detailed discussion on topics including, but not limited to, the preservation of trees along Clark Street and installing a pedestrian trail to Midlothian Drive, the Town Council voted 4-0 to adopt Attachment 1 of the staff report as Finding of Facts. The Town Council then voted 4-0 to approve with conditions MAPP-02-24 as presented at the October 8, 2024 Town Council Meeting. Councilwoman Gray moved to adopt and Councilwoman Petersen seconded both motions.

IV. ATTACHMENTS

1. Written Decision of the Board: MAPP-02-24

V. TOWN COUNCIL ACTION

The Town Council may wish to take one of the following actions.

1. No action;
2. Accept the Written Decision for MAPP-02-24 as prepared by the Town staff;
3. An action listed above with the following conditions...; or
4. Action not listed above...



CASE NUMBER: MAPP-02-24

**FINDINGS OF FACT, DECISION OF THE BOARD, AND ORDER IN THE MATTER
OF A MAJOR SUBDIVISION PRELIMINARY PLAT APPLICATION FOR CLARK
STREET TOWNHOMES**

DESCRIPTION OF MATTER

Mr. Trevor Hansen, on behalf of Legacy Homes Construction, Inc., submitted a Major Subdivision Preliminary Plat application pursuant to the Town of Southern Pines Unified Development Ordinance (UDO) §2.20 for eight townhomes on 1.52 total acres on the parcel identified as PARID 00032727. Per the Moore County tax record, the subject property is owned by Legacy Homes Construction, Inc.

A public evidentiary hearing regarding the proposed Major Subdivision Preliminary Plat (MAPP) for the Clark Street Townhomes was called to order with four members present on October 8, 2024. The oath was administered to all witnesses choosing to speak. Planning staff entered the October 8, 2024 Staff Report as Exhibit A and staff's October 8, 2024 presentation as Exhibit B. The authorized agent, Trevor Hansen of KoontzJones Design, entered their presentation as Exhibit C. After closing the hearing, Town Council discussed and voted on the draft findings of fact. Detailed discussion during the evidentiary hearing can be found in the meeting minutes on record in the Town Clerk's office and online.

FINDINGS OF FACT

1. The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Major Subdivision Preliminary Plat approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Preliminary Plat, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.
2. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 1 (the application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities) in that the proposed townhome development aligns with the 2040 Comprehensive Plan only with the imposition of protecting the existing pine trees that front along Clark Street. The applicant has not provided a reason that these trees will prevent or significantly hinder the project's site design. The applicant has also stated their intention to preserve as many of these trees as possible; however, requiring their preservation is the only way to ensure this result. These trees provide distinct natural character to the surrounding community, which directly aligns with MAPP

Criterion 1, Comprehensive Plan policy 4.9, and policy 4.10. The townhomes also will provide housing diversity in the area; the proposed subdivision is consistent with the General Framework Map and Conservation and Development Maps, which each categorize the site as an Area to Enhance and Neighborhood within the town's extraterritorial jurisdiction. Site access and utility connections, provided by Town of Southern Pines Public Works, are both readily available. Therefore, the project is also compatible with its surrounding infrastructure.

3. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 2 (the proposed subdivision complies with the UDO and applicable state and federal regulations) in that once the project receives a Watershed Exemption Allocation it will comply with UDO Exhibit 3-14 and all other applicable regulations. The project proposal of 8 units in a RM-2 district meets all development design standards including site design, buffers, and open space requirements.
4. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 3 (the proposed Subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property) in that in that the 8 townhome lots and their respective dimensions meet density standards. RM-2 zoning standards call for 5-7 units per acre and this site is 1.52 acres, which is within the prescribed density. The internal access drive depicted on the site plan will also provide sufficient access and circulation within the development.
5. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 4 (the proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties) in that the project does not present a safety or viability concern for the surrounding area. The 10' landscaping buffer to the west and the 20' landscaping buffer to the east provide sufficient standoff between the different land uses. The proposed eight townhomes do not greatly increase the area's density, and given the internal access drive, only add one additional access to Clark Street.
6. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 5 (the proposed public facilities are adequate to serve the normal and emergency demands of the proposed development, and to provide for the efficient and timely extension to serve future development) in that the proposed utility plan adequately meets water, fire flow, and sewer requirements. The Town of Southern Pines will provide all utility connections, which are all under 200' from existing lines. This means they will serve this development adequately and efficiently.

CONCLUSION AND DECISION

Therefore, by a vote of 4-0, the Town Council voted to approve with conditions the Clark Street Townhomes MAPP-02-24 with the following additional conditions:

Condition 1 – Preserve Trees Along Clark Street.

The project developer shall retain all trees, 4" DBH or greater, on the subject property within 25' of the Clark Street right-of-way.

- Trees that will intersect with the private alley right-of-way, as depicted on the preliminary plat in attachment 3 of Exhibit A, are permitted to be removed.
- Trees that town staff identify as essential to remove, for factors like utility installation, during the site plan review process are permitted for removal.
- Town staff will also verify tree protection fencing, street tree rate requirements, and other aspects related to this condition during site plan review.

This condition is pursuant to UDO §4.3.3, Comprehensive Plan Policy 4.9, Comprehensive Plan Policy 4.10, and MAPP Criterion 1.

Condition 2 – Install a Pedestrian Connection to Midlothian Drive

- The project developer shall provide a pedestrian connection from the proposed townhome development to Midlothian Drive.

Condition 3 – Allocate Watershed Exemption

- 1.52 acres of 5/70 exemption allocation are granted with the Clark Street Townhomes preliminary plat, MAPP-02-24.

This is the 22nd day of October, 2024.

FOR THE TOWN COUNCIL:

Taylor Clement, Mayor



APPLICATION FOR Voluntary Annexation

SUBMITTAL REQUIREMENTS:

- _____ **Completed Petition for Voluntary Annexation (attached).** Petition signed with original wet ink by the owners of all real property located within the subject area to be considered for annexation.
- _____ **Legal Description.** Written metes and bounds legal description of the subject property.
- _____ **Accurate Map.** Provide a survey or accurate map of subject property.
- _____ **Electronic copy (.pdf) of all application materials.** E-mail to admin@southernpines.net.
- _____ **NCGS § 160A-31** governs the Town's authority to annex property by a voluntary petition.

REVIEW & APPROVAL PROCESS:

- **Submittal (2nd Monday – month #1 of process):** Submit a packet as detailed above to the Town Clerk no later than close of business on the 2nd Monday of the month.

Hard copies shall be submitted in person or by mail to: Town Clerk, Town of Southern Pines Administration Dept., 125 SE Broad St., Southern Pines, NC 28387.
- **Review by Staff:** Town staff will review the petition to ensure all required materials are submitted and properly executed. If the petition is complete, staff will forward it, along with a report, to the Town Council for review at their work session (4th Monday of the same month a complete application is submitted).
- **Town Council Work Session (4th Monday of month #1):** Staff and the petitioner will present the details of the petition to the Town Council. The Council will vote on a Resolution Directing the Town Clerk to Investigate the Sufficiency of a Petition for Annexation.
- **Investigation by Town Staff:** The Town Clerk will investigate the sufficiency of the petition per North Carolina General Statute §160A-31 and prepare a Certificate of Sufficiency.
- **1st Town Council Regular Meeting (2nd Tuesday of month #2):** The Town Council will receive the Certificate of Sufficiency and vote on a resolution scheduling a public hearing for the petition.
- **Legal Notice:** Town staff will publish a notice of the public hearing in the newspaper, at least 10 days prior to the date of the public hearing.
- **2nd Town Council Regular Meeting (2nd Tuesday of month #3):** The Town Council will hold a public hearing to receive public comment on petition and then vote to either approve or deny the petition. If approved, the annexation generally becomes effective the same day.

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: 858216941750; PARID: 0031777.

Property Owner(s):

Name: RAB Investments LLC

Signature: 

Manager, RAB Investments LLC

Address: Post Office Box 4406

Pinehurst, North Carolina 28374

Name: _____

Signature: _____

Address: _____

Name: _____

Signature: _____

Address: _____

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

Exhibit A
Metes and Bounds Description

Metes and Bounds description from Book 23, Page 734, Moore County Registry:

Being in McNeill Township, Moore County, and State of North Carolina described as follows:

Beginning at a stake near Manly south side of Harts Branch and runs thence North 85-25, 10 chains to a stake; thence South 32 East 2.30 chains; thence South 75 E 5.40 chains to a stump; thence North 70 East 4.30 chains to a stake; thence North 17 West 1.80 chains to the beginning excepting 35/100 of an acre sold to A.J. McKay for metes and bounds see deed from J.S. Buchan and wife to A.J. McKay.

See Tract 1 as shown and depicted on Exhibit A recorded in Book 3032, Page 352, Moore County Registry.

(For informational purposes, Parcel ID 00039569, which fully surrounds this Parcel ID 00031777, has previously been annexed into the Town of Southern Pines)

FOR REGISTRATION REGISTER OF DEEDS
Judy D. Martin
Moore County, NC
May 24, 2006 04:40:09 PM
Book 3032 Page 352-355
FEE: \$23.00
INSTRUMENT # 2006010280



INSTRUMENT # 2006010280

Excise Tax \$

Recording Time, Book and Page

(Drafted by and mail to: Russell J. Hollers, Attorney at Law, P. O. Box 567, Troy, NC 27371)

STATE OF NORTH CAROLINA)
)
COUNTY OF MOORE)

QUITCLAIM DEED

(2 Tr - McNeill Township)

THIS DEED, made this ...9th..... day ofMay..... 2006, by and between:

GRANTOR	GRANTEE
Frederick H. Taylor and wife Myra N. Taylor	
Anthea T. Tate and husband Russell J. Tate, Sr.	RAB Investments, LLC
Leslie T. Whitesell and husband David A. Whitesell	PO Box 385 SOUTHERN PINES, NC 28388

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, that said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) to them in hand paid, the receipt of which is hereby acknowledged, have remised and released and by these presents do remise, release, convey, and forever quitclaim unto the Grantee, its successors and assigns, all right, title, claim and interest of the Grantor in and to a certain lot or parcel of land lying and being in the Town

McNeill Township, Moore County, North Carolina, and more particularly described as follows:

Tract 1: That certain tract of land containing 2.06 acres, more or less, as computed by coordinates conveyed to Randy Brower by deed recorded in Deed Book 23, Page 734, Moore County Registry. See Exhibit A attached hereto.

Tract 2: That certain tract of land conveying 0.58 acres, more or less, as computed by coordinates conveyed to Emerson W. Harrington Estate by deed recorded in Deed Book 164, Page 71 (Tract 2), Moore County Registry. See Exhibit A attached hereto.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges thereunto belonging to it, the Grantee and its successors and assigns, free and discharged from all right, title, claim or interest of the Grantor or anyone claiming by, through or under them.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, the day and year first above written.

Frederick H. Taylor (SEAL)
Frederick H. Taylor

Myra N. Taylor (SEAL)
Myra N. Taylor

Anthea T. Tate (SEAL)
Anthea T. Tate

Russell J. Tate Sr. (SEAL)
Russell J. Tate, Sr.

Leslie T. Whitesell (SEAL)
Leslie T. Whitesell

David A. Whitesell (SEAL)
David A. Whitesell

STATE OF NORTH CAROLINA
COUNTY OF MONTGOMERY

I, Peggy C. Clark, a Notary Public of said County and State aforesaid, certify that **Frederick H. Taylor** and wife, **Myra N. Taylor**, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal, this 15th day of May, 2006.

Peggy C. Clark
Notary Public

My commission expires: 3-19-2009



STATE OF North Carolina
COUNTY OF Montgomery

I, Peggy C. Clark, a Notary Public of said County and State aforesaid, certify that **Anthea T. Tate** and husband, **Russell J. Tate, Sr.**, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal, this 15th day of May, 2006.

Peggy C. Clark
Notary Public

My commission expires: 3-19-2009



STATE OF NORTH CAROLINA
COUNTY OF MONTGOMERY

I, Peggy C. Clark, a Notary Public of said County and State aforesaid, certify that **Leslie T. Whitesell** and husband, **David A. Whitesell**, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal, this 15th day of May, 2006.

Peggy C. Clark
Notary Public

My commission expires: 3-19-2009



STATE OF NORTH CAROLINA
COUNTY OF MOORE

The foregoing certificate of _____

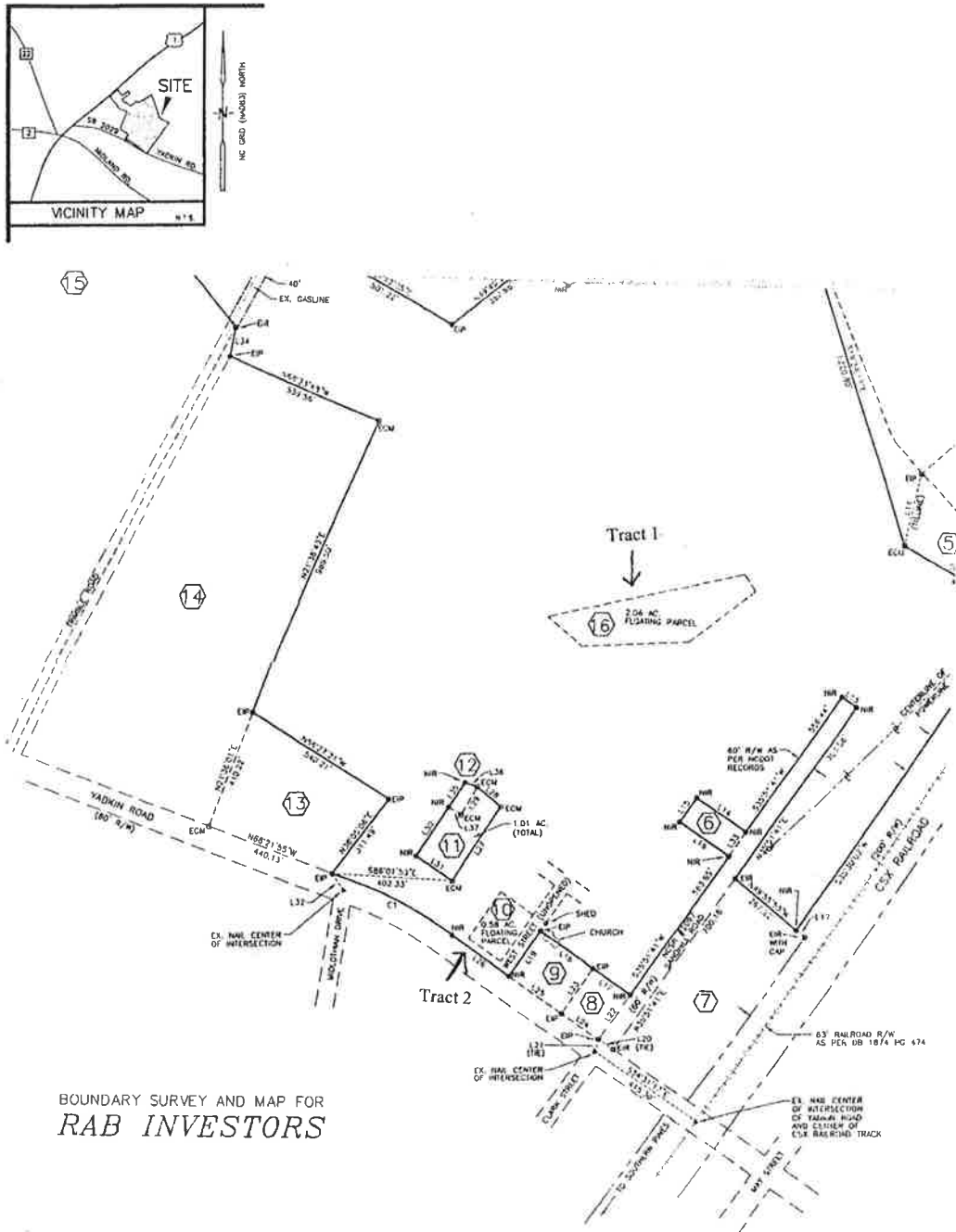
are certified to be correct. This instrument was presented for registration this day and hour and duly recorded in the office of the Register of Deeds of Moore County, N. C. in Book _____ at Page _____.

This the _____ day of _____, 2006, at _____, M.

Register of Deeds

EXHIBIT A

This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable Land Development Regulations.



734

State of North Carolina }
 Moore County

This Deed Made this 17th day
 of July by J. E. Buchanan and Belle Buchanan his wife
 of the County of N. Carolina party of the first part.
 to Randy Brower of Moore County State of North
 Carolina party of the second part.

Witnesseth;

That the said parties of the first part
 for and in consideration of the sum of Sixty
 dollars to them paid by the party of the second
 part, the receipt whereof is hereby acknowledged
 do by these bargain sell and convey to the

said party of the second part and to her heirs and assigns forever the following lands in McDowell Township, Monroe County and State of N. Carolina described as follows - Beginning at a stake near Mary's death side of Holes Branch & runs thence N 85° 20' 11" E to a stake then South 32° E 2° 30' E - thence 875 & 5-40 chs to a stump - thence N 70° E 4° 30' E to a stake - thence N 17° W 1° 30' E to the beginning excepting 35th of difference sold to H. J. McKay for miles and bounds see deed from J. E. Buchanan & wife to H. J. McKay.

To have and to hold the said land unto the said party of the second part her heirs and assigns in fee-simple forever.

And the said J. E. Buchanan & wife for themselves and their heirs - executors and administrators do covenant and agree to and with the said party of the second part her heirs and assigns - to warrant and forever defend the title of said land in fee-simple from all persons claiming by or through them. In Witness whereof, the said parties of the first part have hereunto set hands and seals the day and year first above written.

Signed sealed & delivered in the
presence of C. W. Shaw

J. E. Buchanan
Belle Buchanan



RESOLUTION #1098
DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER
G.S. 160A-31
AX-02-24: Yadkin Road

WHEREAS, a petition requesting annexation of an area described in said petition was received on October 14, 2024, by the Town Council of the Town of Southern Pines; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines that the Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the result of her investigation.

Adopted this 22nd day of October, 2024.

I certify that this Resolution was adopted by the Town Council of the Town of Southern Pines at its meeting on October 22, 2024, as shown in the Minutes of the Town Council meeting for that date.

Elizabeth Robertson, Town Clerk



MEMO

To: Reagan Parsons, ICMA-CM, Town Manager
From: Jessica Roth, ICMA-CM, Assistant Town Manager
Date: October 15, 2024
Re: Ordinance #3085: Skatepark Rules

Background

The Town has partnered with Skaters for Moore and Friends of Skateparks Foundation to build a skatepark at Memorial Park. Construction is underway, with an expected public opening in December 2024.

State Law Regarding Public Skateparks

NCGS Chapter 99E, Article 3 addresses “hazardous recreational activities” on property owned and operated by a governmental entity. Hazardous recreational activities are defined as skateboarding, inline skating, or freestyle bicycling.

As the owner and operator of a public skatepark, the Town has a duty to adopt a local ordinance regulating activity at the facility. At a minimum, all riders must wear helmets, kneepads, and elbow pads and this rule must be posted on signage at the facility.

The purpose of this particular state law is to encourage local governments to make public land available for skateboarding, inline skating, and similar. The state recognized that risks and dangers are inherent in these activities, and that those who participate in them should assume the risks and dangers of doing so, as long as the local government adopts and posts a law about using protective gear.

Freestyle Bicycling

From a risk management standpoint, staff recommends that bikes are prohibited at the skatepark. In conversations with our insurance carrier, we have learned that our premium will double if freestyle bikes are allowed. Our underwriter shared, *“There is an additional cost if allowing the intermingling of skateboarders and bikes as there is added risk with having BMX bikes, skateboarders and inline skaters all using a skatepark at the same time. Because BMX bikes can go faster, jump higher, have pegs, handlebars and pedals the impacts of a crash with another user may be much more severe.”*

The propose ordinance prohibits bikes, as well as motorized equipment, permitting “human-powered” skateboards, inline skates, and scooters. This is an appropriate balance to opening the skatepark open to many participants, while taking proactive steps to address valid risk management considerations.

Request for Approval

Attorney McCarley has reviewed and approved the proposed ordinance. Staff requests that Council adopt the ordinance at the October 22, 2024 meeting. This will allow time to order and post the required signage before the skatepark opens.

We take great pride in the natural beauty, historical sites, local businesses, public spaces, and schools in Southern Pines. We want everyone to be able to access and enjoy these wonderful assets safely. It's the Southern Pines Way.





ORDINANCE #3034
AMENDING CHAPTER 99 OF THE TOWN'S
CODE OF ORDINANCES TO ADD SKATEPARK RULES

WHEREAS, the Town of Southern Pines owns and maintains Memorial Park, where a skatepark is currently under construction with an expected public opening in December 2024; and

WHEREAS, Chapter 99 of the Town's Code of Ordinances defines rules and regulations for the Town's parks and recreation areas; and

WHEREAS, Chapter 99E, Article 3 of the North Carolina General Statutes addresses "hazardous recreational activities" on property owned and operated by a governmental entity. Hazardous recreational activities are defined as skateboarding, inline skating, or freestyle bicycling; and

WHEREAS, as the owner and operator of a skatepark, the Town has a duty to adopt a local ordinance regulating activity at the facility.

BE IT ORDAINED by the Town Council of the Town of Southern Pines, North Carolina that the Town's Code of Ordinances are amended as follows:

1. Amend the Code of Ordinances by adopting "Attachment A" in its entirety.
2. This ordinance amendment is effective October 22, 2024.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of October 22, 2024 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

ATTACHMENT A

The Town's Code of Ordinances is amended to add the following new section to Chapter 99 Parks & Recreation, Park Use Regulations.

§ 99.03 SKATEPARK SAFETY & RULES

- (A) The Town owns and operates a skatepark at Memorial Park that is designed and maintained for the purpose of recreational skateboard use. The rules and regulations in this Section apply to that skatepark.
- (B) Skatepark participants may ride or use non-motorized skateboards, inline skates, roller skates and scooters and must wear a helmet, elbow pads, and kneepads. Failure or refusal to wear the required protective equipment shall be grounds for exclusion from the skatepark.
- (C) Bicycles of any variety, and specifically including freestyle bicycles, and all motorized equipment of any kind are prohibited.
- (D) A skatepark is classified by state law as a hazardous recreational activity. Skatepark participants as well as those who assist and/or observe participants assume the inherent risks for this activity.
 - 1. All participants, assistants, and observers assume the known and unknown inherent risks in these activities, irrespective of age, and are legally responsible for all damages, injury, or death to himself or herself that result from these activities.
 - 2. Participants and assistants are also legally responsible for all damages, injury, or death to other persons or property that result from their actions.
 - 3. The Town of Southern Pines is not liable to any person who voluntarily participates in hazardous recreational activities for any damage or injury to property or persons.
- (E) Hazardous recreational activity participants are required to do the following:
 - 1. Act within the limits of his or her ability and the purpose and design of the equipment used.
 - 2. Maintain control of his or her person and the equipment used.
 - 3. Refrain from acting in any manner that may cause or contribute to death or injury of himself or herself or other persons.

Memorandum

To: Town Council

Via: BJ Grieve, Planning Director

From: Mason Mattox, Planner I

Subject: Potential Amendment to Code of Ordinances §70.07 Restricting Use of Roller Skates, Skateboards, etc.

Date: October 22, 2024

I. OVERVIEW

At the Town Council Work Session in September of 2021, Mr. Marcel Goneau presented an initiative to amend the Town's Code of Ordinances relative to restrictions on roller skates, skateboards and similar devices. Mr. Goneau advocated toward less restrictive language in the Code of Ordinances so that skateboarding could be allowed in more places.

Council responded by asking staff (Assistant Town Manager Jessica Roth and Police Chief Nick Polidori) to study the issue and return at the October 2021 Work Session to present their findings and recommendations. At the October 2021 Work Session, Staff presented a report (attached) containing geographic data about skateboarding incidents from the Police Department. The report recommended the creation of a new pedestrian district, the allowance of skateboards on basketball courts in Downtown Park, and the allowance of skateboarding along sidewalks adjacent to major arterial and collector streets (excluding the proposed pedestrian district).

In part due to their being ongoing conversations about developing a skate park in town and in part due to the untimely death of Mr. Goneau in November of 2021, the item was not placed on subsequent meeting agendas.

Now that a skate park is under construction in Memorial Park (image below) and the town needs to pass an ordinance establishing rules for skateboarding in the new skate park, town staff felt it may be an appropriate time to bring the 2021 report back to the Council for additional discussion.

II. RECOMMENDATION:

Staff now recommend adopting the Pedestrian Zone and easing restrictions against skateboarding outside this Pedestrian Zone, but no longer recommend allowing skateboarding on the basketball courts in Downtown Park since a skatepark will soon be available at Memorial Park.



III. OPTIONS TO PROCEED

1. No action.
2. Direct staff to prepare ordinance amendment as originally recommended on attached report from 2021 and as modified due to the construction of the skatepark.
3. Some other action.

To: Reagan Parsons, Town Manager
From: Jessica Roth, Assistant Town Manager
Re: Code Amendment re: skateboards and similar
Date: October 22, 2021

Background

Community member Marcel Goneau requested during the Town Council work session on September 27, 2021 that Council consider amending the Code of Ordinances relative to skateboards and similar devices. The basis for Mr. Goneau's request is to make the current ordinances less restrictive, namely to permit skateboards in non-residential areas, particularly traveling both to/from and around the downtown district.

In response to Mr. Goneau's request, Suzanne Coleman submitted a letter to Council on behalf of Welcome to Southern Pines, Inc., the group who manages the Welcome Center in the downtown train station. Ms. Coleman shared that there have been documented incidents involving skateboarders who have vandalized the train station, including graffiti, littering, and damage to the building. She further noted the skateboarders practice moves on the platform and "exhibit aggressive behavior." Ms. Coleman has requested that Council add specific language to the Code "to protect the train station and its communal areas from skateboarding activities."

Based on these two different requests, Council directed staff to further review this issue, including a discussion with police regarding the reports of vandalism and aggressive behavior from skateboarders. The purpose of this memo is to document some data relevant to skateboarding downtown, as well as some recommendations from staff related to potential Code amendments to address these two requests.

Calls for Police Service

Police staff generated a summary report of documented calls for service and incident reports related to skateboarding activity from January 1, 2020 to present. There were 20 total calls for police service, summarized as follows:

- 14 calls were related to general skateboarding activity. The remaining 6 calls involved known skateboarders and included incidents such as graffiti, fighting, and an EMS call for an injured skateboarder.
- Nearly all the calls were related to skateboarding at a public facility, rather than at a private business or along the general sidewalks and streets:
 - Train Station: 4 calls
 - Downtown Park: 4 calls
 - Post Office: 2 calls
 - Sunrise Theater stage: 1 call
 - All other locations: 9 calls



- 19 of the calls were related to activity in the downtown district; 1 call was at McDeeds Creek ES.
- 5 different police officers self-initiated and documented calls related to skateboarding activity.

Incident Reports

Since December 23, 2020, the police have generated 10 incident reports related to vandalism that is connected with confirmed skateboarders. The majority of the incidents involve spray painting/graffiti on buildings. Other incidents include throwing rocks through windows and breaking/entering and then riding skateboards inside buildings. Some of the buildings affected have included the Train Station, the Montessori School on May Street, the Sunrise Theater stage, The Pilot, and other commercial businesses.

Staff Review and Recommendation

Staff from the administration, police, and recreation/parks departments have reviewed the requests from Mr. Goneau and Ms. Coleman, analyzed the data related to skateboarding activity, and discussed recommended approaches and enforcement ability. The following recommendations are intended to collectively apply to skateboards, scooters, roller skates, inline skates, and similar devices propelled by means of human foot or leg power, but this memo refers to “skateboards” or “skateboarders” for simplification. Staff recommends the following:

- The current approach prohibiting skateboards on sidewalks and streets in the downtown district is reasonable. Southern Pines has an active downtown, with visitors accessing retail, dining, professional services, and public facilities, including Town offices, Downtown Park, the Library, Post Office, Train Station, and Sunrise Theater.

Visitors primarily access these buildings by walking on the public sidewalks, which requires one to safely navigate:

- Stationary obstacles such as street furniture, tree wells, signs, and similar, which are all at different heights and locations;
- Other pedestrians, who may also be pushing strollers or wheelchairs and/or walking dogs;
- Crosswalks, many of which cross the train tracks; and
- Other elements including vehicle doors opening into the sidewalks, delivery drivers, construction activity, and similar.

Pedestrians, bicyclists, and drivers must all exercise caution and be on alert at all times to safely navigate through downtown together. These competing elements can be especially challenging for people with disabilities.

While some might suggest directing the skateboarders to ride on the streets rather than the sidewalks, the volume of traffic downtown makes it dangerous for the skateboarders and vehicles. The police department deployed two speed signs on NE and NW Broad Street over the weekend of October 15-18, 2021. This data confirmed between 2300-3100 vehicles travel on Broad Street in the historic district on weekend days, which are also popular times for skateboarders to be downtown.

- The current code should be modified in an effort to curtail the documented incidents by skateboarders who are damaging property or creating danger in the downtown district. The current code prohibits skateboarding on sidewalks as well as streets in the business districts. As a result of these two specific exclusions, skateboarders seek out other downtown locations that aren’t technically defined as a sidewalk or a street, such as the platform at the Train Station, the stage at the Sunrise Theater, the Post Office

steps, and similar. The activity of skateboarding itself causes damage to infrastructure. Further, we have documented incident reports, including graffiti and general vandalism, that were caused by individuals who routinely ride skateboards downtown and gather in these places.

- Staff recommends creating a new Pedestrian District, which prioritizes pedestrians in the downtown district so they have a safe, walkable sidewalks and streets that are easily accessible by all, including people with disabilities. Staff has prepared a draft map (attached) that outlines a suggested district, based on the commercial and public areas that are commonly accessed by pedestrians. Within this district, only the following would be permitted:
 - Bicycles, cars, and other similar vehicles using the streets
 - Pedestrians with strollers, wheelchairs, and similar on the streets and sidewalks
 - Children who are aged 10 and younger may ride bicycles, scooters, skateboards, roller/inline skates and similar on the sidewalks and streets provided they are physically accompanied by an adult.
 - Skateboards, scooters, and roller/inline skates may be used on the basketball court at Downtown Park and on private property with the owner's permission. Otherwise the riders shall travel through the Pedestrian District without using these devices and may resume their use once they exit the district.
 - Staff recommends installing skateboard racks (similar to bike racks – one example shown in image above) within the new Pedestrian District to discourage their use and allow riders to enjoy downtown without having to carry their boards.
- The current code should be modified to allow skateboarders to ride in other areas of Southern Pines, recognizing it is a form of both recreation and transportation for many community members. Currently, skateboarders may only ride “on streets set aside as play streets and...in single family residential areas that are not thoroughfare or collector streets.” Staff recommends modifying this to allow skateboards on streets in single family residential areas and on sidewalks on thoroughfare or collector streets.



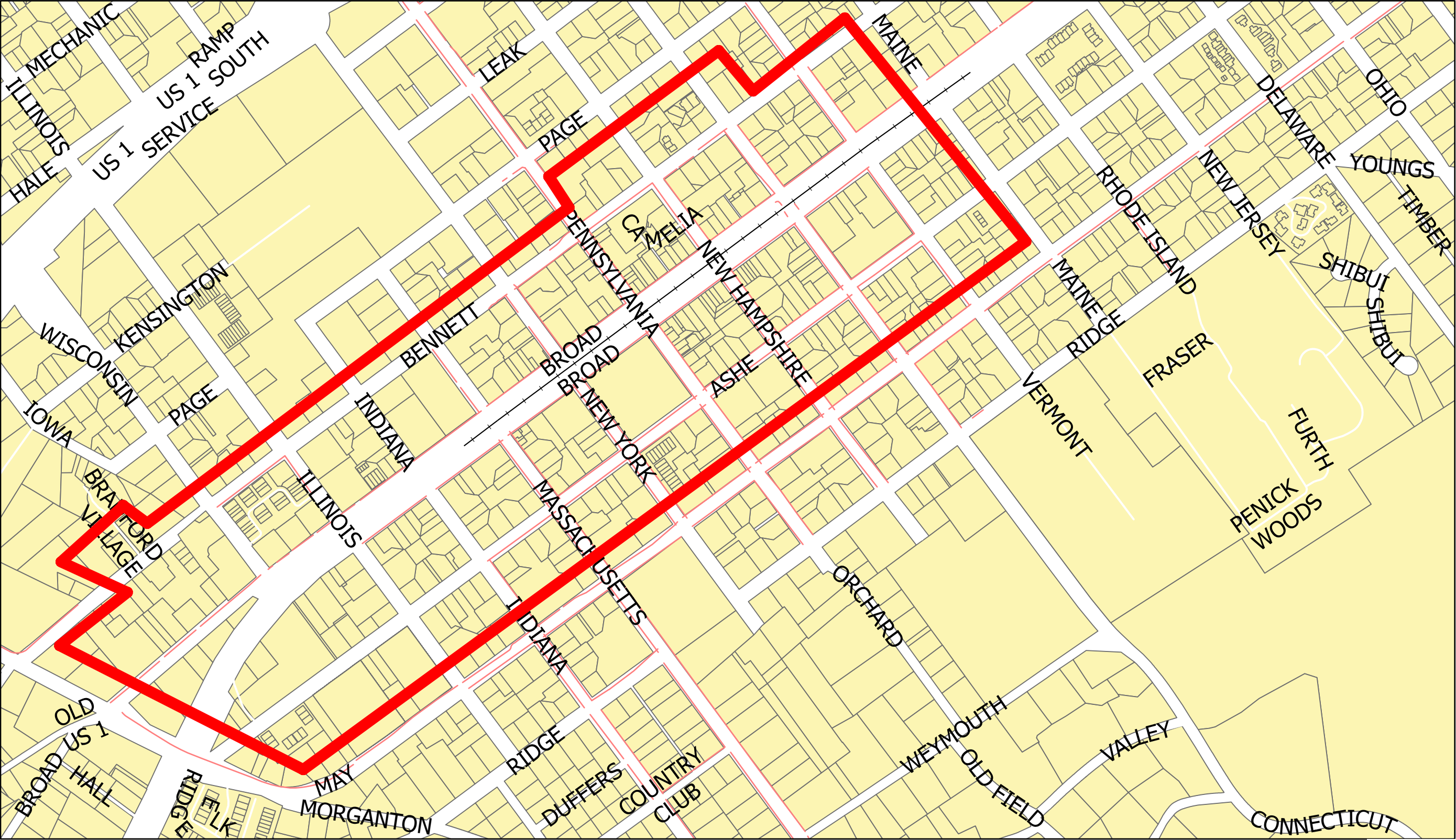
Current Code

[§ 70.07 of the Code of Ordinances](#) addresses skateboards, roller skates, and similar, stating: “No person on roller skates or skateboards or riding in or by means of coaster, toy vehicle, or similar device shall go on any roadway, except while crossing a street at a crosswalk or intersection; except on streets set aside as play streets and except on streets in single family residential areas that are not thoroughfare or collector streets. Additionally, no person shall ride the devices on any sidewalk in any business district in the Town.”

Next Steps

If Council is interested in revising the current Code to incorporate any of the above recommendations, staff will prepare an ordinance for Council consideration. Given that these requests came from community members, Council may want to consider receiving public feedback on the proposed changes.

Southern Pines New Pedestrian Zone

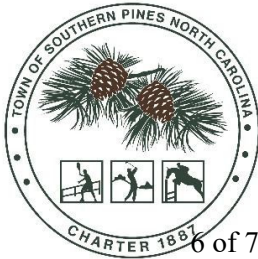


This map was created by the Town of Southern Pines. The Town of Southern Pines, its agents and employees make NO warranty as to the correctness or accuracy of the information set forth on this media. Whether expressed or implied, in fact or in law, including without limitation the implied warranties of merchantability and fitness for a particular use. Any resale of this data is strictly prohibited in accordance with North Carolina General Statute 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet). 10/19/2021

Skateboard Discussion

October 2024 Work Session

*Map Not to Scale



September 27, 2021

Mayor Haney and Council Members
Town of Southern Pines

Good Afternoon,

I am writing on behalf of the Board and Volunteers of the Southern Pines Welcome Center, who have expressed concern about Mr. Goneau's proposed code amendment and its potential impact on the train station.

Mr. Goneau is correct. Skateboarders are part of our community; however, our experience with skateboarders has been somewhat less positive than Mr. Goneau's. There have been multiple incidents of vandalism at the train station and inside the Amtrak Passenger Waiting Room caused by skateboarders, who have also exhibited aggressive behavior towards shoppers and visitors that are of concern. Skateboarders often use the Amtrak Waiting Room as their personal clubhouse where they congregate without masks, eat, litter, practice skateboard moves, vandalize the floors and walls, and repeatedly tear down "Masks Required" "No Smoking" and "No Skateboarding" signs posted by Amtrak and the Town. This discourages our visitors and shoppers from entering the Waiting Room to purchase Amtrak train tickets from the kiosk or use the restrooms.

The train station is a popular skateboarding gathering place for obvious reasons, and has been particularly popular during the pandemic especially when schools were/are out. We understand the attraction since there are very few places to skate and the nearest skateboard park is in Fayetteville and as a result, we are very supportive of the development of a Town Skateboarding Park; however, in view of the multiple incidents that have occurred, **we ask that the Council strengthen Ordinance 70.07 by adding specific language to protect the train station and its communal areas from skateboarding activities.**

Regarding Mr. Goneau's concern with penalties being too harsh, when we've reported these issues to the police, we've been advised that juveniles may not be cited.

Ordinance Code 70.07

No person on roller skates or skateboards or riding in or by means of coaster, toy vehicle or similar device shall go on any roadway, except while crossing a street at a crosswalk or intersection, except on streets set aside as play streets and except on streets in single family residential areas that are not thoroughfare or collector streets.

Additionally, no person shall ride the devices on any sidewalk in any business district in the Town.

Thank you.



Suzanne Coleman
Welcome to Southern Pines Inc.