



MINUTES

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

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, noting that Item 7a should be corrected from Town Manager Reagan Parson to Town Attorney McCarley's review.

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

Mayor Pro Tem Pate moved to approve the September Town Council minutes, seconded by Councilmember Goodman; the vote was unanimous.

Motion passed.

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.

Councilmember Gray moved to approve the Appearance Commission appointment of Kim Kaplan, seconded by Councilmember Goodman; the vote was unanimous.

Motion passed.

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.

Mayor Pro Tem Pate moved to approve the Historic District Commission appointment of Sarah Farrell, seconded by Councilmember Petersen; the vote was unanimous.

Motion passed.

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.

Town Manager Parsons gave a brief overview of the item to the Council.

Mayor Pro Tem Pate inquired if there were provisions should an issue be found after the dedication

and was informed by Town Manager Parsons that there was a 1 year warranty on the Parkway itself, issues could be addressed when the remaining parcels are eventually developed or the MSD tax could be used to address any unforeseen issues.

Councilmember Petersen asked if the trees would be replaced should any die and was informed that they would.

Councilmember Goodman asked if MSD tax revenues could be used for stormwater improvements or issues? Town Manager Parsons clarified that the revenues could be used toward any further improvements in that area except for water and sewer issues.

Discussion ensued.

Councilmember Goodman moved to approve RD-01-24: Offer of Dedication for Carolina Green Parkway, seconded by Mayor Pro Tem Pate; the vote was unanimous.

Motion passed.

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.

Mayor Pro Tem Pate will abstain from voting since he was not present for the hearing.

Councilmember Petersen moved to approve the written decision for SU-03-24, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

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.

Mayor Pro Tem Pate will abstain from voting since he was not present for the hearing.

Planning Director Grieve addressed the Council and briefly reviewed the written decision.

Councilmember Petersen would like to reiterate for the record that she continues to be concerned about the trees in the buffer. Mayor Clement stated that she feels that staff and the applicant came to a good compromise on the project.

Councilmember Goodman moved to approve the Written Decision for MAPP-01-24, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

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.

Mayor Pro Tem Pate will abstain from voting since he was not present for the hearing.

Planning Director Grieve advised the Council that while the watershed allocation exemption was discussed during the hearing, even though it was not mentioned when the vote occurred, it was added to the Written Decision.

Councilmember Goodman moved to approve the Written Decision for MAPP-02-24, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

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.

Town Manager Parsons reviewed the request for the Council

Mayor Pro Tem Pate moved to approve Resolution #1098 - Direct the Town Clerk to Investigate the Sufficiency of the petition for annexation; seconded by Councilmember Petersen; the vote was unanimous.

Motion passed.

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.

Assistant Town Manager Jessica Roth reviewed the request for the Council advising them that the ordinance is a result of state statutes and advice from the Town's insurance provider, The National League of Municipalities.

Discussion ensued.

Parks and Recreation Director Greg Thompson addressed the Council regarding the use of bicycles.

Discussion ensued.

Assistant Town Manager/Fire Chief Mike Cameron addressed the Council regarding the process of obtaining special use permits.

Discussion ensued.

Mayor Pro Tem Pate moved to approve Ordinance #3034 for Memorial Park Skatepark Rules as presented in the packet, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

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.

Asst. Town Manager Roth and Town Planner I Mason Mattox presented the request to the Council.

Previous ideas presented to the Council were:

- allow skateboarding on sidewalks adjacent to collector or arterial streets
- allow skateboarding on the basketball court of Downtown Park
- create a Pedestrian District which closely mirrors the Downtown Zone

Mayor Clement questions the wisdom of not allowing skateboards in the streets of Downtown.

Councilmember Goodman suggested reducing the Pedestrian District to just Broad Street.

Discussion ensued.

Council requested data from the Police Department regarding citations issued in the last year.

Councilmember Petersen is concerned about the possible liability this may cause.

Discussion ensued.

Town Manager Parsons suggested that, based on the feedback given, they have staff prepare an ordinance to adopt a Pedestrian District that includes a map that the Council can then look and modify the boundaries of as they see fit.

Discussion ensued regarding signage. Councilmember Petersen suggested using skateboard racks to delineate the boundaries.

b. Lead and Copper Rule

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

Town Engineer/Asst. Public Works Director James Michel and Town Utility Superintendent Ron Istre addressed the Council regarding recent updates to the Federal Lead and Copper Rule (LCR) as well as measures taken by the Town to protect the water supply in the past, and what will be required of the Town to fulfill the new rules.

Discussion ensued.

Council requested that they be kept updated on the project.

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.

Council considered pausing for a closed session but decided to proceed with the agenda and keep the closed session at the end of the agenda.

Planning Director Grieve addressed the Council regarding his department's current goals; Phase 1 of the Comprehensive Plan implementation is currently being finalized and Phase 2 is about to start and what projects that might include.

Discussion ensued.

6. COUNCIL ROUNDTABLE

Councilmember Gray shared that she had a great meeting with Mayor Clement to brainstorm ways to revamp water usage.

Councilmember Petersen advised that the calendar included with the recent water bill stuffer listed an incorrect date and there is NO Town Council Meeting on November 26th. Notice will be put out regarding the error.

Councilmember Petersen stated that she is receiving calls about the Midland Road easement meeting and trees being removed. Planning Director Grieve advised that he is unaware of a discussion at the upcoming Planning Board meeting regarding Midland Road.

Councilmember Goodman requested that staff work on communicating public works projects in a more efficient and broad way.

- Chief Cameron shared the struggle with these types of communication and the ways that the Town currently communicates about unexpected and planned issues, but stated that staff will continue to try to improve communication.

Mayor Clement shared that she had been in discussions with Town Manager Parsons, Chief Cameron and local businesses regarding adopting a town in Western North Carolina to assist with long term needs after the recent floods. She has reached out to the town of Spruce Pines and is awaiting their reply.

7. CLOSED SESSION

Mayor Clement called to enter closed session at 5:05 pm.

a. Town Attorney'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.

Council discussed Atty McCarley's evaluation and work over the last 12 months.

Council returned to open session at 5:17 pm.

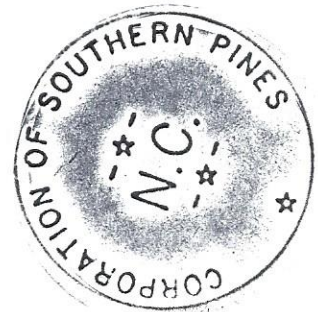
Councilmember Petersen moved to approve a 4% COLA adjustment to Attorney McCarley's annual wage retroactive to July 1, 2024, seconded by Councilmember Goodman; the vote was unanimous. Motion passed.

8. ADJOURNMENT

Upon motion by Councilmember Petersen, seconded by Mayor Pro Tem Pate and carried unanimously, Council adjourned at 5:22 pm.

Respectfully submitted:


Elizabeth Robertson, Town Clerk





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.

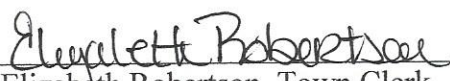
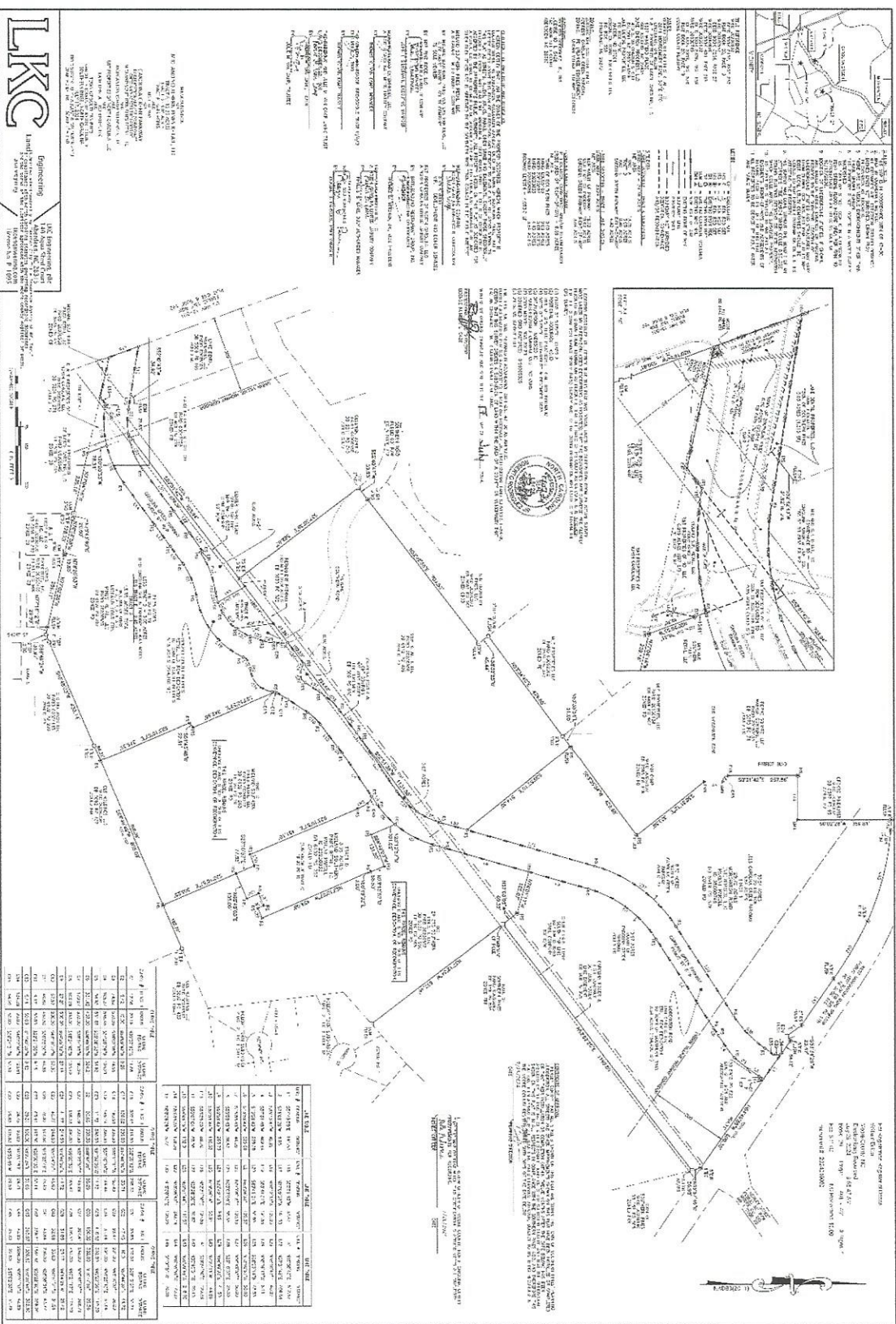

Elizabeth Robertson, Town Clerk



Exhibit A

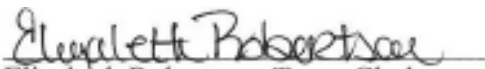


COUNTY OF MOORE
STATE OF NORTH CAROLINA

CLERK’S CERTIFICATION

I, Elizabeth Robertson, Town Clerk of the Town of Southern Pines, North Carolina, do hereby certify that the attached is a true and accurate copy of Resolution #1099 The Town of Southern Pines Town Council Officially Accepting Offer of Dedication to the Public for the Carolina Green Parkway which was adopted at a meeting of the Southern Pines Town Council on the 22nd day of October 2024.

WITNESS my hand and the official Seal of the Town of Southern Pines, North Carolina, this the 22nd day of October 2024.


Elizabeth Robertson, Town Clerk





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.

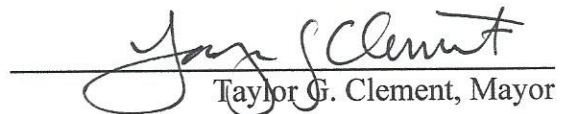
12. The Town Council finds that the application complies with UDO §7.1.8(B) Criteria for the Expansion of a Non-Conformity, Criterion 5 (i.e., the plight of the Applicant for which the continuation of the non-conformity is sought is due to unique circumstances existing on the property and/or within the 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 G. Clement, Mayor



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 G. Clement, Mayor



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 G. Clement, Mayor



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

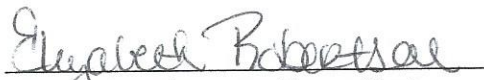
WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

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





**ORDINANCE #3085
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

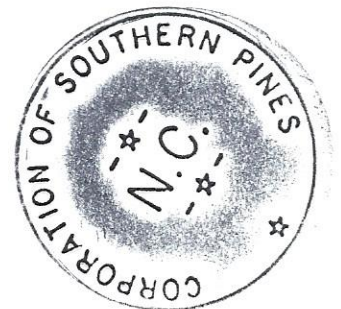
WHEREAS, as the owner and operator of a skatepark, the Town has a duty to adopt a local ordinance regulating activity at the facility.

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.