



AGENDA

Thursday, January 23, 2025: 6:00 PM

Planning Board

Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. APPOINTMENT OF CHAIR AND VICE CHAIR

3. APPROVAL OF MINUTES

a. December 2024 Meeting

4. PRELIMINARY FORUMS

a. MAPP-05-24 Bethesda Road Major Subdivision Preliminary Plat

b. SU-04-24 Special Use Permit for Tyler's Ridge Lot 9

5. PUBLIC HEARING

a. Z-07-24 Rezoning of 4.13 Acres on E. Indiana Avenue from RS-1CD and RS-2 to RM-2 Conditional Zoning District

6. UNFINISHED BUSINESS

7. NEW BUSINESS

a. Planning Board Submittals and Miscellaneous Items for Next Month's Meeting

8. ADJOURNMENT

MINUTES
Planning Board Regular Meeting
E.S. Douglass Community Center, 1185 W. Pennsylvania Avenue
Thursday, December 19, 2024, at 6:00 PM

Chair Westbrook called the meeting to order at 6:00 PM.

Chair Diane Westbrook, Matthew Walden, Jennifer Garner, Monica Harvey and Enrique Herrera were present.

Matthew Walden made a motion, which was seconded by Monica Harvey, to approve the Minutes of the November 2024 regular meeting. The motion carried.

PRELIMINARY FORUM:

MAPP-04-24: Major Subdivision Preliminary Plat for Phase 4 of the Morganton Park South Planned Development

Robert Koontz of Koontz Jones Design, PLLC, on behalf of Midland Atlantic Properties, has submitted a Major Subdivision Preliminary Plat application pursuant to UDO §2.20 to create four (4) outparcels on ± 9.01 acres and extend Old Morganton Road to connect to Carolina Green Parkway. The subject parcel is identified as PIN 857100588078 (PARID 98000749). Per the Moore County tax record, the property owners are listed as Morganton Road Enterprises LLC, Thomas M. Van Camp, Trustee, and others.

Matthew Walden made a motion, which was seconded by Monica Harvey, to open the preliminary forum. The motion carried.

Planner James Broadwell provided an overview of the staff report for MAPP-04-24 accompanied by a Power Point presentation, stating that the preliminary plat will create a 20-acre parcel to the south of the parent tract, four commercial outparcels on the north side, and extend Old Morganton Road to connect to Carolina Green Parkway.

Mr. Broadwell stated that staff recommended approval of the application with the conditions that the 40' Highway Corridor Overlay buffer remain undisturbed and the 40' linear park buffer remain undisturbed until after PDP review. The TIA requires right turns only onto Carolina Green Parkway so hard a median and barrier of some sort will be required to prevent left turns.

John Silverman of Midland Atlantic Properties stated connecting Old Morganton Road to Carolina Green Parkway is a requirement and the appropriate location of the Old Morganton Road extension has now been determined. He stated that there will be left turns in but right turns out as recommended by the TIA.

Robin Greenwood, 400 Old Mail Road, expressed concerns regarding the number of trees being removed.

Mr. Broadwell responded that the UDO requires a minimum 40' buffer from the property line along Morganton Road will be required.

Peter Doubleday, 3722 Youngs Road, asked why the Town continues to expand.

Member Garner responded the development was approved prior to the current Board.

Tom McCabe, 235 N. Page Street, stated the development was created with automobiles in mind and the buffers also prevent pedestrians along Morganton Road from accessing the buildings close to Morganton Road. He encouraged pedestrian and bicycle friendly development going forward.

Jose Cangas, 120 St. Joseph Road, stated he owns 704 W. Morganton Road and Midland Atlantic trespassed on his property and installed utility poles without his knowledge. They asked the developer to halt all activity on their property but the request was ignored and contractors continued to dig foundations. He supports the development but the foundations he asked to be removed still exist. He stated that he was in support of the request but encouraged the Board to delay approval until the issue has been resolved.

Mr. Silverman responded Dr. Cangas was correct that the poles were placed four feet from where they were supposed to be due to the surveyor's error. The plan was approved by NCDOT and the Town of Southern Pines. The poles have been moved to the correct location and they have reached out to Dr. Cangas to request permission to remove the foundations without success.

Monica Harvey made a motion, which was seconded by Matthew Walden, to close the preliminary forum. The motion carried.

Monica Harvey made a motion, which was seconded by Matthew Walden, to adopt the following for transmission to the Town Council as a result of the December 19, 2024 preliminary forum on application MAPP-04-24:

1. Approval of the request will result in the creation of five (5) commercial parcels within the Morganton Park South Planned Development and the extension of Old Morganton Road to Carolina Green Parkway. The extension will also include a traffic circle. Approval of this request will also delineate buffer requirements for the required 40' highway buffer, 40' linear park buffer and 20' western side buffer. Site design requirements will be determined during the Preliminary Development Plan review process.

The information presented at the forum indicated that the following issues be considered in applying the criteria for a Major Subdivision Preliminary Plat to application MAPP-04-24:

1. pedestrian accessibility and buffer density; and
2. approval of the access easement.

In addition, the following concerns were raised during the forum but do not seem to apply in determining whether the Major Subdivision Preliminary Plat criteria are satisfied:

1. The question of why the development; and
2. concerns and violations at 704 Morganton Road and any other affected properties.

The motion carried by a 5-0 vote.

PRELIMINARY FORUM:

PD-07-24: Planned Development - Preliminary Development Plan for New York Place Planned Development located on the west side of South Bennett Street between New York Avenue and Pennsylvania Avenue; Applicant: Grosvenor Land, LLC

Colin Webster, on behalf of Grosvenor Land, LLC, has submitted a Planned Development District – Preliminary Development Plan application for a mixed-use development to include 40 residential condominiums and 9,100 square feet of retail, restaurant and office space. The subject parcels are identified as PIN 858105282734 (PARID 00032263) and PIN 858105281747 (PARID 00031983) and are owned by Grosvenor Land, LLC.

Monica Harvey made a motion, which was seconded by Jennifer Garner, to open the preliminary forum. The motion carried.

Senior Planner Alaina Mallette provided a brief overview of the staff report for PD-07-24 accompanied by a Power Point presentation and stated that staff had identified the following issues:

1. A Watershed Protection Permit has been approved for the site which grants the right to develop up to 70% built-upon area. The applicant has proposed close to 78% of built upon area and has stated that permeable technology will be utilized in the parking area. The locations of permeable material and calculations have not been provided.
2. The list of allowable uses should be confirmed.
3. A traffic generation letter was submitted with the master plan, but not knowing what the land uses will be that can potentially generate a higher traffic volume than what was originally anticipated. Staff recommends a condition that future proposed land uses shall remain within the original trip generation estimates and any combination of land uses in the future that exceed the maximum must be reviewed and may require a modification to the original estimates.

4. Commercial loading and unloading areas will be on the street, but it is unclear whether on S. Bennett Street or W. New York Avenue. Staff proposes a condition that commercial loading and unloading areas shall be on W. New York Avenue and the developer shall establish a proper loading and unloading zone and include a time element that prohibits these activities during peak traffic areas.

Member Herrera expressed concerns regarding water runoff affecting neighboring properties.

Ms. Mallette responded the Town requires that post-construction stormwater calculations be the same as the pre-development calculations.

John Spurrell, representing Grosvenor Land, LLC offered to answer any questions.

Member Herrera asked Mr. Spurrell if the entire first floor will be occupied by commercial uses.

Mr. Spurrell responded different uses have different parking considerations. Their goal is to secure low impact businesses, such as boutique businesses that are in keeping with downtown. This is the type of development that encourages walkability and the convenience of working and living close to downtown. Parking will be outside and under the building.

Tom McCabe stated the number of vehicular trips may not be as high as calculations based on what a use would require given on-street parking and walkability and expressed his support for the development.

Monica Harvey made a motion, which was seconded by Matthew Walden, to close the preliminary forum. The motion carried.

Monica Harvey made a motion, which was seconded by Matthew Walden, to transmit the following list of issues stated in the December 19, 2024 staff report to the Town Council as a result of the December 19, 2024 preliminary forum on application PD-07-24 for New York Place:

1. The applicant is in excess of permitted 70% built-upon area maximum permitted under their watershed protection permit. Permeable pavement and/or similar permeable technology must be used to bring the built-upon area from 77.9% of total acreage to 70%.
2. The PDP section 3.0.3 Allowable Uses should be limited to the Land-Based Classification Standard codes mentioned in the December 19, 2024 staff report.
3. An additional section of the narrative and/or a standard trip generation letter is needed to confirm whether the proposed scope of development and mix of land uses is within the scope of the original traffic design analysis.
4. Commercial loading and unloading areas.

And that the following additional criteria be considered:

1. Restricting businesses based on assumption that everyone will need to park. Based on allowable uses, the automobile trip generation may not be what was predicted in the traffic estimate.

In addition, the following concerns were raised during the forum but do not seem to apply in determining whether the PDP criteria are satisfied:

1. all easements should be confirmed and shown on the submitted plan;
2. labels should be cleared up as described in the December 19, 2024 staff report;
3. parking density and potential for overflow into public parking areas;
4. reduced speed on S. Bennett Street; and
5. extending parking on S. Bennett Street southwest of Pennsylvania Avenue.

The motion carried by a 5-0 vote.

PRELIMINARY FORUM:

PD-08-24: Preliminary Development Plan for Phase 2 of the Southern Pines Ace Hardware Planned Development; Applicant: Rhetson Companies, Inc.; Koontz Jones Design, Authorized Agent

Robert Koontz, on behalf of Rhetson Companies, Inc., has submitted a revised Planned Development District – Preliminary Development Plan application to develop ±14,500 square feet of mixed-use space on 1.87 acres. The subject parcels are identified as PIN 857300974451 (PARID 00033604) and PIN 857300963887 (PARID 00033603) and are owned by Southern Pines Ace Land Company, LLC.

Monica Harvey made a motion, which was seconded by Jennifer Garner, to open the preliminary forum. The motion carried.

Planner James Broadwell provided an overview of staff report PD-08-24 accompanied by a Power Point presentation and stated the uses that were previously approved are being expanded to include Medical Offices, Person Services, Gym, Health and Human Services and Personal Services, and larger buildings are proposed. Mr. Broadwell stated that staff recommended approval with the conditions stated in the staff report.

Paul Saathoff of Koontz Jones Design reiterated the proposal and stated that 1,850 SF of additional space was proposed. Building B will be one story and Building A will gain the additional square footage. Parking has been reduced by two (2) spaces. Any uses must be consistent with the approved CDP. Open space remains unchanged. The applicant is agreeable to the open space condition and the parking condition. Mr. Saathoff stated that no tenants had been confirmed to date.

Monica Harvey made a motion, which was seconded by Jennifer Garner to close the preliminary forum. The motion carried.

Monica Harvey made a motion, which was seconded by Matthew Walden, to adopt the following for transmission to the Town Council as a result of the December 19, 2024 preliminary forum on application PD-08-24 for Southern Pines Ace Hardware:

- The recommendation highlighted by planning staff in the staff report, being that the conditions of approval from the previously approved Ace Phase 2 (under PD-03-24) should transfer to this PDP with the exact same wording. Staff highlighted that applying the exact same conditions would prevent any ambiguity in their ties to this development approval. As for the purpose of these conditions of approval, they ensure this phase of development complies with multiple purposes of the Planned Development, pursuant to UDO §3.5.14.

The motion carried by a 5-0 vote.

PUBLIC HEARING:

Z-06-24: Request to rezone several parcels located on SW Broad Street from General Business (GB) to General Business Conditional Zoning District (GB-CD); Applicant: RCPESP, LLC

Rachel Jurgens, on behalf of B & R Holding Company, and Scott Bertrand, on behalf of RCPESP, LLC, have submitted a request to rezone five (5) properties from GB to GB Conditional Zoning District to develop a mixed-use food truck campus to include a cafeteria, bar, mobile food services, catering, multi-purpose facility, temporary/special event uses and several accessory uses with off-street parking and open space.

Matthew Walden made a motion, which was seconded by Monica Harvey, to open the public hearing. The motion carried.

Senior Planner Alaina Mallette provided an overview of staff report Z-06-24 accompanied by a Power Point presentation. Ms. Mallette stated that Planning staff recommended approval of the application with proposed conditions, but felt that a plan for increased parking demand, the lack of street trees along Morganton Road, stormwater management with the proposed increase in impervious surface, traffic generation, and the outstanding fire code violations were worthy of discussion. Better pedestrian connectivity and walkability in the area should also be considered.

Ms. Mallette distributed a copy of Fire Marshal Ken Skipper's December 19, 2024 email to the applicant, the Notice of Violation from the Town of Southern Pines Fire Department dated December 19, 2024 and images related to the violation to the Board members.

Chair Westbrook asked if there is a maximum occupancy requirement for the food truck campus.

Mike Rakowski responded as far as the Fire Department is concerned, there is no maximum occupancy for an outdoor space.

Scott Bertrand said parking agreements was one of the recommendations and they would like to work on those agreements and when they are needed. Parking is only an issue on some days.

Member Herrera asked Mr. Bertrand if he was opposed to adding a crosswalk across Hwy 1.

Ms. Mallette responded Morganton Road and Old US Hwy 1 are NCDOT roads. She spoke with the Town Engineer, who said a crosswalk in that area had been discussed in the past, but it was determined that the distance is too long and the angles would make it unsafe. If the traffic generation letter states that the expansion is outside of the purview of the original study and the new study came up with suggested improvements, they tend to include improvements.

Mr. Bertrand said with the efforts that are being made to promote pedestrian traffic in the Pinedene area. Everything in that area is going to be built with the idea of promoting more pedestrian traffic. They request that the requirement for a shared parking agreement with Bank of America be reduced to a temporary parking agreement for special events. The adjacent property owners have agreed that Red's Corner customers can park on their properties when they are not there.

Mr. Rakowski stated with regard to stormwater, when they put in the new row of shrubs and the greenspace is sodded, the entire pond will be sodded. Nothing has changed with regard to runoff into the pond than what was originally calculated. Gravel is being added where gravel previously existing but has been compacted due to use.

Mr. Bertrand stated that Thyme & Place Restaurant was required to have a walk-in cooler. It had been removed but there was existing electrical service for the cooler. The cooler is currently unplugged and they will talk with the Fire Marshal about the requirement to install sprinklers in the walk-in cooler or in the overhang.

Member Garner stated she did not understand why they did not pull permits at the beginning.

Mr. Bertrand responded there was a walk-in cooler there previously.

Mr. Bertrand stated with regard to sidewalks along Morganton Road, that is a busy road and the shoulder dips down into Red's. That is NCDOT's property. They do not object to a sidewalk in that location, but that would be up to NCDOT. From a practical standpoint, the sidewalk would run up to the bridge but the bridge has a very narrow shoulder. From Old US Hwy 1 and Broad Street, the site was developed a few years ago with sidewalks so they are not sure what other sidewalk improvements would be on SW Broad and there is also the issue of the future of that road. Hall Avenue is a private road that dead ends and land that they do not control. Regarding connectivity with public parking, they do not know where public parking is located.

Tom McCabe, 235 N. Page Street, recommended building a path from Morganton Road to the food truck campus instead of blocking pedestrian access with vegetation.

Matthew Walden made a motion, which was seconded by Monica Harvey, to close the public hearing. The motion carried.

Monica Harvey made a motion, which was seconded by Matthew Walden, that after reviewing the proposed amendment to the Town of Southern Pines Zoning Map and after considering the criteria for approval of map amendments found in UDO §2.17.9, the proposed amendment is consistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment 1 of staff report Z-06-24 as revised by the Planning Board and therefore, to recommend approval of Z-06-24 to the Town Council with the 18 conditions on the General Business Conditional Zoning District as submitted by the applicant with additional information submitted before the Town Council public hearing regarding the six (6) additional considerations identified in the December 19, 2024 staff report.

The motion carried by a 5-0 vote.

UNFINISHED BUSINESS:

No unfinished business was discussed.

NEW BUSINESS:

Ms. Mallette stated that the Town Council had reappointed Jennifer Garner for a second term on the Board.

The Board agreed to hold the January agenda meeting.

Matthew Walden made a motion, which was seconded by Monica Harvey, to adjourn the meeting. The motion carried.

The meeting adjourned at 9:25 PM.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board

An audio recording of the meeting is available upon request.

Agenda Item

To: Planning Board

From: James Broadwell, Planner I

Subject: MAPP-05-24: Major Subdivision Preliminary Plat for 4 Homes at 160 S Bethesda Road; Petitioner: Carolyn R. Scott Heirs (Nelson R. Scott Executor), by LKC Engineering, PLLC, Agent

Date: January 23, 2024

1. SUMMARY OF APPLICATION REQUEST

Mr. Tim Carpenter of LKC Engineering, PLLC, on behalf of Carolyn R. Scott Heirs (Nelson R. Scott Executor), has 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 four lots under RS-2 zoning. The parent tract contains natural wooded areas, one existing home, and an existing pool and shed. The subject property is located on S Bethesda Rd, a Minor Collector roadway. Per the Moore County tax records, the property is identified as PARID 00055339, which comprises 5.87 acres, and is owned by Carolyn R. Scott Heirs (Nelson R. Scott Executor).

2. PROJECT INFORMATION

A. Property Owner & Applicant Information

Property Owner/Applicant	Authorized Agent
Carolyn R. Scott Heirs	Tim Carpenter
Nelson R. Scott Executor	LKC Engineering, PLLC
27 Sabbatia Drive	140 Aqua Shed Court
Whispering Pines, NC 28327	Aberdeen, NC 28315

B. Project Background and Site Information

i. Project Background and History

160 S Bethesda Road is a 5.87-acre residential lot located just across the street (S Bethesda Rd) from the Sandhurst neighborhood. The lot has not been subdivided since the Bethesda Road area was annexed into Southern Pines in 1977. Following Carolyn Scott's passing, her heirs intend to subdivide the parent tract into four lots.

S Bethesda Road is designated a Minor Collector roadway according to the town's Road Network Map. Because of this designation, this subdivision requires Major Subdivision review (as it will add driveway accesses on a Collector Roadway pursuant to UDO §2.32(1)(A)(7)). Additional driveway accesses on highway,

collector, and arterial roadways may present safety or site design concerns – and for that reason a more thorough review process is necessary.

This Major Subdivision Preliminary Plat aims to subdivide the parent tract into four 1-2 acre lots, and will create three additional driveway accesses on S Bethesda Road.

ii. Location, Zoning, Comprehensive Plan Designations

The subject property is located approximately 700 feet from the intersection of S Bethesda Road and E Indiana Avenue, and to the west of Sandhurst Park (across S Bethesda Road). It is zoned RS-2, which calls for a 20,000 square foot minimum lot size. The General Framework Map and Conservation and Development Maps from the Comprehensive Plan categorize the site as an “Area to Enhance” and “Neighborhood” respectively.

Figure 1: Immediate Vicinity Map. Parent tract outlined in **orange**.



Figure 2: Zoning Map. The subject property is zoned **RS-2** (Residential Singlefamily-2), and is outlined in **orange**. It is surrounded by RS-2 lots, and across the street from Sandhurst Park (zoned FRR – Facilities, Resources, and Recreation).

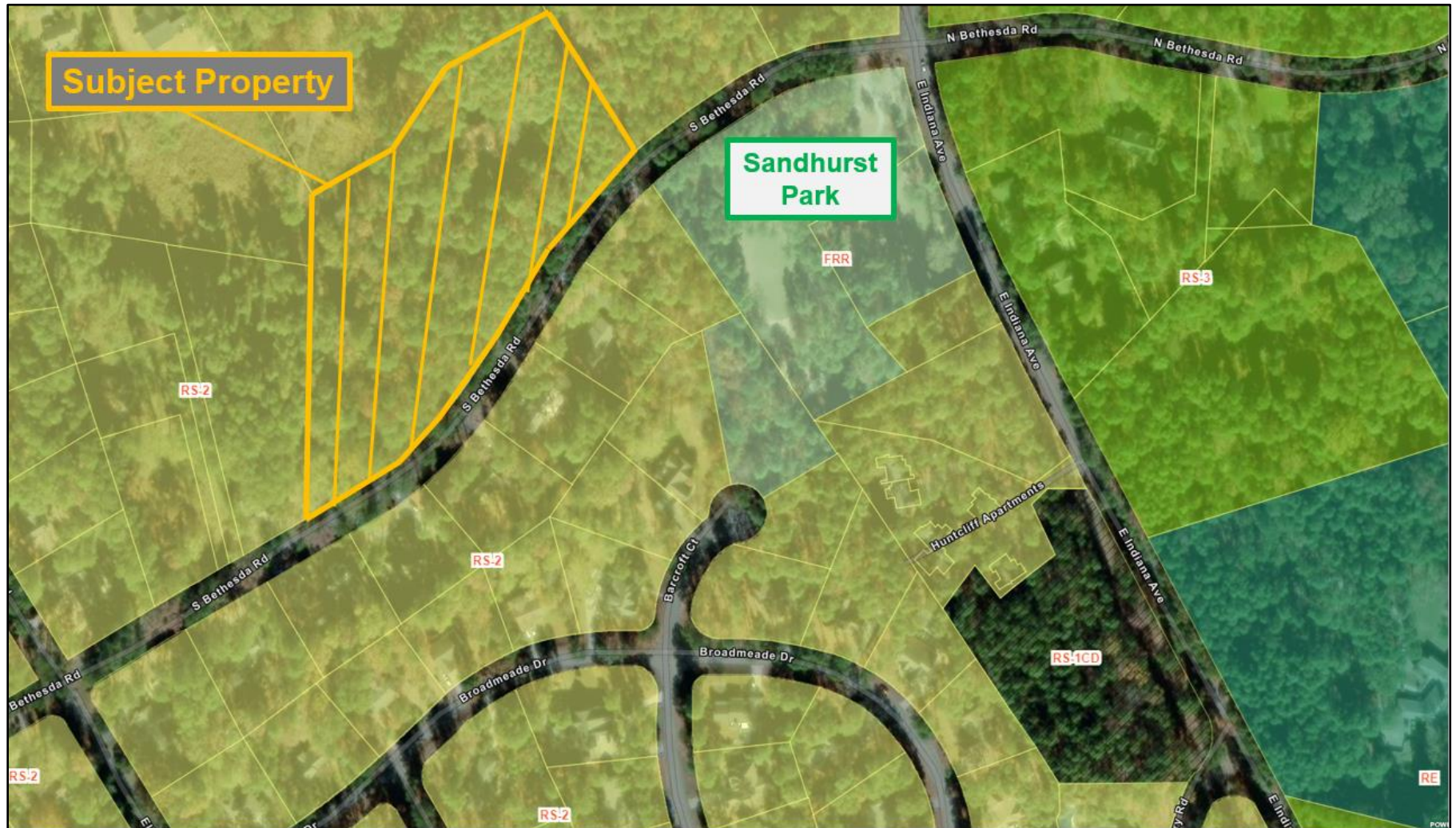
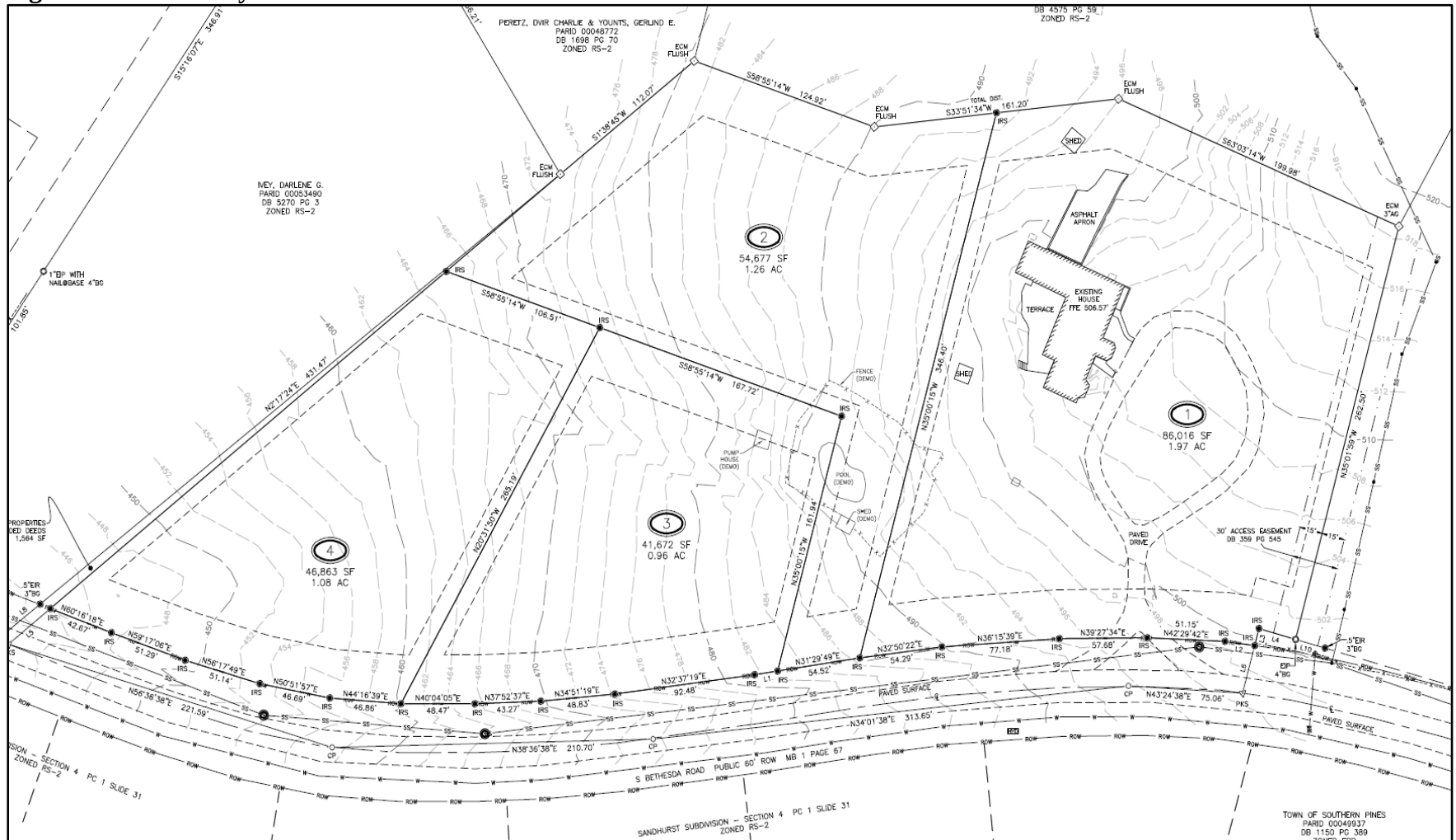


Figure 3: Preliminary Plat.



3. STAFF REVIEW

A. Application Review Dates

- MAPP application submitted: **November 25, 2024**
- Application Deemed incomplete: **November 26, 2024**
- Application Deemed complete: **December 6, 2024**
- TRC Staff Review: **December 31, 2024**
- Notice of Planning Board Preliminary Forum:
 - Posted On-site: **January 10, 2025**
 - Mailed: **January 6, 2025**
 - Internet: **January 6, 2025**
- Follow-up discussion between staff and the applicant: **January 6, 2025**
- Follow-up discussion between staff and the applicant: **January 14, 2025**
- Planning Board Preliminary Forum: **January 23, 2025**

B. Process of Review

Per UDO §2.19 General Subdivision Regulations and §2.20 Major Subdivision, the procedures for review and approval of a major subdivision require adherence to supplemental conditions. These sections of the UDO establish a process and standards to review and approve plats.

C. Standards for Review

UDO standards for approval criteria for a Major Subdivision Preliminary Plat are found in UDO §2.20.4(G), and apply to the review of this major subdivision preliminary plat.

D. Compliance with UDO §2.20.4(G) Major Subdivision Preliminary Plat Criteria. A major subdivision is permitted only if the applicant demonstrates that:

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;*

Town staff agree with the applicant's narrative that the proposed development is consistent with the subject property's RS-2 zoning and Comprehensive Plan's designation. The General Framework Map and Conservation and Development Map, which categorize the site as an "Area to Enhance" and "Neighborhood" respectively, are consistent with the applicant's intended plan. Adequate public road access is also available to this site.

Street Trees. This major subdivision is required to provide street trees, pursuant to UDO §4.3.3, at a required planting rate of 1 tree per 30 feet. Staff wish to point out that the existing trees along S Bethesda Rd are more than sufficient to meet this requirement, and preserving trees like these are a primary goal of the town's Comprehensive Plan.

Pursuant to Comprehensive Plan polices 4.9 and 4.10, which call for the preservation of our town's natural character and minimizing tree loss during

development, town staff assess that preservation of the existing mature trees within the front setback of the subject property would be a desirable and reasonable community benefit. These trees are emblematic of the Southern Pines natural character, and are a key asset to the community. Furthermore, the setback may not be developed with structures anyways, so no loss of developable area would occur if the existing trees are preserved. For that reason, preserving these trees is necessary to satisfying Criterion 1. If the applicant preserves the existing mature trees, within the front setback, along S Bethesda Road, then staff assess this criterion is met.

2. *The proposed Subdivision complies with the UDO and applicable state and federal regulations;*

Minor Collector Roadway Designation. S Bethesda Rd is a Minor Collector roadway according to the town's Roadway Network Map; because creating additional driveways on high traffic and speed roadways (highways, arterial roads, and collector roads) may create safety and/or design issues, major subdivision review is triggered pursuant to UDO §2.32.1(A)(7). If too many driveways are created in places where visibility is limited or traffic and speed are high, then the likelihood of accidents or other negative traffic impacts increases. The UDO prescribes Major Subdivision review when driveways are added on core roadways to prevent those safety concerns.

Where the subject property fronts S Bethesda Rd, the speed limit is 35-MPH, the elevation drop is approximately 55-feet, and the road comprises two curving turns that limit site line visibility to 300-350 feet.

Engineering staff reviewed the proposed driveway access locations. Because the applicant only plans to add three driveways, with 150-200' separation, assess this major subdivision will not create a safety or design issue.

Red Cockaded Woodpecker (RCW). RCW habitat encroachment is governed by the US Fish and Wildlife Service under federal Endangered Species Act regulation. RCW clusters are present in moderate proximity to the subject property; however, the Regional Land Use Advisor Commission confirmed, in their comment on 1/2/2025 about the property, that no RCW implications will result from this Major Subdivision.

With the Minor Collector Roadway designation and possible RCW implications being addressed, staff assess Criterion 2 is met.

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;*

This application is consistent with the RS-2 conditional zoning entitlements. The minimum lot size of 20,000 square feet, setback requirements, and separate drive requirements for RS-2 are all met under this application. Staff

also do not assess any adverse impact on adjacent neighboring properties. For these reasons, staff assess Criterion 3 is met.

4. *The proposed Subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties;*

The Technical Review Committee reviewed the application at its December 31, 2024 meeting. The committee noted that the level of impervious surface being added was not an amount that would trigger stormwater control measures.

As mentioned under Criterion 2, town engineering staff also reviewed the proposed driveway access locations. Given only three additional driveways are proposed with 150-200' spacing, the committee assessed this major subdivision will not create a safety or design issue. The applicant's plat and plans do not present an adverse effect on safety or viability of adjacent properties, and town staff assess that criterion 4 is met.

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.*

Town utilities are readily available for extension to these proposed units, and town staff do not anticipate any issues in accommodating their service. Proper spacing of fire hydrants is also present along S Bethesda Rd. Staff confirm that Criterion 5 is met.

E. General Staff Comments

o **Three New Driveways on a Minor Collector Roadway**

This major subdivision will create three new driveways on S Bethesda Road, a roadway identified as a "Minor Collector" on the town's Road Network Map. Because creating additional driveways on core roadways (highways, arterial roads, and collector roads) may create safety and/or design issues, major subdivision review is triggered pursuant to UDO §2.32(1)(A)(7). If too many driveways are created in places where visibility is limited or traffic and speed are high, then the likelihood of accidents or other negative traffic impacts increases. The UDO prescribes Major Subdivision review when driveways are added on core roadways to prevent those safety concerns.

In this case, S Bethesda is a two-lane, 35-MPH roadway. When moving east to west along S Bethesda Rd, vehicles see an approximately 55-foot drop in elevation and two curving turns that limit site line visibility to 300-350 feet.

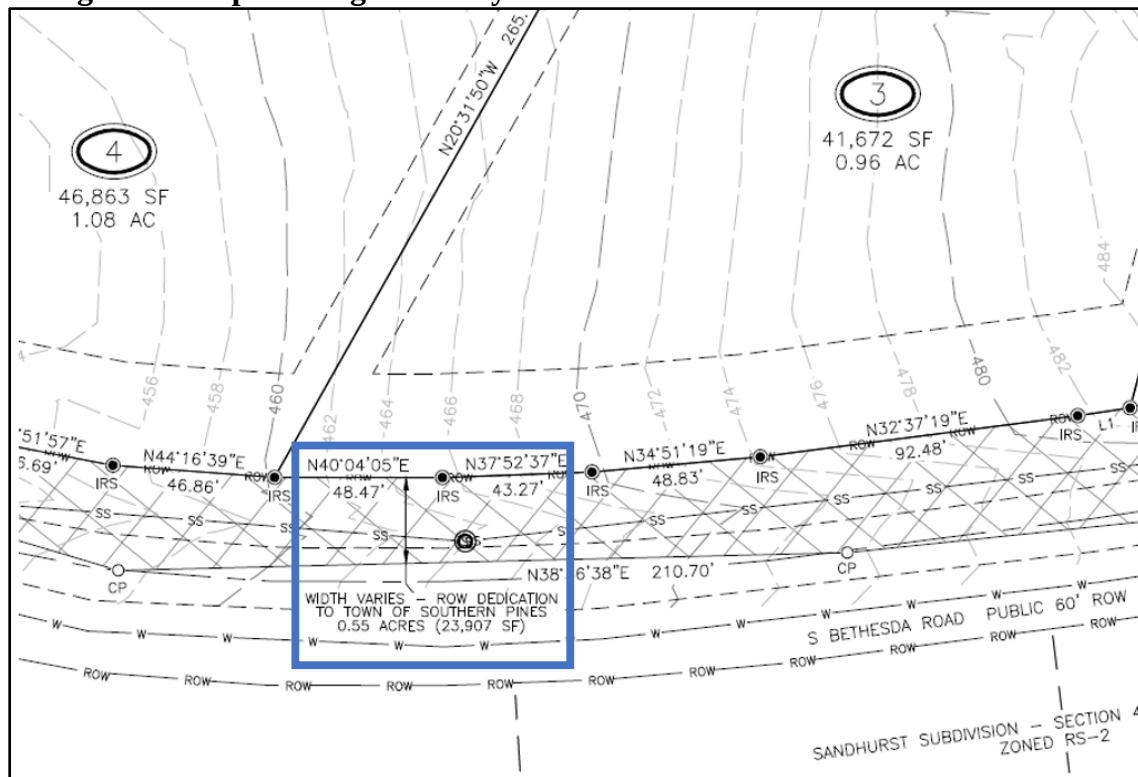
Town engineering staff have reviewed the proposed driveway access locations. Given only three driveways with 150-200' spacing are proposed, staff assess this major subdivision will not create a safety or design issue.

- **Right-of-Way Dedication**

S Bethesda Road is a town-managed public right-of-way. The current deed description and associated plat (Map Book 1, Page 67) of the subject property indicates that its boundary extends to the center line of the S Bethesda Road. Staff assess this subject property's boundary predates the NC Department of Transportation assuming control of the road in the early 1970s, the Town of Southern Pines annexing the area in 1977, and the town subsequently assuming control of the road.

To rectify this property boundary issue, the applicant has depicted a 0.55-acre right-of-way dedication along S Bethesda Rd to the Town of Southern Pines (see figure 4 below). Town staff agree this dedication is appropriate, as it will clarify property lines and public right-of-way moving forward.

Figure 4: Proposed Right-of-Way Dedication to the Town of Southern Pines



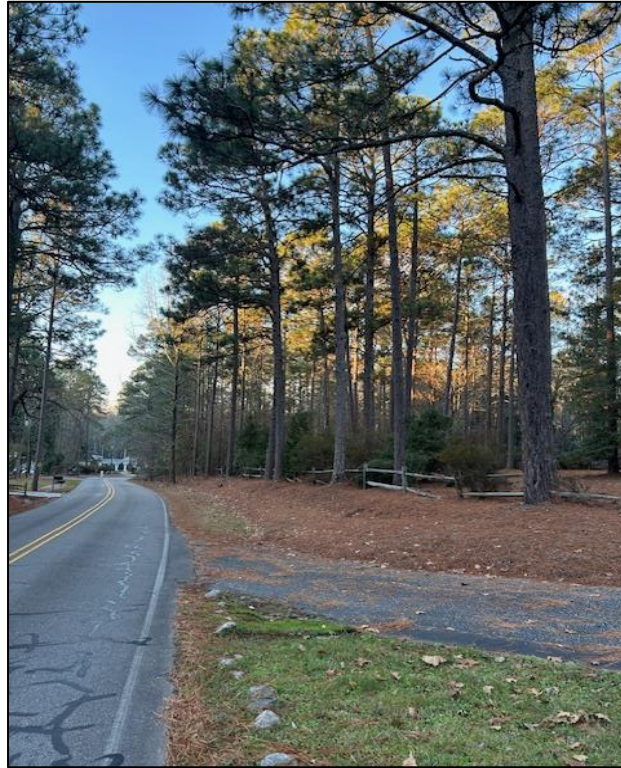
- **Street Trees**

This major subdivision is required to provide street trees, pursuant to UDO §4.3.3, at a required planting rate of 1 tree per 30 feet. Staff wish to point out that the existing trees along S Bethesda Rd are more than sufficient to meet this requirement, and that retaining trees like these is a key goal of the Comprehensive Plan.

Pursuant to Comprehensive Plan polices 4.9 and 4.10, which call for the preservation of our town's natural character and minimizing tree loss during development, town staff assess that the existing mature trees within the front

setback of the subject property should be preserved. These trees are emblematic of the Southern Pines natural character, and are a key asset to the community. For that reason, preserving these trees is necessary to satisfying Criterion 1. If the applicant agrees to their preservation, then staff assess this criterion is met.

Figure 5: Street Trees Along S Bethesda Road



F. Outside Agency and Neighborhood Meeting Comments:

Staff has provided information on the project to outside agencies and has received the following responses:

- Ron Istre, the Town of Southern Pines Utilities Superintendent, commented on 12/30/2024 that water and sewer are readily available to the site and that he had no further comments.
- The Technical Review Committee reviewed this project's file at their 12/31/2024 meeting, and did not identify any significant issues. Further site plan review and approval will be required prior to issuance of any final plats or building permits for development, if approved.
- The Regional Land Use Advisory Commission commented on 1/2/2025 that they have no comment on this application.

4. ATTACHMENTS:

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

1. Preliminary Plat Applications and Agent Authorization
2. Narrative
3. Preliminary Plat

Additional documentation, including but not limited to, the parcel deeds and estate executor power-of-attorney is available for review as a public document at the Town of Southern Pines planning office.

5. PLANNING BOARD ACTION:

Pursuant to North Carolina General Statute §160D-301(b)(6) and Unified Development Ordinance §2.5.2, the Planning Board may hold a Preliminary Forum on a matter requiring a quasi-judicial decision by the Town Council. However, no part of the forum or any recommendation may be used as a basis for the deciding board.

Therefore, the Planning Board may wish to use the following motion to identify issues to bring to the attention of the Town Council at the evidentiary hearing.

I move to adopt the following for transmission to the Town Council as a result of the January 23, 2024 Preliminary Forum on application MAPP-05-24:

The information presented at the forum indicated that the following issues be considered in applying the criteria for a Major Subdivision Preliminary Plat to application MAPP-05-24:

1. Approval of the request will result in the creation of four residential lots, each on their own individual parcel. This major subdivision must meet the town's UDO street tree requirements, and currently comprises existing trees along S Bethesda Road that are emblematic of the town's natural character. This site's proposed development area also fronts a Minor Collector Roadway; however, engineering staff do not assess that the proposed driveways will present safety or design issues.
- 2.

In addition, the following concerns were raised during the forum, but do not seem to apply in determining whether the Major Subdivision Preliminary Plat criteria are satisfied:

- 1.

REQUIRED APPLICATION MATERIALS:

- NA **Special Use Permit Application** and all supporting documentation.
- X **Completed Major Subdivision Preliminary Plat Application** signed by the applicant.
- X **Appointment of Agent**, if applicable, signed by the property owner(s) and the agent.
- X **Deed** copy to provide proof of ownership and property boundaries.
- X **Preliminary Plat**: Please refer to Appendix A of the UDO (pg. A-11) for detail requirements.
- X **Written narrative**: It is the responsibility of the applicant to demonstrate compliance with **UDO §2.19** and **§2.20**.
- X **Additional documentation**: Additional text and/or maps provided to demonstrate consistency with the criteria for approval of a preliminary plat listed in **UDO §2.20.5(G)**. The list of criteria is attached.
- NA **Covenants and Restrictions**, if applicable.
- X **Utility letters** confirming the availability of service and improvements necessary to provide water, wastewater, natural gas or telecommunications services (not needed for Town services).
- NA **Drainage concept plan**, if applicable – see drainage impact analysis checklist.
- NA **Traffic impact analysis**, if applicable – see traffic impact analysis checklist.
- X **Electronic copy (PDF) of all application materials** submitted to plan@southernpines.net

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

REVIEW AND APPROVAL:

1. **Staff Review**: Planning staff will review the application within five business days and notify the applicant if additional materials are needed.
2. **Public Hearing**: A public hearing will be held before the Town Council at its regular monthly meeting. (Please refer to the **Application Processing Timeline** to determine the hearing date.) In addition to the regular meeting, the applicant or a representative is expected to attend the Town Council agenda meeting the Wednesday prior to the regular meeting.
3. **Approval**: The Town Council may approve, conditionally approve or deny the application based on the criteria listed in **UDO §2.20.5(G)**. The Special Use Permit shall not become effective until the Planning Director approves and the Applicant records the final plat for the applicable area.

PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES
801 SE Service Road, Southern Pines, NC 28387
plan@southernpines.net (910) 692-4003 www.southernpines.net



Major Subdivision Preliminary Plat

Date Received: _____ Case No.: S-____-____

Subdivision Name: Bethesda Rd Subdivision Street Address: 160 South Bethesda Rd
PIN: 858118410067 Parcel ID: 00055339 Zoning District: RS-2
Project acreage in: Lots 5.27 + Roads 0.57 (see plat) + Open Space 0 (not reqd) + Common Area 0
+ Other (describe) NA = Total Project Acreage 5.84
Number of Lots: 4 Minimum Lot Size: 0.97 Setbacks: F(30) SI(10) SE(15) R(30)
Highway Corridor Overlay: Yes/No No If yes, Urban Village No Urban Transition No Rural Hwy No
Watershed: Yes/No No If yes, LR #2: NA LR Vass: NA Nicks Creek: NA HQW: Yes/No NA
Does the site contain a Special Flood Hazard Area: Yes/No No Does the site contain wetlands: Yes/No No

Applicant:

Name: Carolyn R Scott Heirs (Nelson R Scott, Executor)
Phone: 910-690-7226 Email: scottie@lkcengineering.com
Mailing Address: 27 Sabbatia Dr, Whispering Pines, NC 28327

Contact Person, if different from Applicant:

Name: Tim Carpenter, LKC Engineering, PLLC
Phone: 910-639-2410 Email: tim@lkcengineering.com
Mailing Address: 140 Aqua Shed Court, Aberdeen, NC 28315

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

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

Date: 11-20-24

Nelson R Scott Exc.
Signature of Applicant

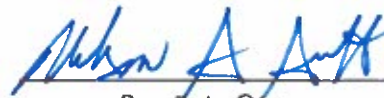
APPOINTMENT OF AGENT

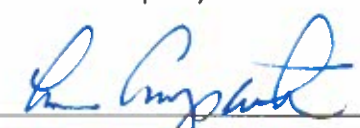
The undersigned owner(s), Nelson R Scott, hereby appoint(s) Tim Carpenter, LKC Engineering as the exclusive agent for the purpose of making an application to the Town of Southern Pines for approval of a Major Subdivision of the property described in the attached application. The owner(s) hereby agree that this agent has the authority to act for and on behalf of the owner(s) as follows:

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

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

Signed this 20 day of November 2024

 Exc.
Property Owner

Property Owner

Agent

BETHESDA ROAD SUBDIVISION -NARRATIVE
November 25, 2024**UDO §2.20.5 Preliminary Plat****(G) Criteria**

(1) The application is consistent with the approved Sketch Plat, if applicable.

This Preliminary Plat application is consistent with the Plat as submitted.

(2) The application is consistent with the Comprehensive Plan(CP), as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;

This application is consistent with the CP in that the CP and the UDO designates this area as RS-2 single family lots. All of the lots being proposed are consistent with the RS-2 Zoning and being situated along S. Bethesda Rd in an area referred to as the Hamlets in the CP that describes large lots along narrow streets. The proposed Major Subdivision contains a total of 4 lots that range from 0.97 acres (42,250 sf) to 1.96 acres (86,000 sf) which are generally larger than the neighborhood lots in this area. These larger lots provide the opportunity to preserve more of the existing tree canopy as these lots are built on. These lots would all front on S. Bethesda Rd, with one of these being an existing dwelling and having an existing driveway and resulting in only three new driveway cuts onto S. Bethesda at an approximate spacing of 150-200ft apart. No new extensions of roadways are necessary to complete the subdivision as proposed. Town Water and Sewer Utilities are available to the lots along S. Bethesda Rd.

(3) The proposed subdivision complies with the UDO and the applicable state and federal regulations;

The four lot subdivision as proposed would normally be considered a Minor Subdivision except that S. Bethesda Rd is labeled as a Minor Collector in the CP and as such only in Major Subdivisions can driveway connections be made to Collectors. As mentioned above the UDO designates this area as RS-2 single family lots. All of the lots being proposed are consistent with the RS-2 Zoning District Standards. The sites shall comply with Local/State and Federal development standards.

(4) 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;

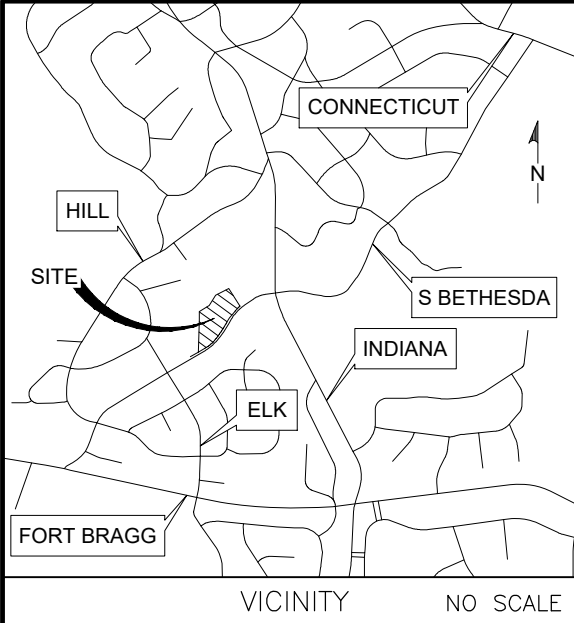
The proposed subdivision is consistent with surrounding lot sizes and the RS-2 zoning district. There are no new roads being proposed only three new driveway connections to S. Bethesda Rd. Existing residential driveway connections are prevalent along S. Bethesda Rd and the lot sizes being proposed are generally larger than the lots in the area with the exception of a few larger lots adjacent to the subject parcel.

(5) The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and

The proposed subdivision will not have detrimental impacts on the safety and viability of uses on adjacent properties. The subdivision has a similar density and zoning of the surrounding neighborhoods. The subdivision is only proposing a total of 4 lots, three of which are newly created lots. These lots will not create significant increases of traffic, generally a single family dwelling generates approximately 10 trips per day. Three new lots are estimated to create 30 new trips per day.

(6) 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.

The proposed subdivision is adjacent to adequate facilities to support the addition of three new lots. Also, as a part of this Major Subdivision includes providing or dedicating street right of way to the Town on Bethesda Rd. The property lines previously extended to the center of the street, this preliminary plat shows the intended dedication of right of way to the Town.



GENERAL NOTES

1. THIS MAP IS NOT IN ACCORDANCE WITH GS 47-30.
2. AREA BY COORDINATE METHOD.
3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCE.
4. DASHED LINES NOT SURVEYED, DRAWN FROM INFORMATION AS INDICATED.
5. THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON.
6. THIS PROPERTY IS NOT LOCATED IN A DESIGNATED FEMA SPECIAL FLOOD HAZARD AREA PER FIRM NO. 371085800J WITH AN EFFECTIVE DATE OF 10/17/2006.
7. THIS PROPERTY IS NOT LOCATED IN A DESIGNATED FEMA SPECIAL FLOOD HAZARD AREA PER FIRM NO. 371085800J WITH AN EFFECTIVE DATE OF 10/17/2006.
8. LOCATION OF UNDERGROUND UTILITIES, IF SHOWN, ARE BASED ON VISIBLE EVIDENCE OR DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND UTILITIES AND STRUCTURES MAY VARY FROM SHOWN LOCATIONS. ADDITIONAL UTILITIES MAY EXIST. LOCAL UTILITY COMPANIES SHOULD BE CONSULTED FOR FURTHER INFORMATION ON UTILITIES AFFECTING THE PROPERTY.
9. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF AN ATTORNEY'S TITLE SEARCH WHICH COULD DISCLOSE ZONING, BUILDING SETBACKS OR OTHER INFORMATION WHICH COULD AFFECT THE SURVEYED PROPERTY.
10. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHT-OF-WAYS AND AGREEMENTS OF RECORD PRIOR TO THE DATE OF THIS PLAT.

UTILITIES NOTES

1. NO ON-SITE WATER INFRASTRUCTURE TO BE DEVELOPED.
2. NO ON-SITE SANITARY SEWER INFRASTRUCTURE TO BE DEVELOPED.

SITE DATA

JURISDICTION SOUTHERN PINES
PHYSICAL ADDRESS 160 S BETHESDA ROAD
PARID 00055339
WILL 2018E-527
DB 261 PG 688

TRACT ZONING

CURRENT ZONING RS-2 (RESIDENTIAL SINGLE-FAMILY)
CURRENT USE VACANT
SETBACKS
FRONT 30'
EXT SIDE 15'
INT SIDE 10'
REAR 30'

TRACT ACREAGE CALCULATIONS

SITE TOTAL 5.82 ACRES
RESIDENTIAL 5.27 ACRES
RIGHT-OF-WAY 0.55 ACRES

RESIDENTIAL LOT DATA

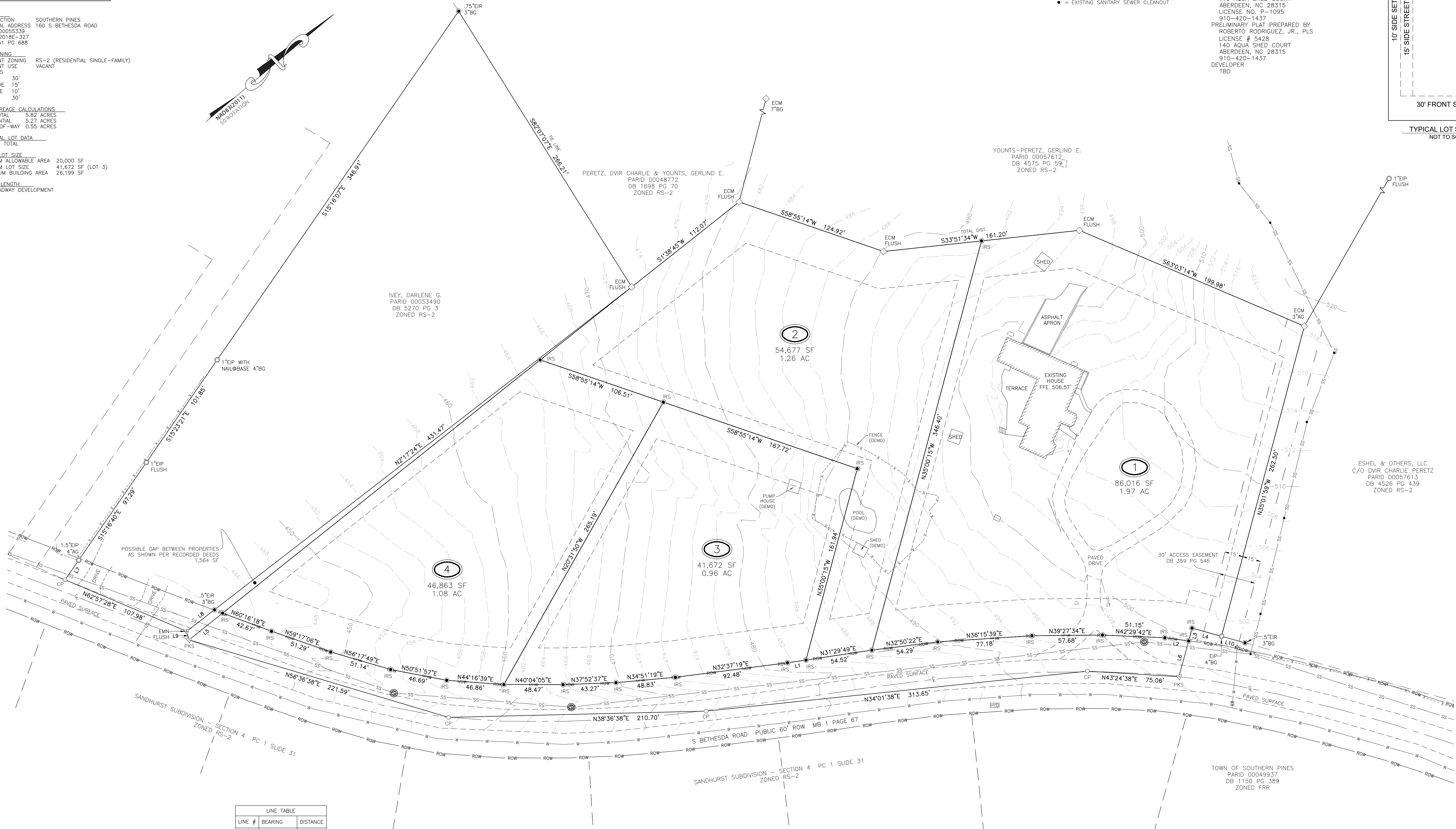
4 LOTS TOTAL

MINIMUM LOT SIZE

MINIMUM ALLOWABLE AREA 20,000 SF
MINIMUM LOT SIZE 41,672 SF (LOT 3)
MINIMUM BUILDING AREA 26,199 SF

ROADWAY LENGTH

NO ROADWAY DEVELOPMENT



LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N31°28'56"E	15.33
L2	N47°35'10"E	19.59
L3	N34°51'37"W	10.86
L4	N55°33'23"E	24.98
L5	S1°26'56"W	35.06
L6	N34°51'37"W	30.26
L7	S15°16'40"E	19.46
L8	N2°15'01"E	28.78
L9	S65°51'12"E	7.30
L10	S55°24'45"W	19.96

LEGEND

CP = CALCULATED POINT
EIR = EXISTING IRON ROD
IRS = 0.4" IRON ROD SET
EIP = EXISTING IRON PIPE
ECM = EXISTING MONUMENT
PKS = PK NAIL SET
EMN = EXISTING MAG NAIL
ROW = RIGHT OF WAY
BND = BOUNDARY LINE
EAS = EXISTING EASEMENT
X = EXISTING FENCE
SS = EXISTING SANITARY SEWER
SD = EXISTING STORM DRAINAGE
W = EXISTING WATERLINE
FIR = EXISTING FIRE HYDRANT
WV = EXISTING WATER VALVE
WM = EXISTING WATER METER
SMH = EXISTING SANITARY SEWER MANHOLE
SC = EXISTING SANITARY SEWER CLEANOUT

REVISIONS			
SYM.	DESCRIPTION	DATE	BY
	PER EMAIL: JAMES BROADWELL; 11/26/2024	12/05/2024	RR
	OPEN SPACE OMISSION	01/06/2025	RR

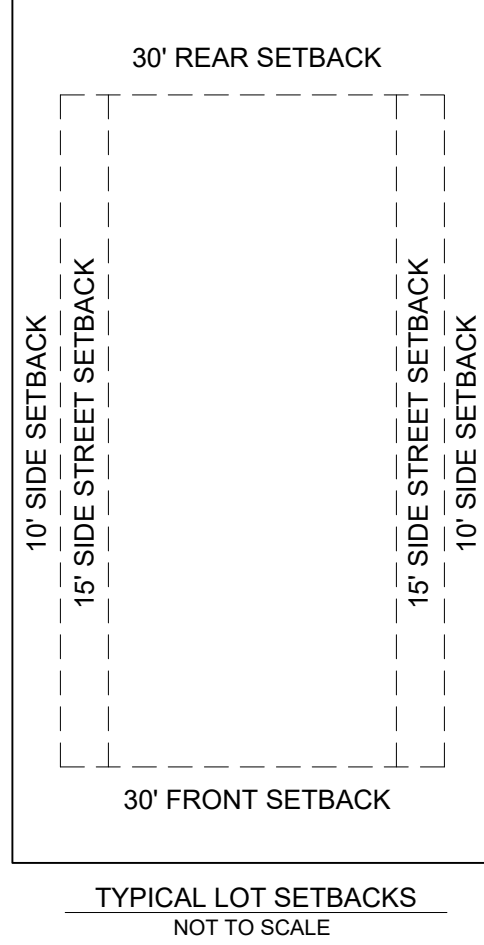
SUBDIVISION OWNER
CAROLYN R. SCOTT (HEIRS)
C/O NELSON R. SCOTT
27 SABBATIA DR
WHISPERING PINES NC 28327

APPLICANT
CAROLYN R. SCOTT (HEIRS)
NELSON R. SCOTT, EXECUTOR
27 SABBATIA DRIVE
WHISPERING PINES, NC 28327
910-690-7226

APPOINTMENT OF AGENT
TIM CARPENTER
LKC ENGINEERING, PLLC
140 AQUA SHED COURT
ABERDEEN, NC 28315
LICENSE NO. P-1095
910-420-1437

PRELIMINARY PLAT PREPARED BY
ROBERTO RODRIGUEZ, JR., PLS
LICENSE # 5428
140 AQUA SHED COURT
ABERDEEN, NC 28315
910-420-1437

DEVELOPER
TED



LKC Engineering, PLLC
140 Aqua Shed Court
Aberdeen, NC 28315
O: 910.420.1437
F: 910.637.0096
lkceengineering.com
License No. P-1095

Engineering
Landscape Architecture
Surveying

PRELIMINARY PLAT
BETHESDA ROAD SUBDIVISION

SOUTHERN PINES, NORTH CAROLINA

DATE: JANUARY 6, 2025

DESIGNED:

DRAWN: RR

CHECKED:

NO.

Agenda Item

To: Planning Board

From: Gene Ruiz, Planner II

Subject: SU-04-24 Special Use Permit to Amend CU-01-11 To Remove Landscape Buffer: Owner/Applicant: Jame B. O'Malley, Trustee; Authorized Agent: Paul Saathoff, KoontzJones Design

Date: January 23, 2025

I. SUMMARY OF APPLICATION REQUEST

On behalf of Trustee James B. O'Malley, Paul Saathoff with Koontz Jones Design has applied for a special use permit to amend the 2011 Conditional Use Permit for the Tyler's Ridge development (i.e., file #CU-01-11). Lot 9 is a ±0.7-acre parcel within the development and is adjacent to the current Ace Hardware development, the former Ace Hardware building, and Capital Drive. The amendment being proposed would remove a required 30' landscaping buffer and 50' building setback. The subject property is identified as PIN: 857300977253 (PARID: 20190158).

II. PROJECT INFORMATION

A. Property Owner & Applicant Information

i. Property Owner and Applicant
O'Malley, James B Trustee
211 Trimble Plant
Southern Pines, NC 28387

ii. Authorized Agent
Koontz Jones Design
c/o Paul Saathoff
140 Applecross Rd. Suite B
Southern Pines, NC 28387

B. Project History and Site Information

The Conditional Use Permit #CU-01-11 was approved as a mixed-use development west of NC Highway 22 and South of Airport Road and includes commercial, retail, and multi-family uses. Several conditions were imposed by the Town Council at the time of approval for file #CU-01-11, including a condition requiring a 30' landscape buffer and 50' building setback.

Figure 1: Zoning and Location Map (Subject Property Outlined by Dashed Red Lines)



Figure 2: Approved Master Plan per CU-01-11(Green Line 30' planted Buffer, Blue line 50' Building)

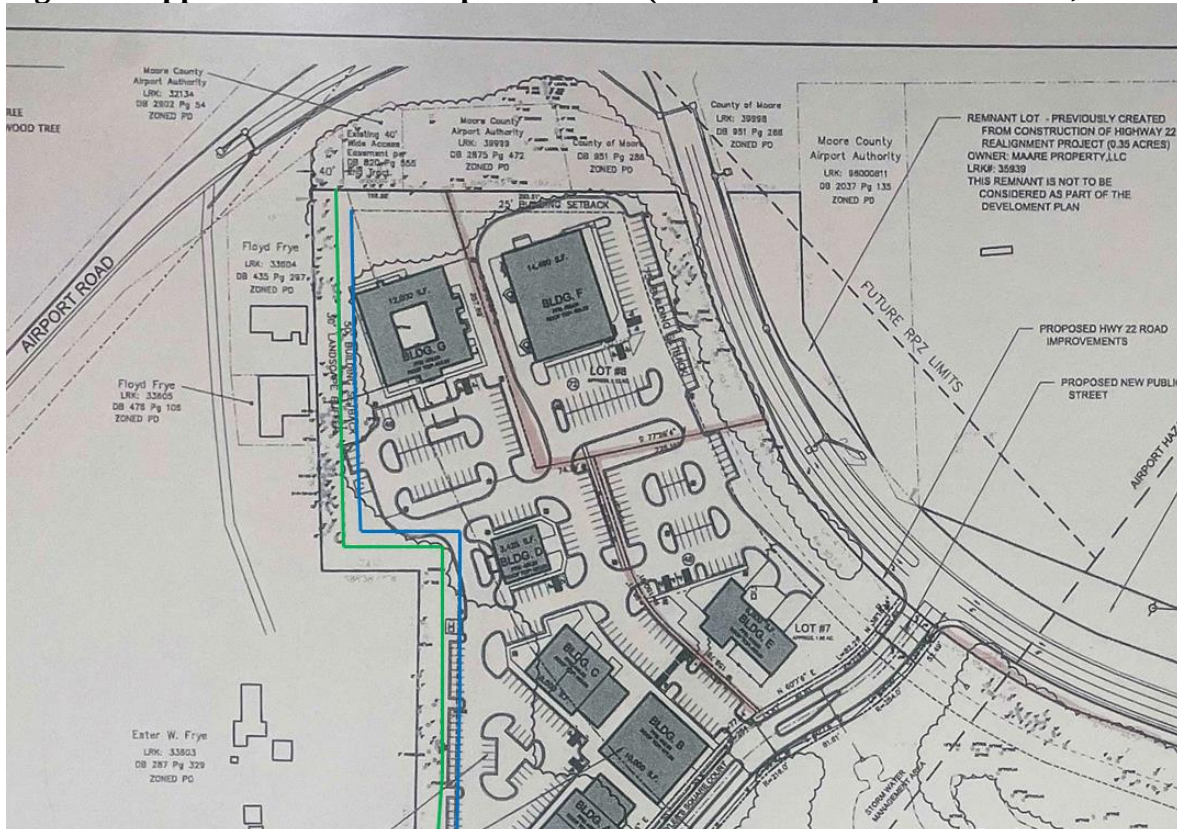


Figure 3: Applicant's plans showing Tyler's Ridge

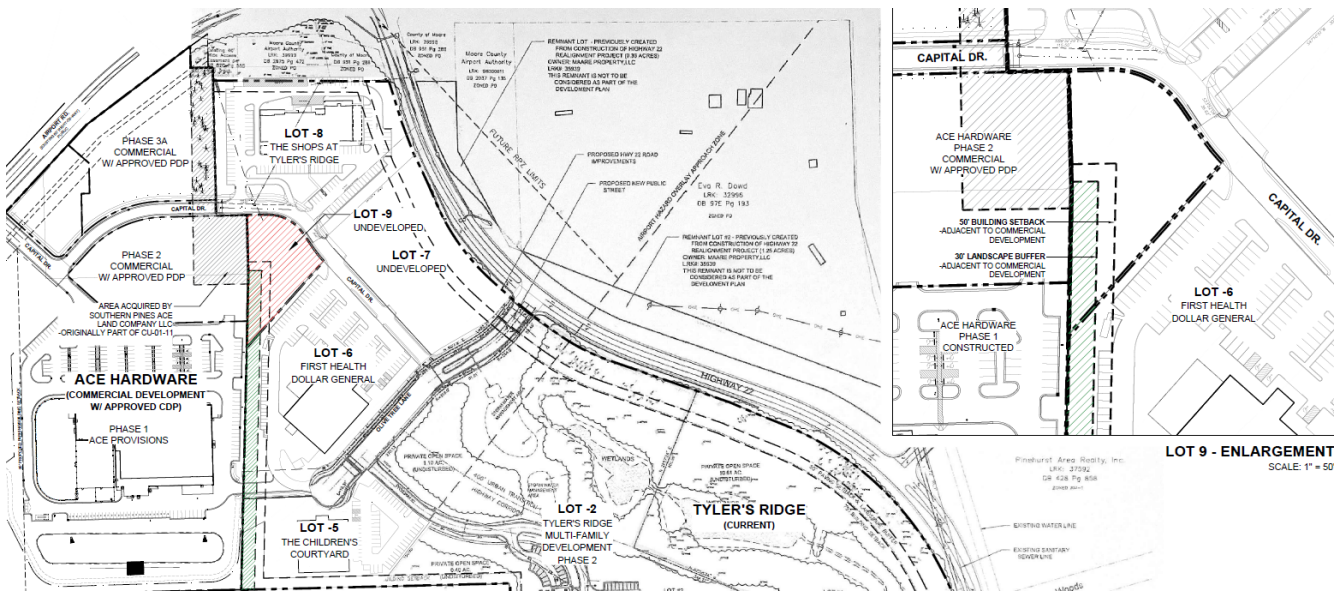


Figure 4: Conceptual Site Plan as submitted with Pre-Application file #PA-32-24

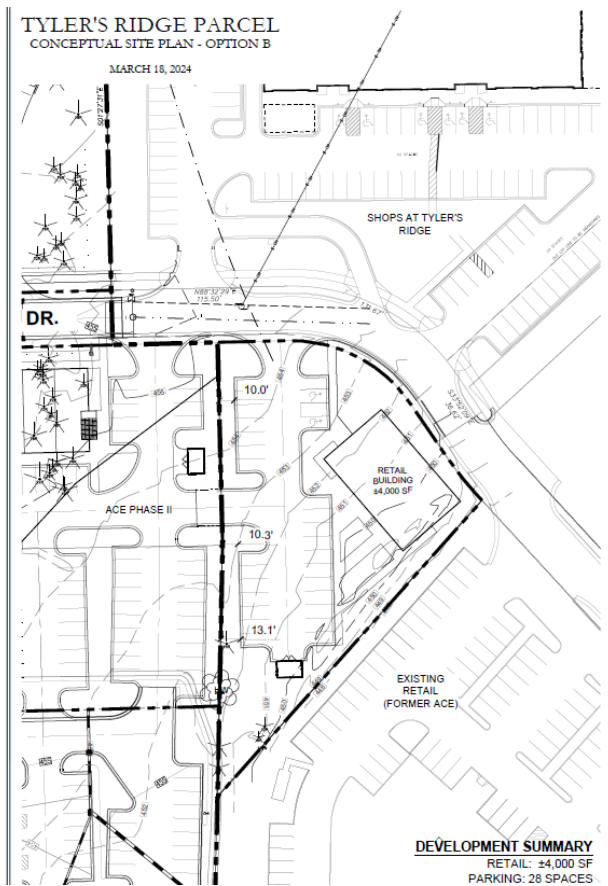


Figure 5: Oblique View of 30' buffer in August 2024, as seen from the south to north



Figure 6: Oblique View of 30' buffer in August 2024, as seen from the north to south



III. STAFF REVIEW

A. Application Review Dates

- Special Use Permit Amendment Application Submitted: **December 9, 2024**
- Application Deemed Complete: **December 16, 2024**
- Notice of Planning Board Public Hearing:
 - Posted On-site: **January 2, 2025**
 - Mailed: **January 6, 2025**
 - Internet: **January 2, 2025**
 - Published: Emailed to the Pilot on **January 2, 2025** for **January 8** and **January 15** publication
- Planning Board Preliminary Forum: **January 23, 2025**

B. Process and Standards of Review

Zoning entitlements have changed since 2011, in some cases due to legislation enabled by changes in State Statutes. Conditional use permits are now called “special use permits.” The procedures for the review and approval of a Special Use Permit amendment, per UDO §2.21, establish a process and standards to approve certain uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right. Special Use Permit Criteria, UDO §2.21.6 (A-F) apply to the review of this special use permit amendment.

C. Special Use Permit Criteria for Review [UDO §2.21.6 (A-F)]

An amendment to a special use is permitted only if the applicant demonstrates that:

- A. *The proposed special use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;*

In the current case, the Special Use is a request to amend an existing Conditional Use Permit to eliminate a 30’ landscape buffer and 50’ building setback contained in the Conditional Use Permit application materials. The current zoning includes the requirements set forth in the approved Tyler’s Ridge Conditional Use Permit from 2011 (CU-01-11). That permit includes an Overall Site Plan that depicts a 50’ building setback and 30’ landscape buffer along the west side of the subject property. The applicant states that the 30’ foot buffer and 50’ building set was originally required because Tyler’s Ridge development neighbored a residence that no longer exists and that has subsequently been developed as a mixed-use development.

The applicant states that the current buffer limits their ability to design a commercial development that is cohesive and better connected with the neighboring Ace Hardware Planned Development District. The applicant has not submitted a detailed site plan with this Special Use Permit application depicting the alleged limitations on the ability to design a cohesive and better connected commercial development.

However, on August 16, 2024 Koontz Jones Design submitted a pre-application meeting request (PA-32-34) which included a conceptual site plan (see figure 4). In the pre-application materials the applicant included a commercial retail building of 4,000 square feet with 28 parking spaces, only 7 of which were in the buffer and none of which was impacted by the building setback. The land use proposed at that time only requires 20 parking spaces per UDO Exhibit 4-6. The applicant's desired site plan as of August of 2024 could comply with the current zoning and retain 21 parking spaces (see figure 4).

Planning staff believes that the site is developable with the buffer and building setback and would still allow 21 parking spaces, more than the minimum for 4,000 square feet of retail development. Therefore, Planning staff conclude that the 2011 Conditional Use Permit should not be amended to remove the existing buffer and setback to accommodate 7 parking spaces.

- B. 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;*

The applicant's narrative states that the proposed uses will adhere to the standards of the zoning district or UDO and are in character with the surrounding properties and current development. Planning staff believe the applicant's statements do not meet this criterion. The existing, required buffer containing Longleaf Pines and Willow Oaks is a character-defining element of the Tyler's Ridge development. At the original time of development, it mitigated the impact of a large commercial development by including natural open space. It is true that the adjoining property to the west is no longer residential. However, just like trees that may have been planted in the past for harvesting but are now located within a growing town and are enjoyed by residents of the town, the trees within the buffer have a renewed purpose between two commercial developments and create a unique character. Drone photos and aerial photos in this report provide evidence of this. Furthermore, the Town Arborist has visited the site and told staff that there are 5 Longleaf Pines and 2 Willow Oaks that are worth saving and that are consistent with the remaining buffer to the north and south.

The buffer bisects parcel boundaries, asphalt, and parking lots, and now serves as a natural transition between the Ace Hardware Planned Development District and the Tyler's Ridge development (see figures 5 and 6). The buffer has been preserved over time as Tyler's Ridge developed. By removing the 30' buffer and replacing it with a parking lot, a gap is created between the remaining buffer on the north side (protected per Ace Hardware Phase 3A) of the parcel and the remaining buffer on the southern side (protected by CU-01-11) of the parcel.

Planning staff believe, based on photos of the site, experience visiting the site, feedback from the Town Arborist, and our own professional judgment that leaving the buffer conforms to the character of the neighborhood and enhances the enjoyment of property in the immediate vicinity and that allowing the buffer to be removed to accommodate 7 parking spaces does not.

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

Previous phases of the development have established the adequate infrastructure for the overall development. Currently the development has access to public water and sewer utilities located adjacent to Capital drive. Applicant has stated any cost will be borne by the developer. Planning staff do not believe that the current request, whether approved or denied, will have impact on the provision of adequate public facilities.

D. The proposed use shall not impede the orderly Development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;

As stated previously, the proposed use in this case is to remove an existing 30' buffer from the west side of the subject property that is a requirement of the current Conditional Use Permit. If the buffer remains, it is located in a manner that will not impact access to, or orderly development of, the subject property or any surrounding properties. If the buffer is allowed to be removed, it will create a gap in a natural and aesthetically beneficial open space that bisects two commercial developments and will detract from the present orderly design and development of both Ace Hardware Planned Development and Tyler's Ridge.

Finally, the applicants have not provided evidence that the removal of the buffer will not diminish or impact property values within the neighborhood. Planning staff are not able to provide evidence in favor or against this request based on effects on property values.

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;

Applicant states Lot 9 will continue the existing development pattern and comply with development standards of the Tyler's Ridge development approval (i.e., file #CU-01-11) and the UDO.

Staff believes removal of the existing buffer is unlikely to be detrimental to public health or safety for reason staff feel are obvious. For guidance on what may be detrimental to comfort or general welfare, planning staff seeks

guidance on the local meaning of these terms from the 2040 Comprehensive Plan. There are 10 “Top Initiatives” set forth in the beginning of the 2040 Comprehensive Plan. The seventh initiative is to create spaces in the community that are comfortable and bring people together in a “safe, clean, energized, and accessible environment.”

As stated previously, what was formerly a buffer between incompatible land uses is now an open space with trees that create a special and unique character within a commercial development. What’s more Southern Pines- y and more comfortable than having a commercial development bisected by open space filled with Longleaf Pines and Willow Oaks? What contributes to the general welfare of a community more than preserving trees that maintain the character of our community? An understanding of “comfort” and “general welfare” of the community related to the request to amend a conditional use permit to remove a required buffer is also clearly set forth in the 2040 Comprehensive Plan in Policies 4.9 and 4.10.

Policy 4.9:

Protect Natural Areas and Environmental Assets Throughout the Community

Town officials should safeguard natural areas and environmental assets in the community using information presented in the 2040 Comprehensive Plan and more-specific functional plans to follow.

A comprehensive and connected system of natural green space should be integrated into the built environment as 1) a deliberate effort to protect natural areas, and 2) as an amenity accessible to citizen to enjoy the outdoors. Two immediate needs for protecting natural areas in the community include longleaf pine trees (especially large tree stands) and critical habitats for the Red-cockaded Woodpecker.

Policy 4.10:

Minimize the Impact of New Development on the Environment

New development in Southern Pines could have a significant impact on the surrounding environment. The town seeks to preserve the environment and enhance environmental quality, where possible.

Specific to environmental stewardship, the Town of Southern Pines Unified Development Ordinance should adopt new rules, requirements, or standards that address topics important to environmental protection:

- Minimize the amount of tree loss and impervious cover for new development or redevelopment consistent with planned or permitted development intensities (e.g., allow taller buildings to accommodate smaller building footprints, which minimizes impervious surface area and maximizes tree save areas).
- Encourage clustering of development on more environmentally-sensitive land to preserve ecologically valuable land including, but not limited to, woodlands, wetlands, critical wildlife habitats, or steep slopes.
- Minimize and phase clearing and grading to limit erosion during construction. Require seeding of unstable soils after fourteen days to minimize erosion during construction.
- Encourage the use of native trees, shrubs, and plants to meet the town's landscape requirements.

Staff is tasked with preserving existing vegetation when feasible as this creates the fundamental character of Southern Pines. The Town's Arborist visited the site and identified several longleaf pine Trees and willow oak trees that add character to Tyler's Ridge. The 2040 Comprehensive Plan emphasizes community character by focusing on identifying, preserving, and perpetuating desirable development patterns in the community. Planning staff do not feel that the applicants have proven that this criteria is met.

F. The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use.

The proposal does not support the public interest and is outweighed primarily with individual interest. The conceptual site plan that was submitted for review by the Technical Review Committee included a retail shell building of approximately 4,000 square feet. The minimum parking requirement for a building this size would be 20 parking spaces in accordance with UDO Exhibit 4-6: (1 space per 200 square feet of Gross Floor Area). The applicant has shown a concept plan that proposes 28 parking spaces (see Figure 4). If the applicant reduces the 28 parking spaces by seven, Planning believes that the commercial site would still be developable and would adequately balance the needs of the developer and the public interest.

D. General Staff Comments and Recommendation

Planning staff recommend denial of the Special Use Permit to amend CU-01-11 to remove the existing 30' buffer and 20' building setback. The applicant has not adequately demonstrated that removal of the buffer on the subject property adheres to the six criteria for review of a Special Use Permit Amendment. Planning staff has set forth herein how five of the six criteria may in fact not be met by the proposed amendment.

E. Outside Agency Comments

A request for comments from agencies was emailed on January 2, 2025, to representatives of the Town of Southern Pines Engineering, Streets, Utilities, Fire and Recreation & Parks Departments as well as representatives of the North Carolina Department of Transportation, U.S. Fish and Wildlife Service and the Regional Land Use Advisory Commission (RLUAC). There were no comments from the Town's Utilities Department or RLUAC.

IV. ATTACHMENTS

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

1. Application to Amend Special Use Permit Application
2. Applicant's Narrative
3. Applicant's CUP Amendment Site Plans
4. Conceptual Site Development Plan, Submitted w/ Pre-Application Meeting Request on August 16, 2024.)
5. Proposed Site with Surrounding Approved Planned Developments
6. CU-01-11 Conditional Use Permit

V. PLANNING BOARD ACTION

Pursuant to North Carolina General Statute §160D-301(b)(6) and Unified Development Ordinance §2.5.2, *the Planning Board may hold a Preliminary Forum on a matter requiring a quasi-judicial decision by the Town Council. However, no part of the forum or any recommendation may be used as a basis for the Town Council's final decision. Therefore, the Planning Board may wish to use the following motion to identify issues to bring to the attention of the Town Council at the evidentiary hearing.*

I move to adopt the following list of issues for transmission to the Town Council as a result of the January 23, 2025 Preliminary Forum on application SU-04-24:

The information presented at the forum indicated that the following issues be considered in applying the criteria for a SUP to application SU-04-24:

1.

In addition, the following concerns were raised during the forum, but do not seem to apply in determining whether the SUP criteria are satisfied:

1.

REQUIRED APPLICATION MATERIALS:

- _____ **Application fee** in the amount of **\$1,500.00 + \$25.00 per lot for a Major Subdivision**
- _____ **Completed Application** for a Special Use Permit signed by the applicant. Please do not leave anything blank and make sure that all of the information provided is correct.
- _____ **Appointment of Agent**, if applicable, signed by the property owner(s) and the agent.
- _____ **List of Adjacent Property Owners**: Please list all properties that are that are within two hundred (200) feet of the outermost boundaries of the subject property (**not counting streets, railroads or other transportation corridors**). Attach additional pages if needed. No fewer than ten (10) property owners shall be notified by mail.
- _____ **Deed** copy to provide proof of ownership and property boundaries.
- _____ **Project description**: Please tell us what currently exists and what changes you are proposing. Please attach written descriptions, maps, illustrations/renderings, photographs, material samples, etc. as necessary.
- _____ **Written narrative**: It is the responsibility of the applicant to demonstrate compliance with all applicable criteria. Please address all criteria listed in **UDO §2.21.7**. The list of criteria is attached.
- _____ **Electronic copy (PDF) of all application materials** submitted to plan@southernpines.net.

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

REVIEW AND APPROVAL:

1. **Staff review**: Planning staff will review the application and notify the applicant if additional information or materials are needed.
2. **Public hearings**: The applicant is expected to attend a public hearing on the application before the Planning Board and before the Town Council the following month. (Please refer to the **Application Processing Timeline** to determine the hearing dates.) The Planning Board will recommend approval, conditional approval or denial to the Town Council. The Town Council will consider that recommendation, as well as evidence and testimony presented, and approve, conditionally approve or deny the Special Use Permit.
3. **Issuance of a Special Use Permit**: If the request is approved by the Town Council, a Special Use Permit setting forth any conditions of approval will be issued to the applicant.

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



Special Use Permit

Fee: \$ _____ Date Paid: _____ Case No.: SU- _____

Project Information:

Street Address: Captial Drive, Carthage NC 28327

PIN: 857300977253

Parcel ID: 20190158

Site Size: ±0.70 acres

Zoning: PD

Applicant:

Name(s): Jim O'Malley

Email: jomalley@omalleydevelopment.com

Phone: 414-573-0855

Mailing Address: 211 Trimble Plant Rd. Southern Pines, NC 28387

Authorized Agent, if different from Applicant:

Name(s): Koontz Jones Design - C/O Paul Saathoff

Email: psaathoff@koontzjones.com

Phone: 910-684-8487

Mailing Address: 140 Applecross Rd. Suite B, Pinehurst NC, 28374

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

Name(s): O'Malley, James B Trustee

Email: jomalley@omalleydevelopment.com

Phone: 414-573-0855

Mailing Address: 211 Trimble Plant Rd. Southern Pines, NC 28387

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

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

The property which is the subject of this application is located on the South side of Capital Dr (St./Ave.), between Olivetree (St./Ave.) and Airport (St./Ave.). The property has a frontage of ±220 feet and a depth of ±300 feet.

The special use sought is based upon Section(s) 2.21 of the **Town of Southern Pines Unified Development Ordinance**. The proposed use of the property is as follows:

Retail / Commerical

Date:

12/9/2024


Applicant

PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES

plan@southernpines.net (910) 692-4003 www.southernpines.net

APPOINTMENT OF AGENT

The undersigned owner(s), Jim O'Malley, hereby appoint(s) Koontz Jones Design as the exclusive agent for the purpose of making an application to the Town of Southern Pines for a Special Use Permit on the property described in the attached application. The owner(s) hereby agree that this agent has the authority to act for and on behalf of the owner(s) as follows:

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

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

Signed this 12 day of December, 2024.

Shelley J. O'Malley Family Trust
Property Owner

Jim O'Malley - Trustee
Property Owner

Pam Santucci - KJD
Agent

UDO §2.21.7. Criteria for a Special Use Permit

A Special Use Permit is permitted only if the Applicant demonstrates that:

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

For Registration Register of Deeds

William Britton

Moore County, NC

Electronically Recorded

May 20, 2024 2:55:07 PM

Book: 6174 Page: 127 - 129 #Pages: 3

Fee: \$26.00 NC Rev Stamp: \$350.00

Instrument# 2024006669

Prepared by:

William A. Pully, II
Littlewood Law, PLLC
3700 Glenwood Avenue, Suite 405
Raleigh, North Carolina 27612

Excise Tax: \$350.00

Tax Parcel(s): 20190158

NORTH CAROLINA

MOORE COUNTY

SPECIAL WARRANTY DEED

*Title Not Examined by Preparer

THIS SPECIAL WARRANTY DEED, made this 20th day of May, 2024, by and between **TYLER'S RIDGE BUSINESS PARK, LLC**, a North Carolina limited liability company (the "Grantor"); and **JAMES B. O'MALLEY and his successors, as Trustee of the SHELLEY J. O'MALLEY FAMILY TRUST**, whose address is 211 Trimble Plant Road, Southern Pines, NC 28387 (the "Grantee"). 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. *The Preparer makes no warranty as to the state of title to the real property conveyed herein.

W I T N E S S E T H

That the Grantor, in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration paid to it by the Grantee, the receipt and sufficiency of which is hereby acknowledged, has bargained and sold, and by these presents does grant, bargain, sell, and convey unto the Grantee, in fee simple, all of its right, title, and interest in and to that certain real estate situated in Moore County, North Carolina, and being more particularly described as follows (the "Property"):

BEING all of Recombined Lot 9 as shown on that map of plat entitled, "Recombination Survey, Lot 9 Tyler's Ridge & Tyler's Ridge Business Park, LLC Lot, McNeill Township, Town of Southern Pines, Moore County, North Carolina", dated November 16, 2021, by Jeffrey L. Green, PLS, recorded in Pla Cabinet 19, Slide 193, Moore County Registry.

TO HAVE AND TO HOLD the Property, subject to the Permitted Exceptions, and all privileges and appurtenances thereunto belonging to Grantee, its heirs, successors, and assigns, in fee simple forever.

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

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the following matters (the "Permitted Exceptions"):

1. Ad valorem property taxes for 2024 and subsequent years;
2. Matters revealed by map/plat recorded in Plat Cabinet 19, Slide 193, Moore County Registry, Plat Cabinet 15, Slide 441, Moore County Registry, and Plat Cabinet 18, Slide 47, Moore County Registry;
3. Declaration of Easements, Covenants, Conditions and Restrictions recorded in Book 4541, Page 152, Moore County Registry, as amended by that Amendment to Declaration of Easements, Covenants, Conditions and Restrictions recorded in Book 5782, Page 422, Moore County Registry;
4. Aviation and Noise Easement to Moore County Airport Authority recorded in Book 3923, Page 390, Moore County Registry;
5. Easement to Carolina Power & Light Company recorded in Book 3988, Page 132, Moore County Registry; and
6. Any discrepancy, conflict, access, shortage in area or boundary lines, encroachment, encumbrance, violation, variation, overlap, setback, easement or claims of easement, riparian right, and title to land within road, ways, railroads, watercourses, burial grounds, marshes, dredged or filled areas or land below the mean high water mark or within the bounds of any adjoining body of water, or other adverse circumstance affecting the title that would be disclosed by a current inspection and accurate and complete land survey of the Property.

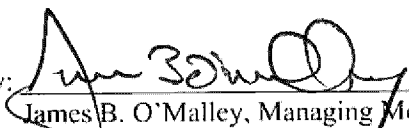
Grantor, pursuant to N. C. Gen. Stat. § 105-317.2, hereby certifies that the Property does not include its primary residence.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

GRANTOR:

TYLER'S RIDGE BUSINESS PARK, LLC,
a North Carolina limited liability company

By:  (SEAL)
James B. O'Malley, Managing Member

STATE OF NORTH CAROLINA

COUNTY OF MOORE

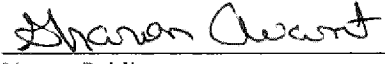
I, Sharon Avant, a Notary Public of the aforesaid state and county, do hereby certify that James B. O'Malley (the "Signatory"), Managing Member (title) of Tyler's Ridge Business Park, LLC (name of entity), personally appeared before me this day and, by authority duly given, voluntarily acknowledged the due execution of the foregoing instrument on behalf of Tyler's Ridge Business Park, LLC (name of entity) for the purpose stated therein and in the capacity indicated. I certify that the Signatory personally appeared before me the day, and (check one of the following)

☒ (I have personal knowledge of the identity of the Signatory); or
☐ (I have seen satisfactory evidence of the Signatory's identity, by a current state or federal identification with the Signatory's photograph in the form of: (check one of the following):

☐ a drivers license
☐ in the form of _____); or

☐ (a credible witness has sworn to the identity of the Signatory).

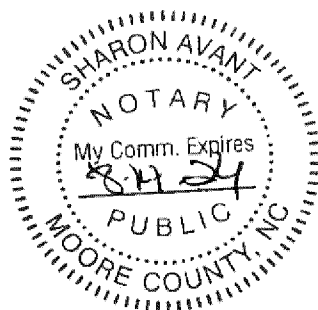
Witness my hand and official stamp or seal this 17th day of may, 2024.

 (signature)
Notary Public

Sharon Avant (print/type)
Notary Public

My Commission Expires: 8-14-26

[NOTARY SEAL]



**TYLER'S RIDGE – LOT 9
SPECIAL USE PERMIT NARRATIVE**

The property described as Tyler's Ridge in the submitted documents and exhibits was approved with a conditional use permit in 2011 (CU-01-11). It is located on the south side of Airport Road and west of NC Highway 22. The approved development proposed a mixed-use development consisting of commercial, retail, and multi-family uses. Lot 9 is a ±0.7-acre parcel internal to the development and is bordered by the current Ace Hardware development, the Former Ace Hardware building, and Capital Drive.

Since the original approval, several phases of the Tyler's Ridge development have been completed, including the Tyler's Ridge Multi-Family development, The Children's Playground of Southern Pines daycare center, The Shop's at Tyler's Ridge, and the former Ace Hardware building which now contains Dollar General and First Health. Fen Court, Moonseed Lane, Olivetree Lane, and Capital Drive have all been completed creating an internally connected mixed-use development. Capital Drive was extended with the adjacent Ace Hardware development connecting both developments to Airport Road and NC Highway 22.

Since the original approval in 2011, much of the development has varied from the approved 'Overall Site Plan' during the detailed site design phase. Likewise, the neighboring parcel adjacent to Lot 9 has also changed. At the time of approval of CU-01-11, the adjacent parcel west of Lot 9 was owned by the Frye family and was considered residential. Due to the residential nature of the neighboring parcel, a 30' buffer and 50' building setback were proposed along the western border of the Tyler's Ridge development. Additional conditions regarding the neighboring residential property were also included as part of the original approval, including the following:

- Construction of a five-foot-tall wooden fence along the entire common boundary with the Frye's property
- A double row of evergreen plants in place of required buffer plantings along the commercially zoned common property line with the Frye property
- Dumpster and delivery services were to not occur between the hours of 9 PM and 7 AM for as long as Mrs. Frye resided at the residence

The 30' landscape buffer and 50' building setback were unique only to the property boundary adjacent to the Frye residential property.

Since the original of CU-01-11, the Frye property has since transferred ownership and has been developed as a commercial mixed-use area with the approval of a Conceptual Development Plan (CDP) for Southern Pines Ace Hardware and subsequent Preliminary Development Plan (PDP) approvals for Phases 1, 2, and 3A within the development. Phase 1, containing the Ace Provisions Hardware Store and its relative parking, utilities, and infrastructure, as well as the completion of Capital Drive has been constructed with the Ace store opening in late 2023.

With this Special Use Permit application, the applicant is requesting removal of the increased 30' landscape buffer and 50' building setback that currently exist along a portion of the western property boundary of Lot 9 due to the adjacent properties change in use from residential to commercial. The



'Overall Site Plan' as approved with CU-01-11, had no landscape buffer requirements for property boundaries on the south and west sides adjacent to non-residential development. Furthermore, as described in section 4.3.4 and Exhibit 4-2 of the Southern Pines UDO, no landscape buffer requirement exists between properties of similar GB uses.

Due to the unique size and shape and its relationship to the adjacent Ace Hardware property, a reduction of the 30' landscape buffer and 50' building setback in Lot 9, as proposed with this Special Use Permit, will allow for better, more thoughtful design and the ability to create a commercial development that is cohesive and better connected with the current and neighboring commercial developments. This Special Use Permit is only proposing these changes to the undeveloped 'Lot 9' area. Other landscape requirements, as described in the Southern Pines UDO in relation to parking, street trees, etc. will be met.

Tyler's Ridge – Lot 9 Special Use Permit Justification

Below are listed the six (6) criteria required to approve a Special Use Permit application as described in Section 2.21.7 of the Town of Southern Pines UDO. Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

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

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

The purpose of this special use permit is to remove the increased 30' landscape buffer and 50' building setback from Lot 9 within the Tyler's Ridge Development due to the neighboring properties change in use from residential to commercial. The current buffers and setbacks in Lot 9 were in place due to the former residential use of the adjacent property. The adjacent property has since been developed as a mixed-use commercial area. All future development will comply with all other regulations of the PD zoning district and the approved Conditional Use Permit. All future development will meet the standards specified in the Tyler's Ridge zoning documents or the Southern Pines Unified Development Ordinance.

- (B) 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;

The proposed uses will adhere to the standards of the zoning district or UDO and are in character with the surrounding properties and current development.

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

Public water and sewer utilities are readily available for the project, any cost of which will be borne by the developer. Previous phases of the development have developed the infrastructure adequate for the overall development. The development will have access to accommodate emergency and waste removal vehicles.

- (D) The proposed use shall not impede the orderly Development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;

This project will not impede the development of surrounding properties and is in conformance with the surrounding development and zoning classifications. The proposed use is consistent with the previous phases of the development.

- (E) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare; and

Lot 9 will continue the existing development pattern and conform to all other development standards of the PD district, UDO, and engineering requirements of the Town. As a result, the use will not be detrimental to or endanger the public health, safety, comfort, or general welfare of the surrounding neighborhood.

- (F) The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use.

The requested special use permit is in compliance with the established development pattern and is only proposing to remove the increased 30' landscape buffer and 50' building setback from Lot 9. Aside from this proposal, the property will be in conformance with all other underlying conditional zoning district and

UDO regulations. This project is also consistent with the goals and objectives of the Comprehensive Long-Range Plan (CLRP) and establishes a development pattern that is in context with the surrounding neighborhood and the projects in this area of Southern Pines. The CLRP classifies this property as Retail, which is consistent with the overall plan.

SYMBOL	DESCRIPTION
	PROJECT PROPERTY LINE
	EXISTING TREE LINE
	EXISTING 18" CAL. OR LARGER PINE TREE
	EXISTING 18" CAL. OR LARGER HARDWOOD TREE
	EXISTING 5' CONTOUR
	EXISTING WETLANDS
	EXISTING WATERS OF THE U.S.
	EXISTING OVERHEAD POWER LINE
	EXISTING WATER LINE
	EXISTING SANITARY SEWER LINE
	NEW PROPERTY LINES
	PROPOSED 1' CONTOUR
	PROPOSED 5' CONTOUR

4 LEGEND

Sandhills Community College
LRK: 38510
DB 905 Pg 541
ZONED PD

Sandhills Community College
LRK: 501683
DB 270 Pg 375
ZONED FRR

REQUIRED OPEN SPACE
10% OF MULTI-FAMILY DEVELOPMENT
31.14 AC MULTI-FAMILY X 10% = 3.11 AC OPEN SPACE REQUIRED
PROVIDED OPEN SPACE
13.77 ACRES (43.80 %) UNDISTURBED OPEN SPACE

3 OPEN SPACE

STREET DATA

NAME	TYPE	R-O-W	ROAD WIDTH	CURB TYPE	LENGTH	ACRES
TYLER'S RIDGE COURT	COLLECTOR	68'	16'-12" MEDIAN-16'	STANDARD 30" & 18" WEDGE	688.96'	3.18 AC
TYLER'S VILLAGE COURT	COLLECTOR	68'	16'-12" MEDIAN-16'	STANDARD 30" & 18" WEDGE	631.80'	1.10 AC

LOT DATA

LOT NUMBER	AREA (ACRES)	AREA (SF)	IMPERVIOUS AREA (SF)	IMPERVIOUS %	
LOT #1 (MULTI-FAMILY)	*20.24 AC.	*881,748 SF	195,042 SF	22.32%	*EXCLUDES WATERS OF THE U.S.
LOT #2 (MULTI-FAMILY)	*10.90 AC.	*474,697 SF	103,718 SF	21.85%	*EXCLUDES WATERS OF THE U.S.
LOT #3 (SINGLE FAMILY)	0.50 AC.	21,807 SF	5,233 SF MAX.	24%	
LOT #4 (SINGLE FAMILY)	0.40 AC.	17,532 SF	4,207 SF MAX.	24%	
LOT #5 (SINGLE FAMILY)	0.44 AC.	18,993 SF	4,558 SF MAX.	24%	
LOT #6 (COMMERCIAL)	6.45 AC.	281,270 SF	161,069 SF	57.26%	
LOT #7 (COMMERCIAL)	1.86 AC.	80,836 SF	37,387 SF	46.25%	
LOT #8 (COMMERCIAL)	2.13 AC.	92,856 SF	60,010 SF	64.65%	
TOTALS	*42.92 AC.	*1,869,733 SF	571,235 SF	30.55%	*EXCLUDES WATERS OF THE U.S.

PROJECT DATA

LOCATION	AREA (ACRES)	AREA (SF)	IMPERVIOUS AREA (SF)	IMPERVIOUS %	
LOT TOTALS	42.92 AC.	1,869,733 SF	571,235 SF	30.55%	*EXCLUDES WATERS OF THE U.S.
R-O-W-TOTALS	7.28 AC.	319,355 SF	67,154 SF	67.59%	REPRESENTS MAX. IMPERVIOUS SURFACE ALLOWED IN COMMERCIAL LOTS AT 65%
PROPERTY TOTALS	45.20 AC.	1,969,497 SF	*668,704 SF MAX.	33.95%	
WATERS OF U.S.	0.92 AC.	39,864 SF	0 SF	0.00%	

PROPERTY USAGE

USE	AREA (ACRES)	PROPERTY PERCENT	
PD-FRD	*24.18 AC.	74.96% TOTAL PROPERTY	*INCLUDES WATERS OF THE U.S. & TYLER'S RIDGE COURT
GR & SERVICES	*11.54 AC.	25.02% TOTAL PROPERTY	*INCLUDES TYLER'S VILLAGE COURT
TOTAL	46.12 AC.	100% TOTAL PROPERTY	

1 IMPERVIOUS SURFACE & USE DATA

L-4

FRYE PROPERTY (RESIDENTIAL AT TIME OF CU-01-11 APPROVAL)

50' BUILDING SETBACK
-ADJACENT TO FRYE
RESIDENTIAL PROPERTY

30' LANDSCAPE BUFFER
-ADJACENT TO FRYE
RESIDENTIAL PROPERTY

TYLER'S RIDGE (AS APPROVED W/ CU-01-11)

SANDHILLS COMMUNITY COLLEGE

GRIT TRAIL TO CONNECT TO SANDHILLS COMMUNITY COLLEGE AND TOWN OF SOUTHERN PINES GREENWAY TRAIL SYSTEM. EXACT LOCATION TO BE COORDINATED IN FIELD WITH TOWN OF SOUTHERN PINES AND SANDHILLS COMMUNITY COLLEGE PRIOR TO CONSTRUCTION.

MULTI-FAMILY:
LOT 1 PROPOSED DENSITY: 144 UNITS (72 - 1 BEDROOM UNITS & 72 - 2 BEDROOM UNITS)
ALLOWABLE DENSITY (RM-2): 10,000 SF + 6,000 SF PER ADDITIONAL UNIT = 150 UNITS
ALLOWED
PROPOSED PARKING: 259 SPACES (1.80 SPACES PER UNIT)
LOT 2 PROPOSED DENSITY: 72 UNITS (36 - 1 BEDROOM UNITS & 36 - 2 BEDROOM UNITS)
ALLOWABLE DENSITY (RM-2): 10,000 SF + 6,000 SF PER ADDITIONAL UNIT = 80 UNITS
ALLOWED
PROPOSED PARKING: 130 SPACES (1.81 SPACES PER UNIT)
TOTAL PROPOSED MULTI-FAMILY: 210 UNITS (108 - 1 BEDROOM UNITS & 108 - 2 BEDROOM UNITS)
ALLOWED DENSITY: 230 UNITS
PROPOSED PARKING: 389 SPACES (1.80 SPACES PER UNIT)

COMMERCIAL: (AS SHOWN, EXACT DESIGN AND LAYOUT TO BE DETERMINED BY ACTUAL USE AND WILL BE SUBJECT TO APPROVAL BY PLANNING BOARD AND TOWN COUNCIL.)
LOT 6 (RETAIL USE): 30,429 SF OF BUILDING SPACE
PROPOSED PARKING: 152 SPACES (152 SPACES REQUIRED @ 1 PER 200 SF)
LOT 7 (RESTAURANT USE): 6,500 SF OF BUILDING SPACE
PROPOSED PARKING: 48 SPACES + 17 SHARED FROM LOT#6 (65 SPACES REQUIRED @ 1 PER 100 SF)
LOT 8 (RETAIL USE): 14,499 SF OF BUILDING SPACE
PROPOSED PARKING: 72 SPACES (72 SPACES REQUIRED @ 1 PER 200 SF)
LOT 9 (SERVICE USE): 12,000 SF OF BUILDING SPACE
PROPOSED PARKING: 48 SPACES (30 SPACES REQUIRED @ 1 PER 400 SF)
TOTAL (AS SHOWN): 63,415 SF OF BUILDING SPACE
PROPOSED PARKING: 320 PARKING SPACES
PROPOSED IMPERVIOUS SURFACE: 258,477 SF

OPTIMUM BUILDOUT: 64,000 SF GB COMMERCIAL BUILDING SPACE
MAXIMUM IMPERVIOUS SURFACE: 355,946 SF (65% OF COMMERCIAL LOTS)
MAXIMUM PARKING: 320 SPACES (1 PER 200 SF OF BUILDING SPACE), OR AS REQUIRED BY TOWN DEVELOPMENT ORDINANCE

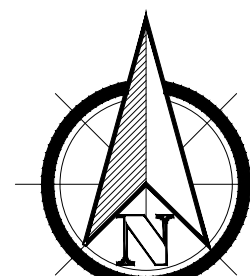
2 DENSITY & PARKING DATA

L-4

Mill Creek Partners, LLC
LRK: 20070989
DB 3337 Pg 471
ZONED DB

Pinehurst Area Realty, Inc.
LRK: 37592
DB 428 Pg 858
ZONED RM-1

Pinehurst Area Realty, Inc.
LRK: 37593
DB 415 Pg 860
ZONED PH-1



SCALE: 1" = 100'-0"

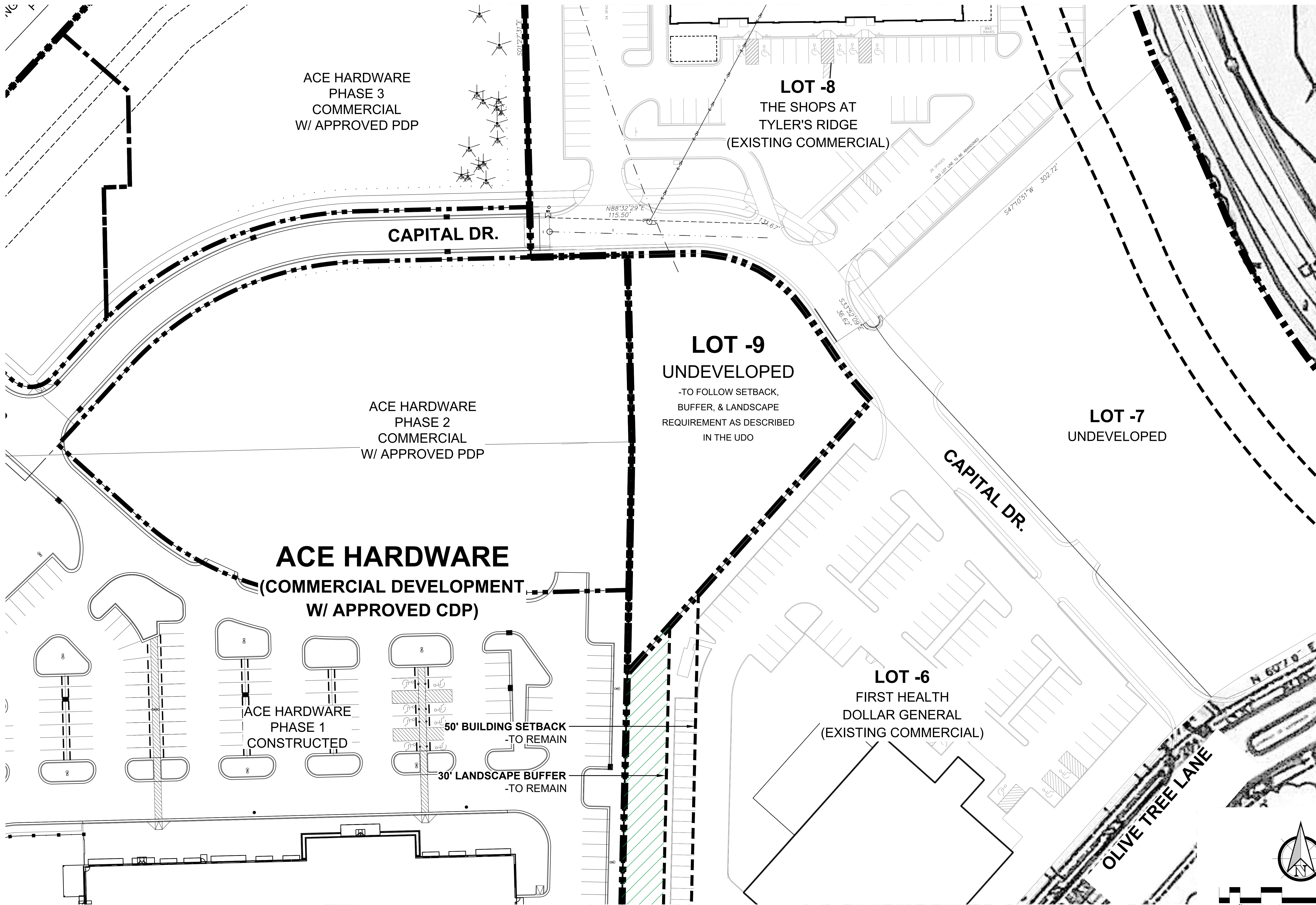
TYLER'S RIDGE - LOT 9 SOUTHERN PINES, NORTH CAROLINA

EXHIBIT A - ORIGINAL APPROVAL

DATE: 12-09-2024
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 100'-0"
PROJECT #:

SHEET NUMBER:
EX-A

REVISIONS:



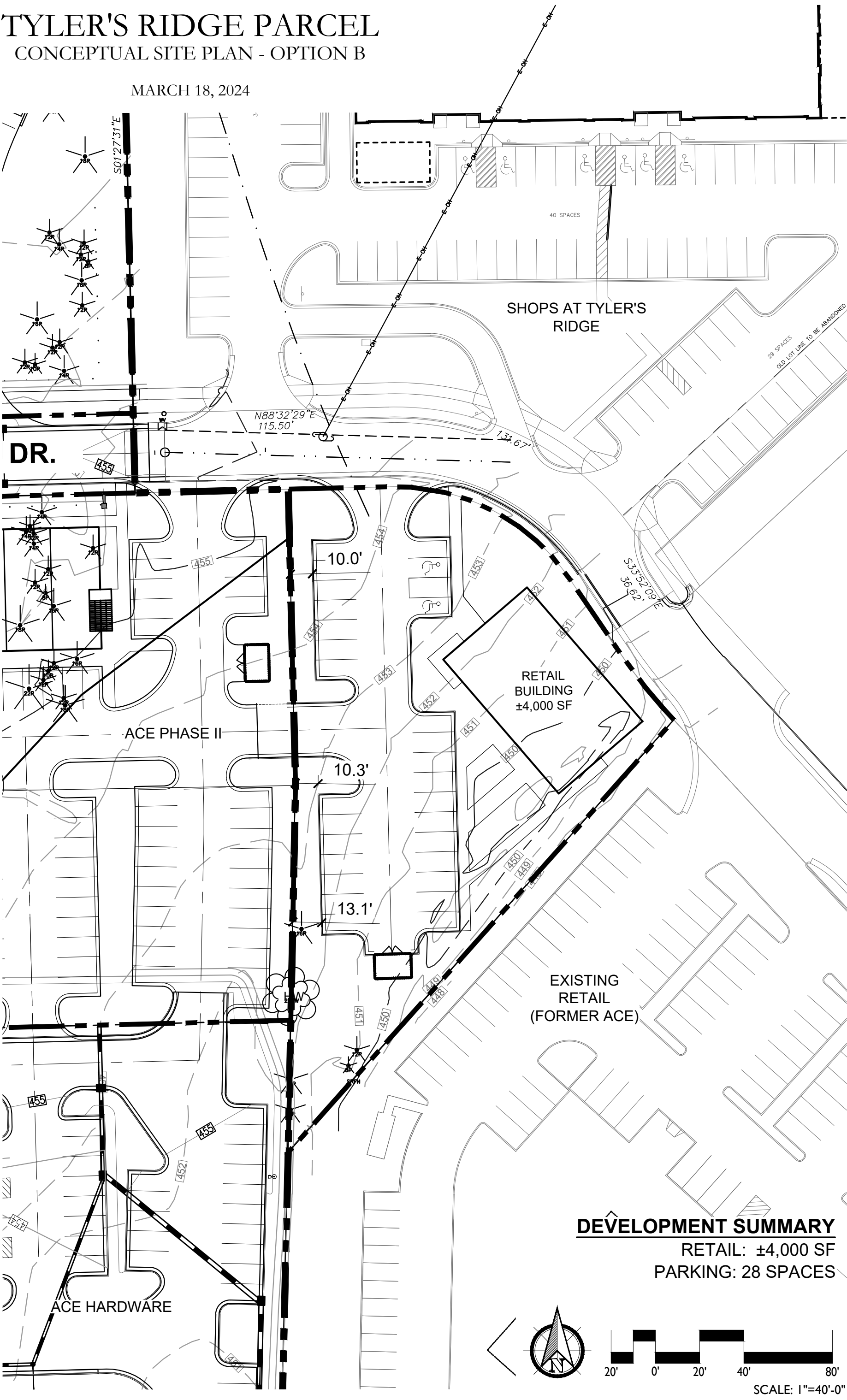
REVISIONS:

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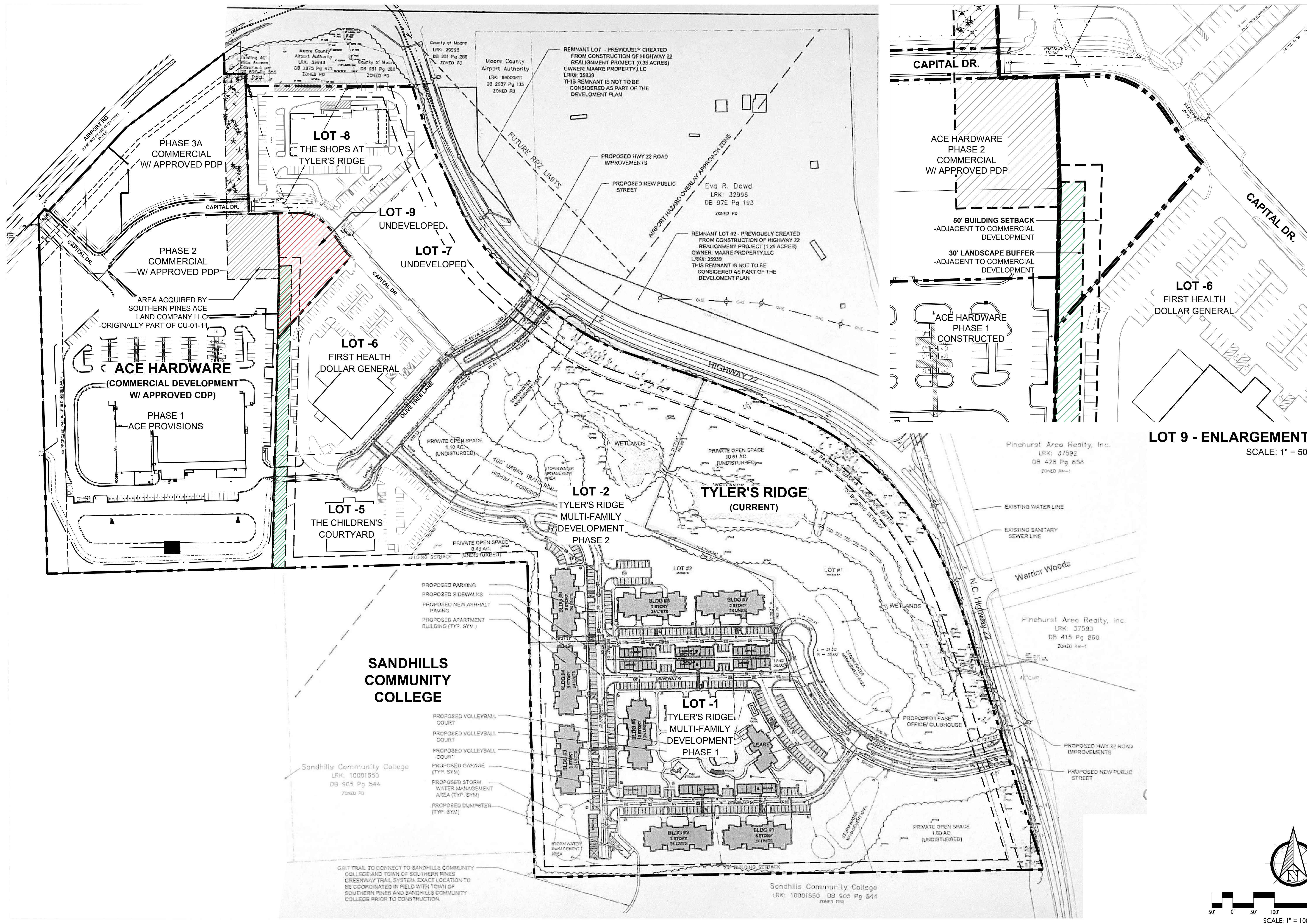
TYLER'S RIDGE PARCEL
CONCEPTUAL SITE PLAN - OPTION B

MARCH 18, 2024



DEVELOPMENT SUMMARY

RETAIL: ±4,000 SF
PARKING: 28 SPACES



SYMBOL	DESCRIPTION
	PROJECT PROPERTY LINE
	EXISTING TREE LINE
	EXISTING 18" CAL. OR LARGER PINE TREE
	EXISTING 18" CAL. OR LARGER HARDWOOD TREE
	EXISTING 5' CONTOUR
	EXISTING WETLANDS
	EXISTING WATERS OF THE U.S.
	EXISTING OVERHEAD POWER LINE
	EXISTING WATER LINE
	EXISTING SANITARY SEWER LINE
	NEW PROPERTY LINES
	PROPOSED 1' CONTOUR
	PROPOSED 5' CONTOUR

LEGEND

Sandhills Community College
LRK: 38510
DB 905 Pg 541
ZONED PD

Sandhills Community College
LRK: 501683
DB 270 Pg 375
ZONED FRR

REQUIRED OPEN SPACE
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13.77 ACRES (43.80 %) UNDISTURBED OPEN SPACE

OPEN SPACE

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LOT #3 (SINGLE FAMILY)	0.50 AC.	21,807 SF	5,233 SF MAX.	24%
LOT #4 (SINGLE FAMILY)	0.40 AC.	17,532 SF	4,207 SF MAX.	24%
LOT #5 (SINGLE FAMILY)	0.44 AC.	18,993 SF	4,558 SF MAX.	24%
LOT #6 (COMMERCIAL)	6.45 AC.	281,270 SF	161,069 SF	57.26%
LOT #7 (COMMERCIAL)	1.86 AC.	80,836 SF	37,387 SF	46.25%
LOT #8 (COMMERCIAL)	2.13 AC.	92,856 SF	60,010 SF	64.63%
TOTALS	*42.92 AC.	*1,869,733 SF	571,235 SF	30.55%

*EXCLUDES WATERS OF THE U.S.
*EXCLUDES WATERS OF THE U.S.

PROJECT DATA

LOCATION	AREA (ACRES)	AREA (SF)	IMPERVIOUS AREA (SF)	IMPERVIOUS %
LOT TOTALS	42.92 AC.	1,869,733 SF	571,235 SF	30.55%
R-O-W-TOTALS	7.28 AC.	319,355 SF	67,154 SF	67.59%
PROPERTY TOTALS	45.20 AC.	1,969,497 SF	*668,704 SF MAX.	33.95%
WATERS OF U.S.	0.92 AC.	39,864 SF	0 SF	0.00%

*EXCLUDES WATERS OF THE U.S.
REPRESENTS MAX. IMPERVIOUS SURFACE ALLOWED IN COMMERCIAL LOTS AT 65%

PROPERTY USAGE

USE	AREA (ACRES)	PROPERTY PERCENT
PD-FRD	*24.18 AC.	74.96% TOTAL PROPERTY
GR & SERVICES	*11.54 AC.	25.02% TOTAL PROPERTY
TOTAL	46.12 AC.	100% TOTAL PROPERTY

FRYE PROPERTY (RESIDENTIAL AT TIME OF CU-01-11 APPROVAL)

TYLER'S RIDGE (AS APPROVED W/ CU-01-11)

SANDHILLS COMMUNITY COLLEGE

MULTI-FAMILY:
LOT 1 PROPOSED DENSITY: 144 UNITS (72 - 1 BEDROOM UNITS & 72 - 2 BEDROOM UNITS)
ALLOWABLE DENSITY (RM-2): 10,000 SF = 6,000 SF PER ADDITIONAL UNIT = 150 UNITS
ALLOWED
PROPOSED PARKING: 259 SPACES (1.80 SPACES PER UNIT)
LOT 2 PROPOSED DENSITY: 72 UNITS (36 - 1 BEDROOM UNITS & 36 - 2 BEDROOM UNITS)
ALLOWABLE DENSITY (RM-2): 10,000 SF = 6,000 SF PER ADDITIONAL UNIT = 80 UNITS
ALLOWED
PROPOSED PARKING: 130 SPACES (1.81 SPACES PER UNIT)
TOTAL PROPOSED MULTI-FAMILY: 210 UNITS (108 - 1 BEDROOM UNITS & 108 - 2 BEDROOM UNITS)
ALLOWED DENSITY: 230 UNITS
PROPOSED PARKING: 389 SPACES (1.80 SPACES PER UNIT)
COMMERCIAL: (AS SHOWN, EXACT DESIGN AND LAYOUT TO BE DETERMINED BY ACTUAL USE AND WILL BE SUBJECT TO APPROVAL BY PLANNING BOARD AND TOWN COUNCIL.)
LOT 6 (RETAIL USE): 30,429 SF OF BUILDING SPACE
PROPOSED PARKING: 152 SPACES (152 SPACES REQUIRED @ 1 PER 200 SF)
LOT 7 (RESTAURANT USE): 6,500 SF OF BUILDING SPACE
PROPOSED PARKING: 40 SPACES + 17 SHARED FROM LOT#6 (65 SPACES REQUIRED @ 1 PER 100 SF)
LOT 8 (RETAIL USE): 14,499 SF OF BUILDING SPACE
PROPOSED PARKING: 72 SPACES (72 SPACES REQUIRED @ 1 PER 200 SF)
LOT 9 (SERVICE USE): 12,000 SF OF BUILDING SPACE
PROPOSED PARKING: 48 SPACES (30 SPACES REQUIRED @ 1 PER 400 SF)
TOTAL (AS SHOWN): 63,415 SF OF BUILDING SPACE
PROPOSED PARKING: 320 PARKING SPACES
PROPOSED IMPERVIOUS SURFACE: 258,477 SF
OPTIMUM BUILDOUT: 64,000 SF GB COMMERCIAL BUILDING SPACE
MAXIMUM IMPERVIOUS SURFACE: 355,946 SF (65% OF COMMERCIAL LOTS)
MAXIMUM PARKING: 320 SPACES (1 PER 200 SF OF BUILDING SPACE), OR AS REQUIRED BY TOWN DEVELOPMENT ORDINANCE

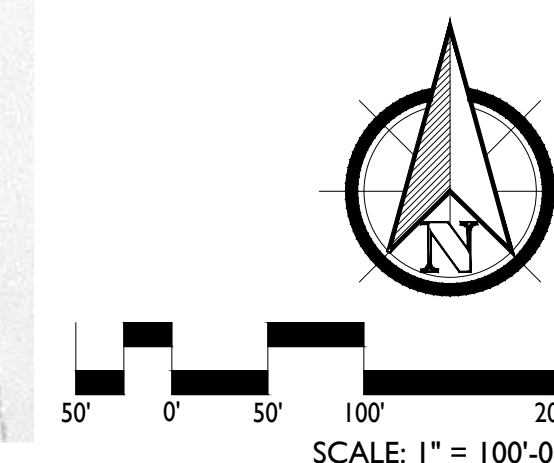
DENSITY & PARKING DATA

Mill Creek Partners, LLC
LRK: 20070989
DB 3337 Pg 471
ZONED DB

Pinehurst Area Realty, Inc.
LRK: 37592
DB 428 Pg 858
ZONED RM-1

Pinehurst Area Realty, Inc.
LRK: 37593
DB 415 Pg 860
ZONED PH-1

Sandhills Community College
LRK: 10001650 DB 905 Pg 544
ZONED FRR



TYLER'S RIDGE - LOT 9 SOUTHERN PINES, NORTH CAROLINA

EXHIBIT A - ORIGINAL APPROVAL

DATE: 12-09-2024
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 100'-0"
PROJECT #:

SHEET NUMBER:
EX-A

REVISIONS:

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

140 APLECROSS RD - SUITE B
PINEHURST, NC 28374
P: (910) 684-6467
W: www.koontzjonesdesign.com

JM

FOR REGISTRATION REGISTER OF DEEDS
 Judy D. Martin
 Moore County, NC
 September 06, 2011 04:39:40 PM
 Book 3914 Page 549-552
 FEE: \$23.00
 INSTRUMENT # 2011011229



INSTRUMENT # 2011011229

Town of Southern Pines CONDITIONAL USE PERMIT

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

Applicant: James B. O'Malley

Property Location: Located on the west side of NC 22 between Airport Road and Aiken Road and across from Warrior Woods Road with Parcel Identifier Numbers (PIN) 858300064803, 858309064200, 858309057907, 858309151960 and 858309154859 on approximately 46.12 Acres.

File Number: CU-01-11

Proposed Use of Property: *PRD-Planned Residential Development (Single-family, Multifamily Apartments) and Neighborhood Commercial development of 8 lots with 5 Parcel Identification Numbers (PIN) zoned Planned Development (PD).*

Meeting Dates:

Public Hearing on application:	Planning Board: June 23, 2011 Town Council: July 12, 2011
Final action on application	Town Council: July 25, 2011

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

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

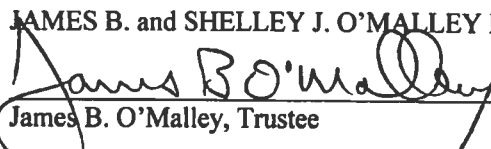
The following conditions will apply to this Conditional Use Permit:

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

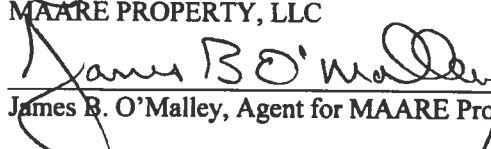
- Include, with the initial construction, a five feet in height creosote wooden fence, four board rails with a welded wire mesh attached to the back side, similar to the type of fence found at The Moss Foundation and other horse pastures around Youngs Road. This fence shall be constructed along the entire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

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

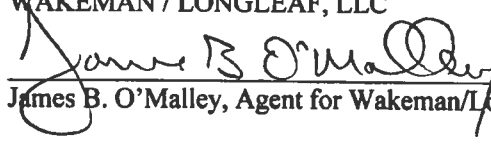
JAMES B. and SHELLEY J. O'MALLEY REV. TRUST u/a 10/16/97

By: 
James B. O'Malley, Trustee

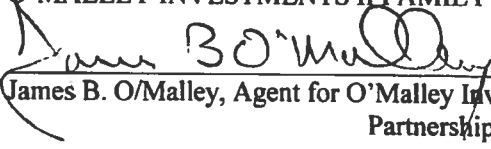
MAARE PROPERTY, LLC

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

WAKEMAN / LONGLEAF, LLC

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

O'MALLEY INVESTMENTS II FAMILY PARTNERSHIP

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

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

STATE OF NORTH CAROLINA

COUNTY OF MOORE

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

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

Date: 9-6-2011



Susan Windley
Notary Public
Susan Windley
Printed name of Notary Public

My Commission Expires: 4-27-2014

STATE OF NORTH CAROLINA

COUNTY OF MOORE

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

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



Susan Windley
Notary Public
Susan Windley
Printed name of Notary Public

My Commission Expires: 4-27-2014

STATE OF NORTH CAROLINA

COUNTY OF MOORE

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

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

Date: 9-6-2011



Susan Windley
Notary Public
Susan Windley
Printed name of Notary Public

My Commission Expires: 4-27-2011

STATE OF NORTH CAROLINA

COUNTY OF MOORE

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

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



Susan Windley
Notary Public
Susan Windley
Printed name of Notary Public

My Commission Expires: 4-27-2011

Agenda Item

To: Planning Board

Via: BJ Grieve, Planning Director

From: Alaina Mallette, Senior Planner

Subject: Z-07-24: Request to Rezone Request to Rezone Two
Parcels from RS-1CD and RS-2 to Residential Multi-
Family Conditional Zoning District (RM2-CD).

Date: January 23, 2025

I. SUMMARY OF APPLICATION REQUEST

Jeremy Sparrow of Longitude Planning Group PLLC, authorized agent of Fifteen Pinecones LLC, has submitted a request to rezone two parcels to RM-2 Conditional Zoning District with 19 conditions to allow the development of 11 residential structures—either single-family detached units or duplexes—on ± 4.13 acres. The parcel identified as PIN 858118409715 (PARID 00052524) is currently zoned RS-1CD; and the parcel identified as PIN 858119501314 (PARID 00052523) is currently zoned RS-2. Pursuant to the Moore County tax records, both parcels are owned by Fifteen Pinecones LLC.

II. PROJECT INFORMATION

A. Physical Addresses	B. Property Owner	C. Applicant
1624 E. Indiana Avenue (PARIDs 00052524 & 00052523)	Brittany Paschal Ryan Paschal Fifteen Pinecones, LLC 330 Mile Away Ln Southern Pines NC 28387	Jeremy Sparrow Longitude Planning Group, PLLC 132 NW Broad Street, Suite C Southern Pines, NC 28387- 4801

D. Existing Zoning

Proposed development on the subject property currently exists on two parcels, which have separate zoning. Parcel 00052524 is presently zoned RS-2 and Parcel 00052523 is presently zoned RS-1CD, as entitled under CU-03-11. A percentage of the latter parcel is located within the Little River Watershed. Both parcels are adjacent to E. Indiana Avenue, which has been designated as a Bike Plan Bike Route.

E. 2040 Comprehensive Plan Designation for General Framework, Conservation and Development, and Character Districts

General Framework Map Designation: Area to Enhance. These areas include established residential neighborhoods that are now stable, but should consider small-to-medium improvements. Any proposed changes to properties should be sensitive to

the uses, densities, location, character, and views from surrounding homes and neighborhoods.

Conservation and Development Map Designation: Neighborhood. New development should provide different home types on different lot sizes that vary enough to provide a range of home choices in the same neighborhood (e.g., mix home types, lot sizes, or home sizes). New development should consider “missing middle” home choices—such as duplex, triplex, quadplex, or cottage courts—to create more variety in terms of size and scale of buildings. New neighborhoods should also include a comprehensive and connected network of open space throughout the site. The “Map Category Crosswalk” is shown on 2040 Comprehensive Plan pages 62 to 63.

Character District Map Designation: The Hamlets. The Hamlets character district is intended to reinforce feelings of living in a forest (e.g., narrow streets, large front yard setbacks with dense tree plantings, forested lots, and low-profile homes).

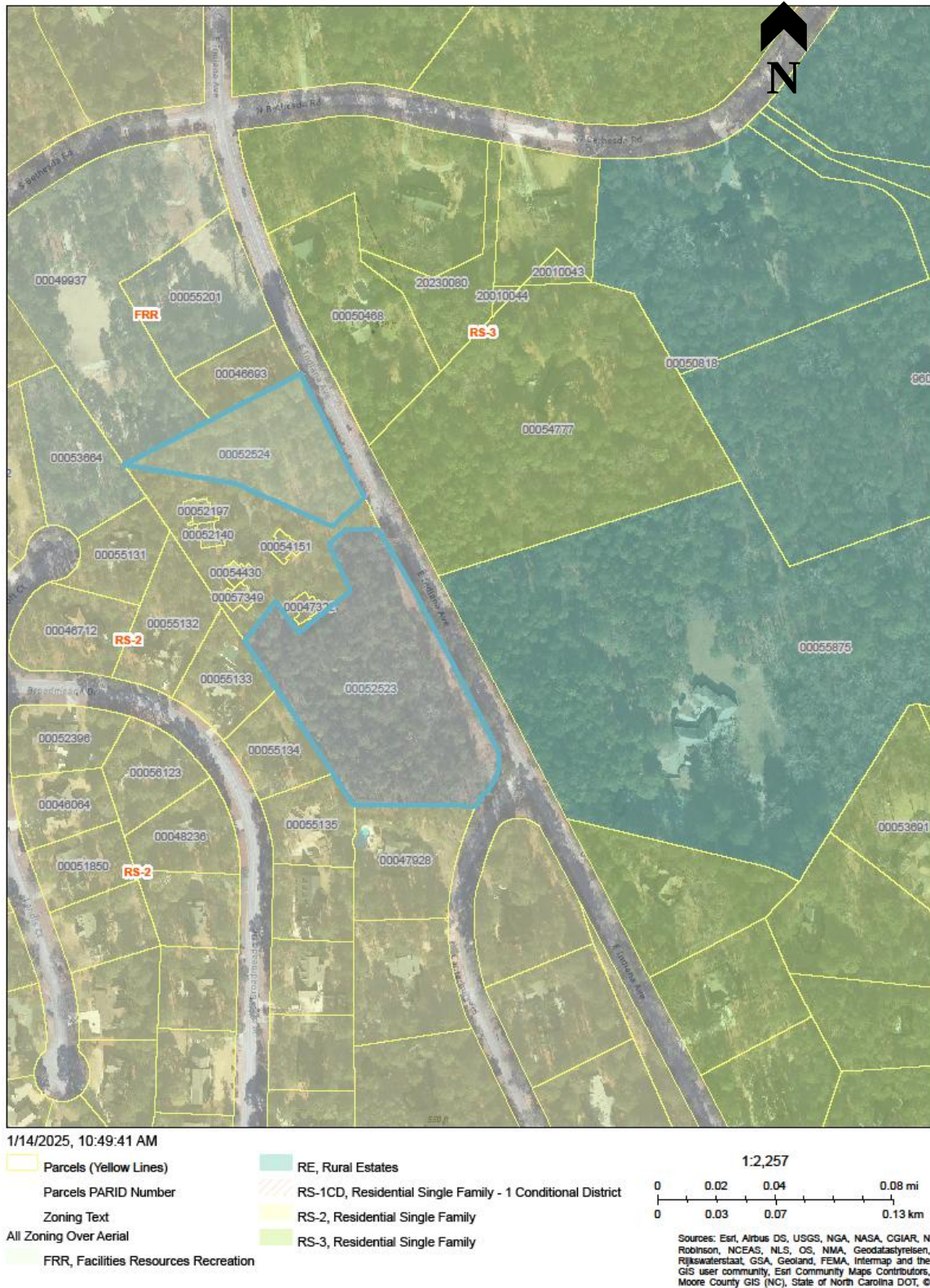
F. Proposed Conditions.

The descriptions and conditions as described below will apply to the entire project as indicated in the Conditional Zoning District application.

Land Use	Condition 1. The only land use allowed will include single-family (individual or duplex) units and indicated below by LBCS Code: • Single-Family Detached (LBCS 1111) • Two-Family (double or Duplex; LBCS 1120)
Roads	Condition 2. All roads within the Huntcliff development (as depicted) are to be maintained by the new Homeowners Association (HOA) for Phase 2. These roads shall meet the standards originally approved in 1980 with vegetated swales (for stormwater conveyance). Condition 3. The proposed roads will meet fire apparatus requirements and tie into the existing community roads.
Site Access	Condition 4. Main access to the two (2) parcels will be provided by the existing access road from Indiana Avenue. This access has a shared agreement to all three (3) parcels and will not require another access point along Indiana Avenue.
Landscape / Buffers	Condition 5. The RM-2 district requires a ten (10) foot minimum buffer along all adjacent property boundaries. Landscaping will be provided as required by the Town of Southern Pines UDO (Section 4.3).
Open Space	Condition 6. The proposed project will meet the required open space requirements per section 4.9 of the Town's UDO. Condition 7. The overall open space, including the parking area, will be maintained by the new HOA.
Stormwater	Condition 8. The property is located within a state regulated and protected drainage basin (WS-IIIP). All stormwater design will be consistent with all aspects of applicable local and state regulations for stormwater management and watershed

	protection. This will also include erosion and sedimentation control. Best management practices will be utilized in accordance with NCDEQ and shall be maintained as required. Final design and location of these systems will be completed at site plan review.
Utilities (Water / Sewer)	Condition 9. The current property is served by both water and sewer from the Town of Southern Pines and is adequately available for the proposed development. Final layout and design of these utilities will be provided during final site plan approval and will meet all local utility regulations / design requirements.
Grading	Condition 10. The overall property has rolling to severe terrain. In order to balance the site and maintain existing vegetation (where feasible), low retaining walls will be required. These locations will be determined during final engineering design.
Parking	Condition 11. All proposed units shall have a minimum of two (2) parking spaces per unit as required by the Town of Southern Pines (Exhibit 4.6).
Pedestrian Connections	Condition 12. The proposed units will have 4' wide walkways from the parking areas to the front entrance. Due to site restraints and grading, most walkways will not be connected but will tie into the parking/roadways for use by the homeowners. Condition 13. A natural trail path (min. 3' wide) will be provided from the proposed tract to Sandhurst Park, located north of the proposed development. The final location will be determined based on final grading and engineering design.
Lighting	Condition 14. All lighting on the property will follow the standards set forth in the Town of Southern Pines UDO (Section 4.8). Lighting levels within the parking areas will be provided to meet the UDO standards for safety. All lighting will be projected downward to limit any light onto adjoining properties.
Signage	Condition 15. All signage will be designed in conformance with the Town of Southern Pines UDO (Section 4.6).
Site Plan	Condition 16. Residential footprints / floor plans will be determined by market conditions. Condition 17. Final building layouts / locations will be determined by engineering design based on grading, utilities, and tree save areas.
Architectural Character	Condition 18. The proposed architecture of the single-family units will be consistent with the surrounding character of the community. Condition 19. Based on the existing site conditions and topography, some units may allow for a walk-out scenario.

Figure 1: Vicinity Zoning Map
Town of Southern Pines



Source: TOSP Planning Mapping Site
 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 express or implied.

III. STAFF REVIEW

1. Application Review Dates

Pre-Application Meeting: **January 9, 2024**

Application Submitted: **December 9, 2024**

Application Complete: **December 16, 2024**

Updated Site Layout Submitted: **January 14, 2025**

Planning Board Public Hearing Notice

Publication: **January 8, 2025** and **January 15, 2025**

Mail: **January 6, 2025**

Signage: **January 10, 2025**

Internet: **January 2, 2025**

Planning Board Agenda Meeting: **January 16, 2025**

Planning Board Regular Meeting: **January 23, 2025**

2. Staff Consistency Evaluation Based on Criteria for the Rezoning of Subject Parcel for Zoning Map Amendment Review per UDO § 2.17.9

When reviewing an application for zoning, the hearing bodies (Planning Board and Town Council) shall consider and be guided by the following criteria, as set forth in UDO §2.17.9 and outlined below. Furthermore, additional standards are expected of a conditional zoning district—a reclassification of property subject to specific conditions that ensure compatibility of the use with the use and enjoyment of neighboring properties—such as the one being proposed by the applicant. Conditional zoning is voluntary.

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

See “2040 Comprehensive Plan Designation for General Framework, Conservation and Development, and Character Districts” above for more information. Generally speaking, this area of E. Indiana Avenue, as a Neighborhood area to be enhanced, is anticipated to provide different home types (i.e., missing middle housing) on different lot sizes that also include connected network of open space sensitive to the uses, densities, location, character, and views from surrounding homes and neighborhoods. The proposed conditional zoning district would allow both single-family detached dwellings (LBCS 1111)—similar to what is all around it—and two-family duplexes (LBCS 1120) at a density greater than the surrounding area. The Hamlets character district does not envision duplexes in the Residential Building Type Matrix, but Planning staff believe that if the units are designed in the character of the surrounding community as proposed in Applicant’s Condition 19, then they may blend with existing buildings.

The site would include a 10-foot undisturbed buffer around the edge of the parcels. No other existing vegetation has been marked for protection. The Applicant is proposing a trail connection to Sandhurst Park, which is consistent with the area’s vision to have interconnected usable open space. Furthermore, the properties are within the Hamlets character district, which is intended to reinforce feelings of

living in a forest (e.g., narrow streets, large front yard setbacks with dense tree plantings, forested lots, and low-profile homes).

The Applicant has a proposed condition that the dwelling units be consistent with the surrounding character of the community, but have not provided examples or a description of what they consider that character to be. This may cause interpretation issues (i.e., differences in opinion) on what the defining character is within the neighborhood.

In summary, the proposed conditional zoning district is consistent with the 2040 Comprehensive Plan's vision of adding a mixture of housing densities and protecting some of the existing trees on the site.

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

The forested nature of the Hamlets is central to its character. Undisturbed buffering is an element that helps maintain that character. Protecting additional mature trees is another possibility for ensuring that the site keeps in the same forested character. However, Planning staff recognize that the site's southern end has a 11% drop in grade (approx. 30-foot drop over 270 feet), which is likely to require clearing and grading that remove existing trees. Therefore, Planning staff do not find negative impacts, especially considering the Applicant's proposed conditions and the preliminary site plan and its notes and labels.

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

The site currently is zoned as a conditional zoning district under CU-03-11, which permitted 10 units on the southern parcel and set aside the northern parcel (approx. 1.2 acres) as a donation to the Sandhurst Park. No development has occurred on the properties since the 2011 approval. As of June 2021, the site is under new ownership, which warranted the Applicant's need for this rezoning request and Town review. Considering this context, Planning staff believe that the site is neither suitable nor unsuitable as currently zoned.

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

The two main health, safety, or welfare concerns that have been identified by Planning staff at this time, based on the application materials, and routine analysis of the subject parcels and surrounding areas, are as follows:

1. **Non-Standard Road Proposal.** Town engineering staff stated in the December 17, 2024, Technical Review Committee meeting that the Applicant is proposing modified road standards, and noted the proposed condition to allow the roads to meet the 1980 standards. Considering that it is a private drive that serves only those proposed dwellings, they did not have major concerns. However, the Town Engineer, James Michel, requested that the Applicant provide a street cross-section of what it meant by “1980 standards” to include travel lane width and slopes, inclusion/exclusion of street trees, sidewalks, and curbing and—if included—their widths. The cross-section should also include the proposed substrates and surface materials and their widths. The goal of having this information is establishing a clear expectation for internal road design during site plan review and inspections.
2. **Fire Department Access.** The Fire Department stated in the same meeting that a fire truck turning template should be shown on the plan to confirm that there is sufficient turnaround on the northern section where the proposed three units abut the existing Huntcliff development.

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

Regarding parking demand, the parking standard for one- and two-family dwellings, as would be permitted, is 2 parking spaces per dwelling unit. Considering the proposed 11 buildings—which could be either one-family, two-family, or a mixture—the lower-density scenario minimum parking requirement would be 22 parking spaces and the higher-density scenario minimum would be 44 parking spaces. 24 spaces are being proposed, which does trigger parking lot shading requirements.

Parking within the Hamlets is envisioned to be driveway access rather than a private lot. However, the housing density, site design, and home design—especially the inclusion or exclusion of a garage—are all factors to consider when determine appropriateness of proposed parking. All parking spaces are internal to the site with the buildings facing the property lines. Therefore, Planning believe that the

proposed parking is respectful of existing development types, patterns, and intensities.

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

The rezoning is for two parcels, totaling approx. 4.2 acres. The parcels are separated by an access drive to the existing Huntcliff Phase I development. The Applicant intends to use that existing drive for access to Phase II; however, the UDO has specific requirements for that process in section 4.11.3. Planning staff recommend adding language to the site access condition. Either way, Planning staff will enforce UDO section 4.11.3 during site plan review.

Other than parcels being disconnected, the size of the tract is suitable for the proposed development.

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

If the final intent is to convey each of the units, then a major subdivision preliminary plat and application will be required for a quasi-judicial review. Currently, the Applicant is unsure of the final locations of the buildings, and would apply when locations have been finalized. However, if the intent is to rent, then Planning considers the development multifamily (i.e., build-to-rent), and a major subdivision would not be required by the Town. However, multifamily development (LBCS 1151) is not included in the list of permitted land uses in the Applicant's Condition 1.

It should also be noted that the northern parcel is adjacent to the Town's Sandhurst Park.

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

The rezoning request is for a conditional zoning district; therefore, Applicant representations may be taken into consideration while reviewing and making final recommendations and decisions.

3. Outside Agency Comments

A request for comments was emailed to agencies on January 2, 2025. Agencies notified include Town of Southern Pines Streets, Public Works, Utilities, Fire, Recreation and Parks, and Engineering departments, the Regional Land Use Advisory Commission (RLUAC), United States Fish and Wildlife Services (US FWS), the Moore County Airport, and the North Carolina Department of Transportation (NCDOT). No comments or comments with “no comment” have been received as of the writing of this staff report. The application was discussed with members of the Technical Review Committee on December 17, 2024. All comments have been reflected in section III.2 of this staff report. Any additional agency or public comment received prior to the public hearing will be shared during staff’s presentation.

4. Staff Comments and Recommendation

Approval of a conditional zoning district approves a specific use with reasonable conditions that mitigate the negative impacts of the proposed development and ensure compatibility with the surrounding area. Only conditions approved by the Town Council and consented to by the petitioner in writing may be incorporated into the conditional zoning district. If the applicant ever wishes to change an approved condition, they must follow the same rezoning procedure required to amend the official zoning map unless considered a minor change per UDO §2.17.11(K).

Planning staff recommend that the hearing bodies approve the conditions on the Residential Single-Family (RS-2) Conditional Zoning District as submitted in the application and to please consider the following Town staff concerns.

1. The proposed condition under Landscape/Buffers section says that the buffer will be 10’ and that it will follow UDO standards. The condition should state that the buffers are to remain undisturbed (with tree protection) and clarify that the condition does not preclude the applicability of other non-Buffer Landscaping Code standards. For instance, cleared areas replanting and parking lot shading would also apply, and the application should be clear that all applicable landscaping requirements will follow UDO standards, and clarify if they plan to deviate.
2. No building precedents or design elements were submitted to illustrate what the Applicant means by “consistent with the surrounding character of the community.”
3. If the entirety of the property is ever to be solely rented, rather than conveyed, it would technically be multifamily—according to the UDO’s land use table—and the LBCS 1151 for multifamily should be added to the permitted list of land uses.
4. Are the 1980 road standards acceptable for this development, and what are the Applicant’s proposed cross-sectional standards that would apply? These details should be provided as part of this application.
5. A fire truck turning template should be added on the northern section where the proposed three units about the existing Huntcliff development.
6. Planning believes that additional language is needed to the Site Access condition that states, “The access shall be a perpetual easement, which shall be established and platted following proper procedures outlined in UDO §4.11.3

Access to Lots, as amended.” It is important for every lot to have access in case of an emergency.

IV. ATTACHMENTS

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

1. Draft Planning Board Resolution to Adopt a Written Recommendation
2. Zoning Map Amendment (Conditional Zoning District) Application
3. Narrative for Proposed Amendment and Offered Conditions provided by Applicant
4. Preliminary Site Plan
5. Historic Entitlements of the Huntcliff Property (1980 & 2011)

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

V. PLANNING BOARD ACTION

The Planning Board shall consider the criteria for zoning map amendments found in UDO §2.17.9, including consistency with the 2040 Comprehensive Plan. Per North Carolina General Statute 160D-604(d), prior to consideration of the proposed map amendment by the Town Council, the Planning Board shall advise and comment on whether the proposed amendments are consistent with the Comprehensive Plan. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendments by the Town Council.

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

* * *

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

1. **The proposed amendments are consistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment 1 of staff report Z-07-24;**
2. The proposed amendments are consistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment 1 of staff report Z-07-24 as revised by the Planning Board;

3. The proposed amendments are inconsistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment 1 of staff report Z-07-24 as revised by the Planning Board;

I further move that the following other matters were considered by the Planning Board and shall be added to Attachment 1 by Planning staff as part of the Planning Board's written recommendation to the Town Council:

And, therefore, I move to:

1. **Recommend approval of Z-07-24 to the Town Council with the conditions on the RM-2 Conditional Zoning District as submitted by the Applicant, and with additional information submitted by January 30, 2025, regarding the six additional issues identified in the January 23, 2025, staff report.**
2. Recommend approval of Z-07-24 to the Town Council with the conditions on the RM-2 Conditional Zoning District as submitted by the Applicant, and with additional information submitted by January 30, 2025, regarding the six additional issues identified in the January 23, 2025, staff report, as amended by the Planning Board in Attachment 1.
3. Recommend denial of Z-07-24 to the Town Council

Note that the effect of Town Council approval of a conditional zoning district and all conditions that have been attached to the approval are binding on the property as an amendment to the Zoning Map. All subsequent Development and use of the property shall be in accordance with the standards for the approved Conditional Zoning district; the approved petition and all conditions attached to the approval. Only those uses and structures indicated in the approved petition shall be allowed on the subject property. Any Development in the district shall comply with all provisions of and conditions to the approved petition. Any uses and structures on the subject property also shall comply with all standards and requirements for Development in the underlying general zoning district. Lastly, minor changes in the detail of the approved petition or Site Plan that do not involve a change in uses permitted or the density of overall Development permitted and that will not alter the basic relationship of the proposed Development to surrounding properties or the standards. Lastly, minor changes in the detail of the approved petition that do not involve a change in uses permitted or the density of overall Development permitted and that will not alter the basic relationship of the proposed Development to surrounding properties or the standards.



**PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR ZONING MAP AMENDMENT APPLICATION
FOR A CONDITIONAL ZONING DISTRICT
Z-07-24**

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

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

WHEREAS, the Planning Board has reviewed the proposed zoning map amendment—which includes the written staff report and application materials showing the proposed district boundaries, and has conducted a public hearing on January 23, 2025, to listen to public comments, ask questions of the Town’s planning staff, and consider zoning map amendment application #Z-07-24.

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the proposed amendment to the Town of Southern Pines Zoning Map is reasonable, in the public interest, and consistent with the criteria set forth in the Town of Southern Pines Unified Development Ordinance §2.17.9. The Planning Board recommends that the Town Council approve the zoning map amendment request with the Applicant’s nineteen proposed conditions with additional information requested for six remaining issues for the two subject parcels-located at 1624 E. Indiana Avenue identified as Parcel Identification Numbers 00052523 and 00052524, totaling 4.13 acres. The six remaining issues for which the Applicant should provide additional information for the record include:

1. The proposed condition under Landscape/Buffers section says that the buffer will be 10’ and that it will follow UDO standards. The condition should state that the buffers are to remain undisturbed (with tree protection) and clarify that the condition does not preclude the applicability of other non-Buffer Landscaping Code standards. For instance, cleared areas replanting and parking lot shading would also apply, and the application should be clear that all applicable landscaping requirements will follow UDO standards, and clarify if they plan to deviate.

2. No building precedents or design elements were submitted to illustrate what the Applicant means by “consistent with the surrounding character of the community.”
3. If the entirety of the property is ever to be solely rented, rather than conveyed, it would technically be multifamily—according to the UDO’s land use table—and the LBCS 1151 for multifamily should be added to the permitted list of land uses.
4. Are the 1980 road standards acceptable for this development, and what are the Applicant’s proposed cross-sectional standards that would apply? These details should be provided as part of this application.
5. A fire truck turning template should be added on the northern section where the proposed three units about the existing Huntcliff development.
6. Planning believes that additional language is needed to the Site Access condition that states, “The access shall be a perpetual easement, which shall be established and platted following proper procedures outlined in UDO §4.11.3 Access to Lots, as amended.” It is important for every lot to have access in case of an emergency.

The application with the Applicant’s proposed conditions for a RM-2 Conditional Zoning District is consistent with the 2040 Comprehensive Plan’s vision of adding a mixture of housing densities and protecting some of the existing trees on the site. The application and Applicant’s proposed conditions are also consistent with the intent of the Areas to Enhance designation on the General Framework Map as the development would provide different home types (i.e., missing middle housing) on different lot sizes that also include a connected network of open space sensitive to the uses, densities, location, character, and views from surrounding homes and neighborhoods. With the Applicant’s proposed conditions and the above six issues addressed prior to final decision, the Planning Board finds that reasonably foreseeable adverse impacts on neighboring lands or on general health, safety, and welfare would be appropriately addressed.

The Planning Board recommends the Town Council adopt this zoning amendment (i.e., #Z-07-24), which rezones the properties from RS-2 & RS-1CD (Conditional District) both to RM-2CD (Conditional District) with the following conditions to which the applicant has consented:

Land Use

- **Condition 1** The only land use allowed will include single-family (individual or duplex) units and indicated below by LBCS Code:

A.	Single-Family Detached	1111
B.	Two-Family (double or Duplex)	1120

Roads

- **Condition 2** All roads within the Huntcliff development (as depicted) are to be maintained by the new Homeowners Association (HOA) for Phase 2. These roads shall meet the standards originally approved in 1980 with vegetated swales (for stormwater conveyance).
- **Condition 3** The proposed roads will meet fire apparatus requirements and tie into the existing community roads.

Site Access

- **Condition 4** Main access to the two (2) parcels will be provided by the existing access road from Indiana Avenue. This access has a shared agreement to all three (3) parcels and will not require another access point along Indiana Avenue.

Landscape / Buffers

- **Condition 5** The RM-2 district requires a ten (10) foot minimum buffer along all adjacent property boundaries. Landscaping will be provided as required by the Town of Southern Pines UDO (Section 4.3).

Open Space

- **Condition 6** The proposed project will meet the required open space requirements per section 4.9 of the Town's UDO.
- **Condition 7** The overall open space, including the parking area, will be maintained by the new HOA.

Stormwater

- **Condition 8** The property is located within a state regulated and protected drainage basin (WS-IIIP). All stormwater design will be consistent with all aspects of applicable local and state regulations for stormwater management and watershed protection. This will also include erosion and sedimentation control. Best management practices will be utilized in accordance with NCDEQ and shall be maintained as required. Final design and location of these systems will be completed at site plan review.

Utilities (Water / Sewer)

- **Condition 9** The current property is served by both water and sewer from the Town of Southern Pines and is adequately available for the proposed development. Final layout and design of these utilities will be provided during final site plan approval and will meet all local utility regulations / design requirements.

Grading

- **Condition 10** The overall property has rolling to severe terrain. In order to balance the site and maintain existing vegetation (where feasible), low retaining walls will be required. These locations will be determined during final engineering design.

Parking

- **Condition 11** All proposed units shall have a minimum of two (2) parking spaces per unit as required by the Town of Southern Pines (Exhibit 4.6).

Pedestrian Connections

- **Condition 12** The proposed units will have 4' wide walkways from the parking areas to the front entrance. Due to site restraints and grading, most

walkways will not be connected but will tie into the parking/roadways for use by the homeowners.

- **Condition 13** A natural trail path (min. 3' wide) will be provided from the proposed tract to Sandhurst Park, located north of the proposed development. The final location will be determined based on final grading and engineering design.

Lighting

- **Condition 14** All lighting on the property will follow the standards set forth in the Town of Southern Pines UDO (Section 4.8). Lighting levels within the parking areas will be provided to meet the UDO standards for safety. All lighting will be projected downward to limit any light onto adjoining properties.

Signage

- **Condition 15** All signage will be designed in conformance with the Town of Southern Pines UDO (Section 4.6).

Site Plan

- **Condition 16** Residential footprints / floor plans will be determined by market conditions.
- **Condition 17** Final building layouts / locations will be determined by engineering design based on grading, utilities, and tree save areas.

Architectural Character

- **Condition 18** The proposed architecture of the single-family units will be consistent with the surrounding character of the community.
- **Condition 19** Based on the existing site conditions and topography, some units may allow for a walk-out scenario.

ADOPTED this the 23rd day of January, 2025.

Diane T. Westbrook, Chairwoman

ATTEST:

Cindy Williams
Secretary to the Planning Board



Conditional Zoning District Application

Fee: \$1,500.00

Date Received: _____

Case No.: Z-____-____

Project Information:

Street Address: 1624 E. Indiana Avenue

PIN: 858118409715 | 858119501314

Parcel ID: 0002524 | 00052523

Site Size: ±4.2 AC

Current Zoning: RS-2 | RS-1 CD

Applicant:

Name(s): Fifteen Pinecones, LLC

Email: rwpaschal@gmail.com

Phone: 910-603-8791

Mailing Address: 330 Mile Away Lane, Southern Pines, NC 28387

Authorized Agent, if different from Applicant:

Name(s): Longitude Planning Group, PLLC (Jeremy W. Sparrow)

Email: jsparrow@longitudeplanninggroup.com

Phone: 734-478-1917

Mailing Address: PO Box 1466, Southern Pines, NC 28388

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

Name(s): _____

Email: _____ Phone: _____

Mailing Address: _____

5/1/24

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

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council to approve a zoning map amendment to RM-2 - Conditional Zoning District per the requirements of the Town of Southern Pines Unified Development Ordinance (UDO) §2.17. The information included is submitted in support of this application. I grant Town of Southern Pines staff, Planning Board and Town Council access to the subject property/properties while this zoning map amendment application is under review.

Date: 11/12/24

Ryan W Posedel
Applicant

PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES
801 SE Service Road, Southern Pines, NC 28387
plan@southernpines.net (910) 692-4003 www.southernpines.net

5/1/24

APPOINTMENT OF AGENT

The undersigned owner(s), Fifteen Pinecones, LLC, hereby appoint(s) Longitude Planning Group, PLLC as the exclusive agent for the purpose of making an application to the Town of Southern Pines for an amendment to the zoning of the property described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

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

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

Signed this 12 day of November, 2024.

Fifteen Pinecones, LLC

Property Owner

Ryan W. Phil

Property Owner

J. Somers

Agent

5/1/24

APPOINTMENT OF AGENT

(Trey Kramer)

The undersigned owner(s), Fifteen Pinecones, LLC, hereby appoint(s) Longitude Planning Group, PLLC as the exclusive agent for the purpose of making an application to the Town of Southern Pines for an amendment to the zoning of the property described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

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

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

Signed this 14 day of January, 2025.

DocuSigned by:

 385C03245EAA4BA

Property Owner

DocuSigned by:

 E32B06060C022E5

Property Owner



Agent

5/1/24

Huntcliff – Phase 2

Conditional Zoning District (RM-2 CZ)

Project Narrative and Conditions

December 9, 2024

Project Narrative

The development of the property described as Huntcliff Tract, located along Indiana Avenue, in the attached documents and exhibits was originally approved in 1980 as a residential community with single-family units (including duplexes). The original development included a total of 20 units, with a mix of single units and duplex units. Phase 1 of this development included the construction of the existing six (6) total units.

Since that time, the property has been subdivided into three (3) total tracts, including the two (2) parcels described in the submitted documents (ParlD 00052523 and 00052524) that are currently owned by the applicant Fifteen Pinecones, LLC. These parcels are zoned RS-1 CD and RS-2 respectively and does not currently allow for the proposed development as currently designed with a private drive. A private drive is only allowed as part of a Subdivision for Townhomes or Condominiums and shall be maintained by the new Homeowners Association (HOA).

These two (2) parcels have a total project acreage of ± 4.13 AC and are being proposed as a RM-2 CD to allow for the same use as the current Huntcliff development, and original approved plan with single-family detached units with a private drive. These individual units would be subdivided as condominium units, similar to the existing structures (as currently platted). The proposed site plan has a maximum of eleven (11) total units, for a maximum density of ± 2.7 units / AC.

A portion of the property falls within the Cape Fear, Little River (Intake No. 2) watershed (WS-IIIP) which is designated as a high-quality watershed (HQW). This limits the proposed development to two (2) dwelling units per acre; or twenty-four (24) percent built-upon area. If the proposed development exceeds either of these thresholds, the project may apply for the 5/70 exemption. The project has also been reviewed by Dr. J.H. Carter III and Associates and found no RCW cavity trees on the property. However, the lots are within one-half mile of abandoned SOPI cluster 005. This information and site plan have been submitted to the USFWS as recommended by Dr. J.H. Carter and Associates. There are no floodplains or wetlands located on the property.

A. Consistency

- a. The proposed project is consistent with the Southern Pines 2040 Comprehensive Plan. As noted, the Huntcliff tract is part of "The Hamlets" character district, which allows for single-family detached development. The Hamlets represent a specific neighborhood in Southern Pines that reinforces the feeling of living in a forest, with narrow streets and low-profile homes, balancing the natural and built environments. The proposed development "promotes infill development" (pg. 35) for vacant and under-utilized areas of Southern Pines. This tract was originally designed to provide for 20 total units, with a mix of single-family and duplex units. This development also looks to "capitalize on



connections to open space and natural areas" (pg. 34), connecting via trails to the adjoining park. The overall development also provides for additional housing opportunities.

B. Adverse Impacts on Neighboring Lands

- a. The proposed project as submitted will not have any adverse impacts on the adjoining properties. The single-family detached uses are consistent with the current community and surrounding area.

C. Suitability as Presently Zoned

- a. The property as currently zoned does not allow for private easement access to single-family subdivisions. Based on the Town of Southern Pines UDO (Section 4.11.3), private drive access is only allowed for townhomes or condominium developments. These units will be individually platted, similar to the existing Huntcliff Community and will have a new Homeowners Association that will maintain the common / shared spaces.

D. Health, Safety, and Welfare

- a. There will be no impact to the health, safety, and welfare of the public based on the proposed development.

E. Public Policy

- a. As noted in the Southern Pines 2040 Comprehensive Plan, Policy 7.1 includes supporting housing diversity in the community. "The Town should be an advocate for different types, sizes and price points of homes intermingled in close proximity, with a range of living experiences from rural to suburban to urban, so that there is something for everyone." Policy 5.2 also states that the Town should "Encourage Infill Development and Redevelopment for Specific Character Districts" which urges Town officials to advocate for infill development projects inside town limits as a way to reinvest in areas with existing infrastructure capacity. This property had originally been planned to allow for twenty (20) total units.

F. Size of Tract

- a. The proposed development is made up of two (2) parcels with a total site acreage of ±4.13 acres.

G. Other Factors

- a. No other factors at this time

H. Applicant Representations

- a. Below is a list of conditions that are being proposed for the property. Most of the conditions will meet the current standards / requirements as set forth in the Town of Southern Pines UDO (Unified Development Ordinance), including land use, roads, site access, landscape / buffers, open space, stormwater, utilities, parking, pedestrian connections, lighting, signage, and architectural character.

Conditions

Land Use

1. The only land use allowed will include single-family (individual or duplex) units and indicated below by LBCS Code:
 - a. *Single-Family Detached* 1111
 - b. *Two-Family (double or Duplex)* 1120

Roads

1. All roads within the Huntcliff development (as depicted) are to be maintained by the new Homeowners Association (HOA) for Phase 2. These roads shall meet the standards originally approved in 1980 with vegetated swales (for stormwater conveyance).
2. The proposed roads will meet fire apparatus requirements and tie into the existing community roads.

Site Access

1. Main access to the two (2) parcels will be provided by the existing access road from Indiana Avenue. This access has a shared agreement to all three (3) parcels and will not require another access point along Indiana Avenue.

Landscape / Buffers

1. The RM-2 district requires a ten (10) foot minimum buffer along all adjacent property boundaries. Landscaping will be provided as required by the Town of Southern Pines UDO (Section 4.3)

Open Space

1. The proposed project will meet the required open space requirements per section 4.9 of the Town's UDO.
2. The overall open space, including the parking area, will be maintained by the new HOA.

Stormwater

1. The property is located within a state regulated and protected drainage basin (WS-IIIP). All stormwater design will be consistent with all aspects of applicable local and state regulations for stormwater management and watershed protection. This will also include erosion and sedimentation control. Best management practices will be utilized in accordance with NCDEQ and shall be maintained as required. Final design and location of these systems will be completed at site plan review.

Utilities (Water / Sewer)

1. The current property is served by both water and sewer from the Town of Southern Pines and is adequately available for the proposed development. Final layout and design of these utilities will be provided during final site plan approval and will meet all local utility regulations / design requirements.

Grading

1. The overall property has rolling to severe terrain. In order to balance the site and maintain existing vegetation (where feasible), low retaining walls will be required. These locations will be determined during final engineering design.

Parking

1. All proposed units shall have a minimum of two (2) parking spaces per unit as required by the Town of Southern Pines (Exhibit 4.6).

Pedestrian Connections

1. The proposed units will have 4' wide walkways from the parking areas to the front entrance. Due to site restraints and grading, most walkways will not be connected but will tie into the parking / roadways for use by the homeowners.
2. A natural trail path (min. 3' wide) will be provided from the proposed tract to Sandhurst Park, located north of the proposed development. The final location will be determined based on final grading and engineering design.

Lighting

1. All lighting on the property will follow the standards set forth in the Town of Southern Pines UDO (Section 4.8). Lighting levels within the parking areas will be provided to meet the UDO standards for safety. All lighting will be projected downward to limit any light onto adjoining properties.

Signage

1. All signage will be designed in conformance with the Town of Southern Pines UDO (Section 4.6).

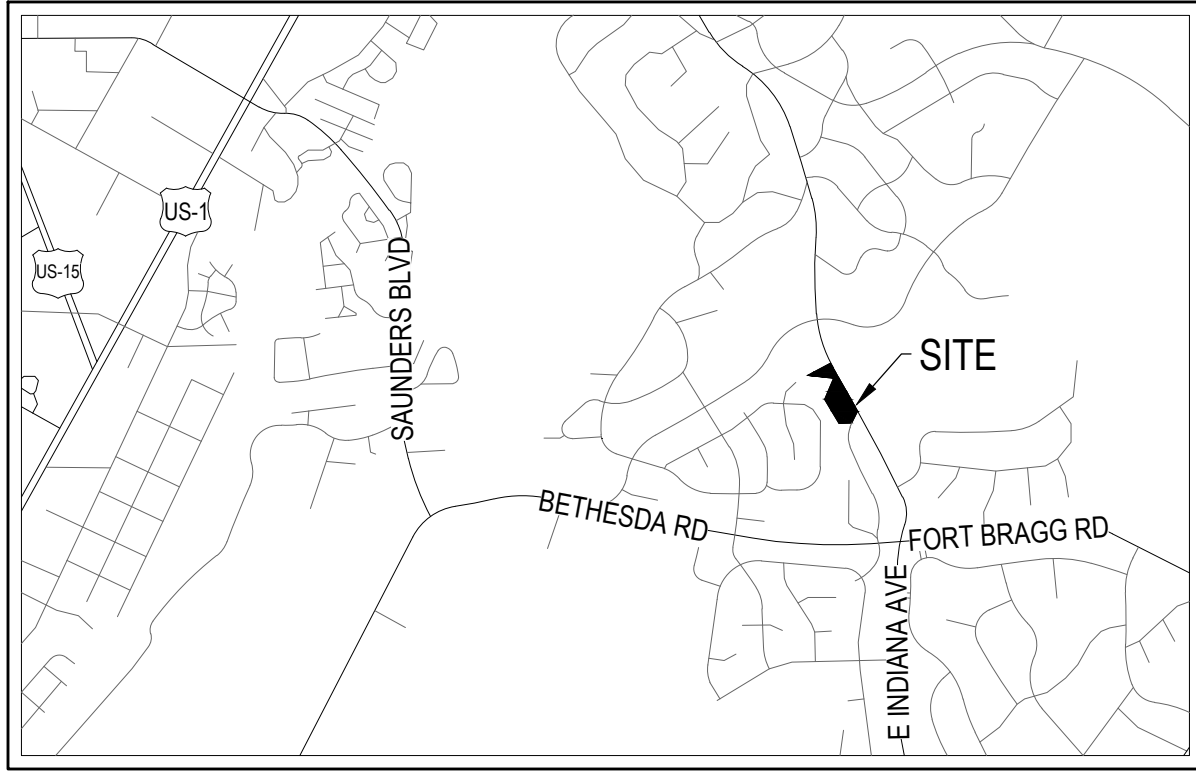
Site Plan

1. Residential footprints / floor plans will be determined by market conditions.
2. Final building layouts / locations will be determined by engineering design based on grading, utilities, and tree save areas.

Architectural Character

1. The proposed architecture of the single-family units will be consistent with the surrounding character of the community.
2. Based on the existing site conditions and topography, some units may allow for a walk-out scenario.

The descriptions and conditions as described above will apply to the entire project as indicated in the Conditional Zoning District application.



2.0 TREE PROTECTION:

2.1 THE CONTRACTOR SHALL BE RESPONSIBLE FOR PREVENTING DAMAGE TO EXISTING TREES LOCATED ALONG ACCESS AND HAUL ROADS, AND ADJACENT TO, OR WITHIN BUILDING CONSTRUCTION SITES AND MATERIAL AND EQUIPMENT STORAGE AREAS. THOSE TREES TO BE SAVED SHALL BE FLAGGED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

2.2 MATERIALS SHALL NOT BE STORED, NOR VEHICLES PARKED WITHIN THE DRIP-LINE OF THE TREE UNLESS AUTHORIZED BY LANDSCAPE ARCHITECT OR OWNER.

2.3 VEHICLES AND EQUIPMENT SHALL NOT BE DRIVEN OVER EXPOSED ROOTS AND ROADS SHALL NOT BE LOCATED WITHIN THE DRIP-LINE OF TREES UNLESS APPROVAL IS OBTAINED FROM THE LANDSCAPE ARCHITECT OR OWNER.

2.4 NO CUTTING OR FILLING OF EXISTING GRADE, TRENCHING OR PRUNING SHALL OCCUR UNLESS SPECIFICALLY DIRECTED BY THE CONSTRUCTION DOCUMENTS, OR WITH WRITTEN CONSENT BY THE LANDSCAPE ARCHITECT OR THE OWNER.

2.5 NO BURNING OF TRASH IS ALLOWED WITHIN 75' OF EXISTING TREES AND CARE SHALL BE TAKEN TO PREVENT ANY SMOKE DAMAGE TO TREES.

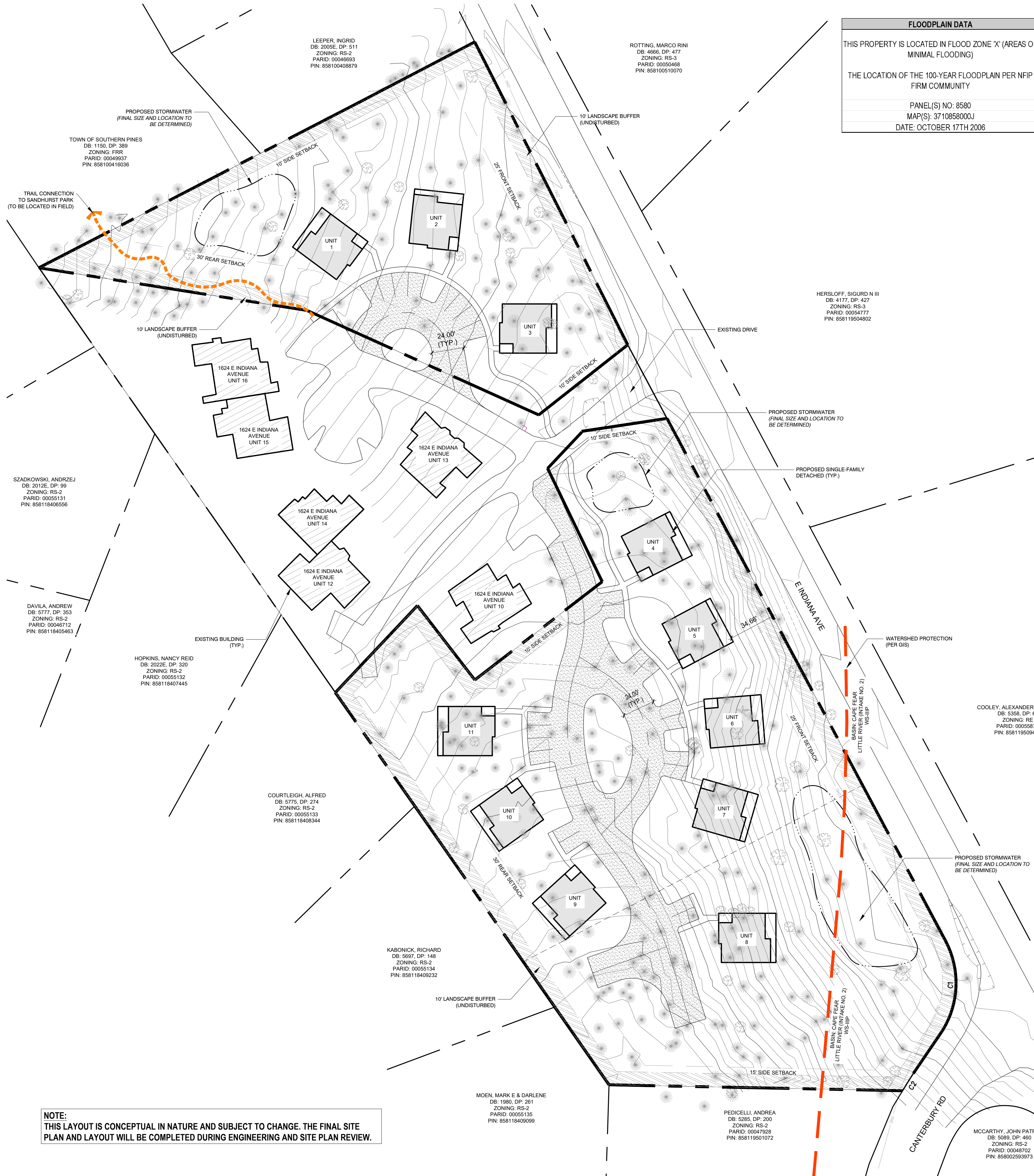
LEGEND:

- IRF = IRON ROD FOUND
- IPF = IRON PIPE FOUND
- IRS = IRON ROD SET
- PKF = PK NAIL FOUND
- CMF = CONCRETE MONUMENT FOUND
- = PROPERTY BOUNDARY
- = OVERHEAD UTILITIES
- - - = EXISTING MINOR CONTOUR
- - - = EXISTING MAJOR CONTOUR
- ⊙ = SEWER MANHOLE
- ⊙ = EXISTING UTILITY POLE
- ⊙ = EXISTING PINE
- ⊙ = EXISTING HARDWOOD

CAUTION

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

NOTE:
THIS LAYOUT IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE. THE FINAL SITE PLAN AND LAYOUT WILL BE COMPLETED DURING ENGINEERING AND SITE PLAN REVIEW.



FLOODPLAIN DATA
THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X' (AREAS OF MINIMAL FLOODING)
THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY
PANEL(S) NO: 8580
MAP(S): 371085800J
DATE: OCTOBER 17TH 2006

PROPERTY INFORMATION	
PROPERTY OWNER(S):	
FIFTEEN PINECONES, LLC	
330 MILE AWAY LANE	
SOUTHERN PINES, NC 28387	
APPLICANT:	
FIFTEEN PINECONES, LLC	
330 MILE AWAY LANE	
SOUTHERN PINES, NC 28387	
TOTAL ACREAGE:	
±4.13 ACRES	
PARCEL INFORMATION:	
PARCEL ID:	00052524, 00052523
PIN:	858118409715, 858119501314
DEED BOOK:	5636
DEED PAGE:	461
EXISTING ZONING:	RS-2, RS-1CD

PROPOSED ZONING INFORMATION			
PROPOSED ZONING:			
	RM-20D		
REQUIRED SETBACKS:			
	FRONT:	25 FT	
	FRONT: (FROM STREET CENTERLINE)	55 FT	
	EXTERIOR SIDE:	15 FT	
	EXTERIOR SIDE: (FROM STREET CENTERLINE)	45 FT	
	INTERIOR SIDE:	10 FT	
	REAR:	30 FT	
MAX. BUILT UPON SURFACE (WS-III):			
	MAX. BUILT UPON SURFACE:	24%	
MAX. BUILDING HEIGHT:			
	HEIGHT:	40 FT	

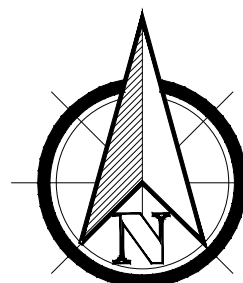
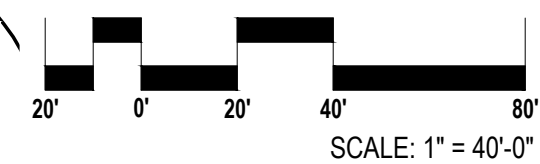
OPEN SPACE CALCULATIONS	
AREA OF OPEN SPACE:	± 1.47 AC
DIVIDED BY TOTAL SITE AREA:	± 4.13 AC
EQUALS PERCENT OPEN SPACE:	35.50%
MINIMUM OPEN SPACE REQUIRED:	10.00%

NOTE:
1. THE OVERALL OPEN SPACE INCLUDES THE AREA OUTSIDE OF THE BUILDING FOOTPRINT AND THE ROAD WAY (UP TO THE EDGE OF PAVEMENT). THIS INCLUDES THE STORMWATER MANAGEMENT AREAS AND THE SIDEWALKS / WALKWAYS. FINAL OPEN SPACE AREA MAY FLUCTUATE DEPENDING ON THE FINAL FOOTPRINTS, BUT WILL MAINTAIN A MINIMUM 35% OPEN SPACE FOR THE OVERALL SITE.

2. 10' PERMETER BUFFER TO REMAIN UNDISTURBED, EXCEPT FOR STORMWATER MANAGEMENT AREAS AND TRAIL CONNECTIONS PER THE FINAL ENGINEERING DESIGN. STORMWATER MANAGEMENT DEVICES ARE PERMITTED WITHIN BUFFERS PER 4.3.4(C)(6) OF TOWN OF SOUTHERN PINES UDO.

COOLEY, ALEXANDER SPEIGHT
DB: 5358, DP: 61
ZONING: RE
PARID: 00058875
PIN: 858119509410

MCCARTHY, JOHN PATRICK
DB: 5089, DP: 460
ZONING: RS-2
PARID: 00047928
PIN: 858002593973



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

LONGITUDE
planning group

164 NW BROAD STREET
SOUTHERN PINES, NC 28387
P: 734-478-1917
W: www.longitudeplanning.com

HUNTCLIFF
INDIANA AVENUE
SOUTHERN PINES, NORTH CAROLINA

REVISIONS:

2025-01-14 - TOWN OF SOUTHERN PINES
(REVIEW COMMENTS)

SHEET TITLE:

PRELIMINARY
SITE PLAN

DATE: 2024-12-09
DESIGNED BY: JWS
DRAWN BY: TTK

SCALE: 1" = 40'
PROJECT #: LPG2023-0013

SHEET #:

S1.0

I, SCOTT A. MABRY, R. L. S. NO. 2471, DO HEREBY CERTIFY THAT THIS MAP WAS MADE BY ME FROM MY ACTUAL SURVEY IN ACCORDANCE WITH G.S. 47-30 AS AMENDED AND THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Scott A. Mabry
SCOTT A. MABRY, R. L. S. NO. 2471

I, A NOTARY PUBLIC OF MOORE COUNTY, N. C., DO HEREBY CERTIFY THAT SCOTT A. MABRY PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND SEAL THIS 28 DAY OF JULY, 1980.
MY COMMISSION EXPIRES 1-28-81.

Stephen R. Sheffield
NOTARY PUBLIC

I DO HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON WAS APPROVED BY THE SOUTHERN PINES TOWN COUNCIL UNDER AUTHORITY OF SECTION 4-4 OF THE ZONING ORDINANCE, ON SEPT. 9, 1980.

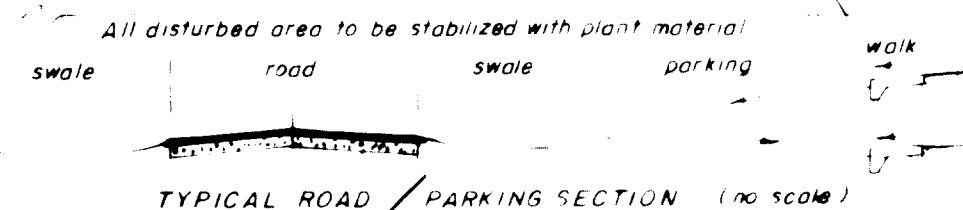
Michael P. McDonald
TOWN MANAGER

Plat 2, Page 124
BOOK 2, PAGE 124

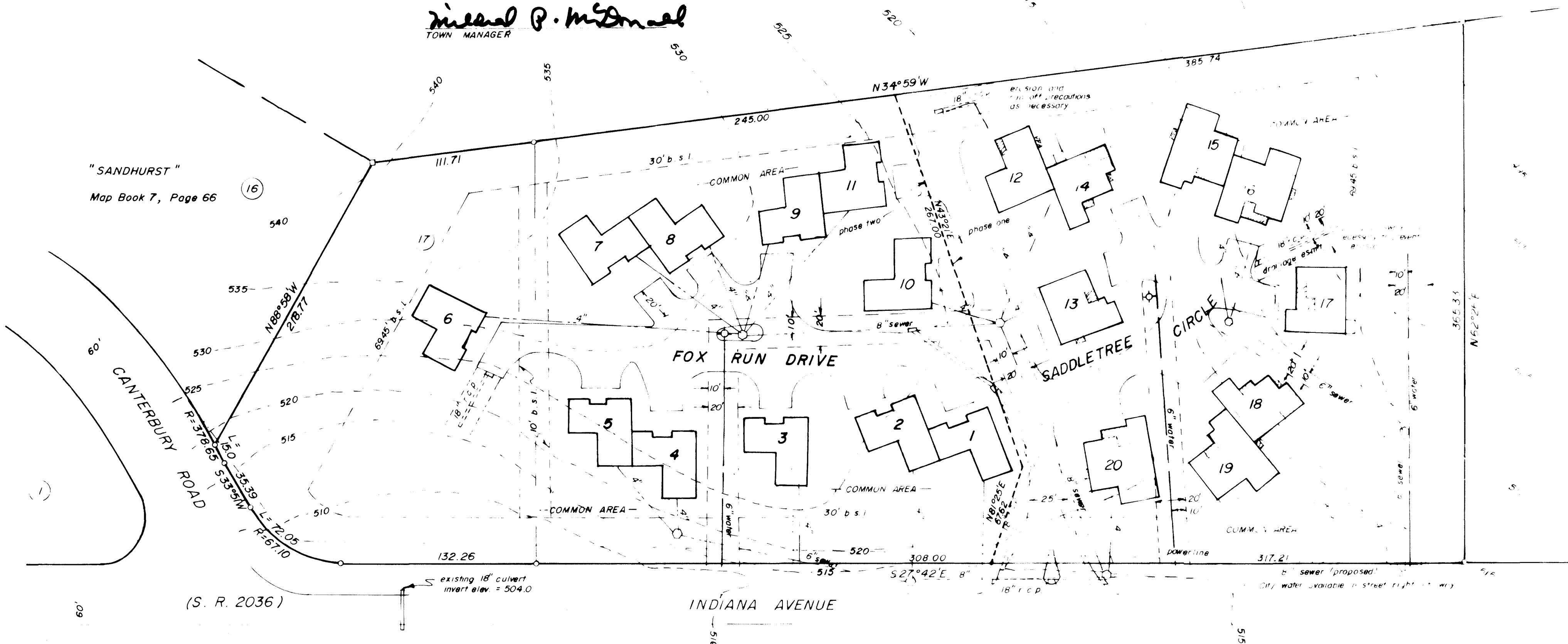
MAR 27 11 34 AM '81

ALL ROADS WITHIN THE "HUNTCLIFF" DEVELOPMENT SHOWN AND DESCRIBED HEREON ARE TO BE MAINTAINED BY THE HUNTCLIFF HOMEOWNERS ASSOCIATION. ALL ROADS WITHIN THIS DEVELOPMENT ARE DESIGNATED AS PRIVATE ROADS.
REGISTER OF DEEDS
MOORE COUNTY, N.C.

Stephen R. Sheffield, Notary Public
Moore
N.C.
March 27, 1981
By: *Mary R. Phillips*
"GUNTHER"



"SANDHURST"
Map Book 7, Page 66



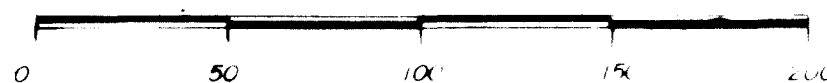
PHASE ONE AND TWO

— PRELIMINARY —

HUNTCLIFF

PROPERTY OF HUNTCLIFF, INC.
Ed Rhodes
SOUTHERN PINES, NORTH CAROLINA

MABRY ASSOCIATES - LAND SURVEYING & PLANNING
PINEBLUFF, N. C. Phone 281-3063
JULY 25, 1980 SCALE: 1" = 40'
SANDHILL TOWNSHIP, MOORE COUNTY



existing sanitary sewer manhole
present existing manhole
Elevation in manhole 5.2'
Bottom of manhole 5.5'
Reference: Deed Book 402, Page 504
Moore County Registry

Notes: Error of closure exceeds 2.63 acres phase one
Area determined by a mid method 3.13 acres phase two
Topographic data from portion of a survey and from enlargement of Southern Pines topographic map (sheet 11-16)
5.76 acres total

20' foot easements on all water mains
Curbing and drainage inlets to be placed where necessary for drainage control
fire hydrant
man hole
reinforced concrete pipe
concrete monument
iron pipe
sanitary sewer line
water main

Regular Meeting of the Town Council

August 12, 1980

A regular meeting of the Southern Pines Town Council was held in the Municipal Building on August 12, 1980, at 8:00 P.M.

Present were: Mayor Pro Tem Michael L. Smithson, Councilmen Emanuel S. Douglass, Jerry D. Daeke and Louise P. Eckersley

Mayor Pro Tem Smithson called the meeting to order.

1. SUBJECT - CONSENT AGENDA

- A. Minutes - Approve Minutes of the Regular Meeting of July 8, 1980
- B. Rezoning Request - Z-4-80 Friends of Weymouth - Northeast corner of East Connecticut Avenue and North Ridge Street

The applicant was requesting that 26.6 acres at the above location be rezoned from RS-III Residential Single Family to RA-Residential Agricultural to permit the maintenance of horses in existing stables. The property in question is the James Boyd home site which is on a National Register of Historic Places and is presently owned by the Friends of Weymouth.

The Planning Board, at it's August 6, 1980, meeting, recommended approval of the request subject to the applicant applying for a ; parallel conditional use zoning district rather than a general use zoning district. They also recommended that a public hearing be scheduled for Council's September 9, 1980, meeting.

C. Zoning Ordinance Amendment

At it's July 2, 1980, meeting, the Planning Board considered a proposed zoning ordinance amendment which would amend the provisions regarding cemetery developments in the RA-Residential Agricultural zoning district. The applicant, Pinelawn Memorial Park, had requested that the provisions regarding access to the cemetery, the number of building permitted, perimeter buffer strip, and special features be amended.

The Planning Board at its August 6, 1980, meeting, considered the request and approved a number of revisions regarding cemeteries.

Councilman Daeke moved to approve the consent agenda. The motion was seconded by Councilman Eckersley and carried unanimously. (An amending motion was subsequently made. See SUBJECT 5.)

2. SUBJECT - EMPLOYEE RECOGNITION

The Town Manager, Mildred McDonald, presented a Certificate of Appreciation to Police Sgt. Marshall Lewis commending him for services rendered beyond the call of duty. Sgt. Lewis had rescued Kenneth Ring from a burning automobile on July 18, 1980. Council expressed their appreciation to Sgt. Lewis for a job well done.

Mayor Pro Tem Smithson reviewed the conditions which the Planning Board had put on their approval of the request as follows:

1. That licensing by the North Carolina Office of Child Day Care Licensing be obtained within ninety (90) days of approval of the request by the Town Council.
2. That smoke detectors be installed.

There being no further comments, the public hearing was closed.

Councilman Daeke moved to grant the request to include the two conditions set by the Planning Board. The motion was seconded by Mayor Pro Tem Smithson and carried unanimously.

4. SUBJECT - PLANNING BOARD ITEMS

A. SITE PLAN APPROVALS

MH-5-80 Ron Kirby - East side of Ashe Street between Ohio Avenue and Manly Avenue

The applicant was requesting site plan approval for a proposed three-unit apartment complex to be erected at the above location. The property is zoned RM-Residential Multiple Unit and contains 12,550 sq. ft. of lot area. The maximum number of units permitted on a lot width basis is five while the maximum number of units permitted on a lot area basis is three. All required setbacks had been met and six parking spaces (two spaces per unit) were provided. The Planning Board, at its August 6, 1980, meeting, recommended approval of the plan as presented.

The Town Planner reviewed the request stating that Captain Meares, Building Inspector, had three comments upon his review of the building plans as follows:

1. That smoke detectors be installed.
2. That a minimum clear opening of 14" x 22" into each attic space be required.
3. That set requirements regarding insulation standards be observed.

Councilman Daeke moved to approve the request. The motion was seconded by Councilman Douglass and carried unanimously.

B. PUD-2-80 Huntcliff - Northwest corner of East Indiana Avenue and Canterbury Road

Plans had been submitted for a proposed twenty-unit condominium project at the above location. Planned unit developments are permitted in all zoning districts and allow the clustering of dwelling units on the site rather than requiring one house on one lot. The total area of the site is 5.76 acres or 250,955 sq. ft. Based on the provisions of the planned unit development ordinance, a total of twenty-five dwelling units could be permitted. This is also the same number of dwelling units which could be permitted if the property were developed into single-family lots with 10,000 sq. ft. minimum

lot areas. The property in question is zoned RS-1 Residential Single-Family. Each dwelling unit must have a minimum heated floor area of 1,000 sq. ft.

The Planning Board, at its August 6, 1980, meeting, recommended approval of the plan as presented, subject to the recommendations of the Town Planner which were as follows:

1. That the site plan be revised in a manner that all periphery setback requirements are met.
2. That specific lot areas be shown if land other than that on which the dwelling unit is situated is to be transferred.
3. That specific areas be designated for common use of the homeowner's association.
4. That the Town Attorney's recommendation concerning the restrictive covenants and incorporation agreement be observed.
5. That all utility easements be designated on the plan.

The Town Planner stated that he had prepared a plan for the applicant showing how he could meet the setback requirements and that it had been given to him. It called for very little modification; however, it was the feeling of Council that they wanted to review the revised site plan.

Councilman Douglass moved to continue this item to be placed on next month's agenda or whenever the site plan was available to Council for review. The motion was seconded by Councilman Daeke and carried unanimously.

C. PUD-1-80 Knollwood Village - Southwest corner of Pee Dee Road and Midland Road

In May of 1980, Pinehurst Area Realty submitted plans for eight additional two-unit structures at the above location. The proposed buildings would be located south of the access road which extends from Pee Dee Road. Site plan approval was given by both the Planning Board and Town Council during the month of May.

Pinehurst Area Realty had revised their plan to provide only seven additional two-unit structures and were requesting approval of the plat for the proposed development. The Planning Board, at its August 6, 1980, meeting, recommended approval of the same.

The Town Planner presented the request and distributed site plans to Council pointing out the difference between the plan that was originally approved and the new layout. He stated that the number of roads was reduced by one and the number of units reduced by two. In some instances, lot sizes were increased.

Councilman Daeke moved to approve the revised site plan of Knollwood Village reducing the number of lots from eight to seven. Councilman Eckersley seconded the motion which carried unanimously.

Regular Meeting of the Town Council

September 9, 1980

A regular meeting of the Southern Pines Town Council was held in the Municipal Building on September 9, 1980, at 8:00 P.M.

Present were: Mayor Hope M. Brogden, Councilmen Michael L. Smithson, Emanuel S. Douglass, Jerry D. Daeke and Louise P. Eckersley

Mayor Brogden called the meeting to order.

1. SUBJECT - MINUTES

Councilman Daeke moved that the minutes of the August 12, 1980, meeting be approved. The motion was seconded by Councilman Smithson and carried unanimously.

2. SUBJECT - POST OFFICE SITE

This item was continued to the October meeting of Council at the request of the postal authorities.

3. SUBJECT - PUBLIC HEARING

A. Street Closing - Clark Street

A public hearing was called for this meeting to consider the closing of Clark Street (a 16 foot wide alley extending 300 feet easterly to the rear of lot 4 and block alley 5). A resolution adopted by the Town Council concerning its intention to close the street had been published for four consecutive weeks prior to the hearing. Copies of the same had been sent to all individuals owning property abutting the street. No landlocked parcels would result from the closing of the street.

Mayor Brogden opened the public hearing.

The Town Planner, Marvin Collins, reviewed the portion of the street that was under consideration for closing. He stated that further investigation had shown that Clark Street runs through the property of Sheila Chavis (in addition to that portion of the street previously identified.) Mrs. Chavis spoke stating that her attorney had discovered this at the time she was having a title search done. Mrs. Chavis also called Council's attention to the drainage problem with stagnant water collecting in the ditch near the dropoff on Clark Street. Discussion followed about the drainage and the route that it takes.

There being no one else who wished to be heard, the public hearing was closed.

Councilman Smithson moved that an ordinance be adopted closing that part of Clark Street extending 300 feet from the eastern right-of-way line of South Page Street to the rear of lot number 4 in block L & 5 as had been advertised. The motion was seconded by Councilman Daeke; and, following discussion in regard to retaining a utility easement, the motion carried unanimously. The ordinance is made a part of the minutes.

Councilman Smithson then moved that Council adopt a Resolution of Intent to close that portion of Clark Street extending 100 feet from the western right-of-way line of South Bennett Street to the rear of lot number 4 in block L & 5. The motion was seconded by Councilman Daeke and carried unanimously. The Resolution of Intent is made a part of the minutes.

4. SUBJECT - SITE PLAN APPROVAL - HUNTCLIFF

At the Town Council's August meeting, the plans for the proposed Huntcliff development at the northwest corner of E. Indiana Avenue and Canterbury Road were considered. The Town Council continued this item until such time as the developers had revised the site plan to confirm with the recommendations of the Town Planner and Planning Board.

The Town Planner presented the item stating that all recommendations had been complied with. During ensuing discussion, Mr. Ed Rhodes stated that the project would begin construction in approximately two months and be completed in 1-1½ years.

Discussion followed about the adequacy of water to serve the project with the Town Manager, Mildred McDonald, stating that the new Town well was designed to take care of new building projects until the new water system was operable.

There being no further discussion, Councilman Smithson moved to approve the site plan. The motion was seconded by Councilman Daeke and carried unanimously.

5. SUBJECT - PLANNING BOARD ITEMS (from September 3, 1980, regular meeting of the Planning Board)

A. REZONING REQUESTS

1. Z-5-80 Roy Solomon - Northeast corner of Ridge Street and Manley Avenue

The applicant was requesting that 1.38 acres at the above location be rezoned from RS-1 Residential Single Family to RM-Residential Multiple to permit the development of the property for multi-family residential purposes. If developed at permitted densities, a total of twenty-seven units would be allowed. The property immediately across Ridge Street from the site is zoned RM while all other adjacent tracts are zoned RS-1. Water and sewer are available to serve the site, but some extensions and upgrading of the lines would be necessary.

The Planning Board denied the request, as the Town Planner had recommended, because of potential increased traffic congestion and the extension of RM zoning into an RS-1 zoning district.

Councilman Smithson moved to call a public hearing for the next regular meeting of Council. The motion was seconded by Councilman Douglass and carried unanimously.

SOUTHERN PINES REZONING PETITIONCASE: Z - 02-11
DATE: 6-27-11

To the Planning Board and Town Council of Southern Pines, North Carolina:

I, the undersigned, do hereby make a petition to change the zoning map of the Town of Southern Pines as herein requested.

1. The property is located on the East side of Indiana (St., Ave., Dr., Ct.) between Bethesda Rd (St., Ave., Dr., Ct.) and Canterbury Rd (St., Ave., Dr., Ct.). The address is 1640 E Indiana Ave and is known as Pin Number 35311950314, LRK Number 52523. It has a frontage of 440 feet and an average depth of 232 feet containing 2.87 acres.
2. It is desired and requested that the foregoing property be rezoned from RS-2 District to RS-1 District for the following purpose: residential subdivision.
3. A metes and bounds description must be attached to this application.
4. The following are all individuals, firms or corporations owning property within 100 feet of the rezoning petition and within 100 feet of all other property contiguously owned by the property owner/petitioner or all pieces of land that were part of the property requesting rezoning prior to the requested rezoning, and the property across the street from the property sought to be rezoned. (Use reverse side or attachment, if needed).

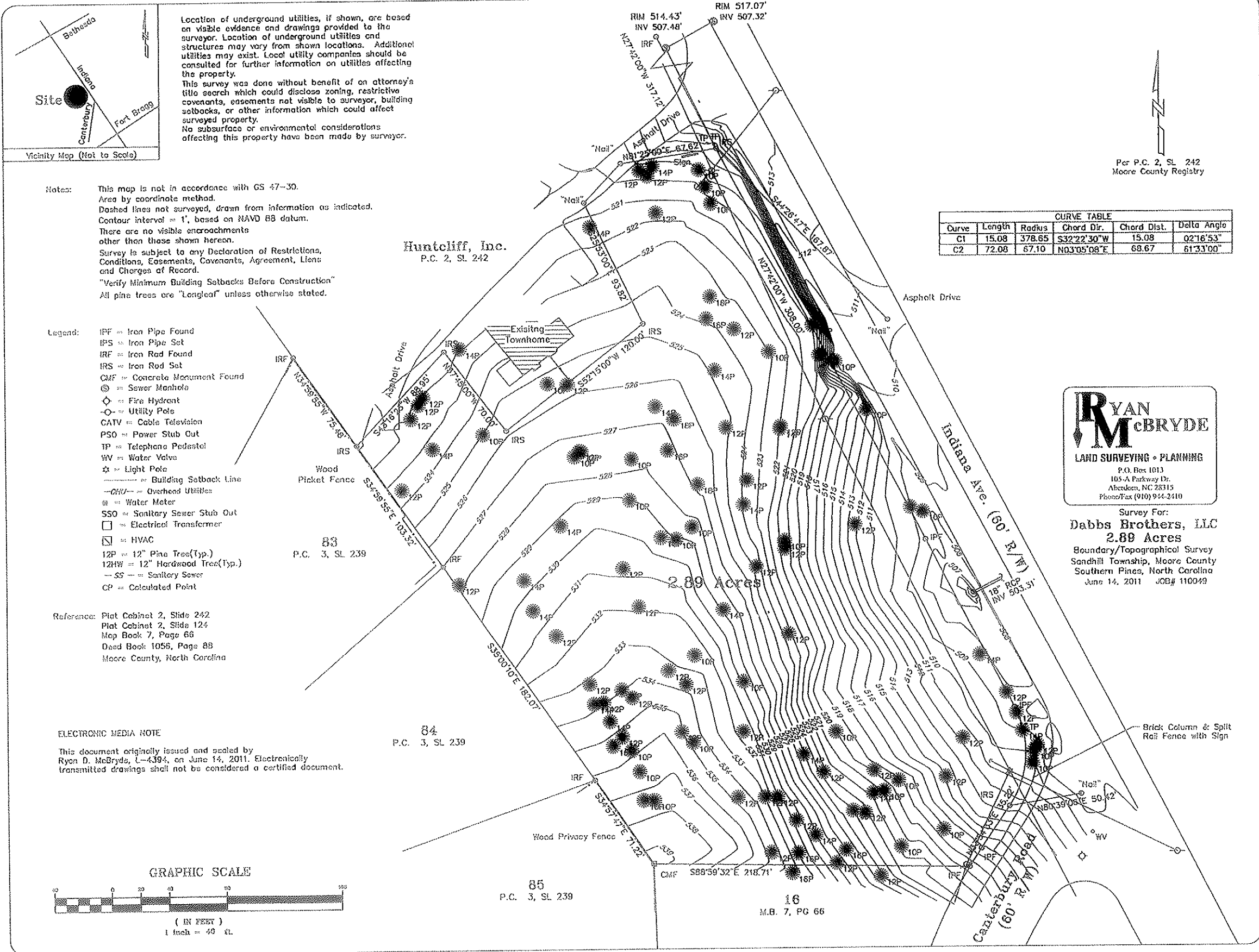
Pin Number	LRK Number	Name	Address
See Attached List			

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

Petitioner's Name: Warren Dabbs Please Print
Petitioner's Signature: _____
Mailing Address: PO Box 2082
Wilmington, NC 28402
Phone Number: 910-792-2715

• Property Owner: MICHAEL GRUBBS, INC
Mailing Address: PO BOX 1606
SOUTHERN PINES NC 28388
Phone Number: (910) 692-2715

Note: If the petition is made by a corporation, the names and addresses of all officers in the corporation must be provided. A request for a "Parallel Conditional Use District" must also be accompanied by a letter from the owner or an authorized officer of the corporation indicating their agreement to abide by the conditions of approval imposed by the Town Council. The petitioner or his representative is expected to attend all meetings to answer questions concerning the request. The absence of the petitioner or his representative is sufficient grounds to warrant a deferral of action by the Planning Board and/or the Town Council.



Location of underground utilities, if shown, are based on visible evidence and drawings provided to the surveyor. Location of underground utilities and structures may vary from shown locations. Additional utilities may exist. Local utility companies should be consulted for further information on utilities affecting the property.

This survey was done without benefit of an attorney's title search which could disclose zoning, restrictive covenants, easements not visible to surveyor, building setbacks, or other information which could affect surveyed property.

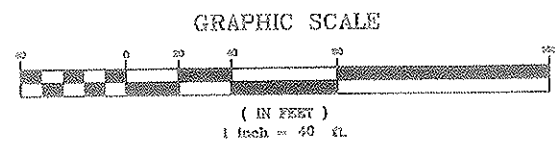
No subsurface or environmental considerations affecting this property have been made by surveyor.

Notes: This map is not in accordance with GS 47-30. Area by coordinate method. Dashed lines not surveyed, drawn from information as indicated. Contour interval = 1', based on NAVD 88 datum. There are no visible encroachments other than those shown herein. Survey is subject to any Declaration of Restrictions, Conditions, Easements, Covenants, Agreement, Lisns and Charges of Record. "Verify Minimum Building Setbacks Before Construction" All pine trees are "Longleaf" unless otherwise stated.

- Legend:
- IPF = Iron Pipe Found
 - IPS = Iron Pipe Set
 - IRF = Iron Rod Found
 - IRS = Iron Rod Set
 - CMF = Concrete Monument Found
 - SM = Sewer Manhole
 - FD = Fire Hydrant
 - UP = Utility Pole
 - CATV = Cable Television
 - PSO = Power Stub Out
 - TP = Telephone Pedestal
 - WV = Water Valve
 - LP = Light Pole
 - BSL = Building Setback Line
 - OU = Overhead Utilities
 - WM = Water Meter
 - SSO = Sanitary Sewer Stub Out
 - ET = Electrical Transformer
 - HVAC
 - 12P = 12" Pine Tree(Typ.)
 - 12HW = 12" Hardwood Tree(Typ.)
 - SS = Sanitary Sewer
 - CP = Calculated Point

Reference: Plat Cabinet 2, Slide 242
Plat Cabinet 2, Slide 124
Map Book 7, Page 66
Deed Book 1056, Page 88
Moore County, North Carolina

ELECTRONIC MEDIA NOTE
This document originally issued and sealed by Ryan D. McBryde, L-4394, on June 14, 2011. Electronically transmitted drawings shall not be considered a certified document.

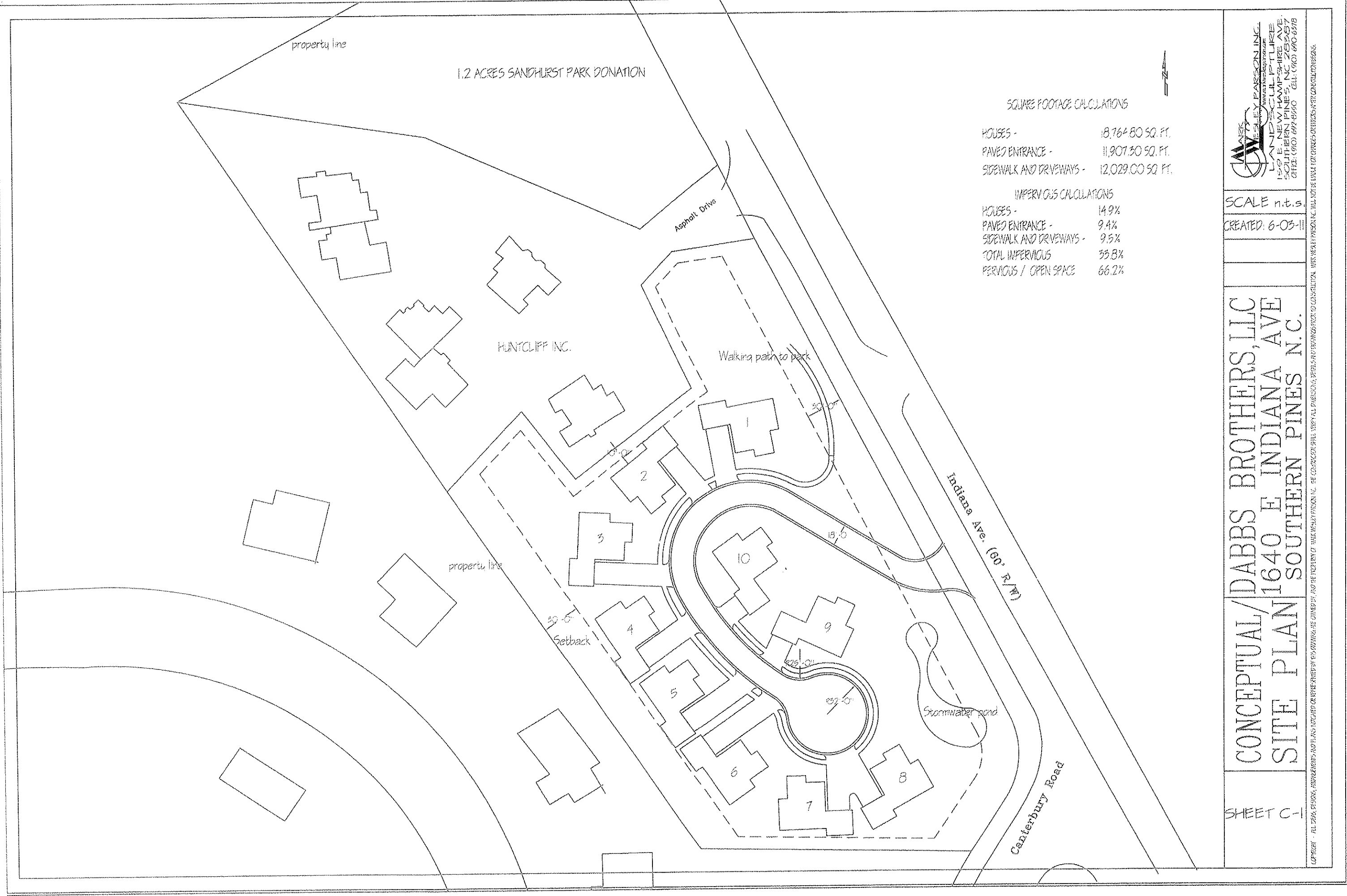


CURVE TABLE				
Curve	Length	Radius	Chord Dir.	Delta Angle
C1	15.08	378.65	S32°22'30"W	15.08
C2	72.08	67.10	N03°05'08"E	69.67

RYAN MCBRYDE
LAND SURVEYING • PLANNING
P.O. Box 1013
105-A Parkway Dr.
Aberdeen, NC 28315
Phone/Fax (910) 944-2410

Survey For:
Dabbs Brothers, LLC
2.88 Acres
Boundary/Topographical Survey
Sandhill Township, Moore County
Southern Pines, North Carolina
June 14, 2011 JOB# 110049

THIS DRAWING IS THE PROPERTY OF RYAN MCBRYDE LAND SURVEYING AND PLANNING AND MAY NOT BE REPRODUCED WITHOUT WRITTEN AUTHORIZATION FROM THE SURVEYOR. THIS DRAWING IS VOID WITHOUT ORIGINAL SIGNATURE AND SEAL.



SQUARE FOOTAGE CALCULATIONS

HOUSES -	18,764.80 SQ. FT.
PAVED ENTRANCE -	11,907.30 SQ. FT.
SIDEWALK AND DRIVEWAYS -	12,029.00 SQ. FT.

IMPERVIOUS CALCULATIONS

HOUSES -	14.9%
PAVED ENTRANCE -	9.4%
SIDEWALK AND DRIVEWAYS -	9.5%
TOTAL IMPERVIOUS	33.8%
PERVIOUS / OPEN SPACE	66.2%

SCALE n.t.s.

CREATED: 6-03-11

CONCEPTUAL / DABBS BROTHERS, LLC
SITE PLAN
1640 E INDIANA AVE
SOUTHERN PINES, N.C.

SHEET C-1

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9-13-11

CU-03-11

Wish to amend application

Include

LRK 52524 in CUP

request.

Donate to park.

Dabbs Brothers

Waw Mll

Agenda Item

To: Reagan Parsons, Town Manager
Via: Bart Nuckols, Planning Director
From: Kathy Blake, Planner
Subject: Z-02-11 1640 E. Indiana Ave., from RS-2 to RS-1-CD, Dabbs Brothers, Inc., petitioner
Date: September 13, 2011

Z-02-11 1640 E. Indiana Ave., from RS-2 to RS-1-CD, Dabbs Brothers, Inc., petitioner

Staff Comments:

The petitioner submitted a rezoning petition as well as an application for a conditional use permit, CU-03-11, for a 10 lot single-family subdivision. Planning Board opened the public hearing for Z-02-11 1640 E. Indiana Ave. from Residential Single-family 2 (RS-2) to Residential Single-family 1 (RS-1) at their July 21st meeting. After hearing comments concerning both applications/petitions, the Board voted to hold both public hearings open until their regular August meeting. Prior to the August Planning Board meeting, the petitioner amended CU-03-11 to an 8 lot subdivision. At their August 18th Planning Board meeting, the public hearing was continued and then closed. The Board voted to recommend approval of Z-02-11, 1640 E. Indiana Ave., LRK 52523, from Residential Single-Family 2 (RS-2) to Residential Single-family 1 (RS-1).

Since the August Planning Board meeting, the petitioner has amended the rezoning petition to request Residential Single-family 2 (RS-2) to Residential Single-family 1 – Conditional District (RS-1-CD) with the condition of a maximum of eight (8) single-family lots. The consensus after consulting with the Town Attorney was that since this amendment to the original rezoning petition is more restrictive that it could proceed to Town Council without further delay. Advertising for the Town Council public hearing for Z-02-11 included the conditional district zoning.

Attachments:

- August 18th Planning Board Memo
- July 21st Planning Board Memo with its attachments

Staff Comments:

The Town Council shall vote on whether the proposed amendment is consistent with the Land Use Plan that has been adopted and any other officially adopted plan that is

MEMORANDUM

To: Reagan Parsons, Town Manager

Via: Bart Nuckols, Planning Director

From: Kathy Blake, Planner

Subject: CU-03-11 Timber Ridge, Dabbs Brothers, 1640 Indiana Ave., 8 Lot Structurally Integrated Subdivision, Conditional Use Permit (CUP)

Date: November 9, 2011

CU-03-11 Timber Ridge, Dabbs Brothers, 1640 Indiana Ave., 8 Lot Subdivision, Conditional Use Permit (CUP)

At the September 13th Town Council meeting a public hearing was held. The applicant amended his application to include LRK 52524 (approximately 1 acre) for donation to the Town for park use. Town Council voted to approve the amended CU-03-11 with the condition that there is a 10 foot landscape/screening buffer along the rear of the existing lot of LRK 52523 (approximately 2.89 acres).

Attachments:

Town Council and Planning Board memos
RLUAC letter

UDO, Article XIV, Streets and Sidewalks, Section 214 Coordination of Surrounding Streets (d):

Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. However, the permit issuing authority may waive the requirement to develop the street when the right-of-way is extended, if it is determined that the development of such street is not practicable. In addition, the permit issuing authority may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. Notwithstanding the other provisions of this Sub-section, no temporary dead-end street or cul-de-sac in excess of 1,000 feet may be created unless no other practicable alternative is available.

UDO Requirements:

Section 54 (c) Subject to Sub-section (d), the board of adjustment or the council, respectively, shall issue the requested permit unless it concludes, based upon the information submitted at the hearing, that:

- (1) The requested permit is not within its jurisdiction according to the table of permissible uses; or
- (2) The application is incomplete; or
- (3) If completed as proposed in the application, the development will not comply with one or more requirements of this chapter (not including those the applicant is not required to comply with under the circumstances specified in [Article VIII](#), Non-conforming Situations); or

(d) Even if the permit issuing board finds that the application complies with all other provisions of this chapter, it may still deny the permit if it concludes, based upon the information submitted at the hearing, that if completed as proposed, the development more probably than not:

- (1) Will materially endanger the public health or safety; or
- (2) Will substantially injure the value of adjoining or abutting property; or
- (3) Will not be in harmony with the area in which it is to be located; or
- (4) Will not be in general conformity with the land use plan, thoroughfare plan or other plan officially adopted by the council.

Staff requests that Council votes on the 7 UDO requirements listed above prior to conducting the votes below.

The Town Council shall vote on whether the proposed *Conditional Use Application* is consistent with the *Land Use Plan* that has been adopted and any other officially adopted plan that is applicable. The Town Council could make one of the following motions for recommendations or any alternative they wish:

1. I move that we advise that: The proposed *Conditional Use Application* is consistent with those documents that constitute the officially adopted land development plan and other applicable plans; or
2. The proposed *Conditional Use Application* is not consistent with the documents that constitute the officially adopted land development plan or other applicable plans, in that