



## AGENDA

**Tuesday, February 11, 2025: 6:00 PM**

**Town Council Business Meeting**

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

### **1. CALL TO ORDER**

### **2. PLEDGE OF ALLEGIANCE**

### **3. TOWN MANAGER'S COMMENTS**

### **4. PUBLIC COMMENTS**

### **5. CONSENT AGENDA**

#### **a. Approve Meeting Minutes for January 2025.**

Staff has prepared the following minutes for approval:

- January 14, 2025, Town Council Business Meeting
- January 28, 2025, Town Council Work Session

#### **b. Resolution 1107 - Requesting the NC General Assembly to Amend NC GS113A-66 NC Sedimentation Pollution Control Act**

Adopt a resolution requesting the NC General Assembly to Amend NC GS113A-66 NC Sedimentation Pollution Control Act

### **6. LEGISLATIVE PUBLIC HEARINGS**

#### **a. AX-03-24: Voluntary Annexation of .46 Acres at 1485 SW Broad Street**

David and Deborah Burris are requesting voluntary annexation of .46 acres that is currently outside of the corporate limits of the Town of Southern Pines. Per the Moore County tax records, the subject property is identified as PIN 857116738902 (PARID 00047416) and is owned by David and Deborah Burris.

### **7. EVIDENTIARY PUBLIC HEARINGS (QJ)**

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

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 to subdivide 5.87 acres located just west of East Indiana Avenue on the north side of South Bethesda Road into four lots. The parent tract contains natural wooded areas, one existing home, and an existing pool and shed. Per the Moore County tax records, the property is identified as PARID 00055339.

### **8. ACTION ITEMS**

#### **a. Amendments to Code of Ordinances 70.07 regarding use of non-motorized wheeled vehicles on roadways.**

At the October, 2024 Town Council Work Session, staff discussed with Council the issue of skateboarding being prohibited on many downtown streets. Following that meeting, staff drafted some amendments to Code of Ordinances Section 70.07 for the Council's review. A discussion regarding the draft language occurred at the December, 2024 Town Council Regular Meeting and again at the January 2025 Work Session. Staff were asked to further study and clarify some of the terms used in the draft language. Staff have prepared a new amendment to present for the Council's consideration.

#### **b. Planning Board Appointments**

Council will discuss available seats on the Planning Board and potential appointment(s)

### **9. ADJOURNMENT**

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



## MINUTES

Tuesday, January 28, 2025: 3:00 PM

### Town Council Work Session

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

#### 1. CALL TO ORDER

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

#### 2. PLEDGE OF ALLEGIANCE

#### 3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

#### 4. ACTION ITEMS

##### a. PD-07-24: Written Decision for New York Place PDP

Planning staff have prepared a draft Written Decision for application PD-07-24, New York Place PDP, for the Town Council's review and approval. The PDP was approved at the January 14, 2025 Regular Meeting.

Mayor Clement opened the item for discussion. No comments were voiced.

Mayor Pro Tem Pate moved to approve the Written Decision for PD-07-24 as prepared by town staff, seconded by Councilmember Gray; the motion was unanimous.  
Motion passed.

##### b. PD-08-24: Written Decision for Ace Hardware Phase 2 Amended PDP

Planning staff have prepared a draft Written Decision for application PD-08-24, Ace Hardware Phase 2 Amended PDP, for the Town Council's review and approval. The PDP was approved at the January 14, 2025 Regular Meeting.

Mayor Clement opened the item for discussion.

Councilmember Goodman questioned what options the applicant would have if they wished to contest the written decision as not accurately reflecting the hearing decision. Planning Director Grieve advised the Council that the Planning Department is very diligent when crafting the Written Decision to be as accurate as possible to the decision made at the hearing. Town Manager Parsons added that the applicant has the option to address the Council should they feel there is a discrepancy within the Written Decision.

Mayor Pro Tem Pate moved to approve the Written Decision for PD-08-24 as prepared by town staff, seconded by Councilmember Gray; the motion was unanimous.  
Motion passed.

##### c. MAPP-04-24: Written Decision for Morganton Park South - North Lots Preliminary Plat

Planning staff have prepared a draft Written Decision for application MAPP-04-24, Morganton Park South - North Lots Preliminary Plat, for the Town Council's review and approval. The Preliminary Plat was approved at the January 14, 2025 Regular Meeting.

Mayor Clement opened the item for discussion. No comments were voiced.

Mayor Pro Tem Pate moved to approve the Written Decision for MAPP-04-24 as prepared by town staff, seconded by Councilmember Goodman; the motion was unanimous.  
Motion passed.

**d. Amendments to Code of Ordinances 70.07 regarding use of non-motorized wheeled vehicles on roadways.**

At the October, 2024 Town Council Work Session, staff discussed with Council the issue of skateboarding being prohibited on many downtown streets. Following that meeting, staff drafted some amendments to Code of Ordinances Section 70.07 for the Council's review. A discussion regarding the draft language occurred at the December, 2024 Town Council Regular Meeting. Staff were asked to further study and clarify some of the terms used in the draft language. Staff have prepared a new amendment to present for the Council's consideration.

Planner I Mason Mattox presented the revised amendments to the Town Code of Ordinances 70.07 as requested by the Town Council.

Discussion was had as putting an age restriction on those allowed on the sidewalks to allow younger children extra safety and the recommendation that the block where Downtown Park is located be exempted from the proposed ordinance.

Staff will revise the Ordinance Amendment to include the Council's requests and return it to the Council for approval.

**e. Relief from §50.035 of the Town Code of Ordinances - Water Extension Exemption Request**

Mr. and Ms. Skelly are proposing to build a house at 512 S. Glenwood Trail within the Town's ETJ. They request relief from §50.035 of the Town Code of Ordinances requiring any new house, lot, or subdivision to connect to the Town's water system if it is within 300 feet (plus 100 feet multiplied by the number of additional dwellings) of an existing [water] distribution pipe. The property is within approximately 245 feet of an existing water main.

Town Engineer James Michel presented the request to the Council.

Mayor Pro Tem Pate moved that the Town Council grant the waiver from §50.035 of the Town Code Ordinances for the applicant's property regarding the water extension exemption request. The motion was seconded by Councilmember Gray and the vote was unanimous.  
Motion passed.

**f. Project Updates**

Staff will discuss current status of ongoing projects to include the Carriage House and a sidewalk downtown on Illinois crossing the railroad tracks, in addition to requesting adoption of a NCDOT agreement update and budget amendment for the Knoll Road Multi-use Path.

Asst. Town Manager Jessica Roth presented an update on the work being done at the carriage house at Whitehall which includes the structure and a new driveway.

Town Manager Parsons shared that after previous discussion regarding the installation of a sidewalk on Illinois Ave. over the railroad tracks from Broad to Broad and the change in traffic pattern on that section of Broad St. from 2-way to 1-way, Town Engineer Michel has been working with CSX to develop plans for some sort of belt to further warn people of the need to turn. Town Engineer Michel advised that CSX is currently in the process of finalizing an agreement with a company who will assist them in the permitting and construction process for the section crossing the tracks. The Town will be responsible for the sidewalk from their right-a-way on and is prepared to start getting cost estimates

Town Manager Parsons presented the Supplemental Agreement from N.C. Department of Transportation for the Knoll Road Multi-Modal Path which will secure funding for the addition of

chicanes and turn lanes as requested by citizens in previous meetings. Additional topics discussed were:

- work needed for storm water and drainage concerns.
- width required by state standards for turn lanes and the addition of turn lanes
- installation of flashing beacons at crosswalks to increase visibility
- landscaping

Mayor Clement moved to approve the signing of the Supplemental Agreement from N.C. Department of Transportation to update the budget for the Knoll Road Multi-Modal Path project. The motion was seconded by Councilmember Goodman and the vote was unanimous.

Motion Passed.

#### **g. Approve Budget Amendment Ordinances**

Budget Ordinances

Mayor Clement moved to approve the Budget Amendment Ordinances for the Knoll Rd. Multi-Modal Path Project seconded by Councilmember Goodman; the motion was unanimous.

Motion passed.

#### **h. Planning Board Appointments**

Council will discuss available seats on the Planning Board and potential appointment(s)

Mayor Clement opened the discussion. Town spots are open, but one is an ETJ spot and none of the current applicants are eligible. Potential candidates were discussed.

Mr. Michael Skolnick, an applicant for the opening, was present and answered any questions from the Council.

Councilmember Debra Gray moved to appoint Mr. Michael Skolnick to the open Planning Board position to start February 21, 2025, with a term expiring on February 20, 2028. The motion was seconded by Mayor Pro Tem Pate and the vote was unanimous.

Motion passed.

### **5. COUNCIL UPDATES AND DISCUSSION**

#### **a. Public Communications Update**

Staff will update the Town Council on Public Communications efforts.

Asst. Town Manager Roth and Communications Specialist Gerald Ostlund presented an overview of the Town's revised Public Communication Program.

Discussion ensued regarding public communication methods.

#### **b. Moore County Water Discussions**

Staff will provide an update regarding proposed legal parameters of an Intergovernmental Agreement with Moore County pertaining to long-term water treatment and distribution.

Town Manager Parsons presented an overview of the current capabilities of the town's water plant and proposed improvements to expand the plant's treatment capabilities. A proposed agreement with Moore County government to locate, design, permit, and construct a new intake at Quiffle Creek allows an increase in volume which would create resiliency within our system should drought conditions occur and allow Moore County to increase the amount they purchase in the future.

#### **c. Planning Department Update**

Staff will update Council on applications advancing from the Planning Board to Council, the latest news on Senate Bill 382, and Phase 2 implementation efforts related to the 2040 Comprehensive Plan.

Planning Director Grieve gave an update to the Council on what the Planning Department is currently working on and what they might expect to see at their February Town Council meeting.

## **6. COUNCIL ROUNDTABLE**

Town Manager Parsons introduced Marsh Smith to speak regarding the request. Discussion ensued, and the Council was in agreement to prepare a resolution for approval.

Councilmember Goodman

- was pleased to see traffic enforcement on Midland Ave.
- advised that the phone number to report dead animals listed on the website needed to be updated.
- inquired about the status of the old Train Depot property and ending of the lease with Tracksides305.

Town Manager Parsons advised that the Council would need to discuss how they would like to proceed with the site. The building needs maintenance if the Council wishes to lease the property out.

Mayor Pro Tem Pate

- kudos to Fire Chief Cameron, Assistant Public Works Director Cory Albers and the Public Works department for their work with transitioning to the recycling program

Mayor Clement

- will not be at the February Business meeting.
- will be attending municipal finance training on March 12th

### **a. Request For Resolution to Amend NCGS 113A-50**

Discussion regarding the request of Attorney Marsh Smith that Council draft and adopt a Resolution requesting the General Assembly to amend a section of NCGS regarding sedimentation control and the ability to file Civil suits.

Mayor Clement made a motion to excuse Councilmember Gray from the meeting at 7:27 pm, seconded by Mayor Pro Tem Pate; the vote was unanimous.

Motion passed. .

## **7. ADJOURNMENT**

Upon motion by Mayor Pro Tem Pate, seconded by Councilmember Goodman and carried unanimously, Council adjourned at 7:46 pm.

Respectfully submitted:

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Elizabeth Robertson, Town Clerk



**RESOLUTION #1107**  
**REQUESTING THE NORTH CAROLINA GENERAL ASSEMBLY TO AMEND**  
**N.C. G.S. §113A-66**  
**North Carolina Sedimentation Pollution Control Act**

**WHEREAS**, the Town of Southern Pines Town Council received public comments about the usefulness of the North Carolina Sedimentation Pollution Control Act (N.C. General Statute §113A-50, *et seq.*, hereafter “SPCA” and the desirability of allowing citizens to defend themselves against SPCA violations damaging their property; and

**WHEREAS**, the legislature passed the SPCA in 1973; and

**WHEREAS**, the SPCA Addresses sedimentation in streams, lakes, and other waters of this State, as well as damage to private property, which constitute a major pollution problem, and provides minimal mandatory standards to minimize such pollution; and

**WHEREAS**, the SPCA (specifically, N.C. General Statute §113A-66) allowed private landowners injured by violations of the SPCA to obtain civil relief to redress their injuries, regardless of whether government entities charged with enforcing the SPCA had taken action; and

**WHEREAS**, the North Carolina Supreme Court opinion, Applewood Properties, LLC, et al, v. New South Properties, LLC, 366 N.C. 518, 742 S.E.2d 773 (2013), effectively eliminated the right of private landowners to obtain civil relief, unless a government entity enforcing the SPCA issues a notice of violation to the person or entity violating the SPCA; and

**WHEREAS**, this Town, this County, this State and this Nation have long recognized the right of its citizens to defend themselves; and

**WHEREAS**, citizens of the Town of Southern Pines deserve the right to defend themselves and their property from damage caused by violations of the SPCA.

**NOW, THEREFORE**, the Town of Southern Pines Town Council resolves that the North Carolina Sedimentation Pollution Control Act (N.C. General Statute §113A-50, *et seq.*) should be amended to restore the right of citizens damaged by violations or noncompliance of this Act to obtain civil relief under N.C. General Statute §113A-66, regardless of whether any government entity charged with enforcing this Act has taken action and respectfully suggests that legislation be passed amending N.C. General Statute §113A66 as shown in attached Exhibit A

This the 14<sup>th</sup> day of January, 2025.

I certify that this Resolution was adopted by the Town Council of the Town of Southern Pines at its meeting on January 28, 2025 as shown in the Minutes of the Town Council meeting for that date.

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Elizabeth Robertson, Town Clerk

Resolution #1107  
Exhibit A

|                                                                       |
|-----------------------------------------------------------------------|
| West’s North Carolina General Statutes Annotated                      |
| Chapter 113A. Pollution Control and Environment (Refs & Annos)        |
| Article 4. Sedimentation Pollution Control Act of 1973 (Refs & Annos) |

N.C.G.S.A. § 113A-66

§ 113A-66. Civil relief

Currentness

(a) Any person injured by either a violation of or noncompliance with this Article or any ordinance, rule, or order duly adopted by the Secretary or a local government, or by the initiation or continuation of a land-disturbing activity for which an erosion and sedimentation control plan is required other than in accordance with the terms, conditions, and provisions of an approved plan, may bring a civil action against the person alleged to be in violation (including the State and any local government), regardless of whether the Secretary, the Commission, a local government administering an erosion and sedimentation control plan approved under G.S. 113A-60, other enforcing agency or other approving authority has cited the person alleged to be in violation of or noncompliance with this Article or has sent notices of noncompliance to the person alleged to be in violation of or noncompliance with this Article. The action may seek any of the following:

- (1) Injunctive relief.
- (2) An order enforcing the law, rule, ordinance, order, or erosion and sedimentation control plan violated.
- (3) Damages caused by the violation or noncompliance.
- (4) Repealed by S.L. 2002-165, § 2.15, eff. Oct. 23, 2002.

If the amount of actual damages as found by the court or jury in suits brought under this subsection is five thousand dollars (\$5,000) or less, the plaintiff shall be awarded costs of litigation including reasonable attorneys fees and expert witness fees.

- (b) Civil actions under this section shall be brought in the superior court of the county in which the alleged violations occurred.
- (c) The court, in issuing any final order in any action brought pursuant to this section may award costs of litigation (including reasonable attorney and expert-witness fees) to any party, whenever it determines that such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require, the filing of a bond or equivalent security, the amount of such bond or security to be determined by the court.
- (d) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek injunctive or other relief.

Credits

Added by Laws 1973, c. 392, § 17. Amended by Laws 1987 (Reg. Sess., 1988), c. 1000, § 6; S.L. 2002-165, § 2.15, eff. Oct. 23, 2002.

N.C.G.S.A. § 113A-66, NC ST § 113A-66  
The statutes and Constitution are current through S.L. 2022-67 of the 2022 Regular Session of the General Assembly, subject to changes made pursuant to direction of the Revisor of Statutes. Some statute sections may be more current; see credits for details

## **Agenda Item**

**To:** Reagan Parsons, Town Manager

**From:** B.J. Grieve, Planning Director  
Cindy Williams, Planning Technician

**Subject:** AX-03-24: Hold a Public Hearing for Voluntary Annexation of .46 Acres Contiguous to the Corporate Limits of the Town of Southern Pines;  
Applicants: David and Deborah Burris

**Date:** February 11, 2025

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### **I. SUMMARY OF APPLICATION REQUEST:**

David and Deborah Burris are requesting voluntary annexation of .46 acres that is currently outside of the corporate limits of the Town of Southern Pines. Per the Moore County tax records, the subject property is identified as PIN 857116738902 (PARID 00047416) and is owned by David and Deborah Burris.

### **II. PRIOR TOWN COUNCIL ACTION:**

During the December 17, 2024 Town Council Regular Meeting, the Town Council adopted Resolution #1103 Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31.

During the January 14, 2025 Town Council Regular Meeting, the Town Clerk certified the sufficiency of the application in Resolution #1105.

During the January 14, 2025 Town Council Regular Meeting, the Town Council approved Resolution #1106 setting the date of the public hearing.

### **III. PROJECT INFORMATION:**

#### **A. Physical Address:**

1485 SW Broad Street  
Southern Pines, NC

#### **B. Property Owner/Applicant:**

David and Deborah Burris  
900 Heather Trail  
Aberdeen, NC 28385

#### **C. Property Identification & Parcel Identification Numbers:**

PIN 857116738902 (PARID 00047416)

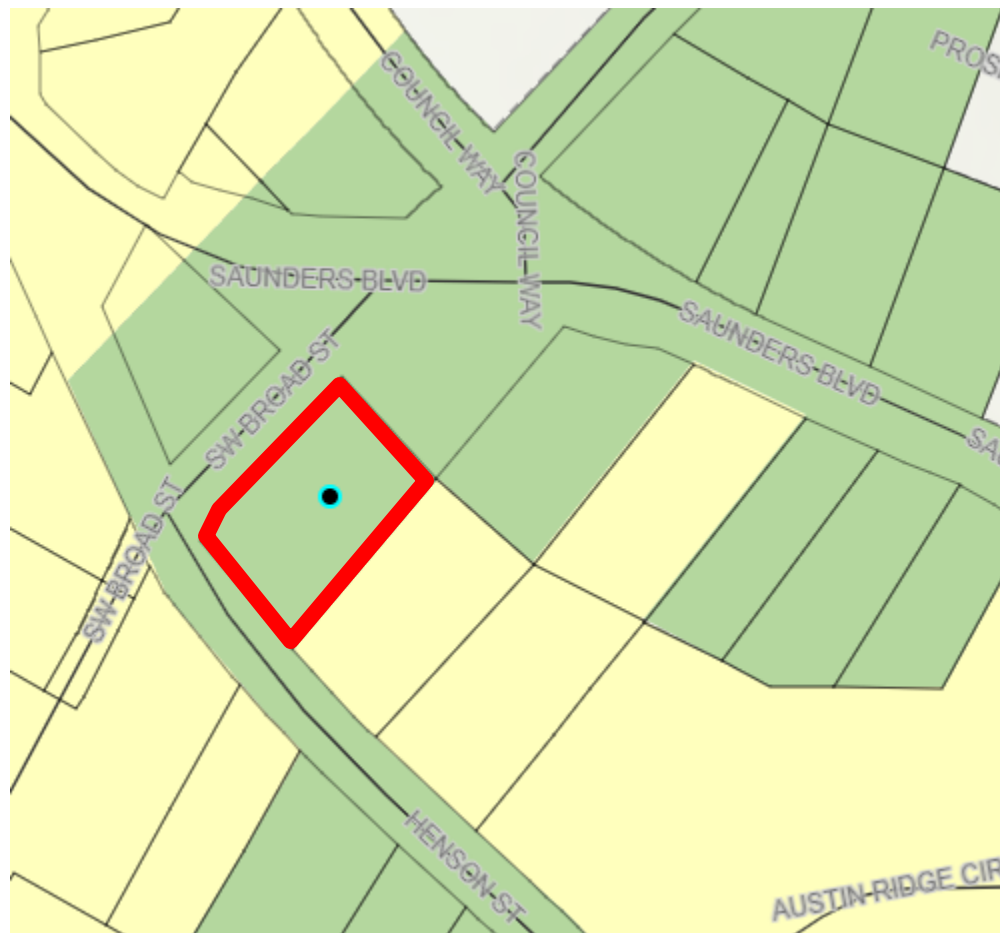
**D. Size of Property:**

Total area: .46 acres

**IV. STAFF COMMENTS:**

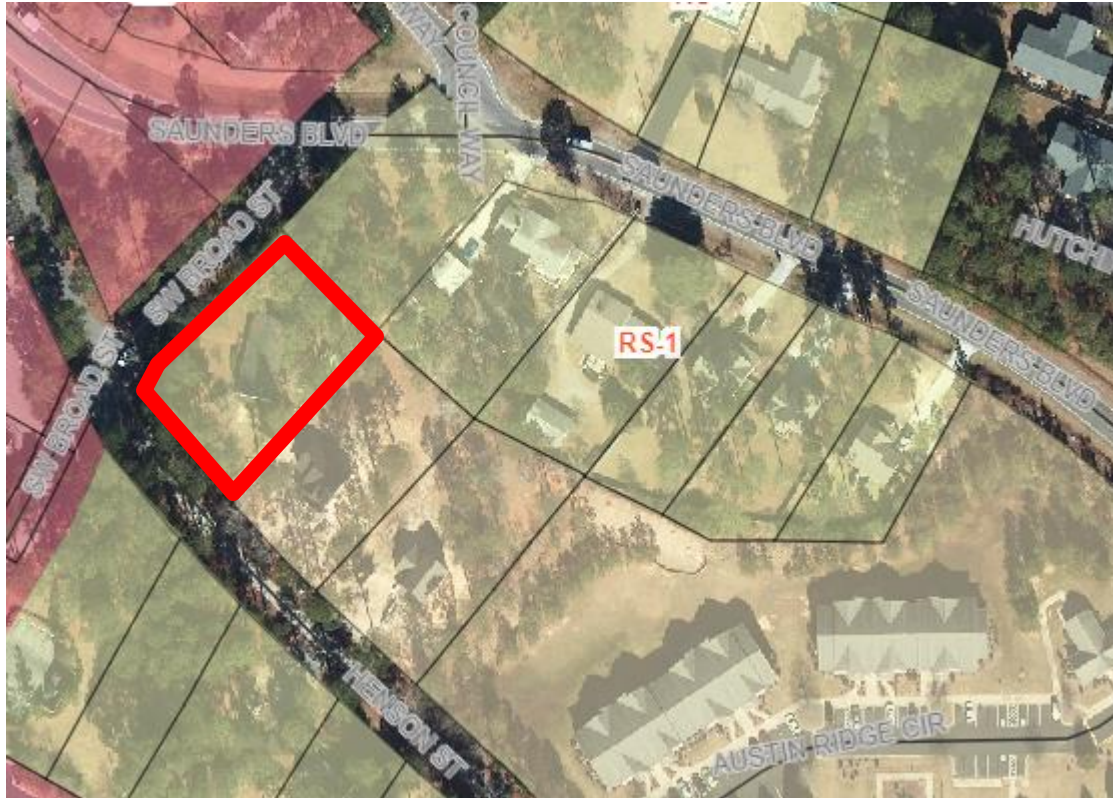
- The applicant has submitted a Petition for Voluntary Annexation accompanied by a description of the subject property.
- The legal description of the parcel to be annexed has been sent to the Moore County Tax Mapper for approval.
- The request is a voluntary request for contiguous annexation as the adjacent property is within the corporate limits of the Town of Southern Pines (see Figure 1).
- The subject property is presently zoned RS-1 (Residential Single-Family). The adjacent properties are zoned RS-1 and RM-2 (Residential Multi-Family).

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



□ Town of Southern Pines Corporate Limits    □ Town of Southern Pines ETJ

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



**V. ATTACHMENTS:**

1. Petition
2. Legal description
3. Recorded Map of Pine Ridge

**VI. TOWN COUNCIL ACTION:**

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

- 1) I move to adopt an Ordinance approving voluntary annexation request AX-03-24 for the property as defined in the submitted written metes and bounds description, and to have the Ordinance effective immediately.

**-or-**

- 2) I move to deny voluntary annexation request AX-03-24 for the property as defined in the submitted metes and bounds description.

PETITION FOR VOLUNTARY ANNEXATION

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

1. I/We the undersigned owner(s) of real property respectfully request that the area described in the attached Exhibit A be annexed to the Town of Southern Pines.
2. The area to be annexed is ☒ contiguous ☐ non-contiguous to the Town of Southern Pines and the boundaries of such territory are described in the attached metes and bounds description, Exhibit A.
3. The area is identified as PIN: 85 7116 738902 ; PARID: 000 47416 .

Property Owner(s):

Name: David Thomas Burris Signature: David Thomas Burris

Address: 1485 SW Broad St  
Southern Pines NC 28387

Name: Deborah Stover Burris Signature: Deborah Stover Burris

Address: 1485 SW Broad St  
Southern Pines NC 28387

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

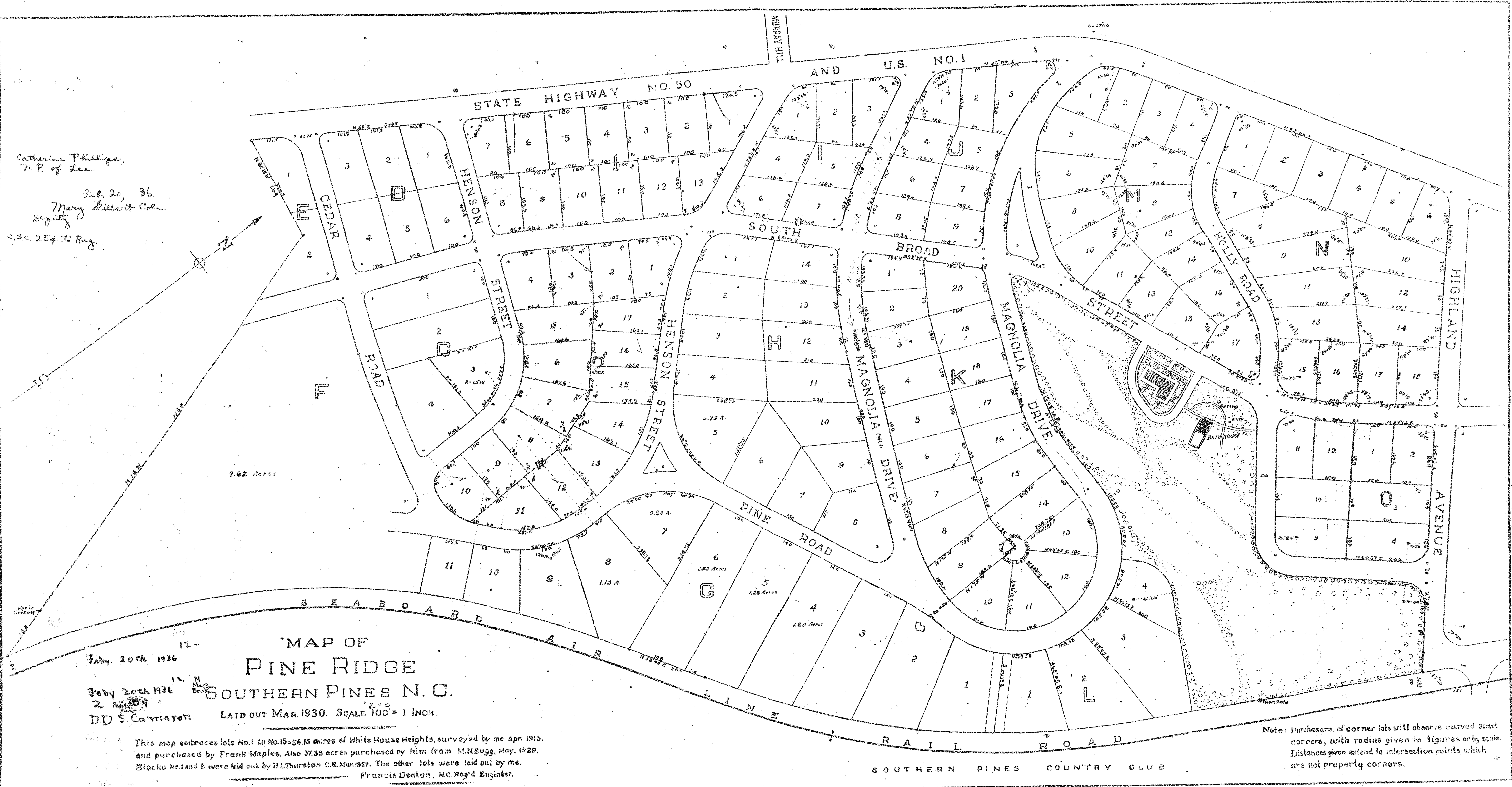
Address: \_\_\_\_\_

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

## EXHIBIT A

BEGINNING at a stake in the southeastern line of South Broad Street, said stake marking the point where the south eastern line of South Broad Street begins to curve into the northeastern line of Henson Street; running thence along the south eastern line of South Broad Street N.  $45^{\circ} 45'$  E. 147.05 feet to a stake; thence S.  $38^{\circ} 58'$  E. 103.65 feet to a stake; thence S.  $44^{\circ} 39'$  W. 180 feet to a stake in the north eastern line of Henson Street; thence running along the northeastern line of Henson Street in a northwesterly direction as it curves to the point where the northeastern line of Henson Street begins to curve into the southeastern line of South Broad Street (the chord course and distance of the last ball being N.  $69^{\circ} 57'$  E. 21.25 feet), all according to a survey entitled "Lot in Pine Ridge Subdivision" by C.H. Blue, Registered Surveyor, dated September 17, 1965. The above is Lot No. 1 (one) in Block H of the Pine Ridge Subdivision, a map of which is recorded in Map Book 2A, page 59 of the Moore County Registry.

JDB





**ORDINANCE #3107**  
**TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SOUTHERN PINES,**  
**NORTH CAROLINA AX-03-24; 1485 SW Broad Street**

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

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

**WHEREAS**, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation, AX-02-24, was scheduled to be held in regular session of the Town Council at the E.S. Douglass Community Center at 6:00 P.M. on the 11<sup>th</sup> day of February, 2025, after due notice by publication; and

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

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

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

BEGINNING at a stake in the southeastern line of South Broad Street, said stake marking the point where the south eastern line of South Broad Street begins to curve into the northeastern line of Henson Street; running thence along the southeastern line of South Broad Street N. 45°45'E 147.05 feet to a stake; thence S. 38°58'E. 103.65 feet to a stake; thence S. 44°39'W. 180 Feet tot a stake in the north eastern line of Henson Street; then running along the northeastern line of Henson Street in a northwesterly direction as it curves to the point where the northeastern line of Henson Street begins to curve into the southeastern line of South Broad Street (the chord course and distance of the last ball being N. 69°57'E. 21.25 feet), all according to a survey entitled "Lot in the Pine Ridge Subdivision by C.H. Blue, Registered Surveyor, dated September 17, 1965. The above is Lot No. 1 (one) in Block H of the Pine Ridge Subdivision, a map of which is recorded in Map Book 2A, page 59 of the Moore County Registry

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

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED** by the Town Council of the Town of Southern Pines, North Carolina in regular session this 11<sup>th</sup> day of February, 2025:

**Section 1.** By virtue of the authority granted by G.S. 160A-31, as amended, the above described territory is hereby annexed and made part of the Town of Southern Pines as of the 11<sup>th</sup> day of February, 2025.

**Section 2.** Upon and after the 11<sup>th</sup> day of February, 2025, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Southern Pines and shall be entitled to the same privileges and benefits as other parts of the Town of Southern Pines. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

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

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

Adopted this11<sup>th</sup> day of February, 2025.

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on February 11, 2025, as shown in the Minutes of the Town Council for that date.

\_\_\_\_\_  
Elizabeth Robertson, Town Clerk

DRAFT

## **Agenda Item**

**To:** Reagan Parsons, Town Manager

**Via:** BJ Grieve, Planning Director

**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:** February 11, 2025

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### **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. PLANNING BOARD PRELIMINARY FORUM**

On January 23, 2025, the MAPP-05-24 application went to the Planning Board meeting for a preliminary forum; however, a quorum was not available and present for the meeting, and no action could be taken to transmit a list of issues from the Planning Board to the Town Council on this project.

In the absence of a quorum of board members, the public, staff, and board members (who were present) discussed the project. The Planning Department confirmed with the Town Attorney that a general discussion with no follow-on action by the Planning Board is permissible in this circumstance. The discussion consisted of safety due to S Bethesda Road's "Minor Collector Roadway" designation and adding driveways, the project's intention to dedicate 0.55 acres as public right-of-way, and the preservation of mature trees along S Bethesda Road. The applicant generally agreed with staff regarding a condition that would preserve these mature trees—with the exact details needing further discussion in the coming weeks.

The Planning Board concluded the conversations without a vote or transmission of issues to the Town Council, again due to the lack of a quorum being present.

Pursuant to NCGS §160D-301(b)(6), the Town Council is reminded that no part of the Planning Board’s discussion that took place on January, 23 2025 may be used as a basis for the Council’s decision on MAPP-05-24.

### **3. PROJECT INFORMATION**

#### **A. Property Owner & Applicant Information**

| <b>Property Owner/Applicant</b> | <b>Authorized Agent</b> |
|---------------------------------|-------------------------|
| 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).

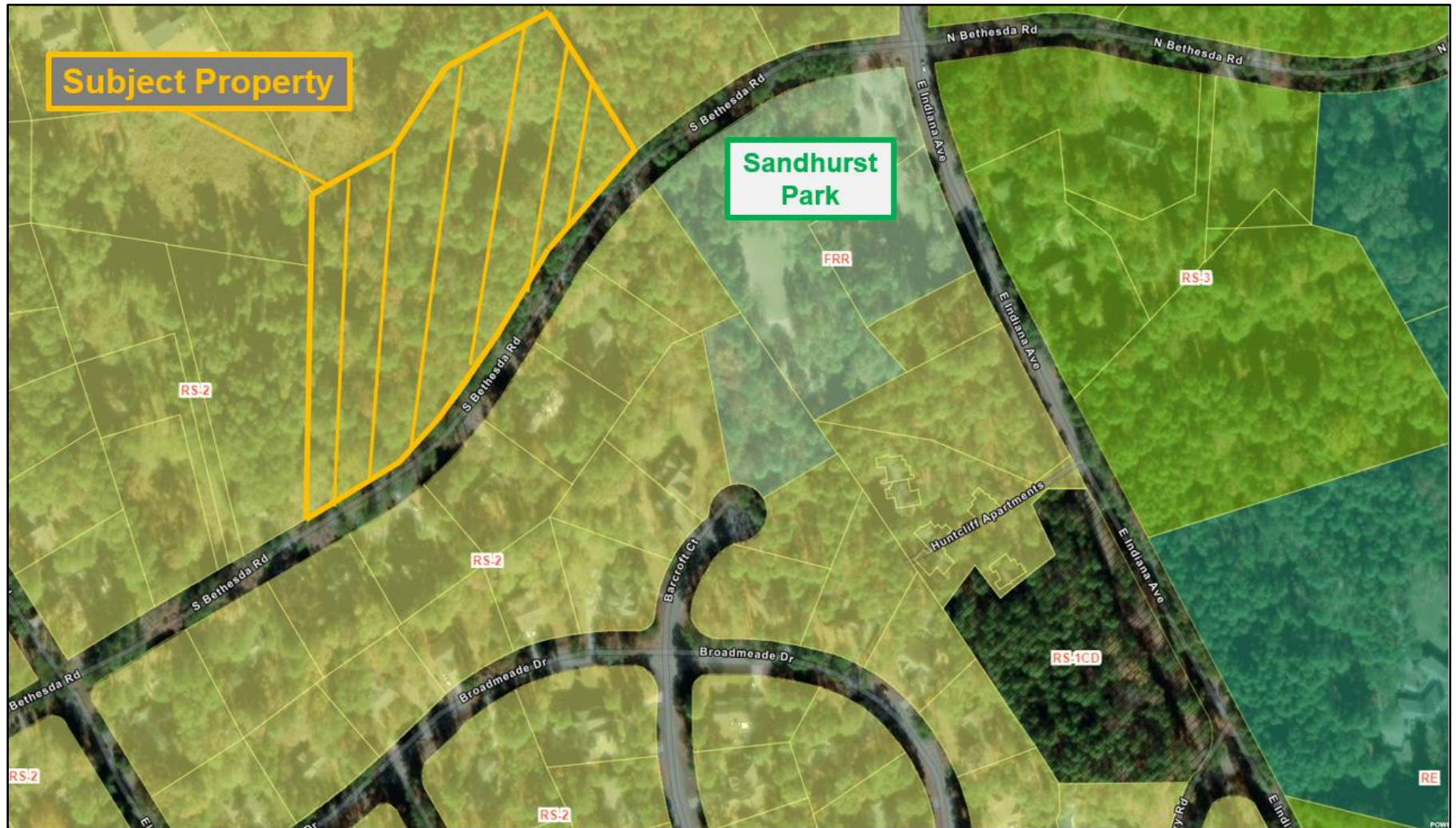
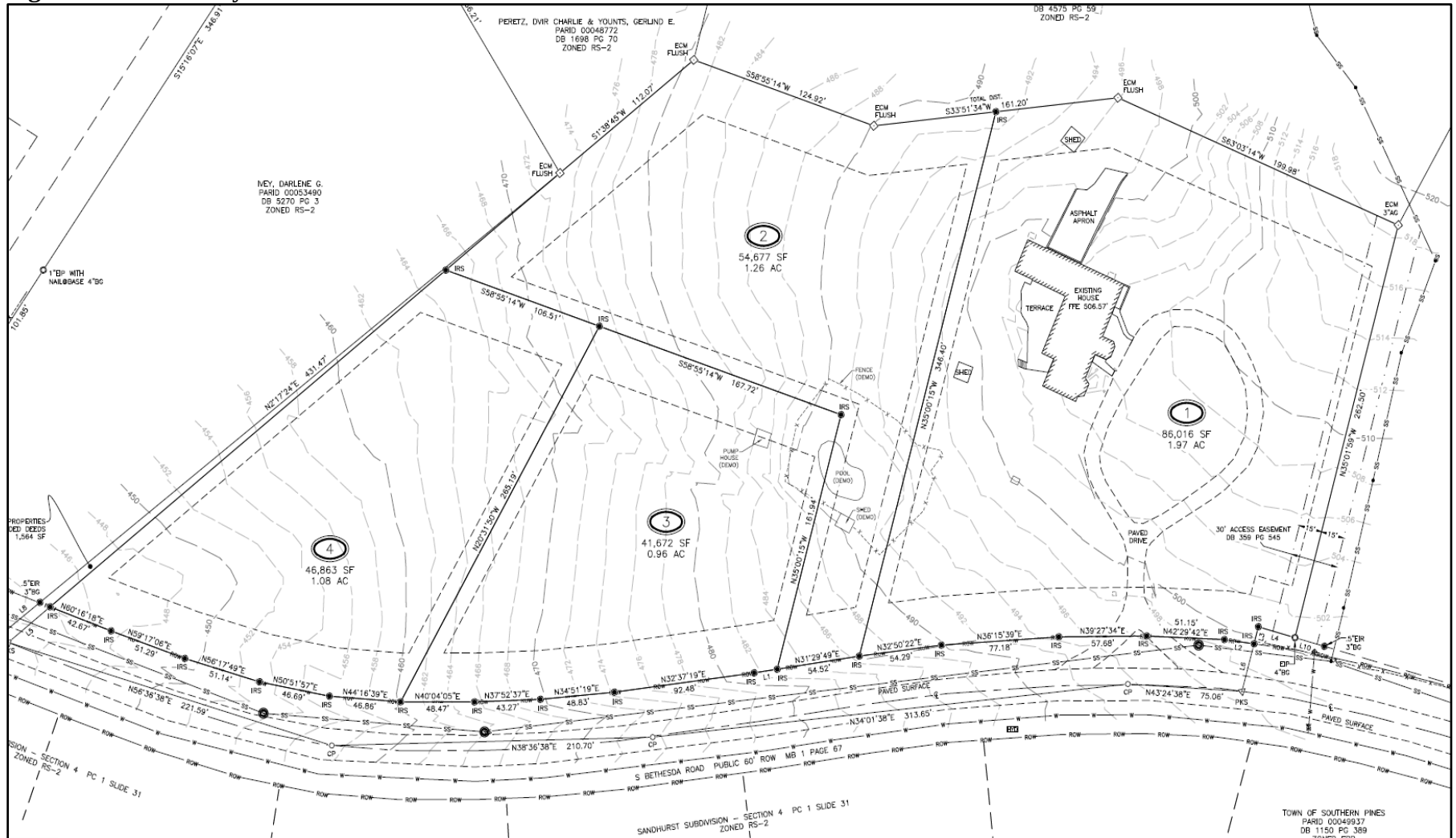


Figure 3: Preliminary Plat.



#### 4. 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 (no quorum present): **January 23, 2025**
- Follow-up discussion between staff and the applicant: **January 24, 2025**
- Town Council Evidentiary Hearing: **February 11, 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 approximately 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 approximately 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**

○ **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.

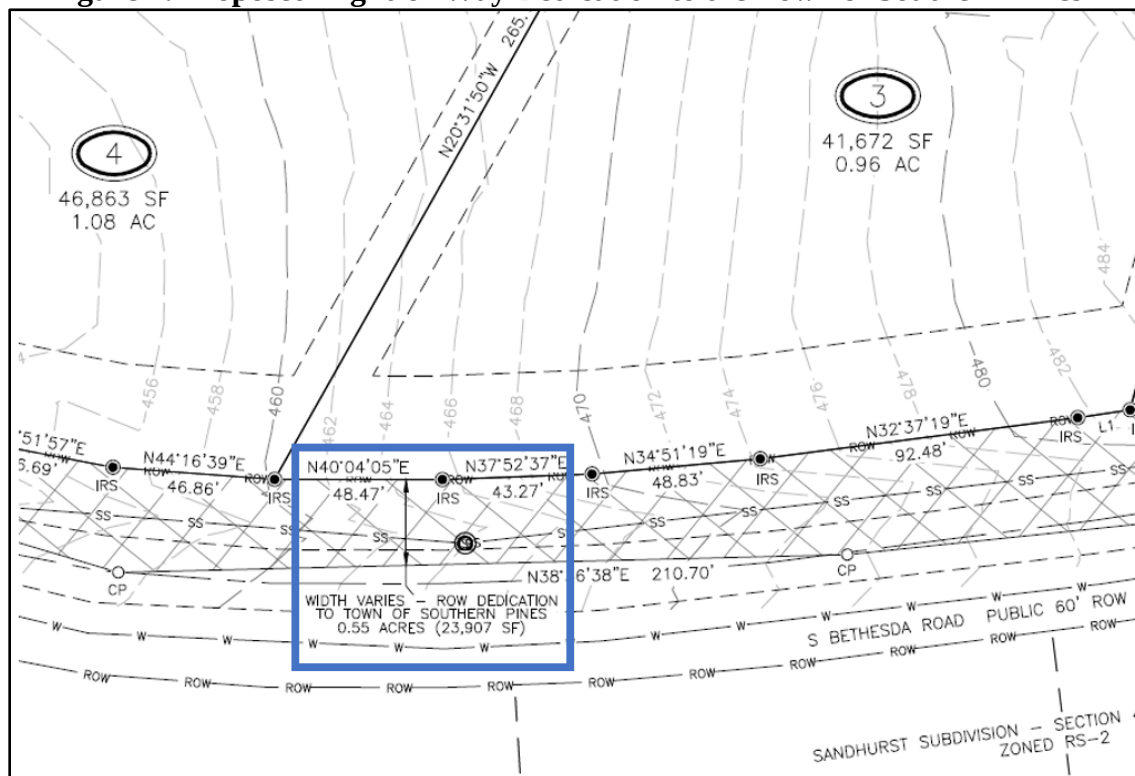
Town engineering staff have reviewed the proposed driveway access locations. Given only three driveways with 150-200' spacing are proposed, staff assess this major subdivision will not create a safety or design issue.

- **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 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**

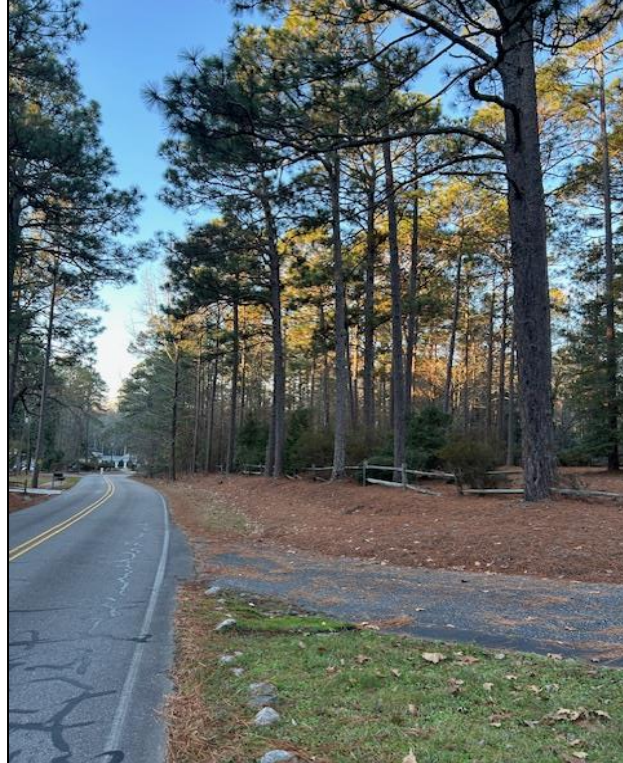


- **Street Trees**

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 policies 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.

## 5. 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.

## 6. TOWN COUNCIL ACTION:

*To either approve or deny a Preliminary Plat application, the Town Council must make findings of fact and conclusions to the applicable standards.*

- *The Town Council shall first vote on whether the application is complete and whether the facts presented are relevant to the case.*
- *The Town Council shall then vote on whether the application complies with the criteria as set forth in Section 2.20.4(G) Criteria for a Preliminary Plat, Criteria 1-5. Staff have drafted a finding of fact for consideration in Attachment 1. The Town Council may make modifications or provide an alternative to the draft findings of fact and related motions at their discretion.*

### I move to:

1. Adopt **Attachment 1** of the staff report, as drafted, as Findings of Fact regarding the proposed Preliminary Plat MAPP-05-24.

- OR -

2. Adopt **Attachment 1** of the staff report as Findings of Fact regarding the proposed Preliminary Plat MAPP-05-24, with the following changes:

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*Next, the Town Council shall vote on whether to approve, deny, or approve with conditions the proposed Preliminary Plat. The Town Council may choose one of the following motions, or any alternative they wish.*

**I move to:**

1. Approve the Preliminary Plat MAPP-05-24;
2. Deny the Preliminary Plat MAPP-05-24;
3. Approve the Preliminary Plat MAPP-05-24 with the following additional condition:

**Condition 1** – All existing trees, 10-inch diameter and larger, within the front setback (30-feet) of the four lots abutting S. Bethesda Rd shall remain and shall be protected in accordance with the town's tree protection standards, excluding areas required for driveways and/or utility access/easements. The preserved trees shall account for the town's major subdivision street trees requirement. Additionally, the Final Plat for MAPP-05-24 shall reflect a note on the plat detailing that all trees, 10-inches in diameter and greater, shall be preserved within the front setback.

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

**ATTACHMENT 1**  
**Draft Town Council Findings of Fact**  
**Preliminary Plat Application MAPP-05-24**

**FINDINGS OF FACT**

- A. The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Major Subdivision Preliminary Plat approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Preliminary Plat, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.
- B. The Town Council finds that with the imposition of one condition of approval, the application complies with UDO §2.20.4(G), Criterion 1 (the application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities). The Preliminary Plat aligns with the 2040 Comprehensive Plan only with the imposition of protection measures for the existing mature trees within the front setback (30-feet) along S. Bethesda Road. These trees provide distinct natural character to the surrounding community, which directly aligns with MAPP Criterion 1, Comprehensive Plan policy 4.9 and policy 4.10. Additionally, major subdivisions are required to provide street trees pursuant to UDO §4.3.3, and preserving these trees will meet that requirement. The proposed subdivision is consistent with the General Framework Map and Conservation and Development Maps, which categorize the site as an “Area to Enhance” and “Neighborhood,” respectively. Site access and utility connections, provided by Town of Southern Pines Public Works, are both readily available. Therefore, the project is also compatible with its surrounding infrastructure.
- C. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 2 (the proposed subdivision complies with the UDO and applicable state and federal regulations) in that the Preliminary Plat will not impose safety or design concerns by adding additional driveways on a Minor Collector Roadway. Because the new driveways will be adequately spaced and line-of-site distances are ample for visibility at established speed limits, technical and general safety concerns do not result from the project. Additionally, given the comments from the Regional Land Use Advisory Commission, this major subdivision will not violate state and federal regulation in that no Red Cockaded Woodpecker or other endangered species will undergo negative impacts due to construction.
- D. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 3 (the proposed Subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property) in that the four residential lots and their respective dimensions meet density standards. The proposed driveways will be properly spaced and will provide sufficient access to the new homes.
- E. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 4 (the proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties) in that the project does not present a safety or viability concern

for the surrounding area. Staff analysis on adding three driveways to S. Bethesda Road, a Minor Collector Roadway, concluded that no safety or viability issues would result from this major subdivision. No other safety or viability concerns resulted from town staff's analysis.

- F. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 5 (the proposed public facilities are adequate to serve the normal and emergency demands of the proposed development, and to provide for the efficient and timely extension to serve future development) in that the proposed utility plan adequately meets water, fire flow, and sewer requirements. The Town of Southern Pines will provide all utility extensions and connections, meaning they will serve this development adequately and efficiently.

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**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](mailto: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](mailto:plan@southernpines.net) (910) 692-4003 [www.southernpines.net](http://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

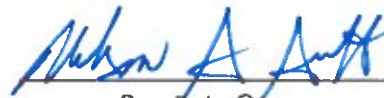
### APPOINTMENT OF AGENT

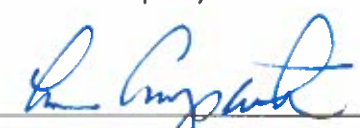
The undersigned owner(s), Nelson R Scott, hereby appoint(s) Tim Carpenter, LKC Engineering as the exclusive agent for the purpose of making an application to the Town of Southern Pines for approval of a Major Subdivision of the property described in the attached application. The owner(s) hereby agree 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;

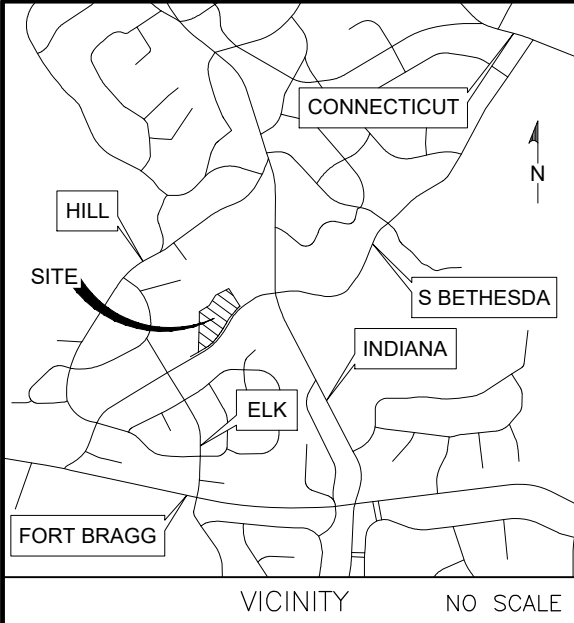
**The proposed subdivision is consistent with surrounding lot sizes and the RS-2 zoning district. There are no new roads being proposed only three new driveway connections to S. Bethesda Rd. Existing residential driveway connections are prevalent along S. Bethesda Rd and the lot sizes being proposed 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. 3710858000J 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. 3710858000J 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**

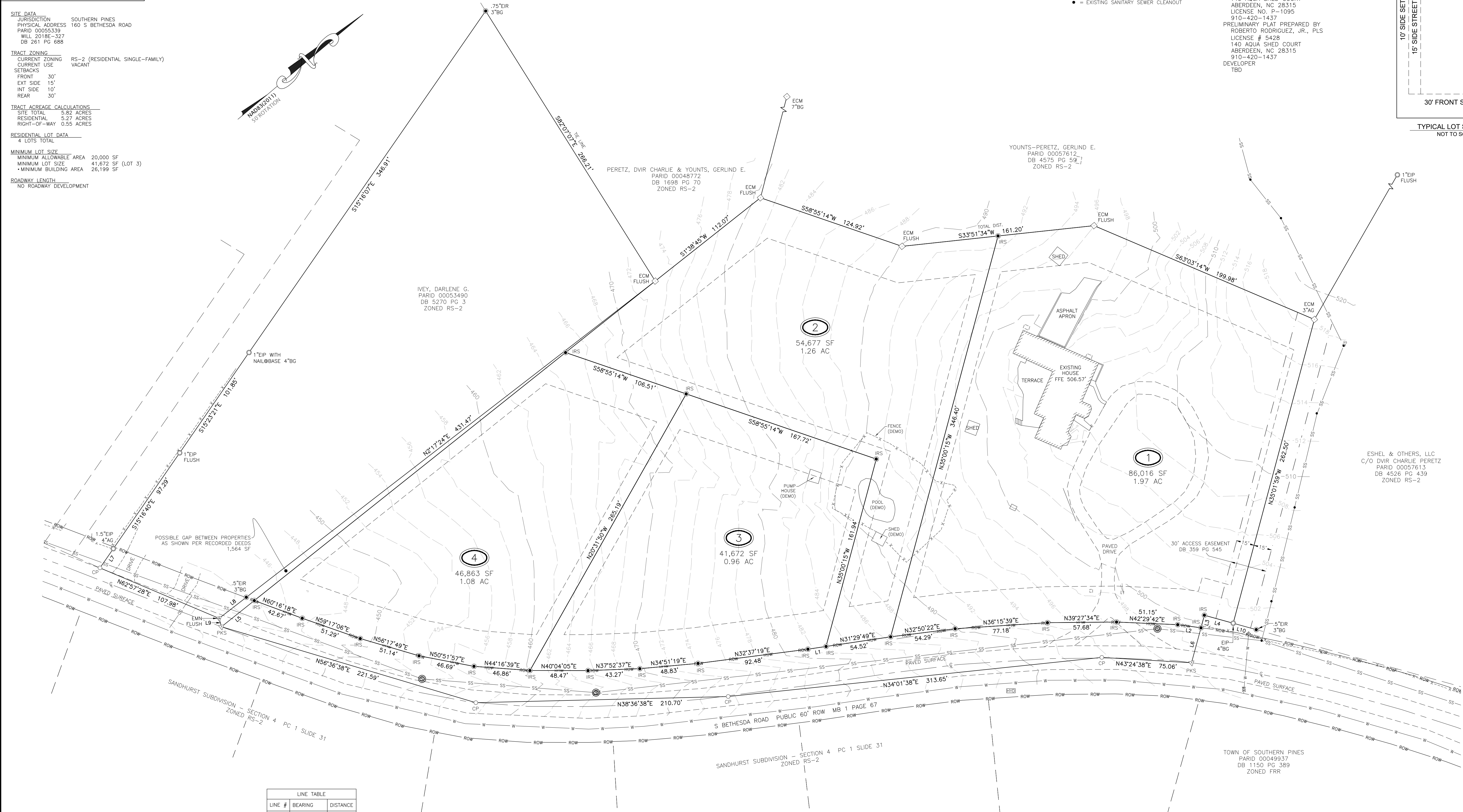
4 LOTS TOTAL

**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  
SSM = 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 |

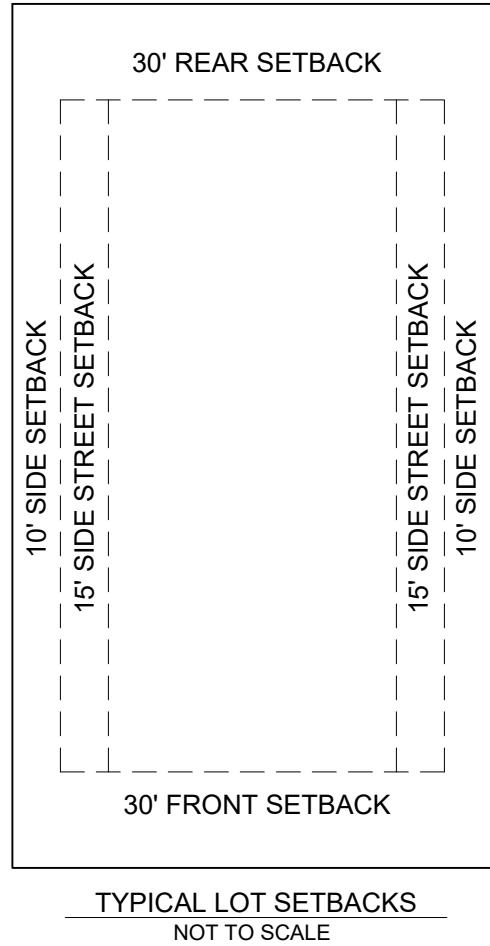
SUBDIVISION OWNER  
CAROLYN R. SCOTT (HEIRS)  
C/O NELSON R. SCOTT  
27 SABBATIA DR  
WHISPERING PINES NC 28327

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

**LKC**

PRELIMINARY PLAT  
BETHESDA ROAD SUBDIVISION

SOUTHERN PINES, NORTH CAROLINA

DATE: JANUARY 6, 2025

DESIGNED:

DRAWN: RR

CHECKED:

NO.

# MEMO

**To:** Town Council  
**From:** Mason Mattox, Planner I

**Date:** February 11, 2025

**Re:** Proposed Amendment to Code of Ordinances §70.07

## **A Proposal to Amend the Town of Southern Pines Code of Ordinances §70.07 regarding the use of roller skates, skateboards, and the like.**

### **I. HISTORIC TIMELINE**

- Autumn 2021 – Initiative to re-evaluate the Town of Southern Pines Code of Ordinances begins via a request from Marcel Goneau Jr. resident.
- October 2024 – Town Planning Staff is asked by Management to examine the Code of Ordinances in regard to skateboarding, with the intention of creating a means by which the public could legally skate to the (at the time, future) skatepark.
- December 2024 - Elaine T. Baillie Skatepark Officially Opens

### **II. DIRECTIVES FROM MANAGEMENT & TOWN COUNCIL (As of January 28, 2025)**

- To legalize one's ability to access the Skate Park by means of skating device.
- To ensure that public safety is maintained, especially for pedestrians.
- To ensure the safety of those using skating devices via the requirement of helmets for those under 16.
- To promote the usage of alternative means of non-motorized transportation within the community.
- To permit children (aged 10 and under) the ability to utilize skating devices on all sidewalks; and,
- To permit skating devices on sidewalks adjacent to Rainey (Downtown) Park.

### **III. CURRENT AND PROPOSED ORDINANCE OPTIONS**

- Note that the term 'Skating Device' is a collective term referring to broader non-motorized and self-propelled activity such as roller-skating, riding scooters, etc.

#### **1998 (Current) Ordinance**

#### **§70.07 USE OF ROLLER SKATES, SKATEBOARDS, AND THE LIKE PROHIBITED FROM ROADWAY.**

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

#### **December 17, 2024 Proposed Text Amendment**

#### **§70.07 USE OF ROLLER SKATES, SKATEBOARDS, AND THE LIKE PROHIBITED FROM SIDEWALKS IN THE HISTORIC DISTRICT.**

The use of roller skates or skateboards or riding in or by means of coaster, toy vehicle, or similar device shall be permitted on public streets and sidewalks; except those sidewalks located within the Town's Local Historic District.

**January 28, 2025 Proposed Text Amendment**

**§70.07 SPECIAL PROVISIONS FOR NON-MOTORIZED WHEELED VEHICLES, INCLUDING ROLLER SKATES, SKATEBOARDS, COASTERS, AND THE LIKE.**

1. The following provisions govern the operation of non-motorized vehicles other than bicycles, including but not limited to roller skates, skateboards, coasters, and scooters, (Collectively referred to hereafter as "skating device") on any public right-of-way or on any property open to the public or used by the public for pedestrian or vehicular purpose:
2. Skating devices may be ridden upon any roadway provided that:
  - a. The street has a posted speed limit of 35 mph or less; and
  - b. The rider yields to all pedestrians.
3. Skating devices may be ridden upon any sidewalk, provided that:
  - a. The sidewalk is not located within the Local Historic District; and
  - b. The rider yields to all pedestrians. Pedestrians shall at all times have the right-of-way upon a sidewalk. In the case of any doubt of safe and untouched passage by a pedestrian, a person riding a skating device shall stop or dismount such device until the pedestrian passes.
4. Any person under the age of 16 operating a skating device shall wear a helmet of good fit, with the chin strap fastened securely under the chin.

**February 11, 2025 Proposed Text Amendment (OPTION A)**

**§70.07 SPECIAL PROVISIONS FOR NON-MOTORIZED WHEELED VEHICLES, INCLUDING ROLLER SKATES, SKATEBOARDS, COASTERS, AND THE LIKE.**

1. The following provisions govern the operation of non-motorized vehicles other than bicycles, including but not limited to roller skates, skateboards, coasters, and scooters, (Collectively referred to hereafter as "skating device") on any public right-of-way or on any property open to the public or used by the public for pedestrian or vehicular purpose:
2. Skating devices may be ridden upon any roadway provided that:
  - a. The street has a posted speed limit of 35 mph or less; and
  - b. The rider yields to all pedestrians.
3. For those aged 10 and under, skating devices may be ridden upon all sidewalks.
4. For those aged 11 and older, skating devices may be ridden upon any sidewalk, provided that:
  - a. The sidewalk is not located within the Local Historic District, with the exception of those sidewalks directly adjacent to Rainey Memorial (Downtown) Park.
5. In all cases concerning the use of skating devices on sidewalks;
  - a. The rider must yield to all pedestrians. Pedestrians shall at all times have the right-of-way upon a sidewalk. In the case of any doubt of safe and untouched passage by a pedestrian, a person riding a skating device shall stop or dismount such device until the pedestrian passes.
6. Any person under the age of 16 operating a skating device shall wear a helmet of good fit, with the chin strap fastened securely under the chin.

\*The Local Historic District is bound by Bennett Street and South Ashe Street; and East Massachusetts Avenue and East Vermont Avenue.

**February 11, 2025 Proposed Text Amendment (OPTION B)**

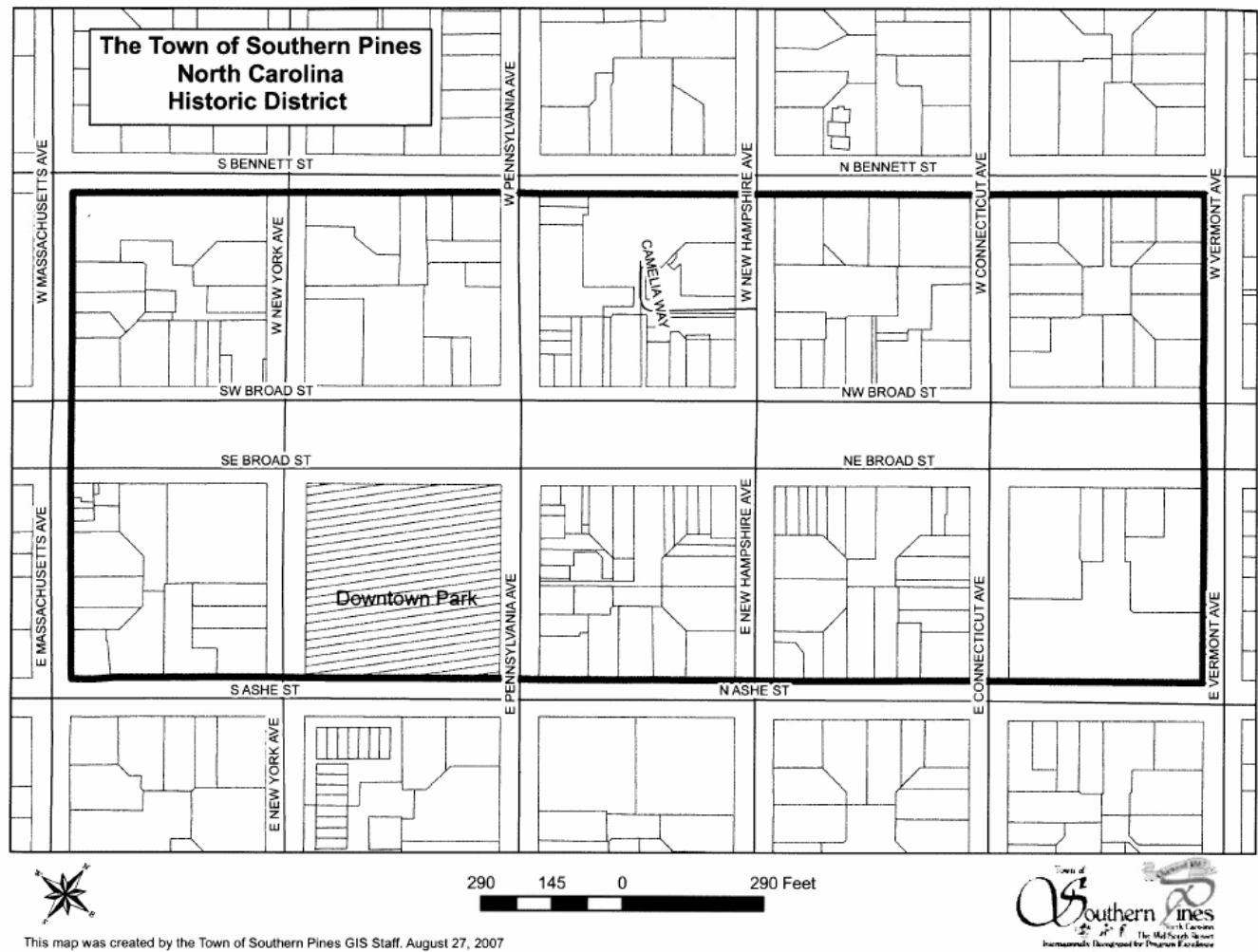
**§70.07 SPECIAL PROVISIONS FOR NON-MOTORIZED WHEELED VEHICLES, INCLUDING ROLLER SKATES, SKATEBOARDS, COASTERS, AND THE LIKE.**

1. The following provisions govern the operation of non-motorized vehicles other than bicycles, including but not limited to roller skates, skateboards, coasters, and scooters, (Collectively referred to hereafter as “skating device”) on any public right-of-way or on any property open to the public or used by the public for pedestrian or vehicular purpose:
2. Skating devices may be ridden upon any roadway provided that:
  - a. The street has a posted speed limit of 35 mph or less; and
  - b. The rider yields to all pedestrians.
3. Skating devices may be ridden upon any sidewalk, provided that:
  - a. Those operating skating devices within the Local Historic District shall only do so at or under the equivalent of normal walking speed.
  - b. The rider yields to all pedestrians. Pedestrians shall at all times have the right-of-way upon a sidewalk. In the case of any doubt of safe and untouched passage by a pedestrian, a person riding a skating device shall stop or dismount such device until the pedestrian passes.
4. Any person under the age of 16 operating a skating device shall wear a helmet of good fit, with the chin strap fastened securely under the chin.

\*The Local Historic District is bound by Bennett Street and South Ashe Street; and East Massachusetts Avenue and East Vermont Avenue.

\*The Local Historic District is bound by Bennett Street and South Ashe Street; and East Massachusetts Avenue and East Vermont Avenue.

**IV. TOWN OF SOUTHERN PINES LOCAL HISTORIC DISTRICT MAP**



**V. STAFF COMMENTS**

Town staff have proposed two options for amending Code of Ordinances §70.07, each taking a slightly different approach in an effort to address Council’s concerns in prior meetings.

Option A follows directives, as best as staff understood, following the January 28, 2025 Town Council Work Session. A provision has been added to protect the right of those using skating devices adjacent to Downtown Park, and a provision has been added to protect the right of those using skating devices aged 10 and under.

Option B addresses what staff believe is the root of many concerns; protecting pedestrians on sidewalks while also permitting skating by those using like devices in a responsible manner. Instead of applying regulations to age which may prove to be more difficult to enforce for those who lack identification, staff propose that speed be regulated as an alternative.

Andrew M. Speck, PE, DBIA  
124 Brookfield Drive  
Pinehurst, NC 27384

RE: Southern Pines Planning Board Application

To Whom It May Concern:

Please accept for consideration the attached Southern Pines Planning Board Application. I believe serving as a member of the Planning Board allows me to bring my professional experience to bear for the benefit of our community which supports my personal goal of finding a way to serve our community.

I am a former Army Engineer Officer having been medically discharged for injuries incurred in the line of duty. I am a professionally registered engineer in multiple states having worked more than 20 years with Butler Manufacturing which is a company that designs and fabricates steel structures for contractors all over North America. I've been working for a design build general contractor for more than 7 years now where my responsibilities include handling building projects from cradle to grave. I am the client's primary point of contact and project team leader with responsibility for site analysis, project design, estimating, permitting, contracting, construction, and post construction warranty work.

In the course of my current professional responsibilities, I've occasionally had to appear before local Planning Boards or Boards of Adjustments as part of obtaining project approvals. In the course of doing this it occurred to me that serving on these types of Boards would be a great way for me to serve my community while continuing to learn and grow myself.

Please let me know if I can provide any additional information in support of my application. I look forward to hearing from you soon and am looking forward to serving our community.

Cordially,

*Andrew M. Speck*

Andrew M. Speck, PE, DBIA



DATA SHEET FOR APPOINTMENT TO  
COMMITTEES, COMMISSIONS  
AND BOARDS

COMMITTEE, COMMISSION, OR BOARD IN WHICH INTERESTED: \_\_\_\_\_

\_\_\_\_\_

NAME: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ EMAIL: \_\_\_\_\_

EDUCATIONAL BACKGROUND

\_\_\_\_\_

\_\_\_\_\_

EMPLOYMENT

JOB TITLE: \_\_\_\_\_

EMPLOYER: \_\_\_\_\_

\_\_\_\_\_

CIVIC AND PROFESSIONAL ACTIVITIES: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PAST MEMBERSHIP IN ORGANIZATIONS AND OFFICES HELD: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ANY ADDITIONAL INFORMATION AND COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE: 13 January 2025

SIGNATURE: *Andrew M. Speck*

PLEASE RETURN TO:

Administration  
125 SE Broad Street  
Southern Pines, NC 28387

admin@southernpines.net

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

February 5, 2025

RE: Southern Pines Volunteer Planning Board - ETJ

To whom it may concern:

I'm interested in becoming a member of the Southern Pines Planning Board.

I have been a resident in the ETJ at 118 Colorado Cir. for over 20 years and I lead a successful electronics manufacturing business in the Southern Pines historic district for over 15 years.

Currently in retirement, I still find myself downtown regularly - eating breakfast at Betsy's Crepes, working and teaching part time at Casino Guitars and frequenting other local establishments that I have grown to love over the years.

I have experience in executive settings, operations and personnel management, customer interaction, technical trade shows and exhibits, conflict de-escalation and resolution and working within the parameters of distinct cultural differences while doing business in various parts of the world.

Perhaps my perspectives and experiences will contribute to the capabilities of the existing members of the Planning Board.

Thank you for your consideration.

Sincerely,

Jason Scribner



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

COMMITTEE, COMMISSION, OR BOARD IN WHICH INTERESTED: Planning Board - ETJ

NAME: Jason Scribner TELEPHONE: 910-690-8680

ADDRESS: 118 Colorado Cir., S.P., NC 28387 EMAIL: jasonscribner@hotmail.com

**EDUCATIONAL BACKGROUND**

BA English Literature, 1994, George Mason University; Microsoft Certified Systems Engineer

**EMPLOYMENT**

JOB TITLE: President/Owner - Recently Retired

EMPLOYER: Scribner Associates, Inc.

150 E. Connecticut Ave.

CIVIC AND PROFESSIONAL ACTIVITIES: 2001-2009 attended/participated in SPBA meetings.

2004-2012 Volunteered for Springfest - setup, vendor management.

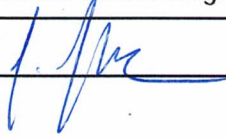
PAST MEMBERSHIP IN ORGANIZATIONS AND OFFICES HELD: N/A

ANY ADDITIONAL INFORMATION AND COMMENTS: I'm a long time resident (20+ years in same home in Highlan

Trails); I lead a successful electronics manufacturing business in the historic district for 15 years; I love

Southern Pines and would like to be a part of the continued management efforts to keep the area a great

place to live, to visit and to do business. I also work and teach part time in the coolest guitar store in town.

DATE: 2/5/2025 SIGNATURE: 

PLEASE RETURN TO:

Administration  
125 SE Broad Street  
Southern Pines, NC 28387

[admin@southernpines.net](mailto:admin@southernpines.net)

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



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

COMMITTEE, COMMISSION, OR BOARD IN WHICH INTERESTED: \_\_\_\_\_

NAME: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ EMAIL: \_\_\_\_\_

EDUCATIONAL BACKGROUND

\_\_\_\_\_  
\_\_\_\_\_

EMPLOYMENT

JOB TITLE: \_\_\_\_\_

EMPLOYER: \_\_\_\_\_

\_\_\_\_\_  
CIVIC AND PROFESSIONAL ACTIVITIES: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

PAST MEMBERSHIP IN ORGANIZATIONS AND OFFICES HELD: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

ANY ADDITIONAL INFORMATION AND COMMENTS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

DATE: 21 December 2024 SIGNATURE: Jeremy S. Haskell

PLEASE RETURN TO: Administration  
125 SE Broad Street  
Southern Pines, NC 28387

admin@southernpines.net

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