



AGENDA

Thursday, February 20, 2025: 6:00 PM

Planning Board

Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. APPROVAL OF MINUTES

a. December 2024 Regular Meeting

b. January 2025 Regular Meeting held with no action being taken due to lack of a quorum

3. INTRODUCTION OF NEW BOARD MEMBERS AND OATH OF OFFICE

a. Andrew Speck

b. Jason Scribner

4. PUBLIC HEARING

a. Z-07-25 Conditional Zoning District Rezoning for 4.13 Acres on E. Indiana Avenue

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 21 conditions to allow the development of 11 residential structures—either single-family detached units or duplexes—on ±4.13 acres.

5. UNFINISHED BUSINESS

6. NEW BUSINESS

a. Appointment of Chair and Vice Chair

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

7. 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:

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%

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.

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

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

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

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: February 20, 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 21 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

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their rezoning application Z-02-11, which explains why it is still shown as “RS-2” on the official zoning map. However, the conditional use application was approved as amended to include Parcel 00052524.

Under the current 2011 conditional zoning, a maximum of 8 new homes would be permitted on Parcel 00052523. The maximum number of dwelling units for Parcel 00052524 is a bit more complex as it is currently zoned RS-2, but is included as a condition of approval for the conditional use permit on LRK 00052523. In the zoning record, it appears that both parcels are linked albeit through confusing zoning entitlement processes that date back 13 years. The effect of the conditional use permit plus a rezoning, is essentially the Town’s modern conditional zoning district process, which is now one process rather than two. Therefore, the maximum number of dwelling units for Parcel 00052524 would either be 0 dwelling units—if consistent with the recorded conditional use permit for CU-03-11 that was reviewed concurrently (but in two separate hearings) with the rezoning application Z-02-11—or 2 dwelling units per RS-2 zoning lot size standards, but no final determination has currently been made on maximum number of dwelling units permitted.

Lastly, a percentage of the Parcel 00052523 is located within the Little River Watershed.

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

F. Proposed Zoning District and Conditions

The ultimate development is intended to be a common interest community with shared common areas owned by a homeowners association. The applicant has chosen to rezone the properties to Residential Multifamily districting (i.e., RM-2) based on density estimates using minimum lot size per dwelling unit rather than minimum lot size requirements under the Residential Single-Family zoning districts. RM-2 is considered the Town's low-density residential option in the RM districting. Despite the request to rezone to RM-2, the Applicant's proposed first condition states that only single-family detached (LBCS 1111) and two-family dwellings (i.e., double/duplex; LBCS 1120) will be permitted.

The Applicant is proposing 11 buildings, which can be either single-family detached or duplexes. Therefore, the rezoning request would permit between 11 and 22 dwelling units, depending on residential building types built. See attached narrative for proposed 21 conditions and the preliminary site plan for more details (Attachments 3 and 4, respectively). The descriptions and conditions will apply to both parcels (i.e., the entire project) as indicated in the Conditional Zoning District application.

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 (partial list)** and **February 3, 2025 (complete list)**

Signage: **January 10, 2025**

Internet: **January 2, 2025**

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

Planning Board Regular Meeting: **January 23, 2025 (continued due to improper notice)**

Planning Board Regular Meeting: **February 20, 2025**

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

rear properties. 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.*

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.

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. Historically, Planning staff have interpreted—and a previous Town Council has reaffirmed—that a private easement cannot be used to access lots zoned RS-2 due to its exclusion in the list under UDO section 4.11.3(C)(2).

However, in this case, the private easement is serving a proposed RM zoning district, so no inconsistency has been found in this instance. Furthermore, the Applicant has added language to the site access condition to clarify that Planning staff will enforce UDO section 4.11.3 easement requirements during site plan review. Lastly, 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 parcels of land with each of the units, as was done with Huntcliff Phase I, 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 condominiumize, then—pursuant to North Carolina General Statute 47C the North Carolina Condominium Act—a Declaration of Unit Ownership would be created that does not trigger the subdivision of land.

the single-family detached dwellings and duplexes to be either conveyed or condominiumized.

Copies of the existing covenants, conditions, and restrictions (“CCRs”) were submitted to Town staff by legal counsel for adjacent property owners. It should first be noted that the CCRs are not enforced by the Town of Southern Pines, rather the Huntcliff Homeowners Association (Huntcliff HOA) who may choose to litigate a civil case against the Applicant. For reference, Planning staff have attached the May 1982 (i.e., most recent) CCRs in Attachment 6, but the legal counsel has shared other sets of lot restrictions that they believe apply to the subject parcels. Planning staff does not have reason to believe otherwise.

Generally, the CCRs limit size of dwellings, subdivision, use restrictions for properties brought within the jurisdiction of the Huntcliff HOA, among other things. The CCRs’ Section 4 of Article XIII speaks to the annexation of additional residential properties into the Huntcliff HOA. It is not known at this time whether the new properties will join the existing Huntcliff HOA or whether they would create a new HOA with new CCRs. Although we do not enforce these CCRs, they do factor into the feasibility of the development.

Lastly, it should also be noted that the northern parcel is adjacent to the Town’s Sandhurst Park, which was originally approved to be donated to the Town of Southern Pines as part of the rezoning and conditional use permit concurrent reviews.

(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,

improved with some clearing and grading along the line of sight.” Any additional improvements to sight distance triangles will be reviewed and required during site plan review.

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. The development, if approved, would go before the Technical Review Committee again for site plan review. Any additional agency or public comment received prior to the public hearing will be shared during staff’s presentation.

4. Staff Comments and Recommendation¹

Planning staff recommend that the hearing bodies approve the conditions on the Residential Multi-Family (RM-2) Conditional Zoning District as submitted on February 11, 2025, and as attached to this staff report. Planning staff request that the hearing bodies consider the following Town staff concerns.

1. No building precedents or design elements were submitted to illustrate what the Applicant means by “consistent with the surrounding character of the community.” The Applicant has stated that they will submit building design precedents and design elements during the Planning Board’s public hearing.
2. Are the 1980 road standards acceptable for this development, and what are the Applicant’s proposed cross-sectional standards that would apply? These details were provided in the updated site plan, but need to be reviewed by Public Works and the Fire Department.
3. A fire truck turning template should be added on the northern section where the proposed three units about the existing Huntcliff development. The Applicant plans to include this on the site plan set that goes before the Technical Review Committee for review.
4. It is important for every lot to have access in case of an emergency. If the Applicant is unable to secure a perpetual easement, then the dwellings would not have access.

IV. ATTACHMENTS²

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 and Conditions Proposed by Applicant;
- 4.

V. PLANNING BOARD ACTION³

To assist the Planning Board, 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 at the public hearing.**
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 at the public hearing, as amended by the Planning Board in Attachment 1.
3. Recommend denial of Z-07-24 to the Town Council

³ 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

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.

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 conditions submitted by the Applicant and attached to the Planning Department's staff report.

ADOPTED this the 20th day of February, 2025.

Diane T. Westbrook, Chairperson

ATTEST:

Cindy Williams
Secretary to the Planning Board

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

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). This will be 20'-24' wide roadway with no curb and gutter (see site plan for detail).
2. The proposed roads will meet fire apparatus requirements / turnaround 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.
2. Access shall be a perpetual easement, which will be established and platted following proper procedures outlined in UDO 4.11.3.

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)
2. All additional landscape requirements will be apply per Town of Southern Pines UDO, including parking area landscape.

Open Space

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.

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

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

Z-02-11

We would like Amend
OUR REZONING Application to conditional
district. & lot subdivided structurally integrated

Thank you,

Warren Dykes

Staff Comment, dated 2/11/2025: This sheet was added to the file between the Planning Board (08/18/2011) and Town Council (09/13/2011) meetings

MINUTES

Regular Business Meeting of the Southern Pines Town Council September 13, 2011, 7:00 PM, Douglass Community Center, 1185 W. Pennsylvania Avenue

Present Mayor Mike Haney, Mayor Pro Tem Mike Fields, Councilmember Fred Walden, Councilmember Chris Smithson, Councilmember David McNeill

Absent: None

Call To Order

1. Manager's Comments

Town Manager Parsons requested a motion to remove Item G. Approval of Temporary Construction Easement between John F. and Deborah L. Burton and the Town of Southern Pines from the Consent Agenda due to the item not being ready for approval.

Upon motion by Council Walden, seconded by Councilmember Smithson and carried unanimously, Item G was removed from the Consent Agenda.

Town Manager Parsons continued with an overview of the items on the Consent Agenda.

2. Consent Agenda

- A. Adopt Work Session Meeting Minutes of July 25, 2011, Agenda Meeting Minutes of August 3, 2011, and Regular Business Meeting Minutes of August 9, 2011.
- B. Appointment to Local Firemen's Relief Fund Board – Reagan Parsons
- C. Minor Modifications
 - CU-04-11 Minor Modification Birkdale Village – Michael P. Griffin, PLS, Petitioner – Reference CU-15-88 Pinehurst Plantation
 - CU-05-11 Minor Modification - Fairway Village – Blaine East, Petitioner – Reference CU-09-93
- D. Care Enough to Wear Pink Days – Proclamation
- E. Approval of Locally Administered Landscape Agreement between NC Department of Transportation and the Town of Southern Pines

MINUTES

Regular Business Meeting of the Southern Pines Town Council November 9, 2011, 7:00 PM, Community Room – Southern Pines Police Department 450 W. Pennsylvania Avenue

Present: Mayor Mike Haney, Mayor Pro Tem Mike Fields, Councilmember Fred Walden, Councilmember Chris Smithson, Councilmember David McNeill

Absent: None

Call To Order

1. Manager's Comments

Town Manager Parsons gave an overview of the items on the Consent Agenda.

2. Consent Agenda

- A. Adopt Worksession Meeting Minutes of September 26, 2011, Agenda Meeting Minutes of October 5, 2011, and Regular Business Meeting Minutes of October 11, 2011 as written.
- B. Board Appointments
 - Library Advisory Board
 - David Carpenter 1/1/2012 – 12/31/2014 (3 year term)
 - Janice Reagan 1/1/2012 – 12/31/2014 (3 year term)
- C. Resolution for State Designation of Southern Pines Urban Progress Zone
- D. Approval of Temporary Construction Easement between NC Department of Transportation and the Town of Southern Pines for Morganton Road & U.S. #1 Interchange Project
 - Adoption of a Resolution for A Temporary Construction Easement
- E. Resolution of Support N.C Rural Center Building and Reuse Restoration Grant

Upon motion by Mayor Pro Tem Fields, seconded by Councilmember Walden and carried unanimously, the Consent Agenda was adopted.

3. Architectural Reviews

