



**AGENDA**

**Thursday, August 21, 2025: 6:00 PM**

**Planning Board**

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

**1. CALL TO ORDER**

**2. APPROVAL OF MINUTES**

**a. July 24, 2025 Regular Meeting**

**3. PUBLIC HEARING**

**a. OA-03-25 Proposed UDO Text Amendments**

The Town of Southern Pines Planning Department is proposing to amend the Unified Development Ordinance (UDO) with text amendments covering three main topics. The planning staff is requesting Planning Board and Town Council review and approval per UDO §2.17.

**b. Z-05-25 Rezoning of +/-1.48 acres on Clark Street**

Legacy Home Construction Inc. has submitted an application to rezone a +/-1.48 acre parcel on Clark Street from RM-2 to RM-2 Conditional District to allow for the development of 16 townhome units; PIN 858219617079 (PARID 00032727).

**4. PRELIMINARY FORUM**

**a. MAPP-04-25 Clark Street Major Subdivision Preliminary Plat**

Legacy Home Construction, Inc. has submitted an application to subdivide a +/- 1.48 acre parcel into 16 townhome lots; PIN 858219617079 (PARID 00032727).

**b. MAPP-03-25 East Indiana Avenue Major Subdivision Preliminary Plat**

Colin Webster of The Ascot Corporation has submitted an application to subdivide 4.46 acres currently zoned RS-2 into seven (7) single-family residential lots ranging in size from 22,774 to 29,447 square feet; PIN 858219617079 (PARID 00032727).

**5. UNFINISHED BUSINESS**

**a. Planning Board Rules of Procedure**

Town Attorney Mac McCarley has prepared draft Rules of Procedure for the Planning Board. The draft document was distributed to the Planning Board in the packet for the July 24th, 2025 meeting. Mr. McCarley will attend the August 21st, 2025 Planning Board meeting to discuss the draft Rules of Procedures and answer questions from the Planning Board.

**6. NEW BUSINESS**

**7. ADJOURNMENT**

**MINUTES**  
**Planning Board Regular Meeting**  
**E.S. Douglass Community Center, 1185 W. Pennsylvania Avenue**  
**Thursday, July 24, 2025, at 6:00 PM**

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

Chair Matthew Walden, Vice Chair Kim Wade, Jennifer Garner, Monica Brickey, Michael Skolnick, Andrew Speck and Jason Scribner were present.

Andrew Speck made a motion, which was seconded by Monica Brickey, to approve the Minutes of the May 2025 regular meeting. The motion carried.

Andrew Speck made a motion, which was seconded by Monica Brickey, to approve the Minutes of the June 2025 regular meeting. The motion carried.

PRELIMINARY FORUM:

**SU-01-25: Special Use Permit for Lot 9 of Tyler’s Ridge; Applicant: James O’Malley**

Paul Saathoff of Koontz Jones Design, on behalf of James O’Malley, has submitted a Special Use Permit application to reduce the 30’ landscape buffer and the 50’ minimum building setback along the western property boundary required as a condition of approval of Conditional Use Permit CU-01-11 due to the residential use of the adjacent parcel at that time. Per the Moore County tax record, the property is identified as PIN 857300977253 (PARID 20190158) and is owned by James B. O’Malley, Trustee.

Chair Walden opened the preliminary forum.

Planner Gene Ruiz provided an overview of the application accompanied by a slide presentation and stated that the request was to reduce the 30’ landscape buffer to 11’ to accommodate the development of a 4,000 SF commercial building with a 750 SF patio and 23 parking spaces. Planning staff has worked closely with the applicant to ensure that as many trees as possible within the buffer, including five longleaf pines and two mature hardwoods, will be retained and the reduction will provide room for 8 of the parking spaces. A vegetative vehicle use area will be planted and the applicant has committed to providing 3,000 square feet of planting area at the northwest corner of the site along Capital Drive.

Member Garner asked if the subject parcel is what remains because the developer developed around it.

Mr. Ruiz responded that it is not a parcel that was left behind, it is just the last parcel to be developed in that area.

Planning Director BJ Grieve stated that Tyler’s Ridge started as one big development and each lot was conveyed as a separate platted parcel. The entire development was not platted to include a triangular-shaped parcel.

Bob Koontz, representing the applicant, stated that the parcel resulted from a portion being sold off in order to make some adjustments to get the new Ace Hardware site to line up and to make road connections. It is a strange parcel, but it still meets the standards of the original Special Use Permit.

Member Speck asked if specific plantings are required and Mr. Ruiz responded that the applicant will be required to comply with the planting requirements of the UDO.

Bob Koontz stated that they had worked closely with staff to create a satisfactory landscaping plan.

Member Brickey said she was hesitant to specify the number of spaces without knowing the use of the building.

Mr. Ruiz responded that the number of parking spaces is based on the square footage of the building and any usable outdoor space, so 20 spaces are required and the applicant is requesting three additional spaces.

Chair Walden closed the preliminary forum.

Monica Brickey made a motion, seconded by Andrew Speck, that there were no issues for transmission to the Town Council as a result of the July 24, 2025 preliminary forum on application SU-01-25. The motion carried by a vote of 7-0.

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PUBLIC HEARING:

**PD-02-25: Conceptual Development Plan for Penick Village**

Koontz Jones Design + V3 Companies LLC, on behalf of Penick Village Inc., has submitted a Planned Development District – Conceptual Development Plan application to establish a unified entitlement framework for the existing continuing care retirement center and to support its ongoing operations and future expansion. The community currently includes, or is planned to include, independent living, assisted living and supportive services such as home care, memory support, nursing care and rehabilitation.

Chair Walden opened the public hearing.

Planner Mason Mattox provided an overview of the application accompanied by a slide presentation and stated the UDO requires a rezoning to Planned Development (PD) in order to expand a continuing care retirement center onto adjacent property. He added that Planning staff found Penick Village and the expansion to be generally consistent with the Comprehensive Plan.

Member Skolnick inquired about the purpose of the application and Mr. Mattox responded the rezoning will unify the existing campus and the proposed expansion into one Planned Development.

Mr. Mattox stated that main concerns identified during the June 12, 2015 neighborhood meeting included construction traffic, obstructed views, stormwater management and traffic impacts. Shibui cannot currently be accessed from Penick Village but will likely be accessed from Delaware Avenue with the expansion. He spoke with Town Engineering staff and confirmed that the construction entrance had been retrofitted with grates and construction vehicles were being sprayed down prior to leaving the site. Regarding stormwater management, email correspondence citing concerns and including videos of the stormwater pond at Penick overflowing onto Ridge Street had been sent to a Board member from a neighboring property owner.

Planning Director BJ Grieve stated that member Garner had forwarded the email she received to Planning staff for forwarding to the other members of the Board but unfortunately, the email was not forwarded in advance of the public hearing.

Mr. Mattox said with regard to stormwater management, Town Engineering staff confirmed that the stormwater pond did not have a drain at the time the videos of stormwater overflowing onto Ridge Street were taken. The drain linking the stormwater pond to the Town's existing stormwater infrastructure under Ridge Street has now been installed.

The final concern was increased traffic. The applicant hired Kimley-Horn to perform a traffic assessment which estimated an increase of approximately 122 daily trips with the acquisition of the Shibui property and staff found that increase to be negligible.

A red-cockaded woodpecker foraging area was identified and the applicant hired J. Carter & Associates to conduct a survey which confirmed that there were no active cavity trees of concern on the property. RLUAC recommended that Penick be careful when developing portions of Shibui.

The applicant has requested that the minimum width of the open space be reduced to 10' in order to utilize space between existing and proposed buildings and that building height not include sloped roofs to be consistent with the existing buildings. By excluding roofs, buildings themselves may be up to 55' tall, which would allow three or four story apartment buildings.

The applicant has also requested that certain features be allowed to be as tall as 70' and also that only 25% of exterior facades be brick. The Town's commercial standard is 80% brick for new

commercial buildings. The applicant has stated that sides of the buildings will not have vinyl siding but has requested the ability to use vinyl for doors and windows, and that garages face Penick's internal streets. Finally, the applicant has requested that buildings that exceed 10,000 SF but comply with the architectural standards be reviewed administratively. Staff finds these requests to be reasonable.

Member Speck asked why the deviation from the 80% brick requirement was agreeable.

Mr. Mattox responded most of Penick's buildings are not 80% brick and some of the buildings predate the Town's architectural code. Any new lighting or new signage will be consistent with the existing campus and landscaping will meet the UDO standards.

Mr. Mattox stated that staff recommended approval of the Conceptual Development Plan with the rezoning to Planned Development with a concurrent map amendment to the Comprehensive Plan Character Districts Map to change Penick Village from Horse Country to Suburban Settlement.

BJ Grieve shared the email and videos that had been forwarded to Member Garner from adjacent property owner Maureen O'Hara showing current construction and runoff from the site and stated that the storm event that occurred the previous week exceeded what any sedimentation basin or permanent stormwater management system is designed to manage. Engineering staff confirmed that the problem at Penick was that the sediment basin did not have an outlet but that has since been corrected.

Bob Koontz, representing the applicant, gave a slide presentation and stated that there are currently 268 units within Penick and 206 additional units are planned for the future. The applicant has requested a few deviations from the architectural standards in an effort to maintain the current look and feel of the campus. Each time a new building has been submitted for architectural compliance, Penick has requested almost all of the same deviations and they were granted.

Member Skolnick asked Mr. Koontz where a 70' tall building would be located.

Mr. Koontz responded that the height of the buildings would be 55', but the 70' height would be for a spire or some kind of interesting architectural element, such as a clock tower, that Penick may want to add internal to the campus in the future.

Member Garner inquired about the height of the existing apartment buildings.

Tony Borhorst with Penick responded that the building currently under construction is 52' tall.

Member Garner asked if that included the roof.

Mr. Bornhorst responded the height does not include the roof.

Member Skolnick asked if the buildings are three or four stories.

Mr. Borhorst responded they are three story with parking below grade but the roof is higher to hide the HVAC units.

Member Garner said that would have been an exception that was approved.

Mr. Bornhorst said that a variance from the height standard was granted with the approval of the last building.

Mr. Grieve responded that no variance was granted. FRR zoning allows development to follow the standards of adjacent zoning and since there were no adjacent parcels zoned FRR, staff looked at buildings within Shibui and determined that the height was consistent with those buildings.

Mr. Koontz said there had been a lot of discussion regarding traffic at the informational meetings and the impact on Delaware Avenue and Ridge Street. They hired Kimley-Horn to prepare a traffic distribution analysis which estimated approximately 575 daily trips and increasing the number of units barely changed the number of trips and there was a reduction in average daily trips during the peak hours. Travis Fluitt with Kimley-Horn recommended a stop sign at the intersection of East Delaware Avenue and Youngs Road. There is not one there currently and he saw it as a safety concern but not necessarily due to the increased traffic volume of 122 daily trips.

Member Garner commented that traffic is not only generated by the residents, but also the support staff of a continuing care facility.

Mr. Koontz responded that the Shibui Gardens property would be permitted to have up to 92 multi-family units which would have a much greater impact on traffic than what is being proposed.

Maureen O'Hara, 560 E. Delaware Avenue, expressed concerns regarding commercial activity as opposed to the previous multi-family use.

Mr. Skolnick asked Mr. Koontz what was planned for that that area.

Mr. Koontz responded that size will be primarily independent assisted living.

Ms. O'Hara said she did not have a problem if they are going to maintain the same number of units with the same amount of traffic but she did have concerns about contractors, staff and volunteers and the high traffic that will be generated.

Mr. Skolnick said independent living would not require a lot of staff going in and out.

Ms. O'Hara said that would be great if the Shibui gate was for residents only to avoid having multiple maintenance carts, volunteers, staff and visitors going in and out. Runoff, construction noise and construction vehicles parking on Ridge Street were also her concerns.

Member Garner inquired about the use of the two new large buildings on the concept plan.

Mr. Bornhorst responded they would be apartments.

Mr. Skolnick asked how many residents they anticipated in Section E of the concept plan.

Chip Cromartie with Penick responded that the plan is conceptual at this point and will require a Preliminary Development Plan before that section can be developed, but it could be 74 – 78 residences on the Shibui side.

Ms. O'Hara said there were previous 17 buildings that were a combination of duplexes, triplexes and quadplexes for a total of 42 apartments.

Ms. Garner said a developer could purchase the Shibui parcel they could put 92 units in there the way it is currently zoned.

Mr. Grieve responded that may be mathematically correct but it is rare that you would fit the maximum number of units on the property due to the infrastructure that would be required.

Chair Walden closed the public hearing.

Monica Brickey made a motion, seconded by Andrew Speck, that after reviewing the proposed Conceptual Development Plan and considering the criteria for approval of a Planned Development District found in UDO §2.18.4(H), the requested Conceptual Development Plan is generally consistent with the 2040 Comprehensive Plan, except for the Horse Country Character District, for the reasons set forth in Attachment "A" of staff report for PD-02-25.

And further, that the following other matters were considered by the Planning Board and shall be added to Attachment A by Town staff as part of the Planning Board's written recommendations to the Town Council: traffic, construction noise, construction parking and construction traffic, and also that a 30' setback with a 20' landscape buffer be shown in the CDP; and therefore, to recommend approval of PD-02-25 to the Town Council. The motion carried by a vote of 7 to 0.

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PUBLIC HEARING:

**Z-04-25: Request to Rezone One Parcel Located on N. Hardin Street from Residential Single Family (RS-1) to Residential Multi-Family Conditional Zoning District (RM-1CD)**

Tony Fairley, authorized agent for Sandhills Community Action Program Inc., submitted a request to rezone a single parcel from RS-1 to RM-1CD (Conditional Zoning District) to allow for the development of two structures with two dwelling units each, on a 0.23-acre parcel. According to Moore County tax records, the subject parcel is identified as PIN 858213134257 (PARID 00040522) and is owned by Sandhills Community Action Program Inc.

Jennifer Garner stated that she handled the real estate closing for the subject property but the file had been closed. No member of the Board had an objection.

Chair Walden opened the public hearing.

Mason Mattox provided an overview of the application accompanied by a slide presentation and stated that Planning staff recommended adding a condition that the permitted land use be limited to two family (double or duplex) units. Currently, duplexes are permitted in RS-1 zoning only with a Conditional Zoning but staff found the RM-1 zoning district to be more appropriate. Duplexes and townhouses are allowed by right in the RM-1 zoning district without a Conditional Zoning but conditions will provide some level of relief and flexibility from various development standards.

The applicant has proposed a condition that the property may be subdivided into four (4) lots, subject to all applicable subdivision regulations if the application is approved.

Another proposed condition would abolish the minimum lot size requirement, which is currently 10,000 SF in the RM-1 zoning district. Staff is comfortable with removing this requirement entirely to achieve higher density in the area.

The application complies with the maximum height and setback regulations, but it does not comply with the additional property area for each additional dwelling unit or the minimum 45' lot width requirement.

The applicant has volunteered to provide a 10' wide undisturbed buffer along the three exterior sides of the parcel not adjacent to N. Hardin Street. This would retain all trees within that area that are 6" or greater in diameter.

The applicant has also volunteered the architectural elevations, which are the Anthem Series Sugar Run style. The same architecture was approved for the Fairley I project that is also on Hardin Street. The structures would be prefabricated and permanently affixed to the ground. Parking in front of the units, with two parking spaces per dwelling unit, are proposed.

Mr. Fairley stated that the units will have three bedrooms and two bathrooms.

Parking in front of the units is proposed, with two spaces per dwelling unit.

Watershed allocation will need to be granted for the duplexes to be constructed. Impervious surface is limited to 24% without the allocation and the applicant is proposing just under 30% total impervious surface. The Town encourages watershed allocation in areas that are supported by the Comprehensive Plan as being areas for infill development. The project addresses several policies within the Comprehensive Plan, such as missing middle housing, infill development in certain character districts, such as West Southern Pines, and housing diversity.

Tony Fairley thanked Planning staff for their assistance with the project. He stated that this project will provide the opportunity for someone to become a first-time owner. The property will be divided into four lots, with one half of each duplex being on a separate lot and may be sold. The quality of pre-fabricated homes is the same as stick-built homes but the cost is lower. Therefore, they can be rented or sold at a lower price.

Member Skolnick inquired about the size and projected rent for each unit.

Mr. Fairley responded 1,050 SF per unit.

Ms. Nina Walker with Sandhills Community Action stated that the monthly rent will most likely be close to \$1,000.00. She said the ultimate goal is to sell them to the residents who live in them.

BJ Grieve stated that they want them to have the ability to subdivide and convey a lot and half of a duplex. A duplex may be rented but single-family attached is required in order to be conveyed.

Member Garner asked with the manufactured home aspect, if there is a fire wall that meets the standard to be able to convert them to a townhome or are they built to be duplexes.

Mr. Fairley responded they will be on a crawl space and built to be completely separate from foundation to ceiling.

Chair Walden closed the public hearing.

Kim Wade made a motion, seconded by Monica Brickey 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, the proposed amendments are consistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment 1 of staff report Z-04-25.

And therefore, to recommend approval of Z-04-25 to the Town Council with the conditions on the RS-1 Conditional Zoning District as submitted by the applicant and as modified by staff to include duplexes and the conditions that there be no minimum lot width or lot area requirement. The motion carried by a vote of 7-0.

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PUBLIC HEARING:

**OA-02-25: Proposed UDO Text Amendments**

The Town of Southern Pines Planning Department proposed to amend multiple sections of the Unified Development Ordinance (UDO) related to the regulation of signs. This includes UDO §2.41, §4.6 and the definitions in Chapter 9. Regulations that are based on the content of signs are being revised because the content of signs is protected as free speech. The proposed revisions will ensure the UDO only restricts signage based on time, manner and place. The proposed amendments help to implement Policies 3.2, 3.11 and 7.4 in the Town's 2040 Comprehensive Plan.

Additionally, the Engineering Department is proposing to amend Appendix B of the UDO. The proposed amendments remove many of the Certification and Permit forms in Chapter 9 of Appendix B because the forms are administrative in nature and are not required to be in the UDO. The Utility Closeout Documentation Checklist and the Engineering Site Plan Closeout Documentation Checklist will remain in Chapter 9 of Appendix B.

Chair Walden opened the public hearing.

Planning Director B.J. Grieve stated that the reason for the changes to the sign regulations was that the sign code had too many code-based regulations.

Chair Walden closed the public hearing.

Andrew Speck made a motion, seconded by Jason Scribner, that after reviewing the proposed text amendments to the UDO and considering the criteria for approval of text amendments found in UDO §2.17.10, the proposed amendments are consistent with the Comprehensive Plan for the reasons set forth in Attachment A of staff report OA-02-25; and therefore, I recommend approval of OA-02-25 to the Town Council. The motion carried by a vote of 6-0.

UNFINISHED BUSINESS:

No unfinished business was discussed.

NEW BUSINESS:

Mr. Grieve stated that draft Rules of Procedure would be on the agenda in August.

Monica Brickey made a motion, which was seconded by Michael Skolnick, to adjourn the meeting. The motion carried.

The meeting adjourned at 8:40 PM.

Respectfully submitted:

Cindy Williams  
Secretary to the Planning Board

An audio recording of the meeting is available upon request.

DRAFT

## **Agenda Item**

**To:** Planning Board

**From:** BJ Grieve, Planning Director

**Subject:** OA-03-25: Various Text Amendments To the Unified Development Ordinance (UDO).

**Date:** August 21, 2025

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

The Town of Southern Pines Planning Department is proposing to amend the Unified Development Ordinance (UDO) with text amendments covering three main topics. The planning staff is requesting Planning Board and Town Council review and approval per UDO §2.17. The proposed amendments are as follows, with reference to applicable section(s) of the UDO:

1. Amend UDO §2.18.3(C) and (D) related to the process for amending existing Planned Development (PD) - Conceptual Development Plans (CDP). Under the proposed change of text, an application to amend an existing CDP will no longer require the signature of every landowner within the CDP unless the proposed amendment constitutes a down-zoning under North Carolina law. The proposed change of text will require that all landowners be notified of a Neighborhood Meeting prior to submittal of the proposed amendment. A legislative public hearing will still be required by both the Planning Board and Town Council prior to a Town Council decision on any amendments to a CDP.
2. Amend UDO Exhibit 3-1 to correct a typographical error in the Minimum Rear Setback of the Rural Estate (RE) zoning district. The minimum rear setback is 30' and Exhibit 3-1 mistakenly lists 15' for the minimum rear setback.
3. Amend UDO §8.11 to clarify that a landowner and/or applicant is welcome to attend meetings of the Technical Review Committee (TRC) because these meetings are open to the public.

The specific text of each proposed amendment, along with margin comments providing additional explanation and staff analysis of each change may be found in the attachments to this staff report. Planning staff will also present the proposed changes at the public hearing on August 21, 2025.

### **II. APPLICATION REVIEW:**

#### **A. Review Process:**

Applications for text amendments are reviewed pursuant to UDO §2.17.

**B. Criteria for Review:**

When reviewing an application for amendments to the text of the UDO, the hearing bodies (Planning Board followed by Town Council) shall consider and be guided by the following criteria, as set forth in UDO §2.17.10:

***2.17.10. Criteria for UDO Text Amendments***

*In its review of an application for a UDO text amendment, the Hearing Bodies shall consider the following criteria. No single factor is controlling; instead, each must be weighed in relation to the other standards.*

- (A) **Consistency.** The text amendment shall be consistent with the adopted Comprehensive Plan.*
- (B) **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 cultural places and areas.*
- (C) **Public Policy.** Certain public policies in favor of the text amendment may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with the Town, area, neighborhood, or specific plans.*
- (D) **Other Factors.** The Hearing Body may consider any other factors relevant to a text amendment application under state law.*
- (E) **Impacts.** The Hearing Bodies shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed amendment on the public at large.*

**C. Staff Comments:**

The proposed amendments to the UDO are depicted on a copy of the UDO that is attached to this staff report using **strikeouts** for proposed deletions and **underline** for proposed additions. Only the sections being amended are attached. Margin comments that explain the reason for each proposed amendment are also included. Planning staff is available during regular business hours prior to the Planning Board public hearing on August 21, 2025 for questions and/or to discuss any of the proposed amendments. Each topic will be presented to the Planning Board and public at the August 21, 2025 Planning Board Regular meeting.

The Planning Board’s primary role when reviewing proposed amendments to the UDO is to advise and comment on whether the proposed amendments are consistent with the Comprehensive Plan. The Town of Southern Pines 2040 Comprehensive Plan (Comp Plan) establishes a vision to help guide growth for the next decade. Zoning is adopted (and amended from time to time) in order to implement the vision contained in the plan. In at least one instance, the Comp Plan calls for changes to an existing Planned Development (Knollwood) to actually increase the number of approved residential units from 195 to 414.<sup>1</sup> The Comp Plan calls for this change

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<sup>1</sup> Town of Southern Pines 2040 Comprehensive Plan, page 146.



in order to maximize efficiency by locating more future growth in areas where approved development and existing infrastructure already exists. The Comp Plan also calls for infill development and prioritizes redevelopment in some areas of the planning jurisdiction in order to help prevent sprawl into areas that have been designated as special to the community (such as Horse Country or existing parks and open spaces).

The Comp Plan is written and adopted with the acknowledgement that circumstances related to growth and development change over time. Policy 2.3 states that the town should review and revise town documents, including zoning, to implement the recommendations contained in the plan. The ability to *apply* to amend an existing Planned Development without first collecting the signature of every landowner (some of whom may withhold signature due to various motivations) at least allows a transparent amendment process to occur and for the proposed change to be evaluated for consistency with the Comp Plan and based on the merits of the situation. The zoning amendment process is set forth in both North Carolina General Statute as well as in the UDO and includes written notice to surrounding landowners and public hearings before both the Planning Board and the Town Council.

If, for example, a proposed amendment is determined after the public process to be inconsistent with the Comp Plan, and/or primarily for the private benefit of one or a small number of landowners at the expense of the broader community, then the Town Council may deny the application. If, however, a proposed amendment is determined to be consistent with the Comp Plan and to be of value to both the applicant as well as to the public (and issues raised during the review process can be mitigated) then it may be approved. The ability for this process to occur is consistent with the flexible use of the Comp Plan to guide future growth. It therefore seems reasonable to conclude that the ability for landowners to apply to amend a Planned Development, and to have the application evaluated and carefully considered by following the public review process, is consistent with the Comp Plan. Furthermore, the addition of a requirement for a Neighborhood Meeting to be held prior to an application for amendment to an existing Planned Development is consistent with Initiative #3 in the “Top Ten Initiatives” of the Comp Plan.<sup>2</sup>

<sup>2</sup> Town of Southern Pines 2040 Comprehensive Plan, page 8.

The other proposed amendments to fix the rear setback typo in Exhibit 3-1 and to clarify that TRC meetings are open to the public (and are not by invitation only) are technical corrections that are intended to increase the clarity, consistency and defensibility of the UDO. Having clear, accurate and legally defensible regulatory documents to implement the Comp Plan is certainly consistent with multiple policy statements in the plan.

**D. Outside Agency Comments:**

A request for comment was emailed to representatives from the Regional Land Use Advisory Commission (RLUAC), North Carolina Department of Transportation (NCDOT), U.S. Fish and Wildlife Service, Moore County Airport and representatives of the Town of Southern Pines on August 6, 2025.

As of the completion of the staff report on August 14, 2025 responses have been received from NCDOT and RLUAC stating they have no comments. No other comments have been received. Any responses received from agencies following completion of this staff report but prior to the Planning Board public hearing will be provided verbally at the hearing.

**III. ATTACHMENTS:**

1. Draft Planning Board Resolution to Adopt a Written Recommendation
2. Sections of the current UDO with proposed amendments, using ~~strikeout~~ for proposed deletions and underline for proposed additions.

**IV. PLANNING BOARD ACTION:**

The Planning Board shall consider the criteria for text amendments found in UDO §2.17.10, including consistency with the Comprehensive. Per North Carolina General Statute 160D-604(d), prior to consideration of the proposed text amendments by the Town Council, the Planning Board shall advise and comment on whether the proposed amendments are consistent with the Comprehensive Plan. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendments by the Town Council.

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

**I move that after reviewing the proposed text amendments to the UDO and considering the criteria for approval of text amendments found in UDO §2.17.10:**

- 1. The proposed amendments are consistent with the Comprehensive Plan for the reasons set forth in Attachment A of staff report OA-03-25;**

2. The proposed amendments are consistent with the Comprehensive Plan for the reasons set forth in Attachment A of staff report OA-03-25 and as revised by the Planning Board as follows;
3. The proposed amendments are inconsistent with the Comprehensive Plan for the reasons set forth in Attachment A of staff report OA-03-25 as revised by the Planning Board as follows;

**And, therefore, I move to:**

- 1. Recommend approval of OA-03-25 to the Town Council.**
2. Recommend approval of OA-03-25 to the Town Council with the following changes:
3. Recommend denial of OA-03-25 to the Town Council.



**ATTACHMENT A**

**PLANNING BOARD  
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION  
FOR ORDINANCE AMENDMENT APPLICATION  
OA-03-25**

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

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

**WHEREAS**, the Planning Board conducted a duly-noticed public hearing during a meeting held on August 21, 2025 to listen to public comments, ask questions of the Town’s Planning staff and to consider ordinance amendment application OA-03-25.

**NOW, THEREFORE BE IT RESOLVED** that the Planning Board finds and recommends to the Town Council that the revisions to the Unified Development Ordinance (UDO) that have been prepared by town staff are reasonable, in the public interest and are consistent with the Town of Southern Pines Comprehensive Plan (Comprehensive Plan).

The Comprehensive Plan is written and adopted with the acknowledgement that circumstances related to growth and development change over time. Policy 2.3 states that the town should review and revise town documents, including zoning, to implement the recommendations contained in the plan. The ability to apply to amend an existing Planned Development without first collecting the signature of every landowner at least allows a transparent amendment process to occur and for the proposed change to be evaluated for consistency with the Comp Plan and based on the merits of the situation. The Planning Board therefore concludes that the proposed amendments to UDO §2.18.3 to give any landowners the ability to at least apply to amend a Planned Development are consistent with the Comp Plan. Furthermore, the addition of a requirement for a Neighborhood Meeting prior to filing an application to amend an existing Planned Development is consistent with Initiative #3 in the “Top Ten Initiatives” of the 2040 Comprehensive Plan.

The proposed amendments to fix the rear setback typo in Exhibit 3-1 and to clarify in UDO §8.11(C) that TRC meetings are open to the public (and are not by invitation only) are technical corrections that are intended to increase the clarity, consistency and defensibility of the UDO. Having clear, accurate and legally defensible regulatory documents to implement the Comp Plan is certainly consistent with multiple policy statements in the plan.

Therefore, the proposed text amendments are reasonable and in the public interest and consistent with the 2040 Comprehensive Plan.

**ADOPTED** this the 21<sup>st</sup> day of August, 2025.

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Matthew Walden, Chairman

**ATTEST:**

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Cindy Williams  
Secretary to the Planning Board

# Southern Pines Unified Development Ordinance

Adopted October 8, 2013  
Edits through May 13, 2025  
Includes G.S. 160D Revisions

**DRAFT showing OA-02-25 Proposed Text Amendments**

information specified in Appendix A as well as a text document establishing those standards that deviate from this UDO. In the course of evaluating the proposed use, the Hearing Body may request additional information deemed appropriate to provide a complete analysis of the proposal.

- (F) The Council may approve the reclassification of property to a Conditional Zoning district only upon determining that the proposed use will either meet all standards and requirements in these regulations that are applicable to the proposed use or will establish and meet unique standards created by the Conditional Zoning district that assure the consistency of the Development with the Comprehensive Plan and surrounding properties.
- (G) In approving a petition for the reclassification of property to a Conditional Zoning district, the petitioner, Planning Board and the Council may propose specific conditions to approval of the petition, but only those conditions approved by the Council and consented to by the petitioner in writing may be incorporated into the Conditional Zoning district.
- (H) If a petition is approved under this section, the district that is established, the approved petition and all conditions that have been attached to the approval are binding on the property as an amendment to these regulations and 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 and Site Plan shall be allowed on the subject property. Any Development in the district shall comply with all provisions of and conditions to the approved petition and Site Plan.
- (I) Following the approval of the application for a Conditional Zoning district, the subject property shall be identified on the Zoning Map by the appropriate district designation. A Conditional Zoning district shall be identified by the same designation as the underlying general zoning district followed by the letters "CD" (for example, RS-1 CD).
- (J) Amendments to the site plan or standards for development in a Conditional Zoning district shall be considered pursuant to Section 2.8.4 of this Ordinance.

- (K) The Planning Director shall periodically examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval. If the Planning Director determines that construction has not commenced or is not in accordance with the approved petition and conditions, the Planning Director shall either initiate a reclassification of the property in accordance with the procedures established in this section or shall forward a report to the Council recommending that the property be classified to another district.

*(Ord. #1775; Ord. #1919; Ord. #3031)*

#### **2.17.12. Effect of Approval**

Approval of a map amendment entitles the property owner to use the property in accordance with the standards of the applicable zoning district. The approval of an amendment to the UDO text or Zoning Map does not authorize the use, occupancy, or Development of property until the Applicant receives necessary Development Approvals, such as Subdivision, Site Plan and Building permit approval.

#### **2.17.13. Recording Procedures**

When the amendment involves changes to the existing zoning district boundaries, the form of the amending ordinance shall contain a narrative description of the land to be reclassified or reference to an accompanying plat of such land showing the new zoning classifications and indicating their boundaries. The Planning Director shall refer to the attested ordinance as a record of the current zoning status until such time as the Zoning Map can be changed.

### **2.18. PLANNED DEVELOPMENT**

#### **2.18.1. Purpose**

The purpose of this section is to establish procedures and review criteria for the establishment of Planned Development (PD) districts that comply with the purposes and standards established in section 3.5.14. Exempt or Minor Subdivision may be approved, but no Building permits shall be issued prior to Final Development Plan approval within a PD district, except for single-family detached Dwelling Units on a single Parcel.

*(Ord. # 1716; Ord. #1703)*

**2.18.2. Approval Process Overview**

The general approval process for the creation of a PD involves concurrent Zoning Map amendments and Subdivision of land. Because most PDs involve a mix of uses and the application of flexible development standards that deviate from the specific standards in other zoning districts, many applications will involve approval of Site Plans that must receive Architectural Compliance Permits. The process summarized in Exhibit 2-7 identifies the steps involved in a typical PD creation. Actual process may vary based on the complexity of the proposed Development.

**Exhibit 2-7: Approval Process Summary**

<b>Planned Development Process</b>
<b>Pre-application Conference</b> (required)
<b>Neighborhood Meeting</b> (required)
<b>Conceptual Development Plan</b>
<b>Preliminary Development Plan</b> (includes Preliminary Plat, conceptual Site Plan and contingent zoning approval)
<b>Engineering Plans</b>
<b>Improvement Guarantees and Development Agreement</b> (optional steps contingent on the Applicant's proposed phasing and improvements plans)
<b>Final Development Plan</b> (includes final zoning approval and may include Final Plat approval)

(Ord. #1703; Ord. #1716)

**2.18.3. Initiation**

- (A) **Pre-Application Conference Required.** Before any application is made, the Applicant shall schedule a pre-application conference with the Planning Director to discuss the procedures and requirements for a PD request pursuant to these regulations.
- (B) **Application Filing.** The application shall be filed with the Planning Director, shall describe the proposed Development and shall include a complete

application for the Conceptual Development Plan in accordance with Appendix A of this UDO.

- (C) **Ownership and Division of Land.** No Tract of land may be considered for a Planned Development (PD) district unless such Tract is under single or unified ownership or control. If listed in several ownerships, the application for the creation ~~or amendment~~ of a PD shall be accompanied by each landowner's written consent. The holder of a written option to purchase or a Developer under contract shall be considered an owner for purposes of this section provided the landowner's (or landowners') written consent is included with the application.

Any owner of a tract of land located within an existing PD may initiate a request for an amendment, unless such amendment would violate the rights of owners of subdivided lots to amenities shown on a recorded plat. In order to comply with G.S. §160D-601(d), no amendment that down-zones property shall be initiated without the written consent of all property owners whose property is the subject of the down-zoning amendment.

(Ord. #2052)

- (D) **Neighborhood Meeting Required.** The Applicant is required to conduct a Neighborhood information meeting in accordance with section 2.15 of this UDO. For amendments to Conceptual Development Plans, all property owners within the existing Conceptual Development Plan area shall be notified of the Neighborhood information meeting. The meeting shall be conducted prior to submittal of the Conceptual Development Plan application.

- (E) **Joint Work Session (Optional).** At the Developer's request, or at the recommendation of the Planning Director, a Joint Work Session of the Town Council and Planning Board may be held by the Town to provide an opportunity for the Developer to present Conceptual Development Plans and respond to any initial questions that members of the Town Council and Planning Board might have regarding the proposed PD.

(Ord. #1703)

**Commented [BG1]:** Presently PD zoning can't be amended unless all landowners consent in writing to the application. This has created situations where existing landowner's interests in requirements of the PD were protected, but it has also created situations where one or a small number of landowner's refusal to sign an application prevented the public process to even consider the change based on the merits. It has also occurred where one or a small number of landowners have used the power of this requirement to negotiate benefits to the potential detriment of the overall public interest. This change to the text is being proposed in order to allow changes to Planned Developments to at least get a public hearing and be considered based on the criteria for a zoning amendment.

**Commented [BG2]:** This additional requirement is an acknowledgement that all landowners within a PD should at least be aware that an amendment is being proposed and should be notified before the application is submitted for review, regardless of how far their property is away from the impacted area(s) of the PD.

**3.5. CONVENTIONAL ZONING DISTRICTS**

- (4) Discourage traditional urban Development uses that require major utility extensions and street improvements.

**3.5.1. RE – Rural Estate**

**(A) Purpose**

The **RE** district is established as a district in which the Principal Use of land is for low-density residential purposes and for horse farms, horse stables and related activity purposes. The regulations of this district are intended to:

- (1) Preserve the existing scale of the low-density residential and agricultural character of Development in the area referred to as "Horse Country";
- (2) Discourage the conventional Subdivision of existing large Tracts into small Building Lots;
- (3) Preserve existing horse farms and agricultural uses; and

**(B) Authorized Uses**

The uses authorized by section 3.7 of this UDO may be established in accordance with the provisions of this UDO, including, but not limited to the procedures established in chapter 2, the zoning district standards of this chapter, and the design standards of chapter 4.

**(C) District Use Standards**

Standards for specific uses and Development Patterns authorized in this district are established in chapters 5 and 6.

**(D) District Development Standards**

Dimensional standards are summarized in Exhibit 3-1. Section cross-references identify the location of additional dimensional standards and rules for their application. Additional district Development standards are established in chapter 4 of this UDO.

**Exhibit 3-1: Summary of RE Development Standards**

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	35'	4.2.1	<p>Letters match dimension in design element column</p>
Minimum Front Setback from Right-of-Way (dimension A)	40'	4.2.2	
Minimum Front Setback from centerline (dimension B)	70'	4.2.2	
Minimum Side Setback, Exterior from Right-of-Way (dimension C)	15'	4.2.2	
Minimum Side Setback, Exterior from centerline (dimension D)	45'	4.2.2	
Minimum Side Setback, Interior (dimension E)	15'	4.2.2	
Minimum Rear Setback (dimension F)	15'-30'	4.2.2	
Minimum Lot Width (dimension G)	100'	4.2.3	
Minimum Lot Size	5 acres	4.2.3	

**Commented [BG3]:** If you look at all the other zoning districts, the rear setbacks are consistently 30' and Exhibit 4-1 below shows the rear setback as 30' in RE zoning. So this appears to be an old typo that the planning staff recently found.

Southern Pines Unified Development Ordinance

- (C) No action shall be taken to litigate any matter arising from any application for Development Approval, or under the enforcement of this UDO without express approval of the Town Council upon recommendation of the Town Attorney.;
- (D) Make recommendations to the Town Council, Planning Board, the Board of Zoning Adjustment and other Town Councils and commissions as directed by the Town Manager regarding amendments to of this UDO, the Official Zoning Map, the Comprehensive Plan and the Capital Improvements Program;
- (E) Accept applications for Development Approval; certify the completeness of submitted applications with the requirements of these regulations; review and prepare staff reports recommending approval, approval with conditions or denial of applications for amendments to the Comprehensive Plan, amendments to the Future Land Use Map, amendments to the text of this UDO and all Legislative and Quasi-judicial applications;
- (F) Accept applications for, review, and approve, approve with conditions or deny, applications for all administrative Development Approvals which the Planning Director is authorized to issue;
- (G) Monitor Development projects to ensure compliance with conditions of a Development Approval;
- (H) Facilitate the creation and adoption of special area, corridor, Neighborhood and floodplain plans;
- (I) Monitor and assist in the enforcement of this UDO;
- (J) Review all floodplain Development Approval applications to ensure that the provisions of this UDO will be met;
- (K) Review Development applications to ensure that all necessary permits, licenses, franchises and approvals have been obtained from federal, state, local governmental districts, public and private utilities and other public agencies; the amount and applicability of administrative and consulting fees, the administrative enforcement of the UDO, the adequacy of security

Amended

5-13-25

Chapter 8. Administration

- instruments and escrow deposits and issuance of administrative Development Approvals, subject to appeal to the Planning Board;
- (L) Serve as the chair of the TRC;
  - (M) Maintain a record of all permits, appeals, variances, certificates, reviews and such other transactions and correspondence pertaining to the administration of this UDO;
  - (N) Oversee code enforcement and responsibilities related to ensuring compliance with the UDO, notification of violations, ordering actions on violations and keeping records of related activities; and
  - (O) Such other responsibilities as may be assigned by the Town Manager. *(Ord. #1919)*

**8.10. TOWN ENGINEER**

The Town Engineer shall be designated by the Town Manager, and shall perform the following duties:

- (A) Serve as a member of the TRC;
- (B) Assist the Planning Director with Development review responsibilities for conformance with this UDO and make written recommendations;
- (C) Review Development Agreements for conformance with this UDO and determine the amount of the letter of credit, cash escrow or surety bond required for the construction of public improvements;
- (D) Review and approve, approve with conditions, or deny applications for Engineering Plan approval;
- (E) Inspect public improvements and recommend appropriate action;
- (F) Decide on all sidewalk waivers; and
- (G) Such other responsibilities as may be assigned by the Town Manager.

**8.11. TECHNICAL REVIEW COMMITTEE**

- (A) There is hereby established a Technical Review Committee (TRC).

8-4

## Southern Pines Unified Development Ordinance

- (B) The TRC shall serve as a Review and Recommending Body, assisting the Town Manager, Planning Director, Town Council, Planning Board and other bodies where appropriate, with the review of applications for Development Approval. The TRC shall provide advice and recommendations on environmental, planning, fiscal, design, engineering, transportation, utility, geo-hydrological, water availability, sustainability, environmental and technical issues, and to assess the comments and reports of reviewing Town departments, regional, state and federal agencies and officials, owner/Applicants and other interested parties with standing.
- (C) The TRC shall meet at the request of the Town Manager or Planning Director. ~~An owner/Applicant may be invited to attend meetings of the TRC only at the discretion of the Town Manager or Planning Director.~~
- (D) The TRC shall make recommendations to the Town Manager, Planning Director, Town Council, Planning Board and other bodies for approval, conditional approval or denial of applications for Development Approval.
- (E) In addition to members of the TRC specifically required in this UDO, additional members may be appointed by the Town Manager or Planning Director, including but not limited to representatives from Fire, Police, Public Services, Planning, Code Enforcement and Utilities. In addition and as appropriate, the TRC may include, for a specific Development Approval application, representatives of other jurisdictions or service providers, including but not limited to representatives from the Sheriff, fire districts, school districts, other municipalities, county, public and private utilities, assessment or public improvement districts and regional, state or federal agencies.

### 8.12. TOWN COUNCIL

The Town Council shall have the responsibilities set forth in this UDO as well as all powers and duties conferred upon it by State Law. The Town Council shall have the following powers and duties:

- (A) Initiate legislative amendments to the Comprehensive Plan, an area, community, or historic district plan.

## Chapter 8. Administration

- (B) Initiate legislative amendments to the text and map of this UDO after a recommendation from the Planning Board.
- (C) Except where a final Development Approval has been authorized to be issued by the Planning Board, to approve, approve with conditions or deny specific property owner applications for Development Approvals, including but not limited to establishment of planned Development districts, overlay zone district classifications or rezoning.  
*(Ord. #1714; Ord. # 1716)*
- (D) Approve Development agreements.
- (E) Legislatively adopt and amend an Official Map and CIP.
- (F) Legislatively establish assessment and public improvement districts and public utilities.
- (G) Legislatively establish and amend schedules for administrative and consultant fees, dedications, other exactions and security instruments, including but not limited to bonds, letters of credit and cash escrow deposits, for payment and performance of obligations;
- (H) Initiate litigation and seek equitable and legal remedies to enforce violations of this UDO, Development agreements and the terms and conditions of Development Approval and take such any other actions, including the settlement of actions, as is authorized by this UDO, other ordinances, regulations and statutes;
- (I) Take such other action not expressly delegated exclusively to any other agency or official by this UDO as Town Council may deem desirable and necessary to implement the provisions of this UDO and the Comprehensive Plan.
- (J) Appoint members of the Planning Board and other boards and commissions that it may create.
- (K) Delegate to the Planning Board the power, authority, jurisdiction and duty to enforce and carry out the provisions of law relating to planning, platting and zoning as it has delegated to the Planning Board in this UDO; as well as

**Commented [BG4]:** The TRC is created by ordinance, therefore according to the Town Attorney is a public body. Allowing an owner/applicant to attend by invitation only isn't cool.

## **Agenda Item**

**To:** Planning Board

**Via:** BJ Grieve, Planning Director

**From:** James Broadwell, Planner II

**Subject:** Z-05-25: Request to Rezone Four Adjoining Parcels Situated Between Clark Street and Midlothian Drive from RM-2 to RM-1CD.

**Date:** August 21, 2025

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

Trevor Hansen of Koontz Jones Design PLLC, on behalf of Moore HL Properties Inc., has submitted a request to rezone four parcels in between SW Service Road and S Hale Street from Office/Service (OS) to Residential Mixed Housing-1 Conditional District (RM-1CD) with proposed conditions. They have also submitted a Major Subdivision Preliminary Plat application, subsequent to this rezoning application, to subdivide 1.52 acres of land into 16 single-family attached lots and one common area lot—totaling 17 lots.

### **II. PROJECT INFORMATION**

**A. Physical Addresses**  
510 Clark Street  
PARID: 00032727

**B. Property Owner/Applicant**  
Travis Greene  
Moore HL Properties,  
Inc.  
55 Walnut Creek Rd  
Pinehurst, NC 28374

**C. Authorized Agent**  
Trevor Hansen  
Koontz Jones Design,  
PLLC/V3  
140 Applecross Rd, Ste B  
Pinehurst, NC 28374

**D. Existing Zoning**

The subject property is presently zoned Residential Mixed Housing-2 (RM-2) and is within the High-Quality Watershed (see figure 1 below). A prior Major Subdivision application for the Clark Street Townhomes site, MAPP-02-24, was approved by the Town Council in October 2024. As part of the approval, a Watershed Protection Permit was granted for this site; for that reason, another 5/70 exemption will not be necessary to accompany this proposed Conditional Zoning District.

**Figure 1. Zoning Vicinity Map** (Subject Property Outlined in Orange).



**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 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 areas.

*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. New development should consider “missing middle” home choices—such as duplexes, quadplexes, townhomes, or cottage

courts. New neighborhoods should also include a connected network of open space throughout the site. The “Map Category Crosswalk” is shown on the 2040 Comprehensive Plan pages 62 to 63, which includes RM-1 as an appropriate rezoning category.

*Character District Map Designation: Suburban Settlements.* The Suburban Settlements Character District comprises a wide variety of suburban-style development, including shopping areas, single-family neighborhoods, and apartment complexes. The character district does not necessarily possess attributes that are unique to Southern Pines or represent distinct elements that future development should emulate. For that reason, new development in Suburban Settlements should look to the wider Comprehensive Plan for guidance when crafting design. Development should prioritize natural character preservation, infill development, mix-of-uses, “missing-middle housing,” buildings of varying heights, and pedestrian infrastructure.

#### **F. Applicant’s Proposed Zoning District and Conditions**

The development is intended to be a townhome community with shared common areas owned by a homeowners’ association. The applicant’s rezoning request is to Residential Mixed Housing-1 Conditional District (RM-1CD), with RM-1 being the town’s highest-density mixed residential option. The applicant’s narrative proposes 16 single-family attached units (LBCS 1112).

Since receiving the application, staff convened in a TRC meeting on August 5, 2025 to review the proposed conditions and site plan, corresponded with the applicant about the proposed design, and recommended adjustments to achieve the best overall outcome. The applicant’s proposed 15 conditions can be found in attachment 7 and in figure 2 below:

**Figure 2. Applicant Provided List of Conditions.**

**Development Standards (Deviations from RM-1 Standards)**

1. Land uses shall be limited to LBCS 1112 single-family attached residences.
2. There shall be no minimum lot size.
3. Single-family attached townhome lots 5-11 with attached garages shall have a minimum 20' front setback, 10' exterior side setback, 5' interior side setback, and 15' rear setback.
4. Single-family attached townhome lots 1-4 and 12-16 with detached garages and/or surface parking shall have a minimum 15' front setback, 10' exterior side setback, 10' interior side setback, and 15' rear setback.
5. Surface parking and detached garages may encroach up to 15' into the 20' landscape buffer along the eastern property boundary.

**Architecture**

6. Single-family attached townhomes will generally reflect the architectural style shown in the included elevation exhibits. The single-family attached townhomes shall incorporate depth and variety in articulation, design appearance, and color. Bump outs, porches, changing roof directions, variations in roofline, and/or design characteristics that achieve commensurate depth in design may be used to accomplish this standard.

**Streets and Access**

7. Entrance to the site shall be provided by a shared private driveway through the project site, connecting Clark St and Midlothian Dr.
8. The shared private drive shall have a 20' minimum width.
9. The shared private drive shall serve as the main construction entrance for the site during construction. Construction traffic shall not be allowed onto Clark St or Midlothian Dr except for the installation of critical project elements that require work on the street.

**Garages and Parking**

10. Lots 1-4 and 12-16 shall provide a maximum of two (2) parking spaces per unit as either two (2) surface parking spaces, or one (1) surface parking space and one (1) detached-garage space. (See alternate site plan labeled, "External Garage Option.")

### Landscape Buffers

11. The west side yard buffer shall be 10' in width and be allowed to meander outside of the required buffer widths to obtain required calculations. The meandering planting layout will not reduce the required calculations of a 10' wide landscape buffer, per the Town's buffer requirement, section 4.3.4.
12. The east side yard buffer shall be 20' in width and be allowed to meander outside of the required buffer widths to obtain required calculations. The meandering planting layout will not reduce the required calculations of a 20' wide landscape buffer, per the Town's buffer requirement, section 4.3.4.

### Stormwater

13. Stormwater management for the site shall meet pre/post requirements and be conducted via a combination of rain gardens, depressions, bioswales, underground cisterns, and/or retention ponds on each lot, within the common open space, or a combination of the two.

### Existing Mature Tree Preservation

14. All existing trees, 6-inch diameter and greater, shall be retained within the subject property that do not interfere with the following project elements:
  - a. Building footprints
  - b. Vehicular access alleys, driveways, and parking spaces
  - c. Utility installation
  - d. Essential site grading
    - Trees identified by the developer and confirmed by Town Staff during site plan review as necessary for removal due to one of the approved reasons noted above may be removed.
    - Trees identified by the developer as unhealthy and at risk of dying, to be confirmed by the Town's Arborist during site plan review, may be removed.
    - Town staff will verify tree protection fence installation for trees counting toward existing vegetation credit under UDO §4.3.13; the developer may request a reduction in tree protection fence radius if needed, and Town staff shall grant these requests if the Town Arborist finds it will not significantly affect tree health and viability.
15. All existing trees within the Clark St and Midlothian Dr right-of-way that do not interfere with project access and utility installation shall be retained and protected as is practicable considering utility placement, grading, driveway, and stormwater structures.

**Figure 3. Imagery of the Subject Property (Facing North).**



Figure 4. Site Plan for the Proposed Z-05-25 Design, “Clark Street Townhomes.”



Figure 5. Site Plan for the Proposed Z-05-25 Design, “Clark Street Townhomes” – “External Garage Option” (See Condition #10)



**III. STAFF REVIEW**

**Application Review Dates**

- Pre-Application Meeting: **June 24, 2025**
- Application Submitted: **July 14, 2025**
- Application Deemed Complete: **July 16, 2025**
- Updated Materials Submitted: **August 8, 2025**
- Updated Materials Submitted: **August 11, 2025**
- Technical Review Committee Meeting: **August 5, 2025**
- Planning Board Public Hearing Notice
- Publication: **August 6 and 13, 2025**
- Mail: **July 29, 2025**
- Signage: **July 31, 2025**
- Internet: **July 29, 2025**
- Planning Board Public Hearing: **April 21, 2025**

**1. Process and Standards of Review**

UDO §2.17.9<sup>1</sup>, Criteria for Zoning Map Amendments, and UDO §2.17.11, Conditional Zoning Districts, cover the procedures for review and approval of a Conditional Zoning District. The criteria for compliance with a Zoning Map Amendment are found in UDO §2.17.9 and apply to the review and approval of this Conditional Zoning District.

Additionally, UDO §2.17.11(G) notes that *“in approving a petition for the reclassification of property to a Conditional Zoning district, the petitioner, Planning Board and the Council may propose specific conditions to approval of the petition, but only those conditions approved by the Council and consented to by the petitioner in writing may be incorporated into the Conditional Zoning district.”*

**2. Compliance with UDO §2.17.9, Zoning Map Amendment Criteria.**

A Conditional Zoning District may only be permitted if the applicant demonstrates consistency with the following eight criteria (A through H). Below are staff comments regarding the applicant’s consistency with each:

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

**Missing-Middle Housing.** See “2040 Comprehensive Plan designation for General Framework, Conservation and Development, and Character Districts” above for more information. The Clark Street and Midlothian Drive area is anticipated to

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<sup>1</sup> When reviewing an application for rezoning, the hearing bodies (Planning Board and Town Council) shall consider the criteria as set forth in UDO §2.17.9. Furthermore, additional standards are expected of a Conditional Zoning District—a reclassification of property subject to specific conditions that ensure compatibility of the use with the use and enjoyment of neighboring properties—such as the one being proposed by the applicant. Conditional zoning is voluntary.

provide traditional and missing-middle housing on varying lot sizes that include connected networks of open space sensitive to the uses, densities, location, and character of surrounding areas. The proposed Conditional Zoning District allows for 16 units of single-family attached housing, which is a higher density than the immediate surroundings, but still consistent with the wider district area; these uses at the proposed density are consistent with Comprehensive Plan policies 7.1 and 7.5—support housing diversity and workforce housing in the community.

**Tree Preservation.** The project also aims to maximize tree preservation throughout the site, as a significant number of mature trees are present, especially within the side buffer areas and along Clark Street and Midlothian Drive (see figures 3 and 6). The applicant’s condition #14 (see figure 2 above) will retain all trees, 6-inch diameter and larger, that do not interfere with building footprints, vehicular access and parking, utility installation, and essential site grading. Trees along Clark Street, in the buffers, and in the open space should be prioritized for preservation. This condition well aligns with Comprehensive Plan policies 4.9 and 4.10—preserve natural character and minimize tree loss during development.

**Figure 6. Mature Trees Along Clark Street, Midlothian Drive, and Internal to the Site.**





**Side Buffers.** The subject property is located in between RS-1 zoning to the west, which requires a 10-foot buffer, and General Business zoning to the east, which requires a 20' buffer. As seen in figures 3 and 6, a large number of mature trees exist within or near to the buffers, and should be retained everywhere possible to be consistent with Criteria A and E, and Comprehensive Plan policies 4.9 and 4.10. The proposed conditions request, and the site plan shows, parking spaces that encroach into the 20' eastern side buffer. Staff find this deviation, pursuant to UDO §4.3.8, to be reasonable because the adjustment allows for the retaining of more mature trees on the southern end of the property. Moreover, the buffer area (marked in green) extends wider than 20' in other places and the buffer planting rate will remain consistent with UDO standards set in §4.3.4. The applicant's conditions #11 and 12 accurately reflect these specifications.

In conclusion, given the plan's consistency with Comprehensive Plan policies 7.1, 7.5, 4.9, and 4.10, staff assess that the development plan is consistent with the Comprehensive Plan, and therefore, §2.17.9 criteria A and E.

*(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.*

**Lot Dimensional Standards.** The applicant has proposed reduced lot and dimensional standards from the RM-1 base standards; they are:

- No minimum lot sizes
- **Units 5-11 setbacks:** 20' (front), 10' (exterior side), 5' (interior side), and 15' (rear).
- **Units 1-4 and 12-16 setbacks:** 15' (front), 10' (exterior side), 10' (interior side), and 15' (rear).

Though the proposed density for this development is greater than the surrounding area, staff do not assess that it presents a health or safety issue, as all buildings will maintain a minimum separation of 10 feet. Moreover, the 20-foot access easement ensures proper fire and emergency access to all of the proposed units.

**Architectural Design.** The applicant has provided renderings of the proposed townhomes (see figure 7 below and attachment 9). Additionally, in condition #6, more specific architectural standards are provided; the condition requires general consistency with the provided renderings, building articulation, and depth in design. With this added condition, staff assess the development design will conform well to this Southern Pines neighborhood.

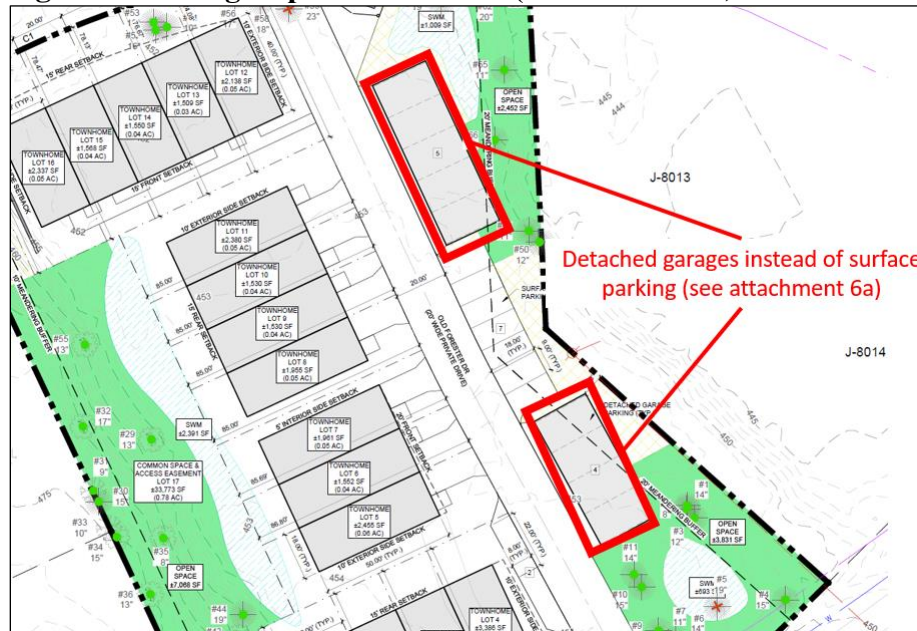
**Figure 7. Applicant-Provided Architectural Renderings.**



**Parking and the “Garage Option” Site Plan.** The site will be accessed via a 20’ right-of-way (Old Forester Drive); parking requirements will be met with surface spaces and one attached garage each for units 5-11 according to the site plan (see attachment 6).

However, the applicant has proposed that units 1-4 and 12-16 will have the option of employing one surface parking space and one detached garage per unit (see figure 8 and condition #11) or employing only surface parking; an alternate site plan known as the “garage option” has been provided as attachment 6a. After staff recommended adjusting the “garage option” site plan to not take out any additional trees compared to the primary site plan, the applicant adjusted the layout. Now that this adjustment has been made, staff do not find any issues with either site plan or approving the two site plan options.

**Figure 8. “Garage Option” Site Plan (Attachment 6a).**



**Stormwater Control.** The subject property’s topography shows that stormwater will drain generally from west to east across the property. Before connecting to existing stormwater infrastructure along Clark Street, the applicant has shown they’ll first meet stormwater control requirements via a combination of rain gardens, depressions, bioswales, underground cisterns, and/or a small retention pond. Given the creative stormwater control design and existing system the site will connect to, staff do not find that stormwater will pose an adverse impact to neighboring lands.

By sufficiently addressing dimensional standards, vehicular access, and stormwater control, staff do not find any significant adverse impacts on neighboring lands; furthermore, staff find the inclusion of a commitment to quality architecture will bolster this development’s consistency with its surroundings. Therefore, the application is consistent with this criterion.

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

The site currently is zoned RM-2, which permits a mixture of uses and residence types at the rate of 5-7 units per acre. Considering the location, character district, proximity to downtown, and vicinity zoning, staff find that the site is suitable as currently zoned for small-scale development within RM-2 zoning parameters; however, it is unsuitable as currently zoned to achieve a development product and

density that optimizes existing conditions, quality design, Comprehensive Plan policy priorities, and community character. Therefore, the application is consistent with this criterion in that it attains a vision and housing density (of 10.53 units per acre) that balances the forenamed variables associated with this site.

*(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.*

**Construction Traffic.** To mitigate any noise or disturbances nearby neighbors may experience, the applicant has included condition #9. The condition directs all construction traffic to use the shared 20' private drive during construction, and that Clark Street and Midlothian Drive may only be parked on when directly installing project elements in those locations on the north and south side.

Based on the application materials and staff analysis of the subject property and surrounding areas, staff find that health, safety, and welfare concerns have been properly addressed. The applicant's demonstrated effort to preserve natural character also aligns well with the preservation element of this criterion. Refining technical details will be addressed during site plan review with the Technical Review Committee to ensure compliance with all applicable ordinances. Therefore, staff find that the application is consistent with this criterion.

*(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 Conditional Zoning application applies to four existing parcels, totaling approximately 1.52-acres. Staff find that the size of the tract is suitable for the proposed development plan. RM-1 zoning calls for 10-12 units per acre, and this development proposes a rate of 10.53 units per acre.

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

Staff have found that all relevant and notable factors to this proposed Conditional Zoning District have been sufficiently addressed by the other criteria under UDO §2.17.9.

*(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 on this rezoning application, and for the subsequent Major Subdivision Preliminary Plat, was emailed to agencies on July 29, 2025. Agencies notified include the Town of Southern Pines Streets, Public Works, Utilities, Fire, Recreation and Parks, and Engineering departments, the Regional Land Use Advisory Commission (RLUAC), the United States Fish and Wildlife Services (USFWS), the Moore County Airport, and the North Carolina Department of Transportation (NCDOT). Staff have received the following comments since:

- On August 11, 2025, NCDOT replied noting that the proposed 20' alley would need a driveway and right-of-way encroachment permit, otherwise no major concerns were noted.
- On August 11, 2025, the Fort Bragg Regional Land Use Advisory Commission (RLUAC) provided a review letter noting the importance of limiting impervious surface on the site, as it is within the high-quality watershed. Since the site already has a 5/70 exemption allocation, this concern has already been addressed.

The initial application was discussed with members of the Technical Review Committee (TRC) on August 5, 2025. The TRC noted a few minor issues that needed adjusting; topics included the “garage option” layout, the architectural condition, and the variation in buffer width; planning staff followed up with the applicant to recommend changes to their conditions list and site plan. The applicant subsequently submitted additional and revised materials on August 8 and 11, 2025. Any additional applicant, agency, or public comments received following this staff report’s publication, but prior to the public hearing, will be shared during staff’s presentation.

### **4. Staff Comment Recommendation**

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

Staff recommend that the hearing bodies approve, with the applicant's proposed site plans and conditions as written, the Residential Mixed Housing-1 Conditional District (RM-1CD), as shown in attachments 5, 6, 6a, and 7.

#### IV. ATTACHMENTS

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

1. Draft Planning Board Resolution to Adopt a Written Recommendation on the Proposed Conditional Zoning District.
2. Application
3. Agent Authorization
4. Adjacent Properties
5. Existing Conditions
6. Site Plan | 6a. Site Plan (external garage option)
7. Applicant's List of Conditions
8. Narrative
9. Architectural Elevations
10. Draft Covenants (HOA Documents)

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

#### V. PLANNING BOARD ACTION – File # Z-05-25

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

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

\* \* \*

**I move that after reviewing the proposed Conditional Zoning District and after considering the criteria for approval of zoning map amendments found in UDO §2.17.9:**

1. **The proposed amendment to the Town of Southern Pines Zoning Map is reasonable, in the public interest, and consistent with the criteria set forth in the Town of Southern Pines Unified Development Ordinance §2.17.9. The**

**application is also consistent with the 2040 Comprehensive Plan for reasons set forth in Attachment A to the staff report.**

2. The proposed amendment to the Town of Southern Pines Zoning Map is reasonable, in the public interest, and generally consistent with the criteria set forth in the Town of Southern Pines Unified Development Ordinance §2.17.9. The application is also generally consistent with the 2040 Comprehensive Plan for reasons set forth in Attachment A to the staff report. However, the following inconsistencies within the proposed conditions and/or site plan are present and prevent the application from fully complying with the rezoning criteria under UDO §2.17.9 and/or the 2040 Comprehensive Plan:

- a.

-OR-

3. The requested rezoning is inconsistent with the criteria set forth in the Southern Pines Unified Development Ordinance §2.17.9 and/or the 2040 Comprehensive Plan and is not a reasonable request for the following reasons:

- a.

**And, therefore, I move to:**

1. **Recommend approval of Z-05-25 to the Town Council with the conditions as submitted by the applicant for the RM-1 Conditional Zoning District.**

-OR-

2. Recommend approval of Z-05-25 to the Town Council, subject to a revised conditions list and/or site plan that addresses the issues identified by the planning board and listed in Attachment 1.

-OR-

3. Recommend denial of Z-05-25 to the Town Council.



**ATTACHMENT A**

**PLANNING BOARD  
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION  
FOR ZONING MAP AMENDMENT APPLICATION  
Z-05-25**

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

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

**WHEREAS**, the Planning Board has reviewed the proposed zoning map amendment—which includes the written staff report and application materials showing the proposed district boundaries, and has conducted a public hearing on August 21, 2025, to listen to public comments, ask questions of the Town’s planning staff, and consider zoning map amendment application #Z-05-25.

**NOW, THEREFORE BE IT RESOLVED** that the Planning Board finds and recommends to the Town Council that the proposed amendment to the Town of Southern Pines Zoning Map is generally reasonable, in the public interest, and consistent with the criteria set forth in the Town of Southern Pines Unified Development Ordinance §2.17.9. The Planning Board recommends that the Town Council approve the zoning map amendment request with the Applicant’s 15 conditions for the four subject parcels located between Clark Street and Midlothian Drive identified as Parcel Identification Number 00032727, totaling 1.52-acres.

This area of Clark Street and Midlothian Drive is considered a Neighborhood area to be enhanced and is anticipated to provide different home types (i.e., missing middle housing) on different lot sizes with a connected network of open space. Proposed development should be sensitive to the uses, densities, location, character, and views from surrounding homes and neighborhoods. The proposed conditional zoning district would allow for 16 single-family attached dwellings (LBCS code 1112) at a density generally greater than the surrounding area, which is consistent with policy 7.1, “support housing diversity in the community.” The applicant is proposing diligent mature tree preservation measures through the conditions, which is consistent with policies 4.9 and 4.10, “preserve natural character and minimize tree loss during development.”

For these reasons, the application and the applicant's proposed conditions for a RM-1 Conditional Zoning District are generally consistent with the 2040 Comprehensive Plan's vision.

The Planning Board recommends the Town Council adopt this zoning amendment, file # Z-05-25, which rezones the properties from RM-2 to RM-1CD (Conditional Zoning District) with the conditions submitted by the applicant and attached to the planning department's staff report.

**ADOPTED** this the 21<sup>st</sup> day of August, 2025.

---

Matthew Walden, Chairperson

**ATTEST:**

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Cindy Williams  
Secretary to the Planning Board

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**REQUIRED APPLICATION MATERIALS:**

- Application fee** in the amount of **\$1,500.00**.
- Completed Application** for a Conditional Zoning District, signed by the applicant. Please make sure that all information is provided and correct.
- Deeds**, to provide proof of ownership and legal property boundaries.
- Appointment of Agent**, if applicable, signed by the property owner(s). This gives someone the authority to represent the property owner during the rezoning process.
- List of Adjacent Property Owners**: Please list all properties that are within two hundred (200) feet of the outermost boundaries of the subject property, not counting streets, railroads or other transportation corridors. Attach additional pages if needed. No fewer than ten (10) property owners shall be notified by mail.
- Survey -OR- Metes and Bounds Description** of the subject property or properties.
- Narrative**, describing how the zoning amendment meets criteria listed in Unified Development Ordinance (UDO) §2.17.9 Criteria for Zoning Map Amendments. See Attachment A.
- List of Conditions**, being offered by the applicant to ensure consistency of the proposed zoning amendment with the 2040 Comprehensive Plan. See Attachment B.
- 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 PROCESS:**

1. **Staff review**: Planning staff will review the application and notify the applicant if additional materials are needed.
2. **Public hearings**: The applicant is expected to attend a public hearing on the application held by the Planning Board, followed by a public hearing held by the Town Council the following month. (Please refer to the [Application Processing Timeline](#) document online to determine application deadlines and hearing dates.) The Planning Board will recommend approval, conditional approval or denial to the Town Council. The Town Council will consider that recommendation, as well as all information presented, and approve, conditionally approve or deny the rezoning request.
3. **Approval**: The approval of a Conditional Zoning District does not authorize the use, occupancy, or development of property until the applicant receives necessary additional development approvals, such as subdivision, site plan and building permits. (UDO §2.17.12)



## Conditional Zoning District Application

Fee: \$1,500.00

Date Received: \_\_\_\_\_

Case No.: Z-\_\_\_\_-\_\_\_\_

### Project Information:

Street Address: 510 Clark St, Southern Pines, NC 28387

PIN: 858219617079 Parcel ID: 00032727

Site Size: 1.52 AC Current Zoning: RM-2

### Applicant:

Name(s): Travis Greene - Legacy Homes Construction, Inc.

Email: carolinabuilder@gmail.com Phone: 910-725-1371

Mailing Address: 415 Pinehurst Ave. Southern Pines, NC 28387

### Authorized Agent, if different from Applicant:

Name(s): Trevor Hansen - V3 Southeast P.C.

Email: thansen@v3co.com Phone: 910-684-8487

Mailing Address: 140 Applecross Rd, Pinehurst NC 28374

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

Name(s): \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

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

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

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council to approve a zoning map amendment to RM-1 - Conditional Zoning District per the requirements of the Town of Southern Pines Unified Development Ordinance (UDO) §2.17. The information included is submitted in support of this application. I grant Town of Southern Pines staff, Planning Board and Town Council access to the subject property/properties while this zoning map amendment application is under review.

Date: July 14, 2025

  
Applicant

**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)**

**APPOINTMENT OF AGENT**

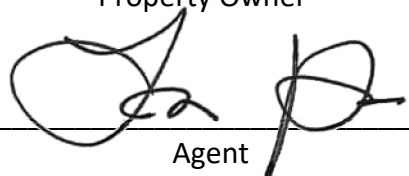
The undersigned owner(s), Legacy Homes Construction, Inc., hereby appoint(s) V3 Southeast, P.C. as the exclusive agent for the purpose of making an application to the Town of Southern Pines for approval of a **Major Subdivision Preliminary Plat** of the property described in the attached application. The owner(s) hereby agree that this agent has the authority to act for and on behalf of the owner(s) as follows:

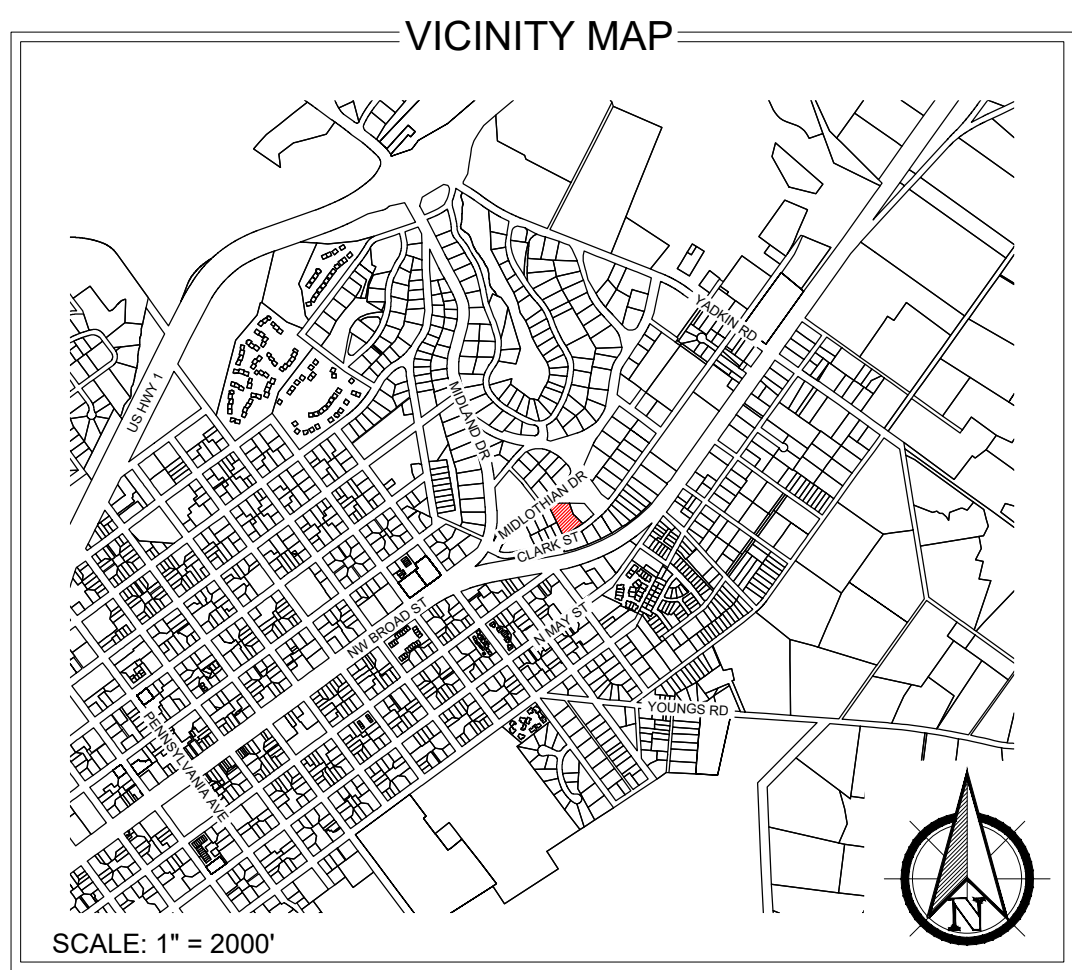
1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the approval of a Major Subdivision 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 14 day of July, 2025.

  
\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Property Owner  
  
\_\_\_\_\_  
Agent



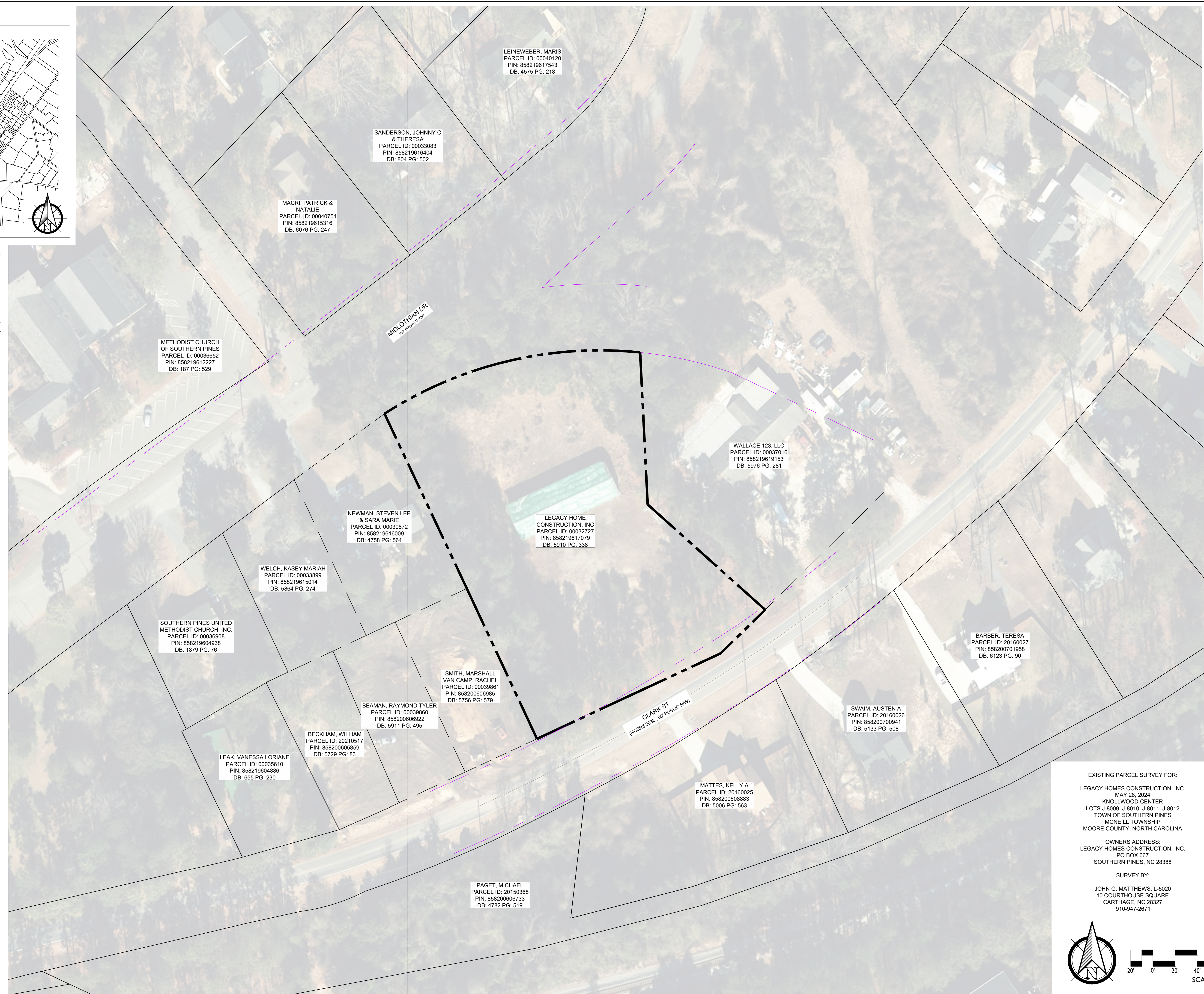
**FLOODPLAIN DATA**  
 THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X'  
 (AREAS OF MINIMAL FLOODING)  
 THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP  
 FIRM COMMUNITY  
 PANEL(S) NO: 8580 / 8582  
 MAP(S): 3710858000J / 3710858200J  
 DATE: OCTOBER 17, 2006

**ZONING INFORMATION**  
**EXISTING ZONING CLASSIFICATION:**  
 RM-2 - RESIDENTIAL MULTI-FAMILY LOW DENSITY  
**SETBACKS:**  
 FRONT: 15'  
 INTERIOR SIDE: 10'  
 EXTERIOR SIDE: 10'  
 REAR: 15'

**PROPERTY INFORMATION**  
**PROPERTY OWNER / APPLICANT:**  
 LEGACY HOMES CONSTRUCTION, INC.  
**PROPERTY ADDRESS:**  
 510 CLARK ST, SOUTHERN PINES, NC 28387  
**PARCEL ID:** 00032727  
**PIN:** 858219617079  
**DEED BOOK #:** 5910  
**DEED PAGE #:** 338

**LEGEND**  
 - - - - - = PROPERTY BOUNDARY  
 - - - - - = ADJACENT PARCELS  
 - - - - - = RIGHT OF WAY

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



LEINEWEBER, MARIS  
 PARCEL ID: 00040120  
 PIN: 858219617543  
 DB: 4575 PG: 218

SANDERSON, JOHNNY C  
 & THERESA  
 PARCEL ID: 00033083  
 PIN: 858219616404  
 DB: 804 PG: 502

MACRI, PATRICK &  
 NATALIE  
 PARCEL ID: 00040751  
 PIN: 858219615316  
 DB: 6076 PG: 247

METHODIST CHURCH  
 OF SOUTHERN PINES  
 PARCEL ID: 00036652  
 PIN: 858219612227  
 DB: 187 PG: 529

MID OTTAWA DR  
 100' PUBLIC R.O.W.

WALLACE 123, LLC  
 PARCEL ID: 00037016  
 PIN: 858219619153  
 DB: 5976 PG: 281

LEGACY HOME  
 CONSTRUCTION, INC  
 PARCEL ID: 00032727  
 PIN: 858219617079  
 DB: 5910 PG: 338

NEWMAN, STEVEN LEE  
 & SARA MARIE  
 PARCEL ID: 00039872  
 PIN: 858219616009  
 DB: 4756 PG: 564

WELCH, KASEY MARIAH  
 PARCEL ID: 00033899  
 PIN: 858219615014  
 DB: 5864 PG: 274

SOUTHERN PINES UNITED  
 METHODIST CHURCH, INC.  
 PARCEL ID: 00036908  
 PIN: 858219604938  
 DB: 1879 PG: 76

SMITH, MARSHALL  
 VAN CAMP, RACHEL  
 PARCEL ID: 00039861  
 PIN: 858200606985  
 DB: 5756 PG: 579

BARBER, TERESA  
 PARCEL ID: 20160027  
 PIN: 858200701958  
 DB: 6123 PG: 90

CLARK ST  
 NCS# 202, 60' PUBLIC R.O.W.

SWAIM, AUSTEN A  
 PARCEL ID: 20160026  
 PIN: 858200700941  
 DB: 5133 PG: 508

BEAMAN, RAYMOND TYLER  
 PARCEL ID: 00039860  
 PIN: 858200606922  
 DB: 5911 PG: 495

SMITH, MARSHALL  
 VAN CAMP, RACHEL  
 PARCEL ID: 00039861  
 PIN: 858200606985  
 DB: 5756 PG: 579

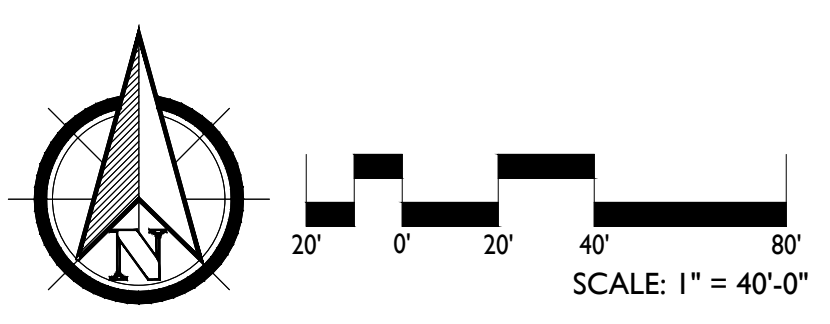
BECKHAM, WILLIAM  
 PARCEL ID: 20210517  
 PIN: 858200605859  
 DB: 5729 PG: 83

LEAK, VANESSA LORIANE  
 PARCEL ID: 00035610  
 PIN: 858219604886  
 DB: 655 PG: 230

MATTES, KELLY A  
 PARCEL ID: 20160025  
 PIN: 858200608853  
 DB: 5006 PG: 563

PAGET, MICHAEL  
 PARCEL ID: 20150368  
 PIN: 858200606733  
 DB: 4782 PG: 519

EXISTING PARCEL SURVEY FOR:  
 LEGACY HOMES CONSTRUCTION, INC.  
 MAY 28, 2024  
 KNOLLWOOD CENTER  
 LOTS J-8009, J-8010, J-8011, J-8012  
 TOWN OF SOUTHERN PINES  
 MCNEILL TOWNSHIP  
 MOORE COUNTY, NORTH CAROLINA  
 OWNERS ADDRESS:  
 LEGACY HOMES CONSTRUCTION, INC.  
 PO BOX 667  
 SOUTHERN PINES, NC 28388  
 SURVEY BY:  
 JOHN G. MATTHEWS, L-5020  
 10 COURTHOUSE SQUARE  
 CARTHAGE, NC 28327  
 910-647-2671



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

**KOONTZJONESDesign**  
 LAND PLANNING | LANDSCAPE ARCHITECTURE

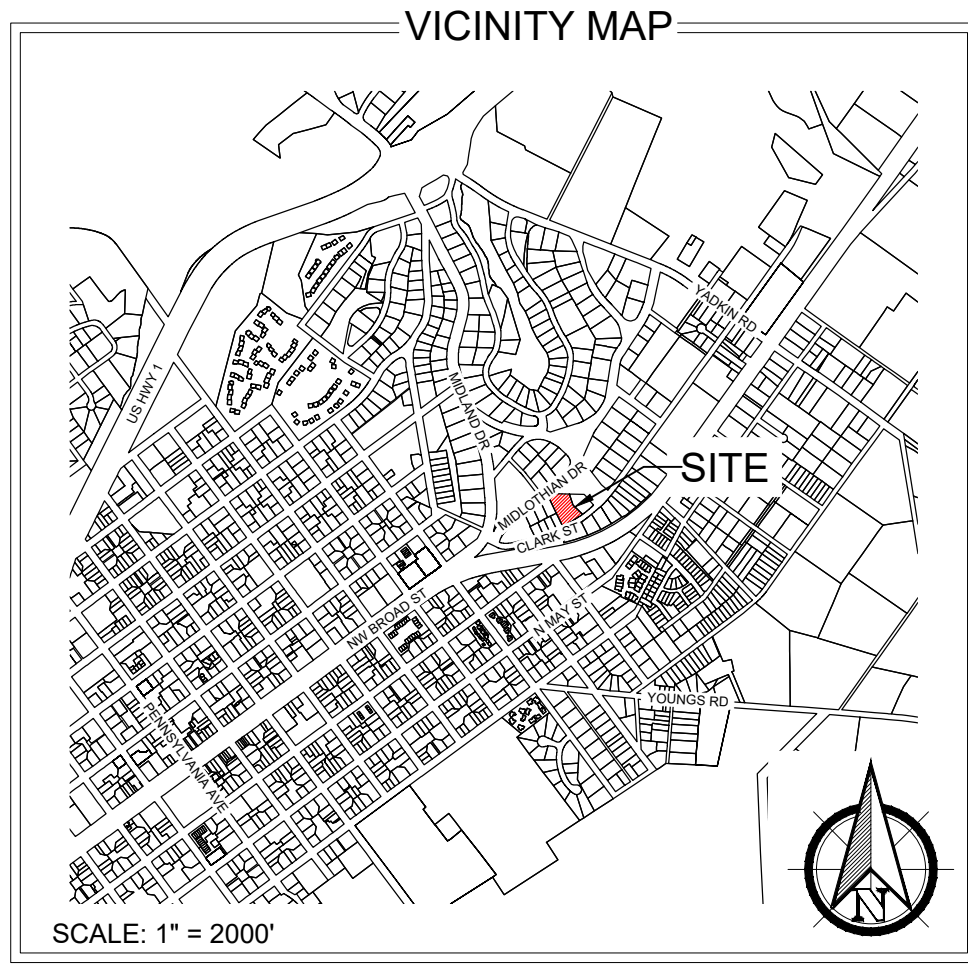
150 S PAGE STREET  
 SOUTHERN PINES, NC 28387  
 P: (910) 884-8487  
 W: www.koontzjonesdesign.com

REVISIONS:

**CLARK STREET TOWNHOMES**  
 SOUTHERN PINES, NORTH CAROLINA  
 ADJACENT PROPERTIES

DATE: 2025-07-14  
 DESIGNED BY: TWH  
 DRAWN BY: DVM  
 CHECKED BY: TWH  
 Q.C. BY: REK  
 PROJECT #: K022102  
 SHEET NUMBER:  
**L-1.2**





**FLOODPLAIN DATA**  
 THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X' (AREAS OF MINIMAL FLOODING)  
 THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY PANEL(S) NO. 8580 / 8582  
 MAP(S): 3710858000J / 3710858200J  
 DATE: OCTOBER 17, 2006

**ZONING INFORMATION**  
**PROPOSED ZONING CLASSIFICATION:**  
 CZ-RM-1 - RESIDENTIAL MIXED HOUSING  
**SETBACKS (EXTERNAL PARKING):**  
 FRONT: 15'  
 INTERIOR SIDE: 10'  
 EXTERIOR SIDE: 10'  
 REAR: 15'  
**SETBACKS (FRONT LOADED):**  
 FRONT: 20'  
 INTERIOR SIDE: 5'  
 EXTERIOR SIDE: 10'  
 REAR: 15'

**PROPERTY INFORMATION**  
**PROPERTY OWNER / APPLICANT:**  
 LEGACY HOMES CONSTRUCTION, INC.  
**PROPERTY ADDRESS:**  
 510 CLARK ST, SOUTHERN PINES, NC 28387  
**PARCEL ID:** 00032727  
**PIN:** 858219617079  
**DEED BOOK #:** 5910  
**DEED PAGE #:** 338

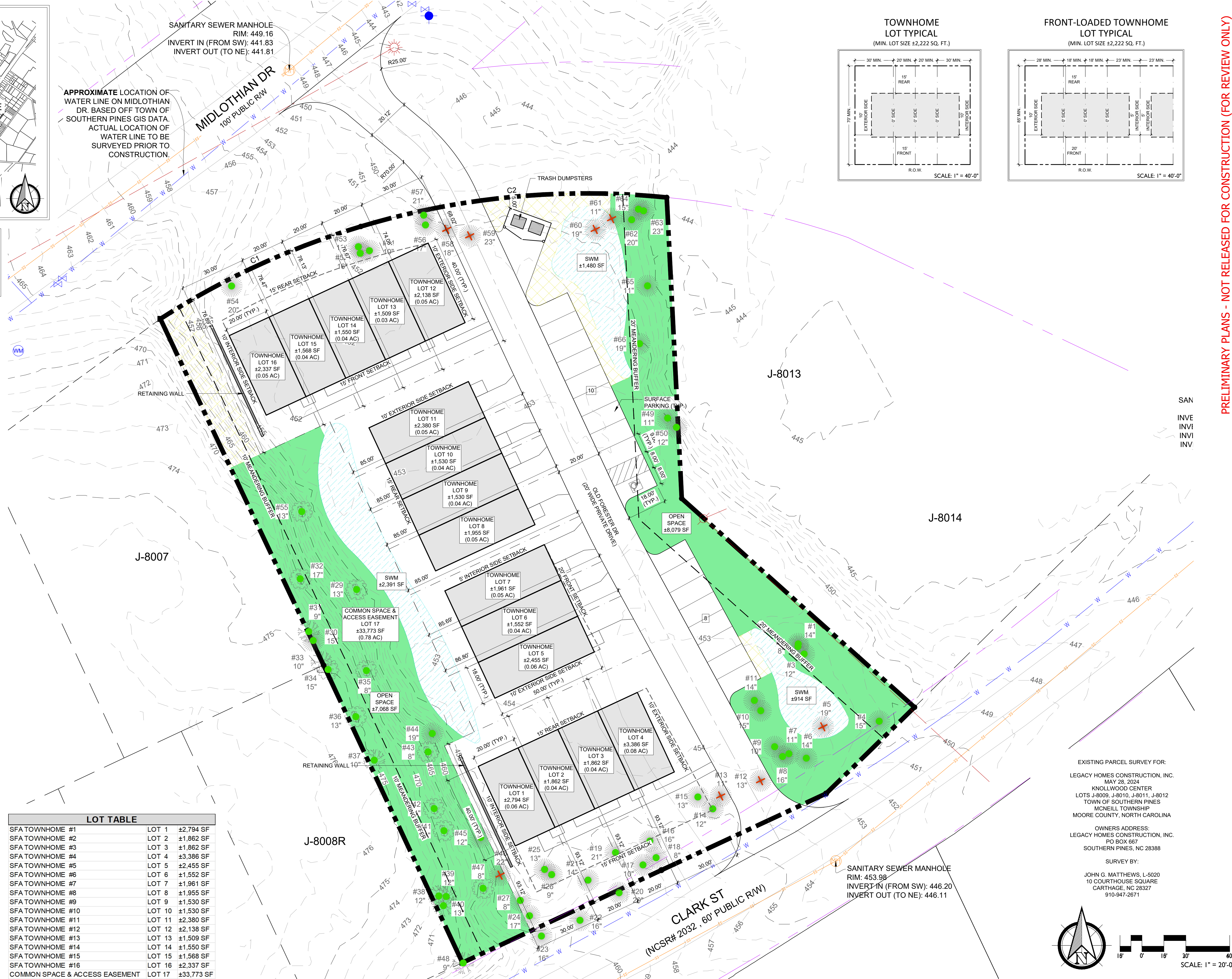
**DEVELOPMENT SUMMARY**

TOWNHOME LOTS (18' MIN. WIDTH X 85' MIN. DEPTH)	16 LOTS
COMMON SPACE & ACCESS EASEMENT	1 LOT
<b>TOTAL SITE ACREAGE:</b>	±1.52 AC 10.5 DUA
<b>TOTAL OPEN SPACE REQUIRED:</b>	6,621 SF ±0.15 AC 10.0%
<b>TOTAL OPEN SPACE PROVIDED:</b>	15,147 SF ±0.35 AC 22.9%
<b>TOTAL IMPERVIOUS SURFACE PERMITTED:</b>	94,587 SF ±2.17 AC 70.0%
<b>TOTAL IMPERVIOUS SURFACE PROPOSED:</b>	31,463 SF ±0.72 AC 47.5%
<b>PARKING REQUIREMENTS:</b> SINGLE FAMILY ATTACHED @ 2 SPACES/UNIT	
<b>TOTAL PARKING REQUIRED:</b>	32 SPACES
<b>TOTAL PARKING PROVIDED:</b>	32 SPACES

**LEGEND**

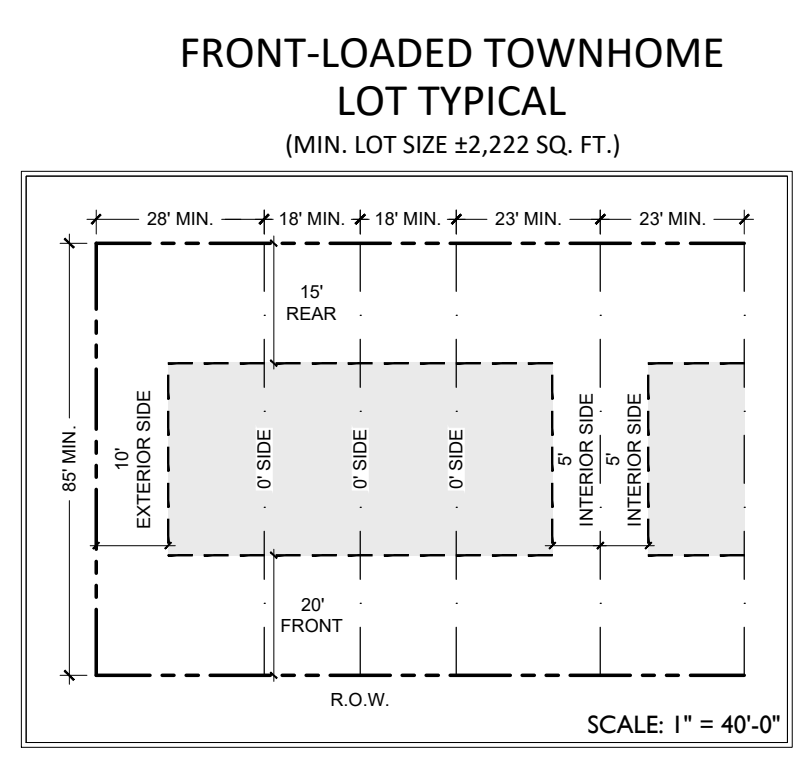
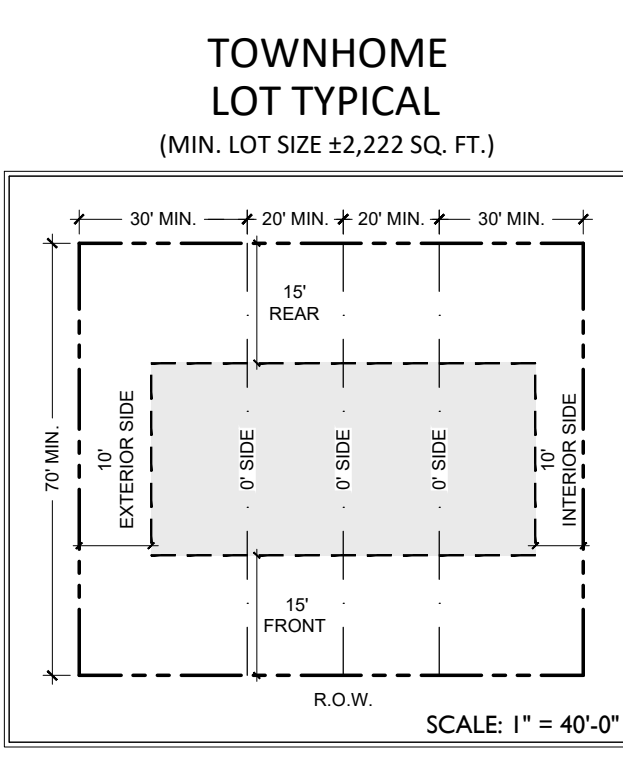
- = PROPERTY BOUNDARY
- - - = PARCEL BOUNDARY
- - - = SETBACK LINE
- - - = BUFFER LINE
- - - = BUFFER OF WAY
- - - = RIGHT OF WAY
- SS = SANITARY SEWER LINE
- W = WATER LINE
- E = ELECTRIC LINE
- - - = EXISTING MAJOR CONTOUR
- - - = EXISTING MINOR CONTOUR
- = STORMWATER POND
- = OPEN SPACE
- = COMMON AREA

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

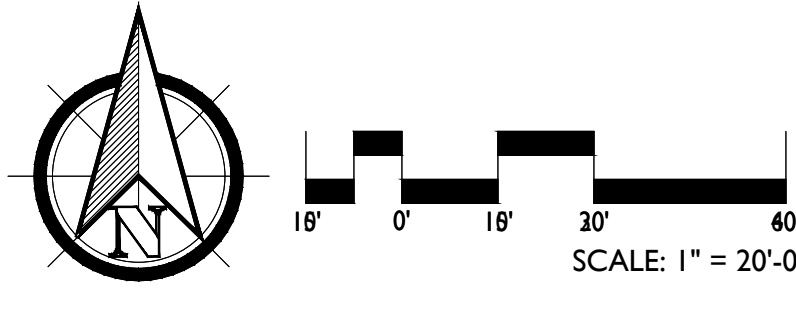


**LOT TABLE**

SFA TOWNHOME #	LOT #	SF
SFA TOWNHOME #1	LOT 1	±2,794 SF
SFA TOWNHOME #2	LOT 2	±1,862 SF
SFA TOWNHOME #3	LOT 3	±1,862 SF
SFA TOWNHOME #4	LOT 4	±3,386 SF
SFA TOWNHOME #5	LOT 5	±2,455 SF
SFA TOWNHOME #6	LOT 6	±1,552 SF
SFA TOWNHOME #7	LOT 7	±1,961 SF
SFA TOWNHOME #8	LOT 8	±1,955 SF
SFA TOWNHOME #9	LOT 9	±1,530 SF
SFA TOWNHOME #10	LOT 10	±1,530 SF
SFA TOWNHOME #11	LOT 11	±2,380 SF
SFA TOWNHOME #12	LOT 12	±2,138 SF
SFA TOWNHOME #13	LOT 13	±1,509 SF
SFA TOWNHOME #14	LOT 14	±1,550 SF
SFA TOWNHOME #15	LOT 15	±1,568 SF
SFA TOWNHOME #16	LOT 16	±2,337 SF
COMMON SPACE & ACCESS EASEMENT	LOT 17	±33,773 SF



EXISTING PARCEL SURVEY FOR:  
 LEGACY HOMES CONSTRUCTION, INC.  
 MAY 28, 2024  
 KNOLLWOOD CENTER  
 TOWN OF SOUTHERN PINES  
 MCNEILL TOWNSHIP  
 MOORE COUNTY, NORTH CAROLINA  
 OWNERS ADDRESS:  
 LEGACY HOMES CONSTRUCTION, INC.  
 PO BOX 667  
 SOUTHERN PINES, NC 28388  
 SURVEY BY:  
 JOHN G. MATTHEWS, L-5020  
 10 COURTHOUSE SQUARE  
 CARTHAGE, NC 28327  
 910-947-2671



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

**KOONTZ JONES DESIGN**

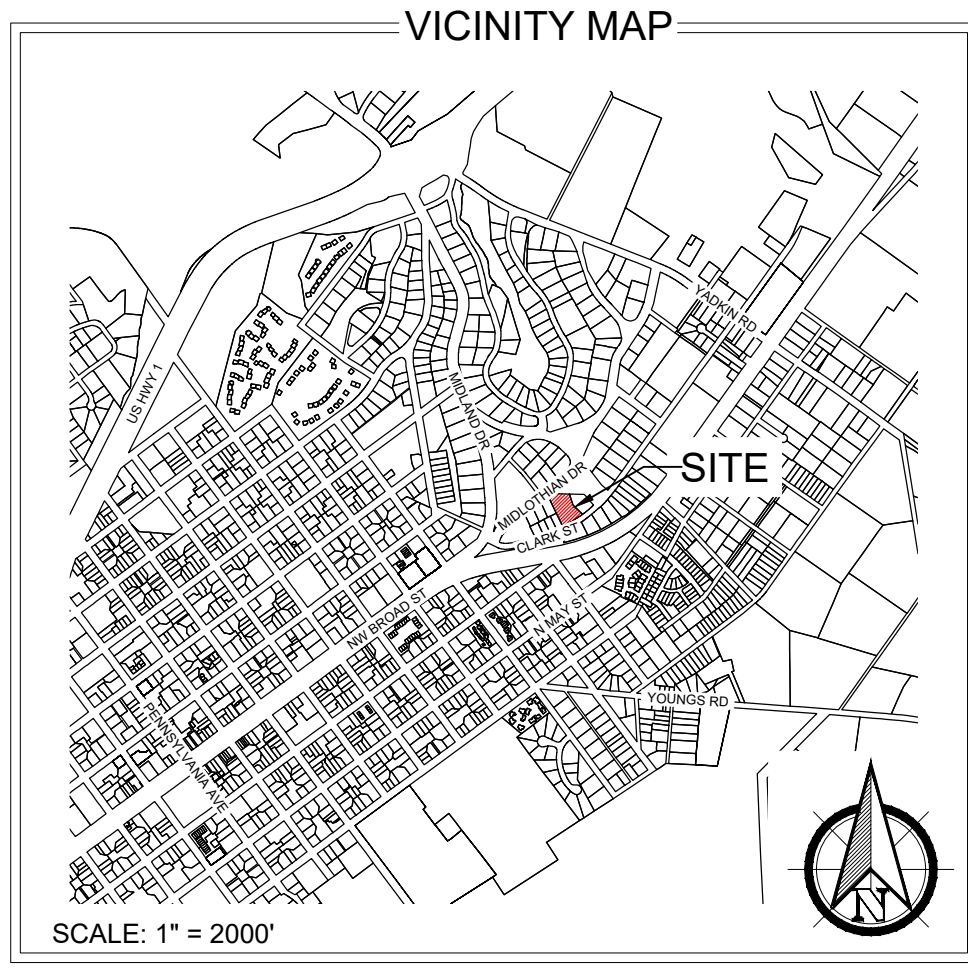
140 APPLACROSS ROAD, SUITE B  
 PINEHURST, NC 28374  
 P: (910) 884-8487  
 W: www.koontzjonesdesign.com

REVISIONS:

CLARK STREET TOWNHOMES  
 SOUTHERN PINES, NORTH CAROLINA

PRELIMINARY PLAT

DATE: 2024.08.08  
 DESIGNED BY: TWH  
 DRAWN BY: DMV  
 CHECKED BY: TWH  
 Q.C. BY: REL  
 PROJECT #: KJ022102  
 SHEET NUMBER:  
**L-1.1A**



**FLOODPLAIN DATA**  
 THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X' (AREAS OF MINIMAL FLOODING)  
 THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY PANEL(S) NO. 8580 / 8582 MAP(S): 3710858000J / 3710858200J DATE: OCTOBER 17, 2006

**ZONING INFORMATION**  
**PROPOSED ZONING CLASSIFICATION:**  
 CZ-RM-1 - RESIDENTIAL MIXED HOUSING  
**SETBACKS (EXTERNAL PARKING):**  
 FRONT: 15'  
 INTERIOR SIDE: 10'  
 EXTERIOR SIDE: 10'  
 REAR: 15'  
**SETBACKS (FRONT LOADED):**  
 FRONT: 20'  
 INTERIOR SIDE: 5'  
 EXTERIOR SIDE: 10'  
 REAR: 15'

**PROPERTY INFORMATION**  
**PROPERTY OWNER / APPLICANT:**  
 LEGACY HOMES CONSTRUCTION, INC.  
**PROPERTY ADDRESS:**  
 510 CLARK ST, SOUTHERN PINES, NC 28387  
**PARCEL ID:** 00032727  
**PIN:** 858219617079  
**DEED BOOK #:** 5910  
**DEED PAGE #:** 338

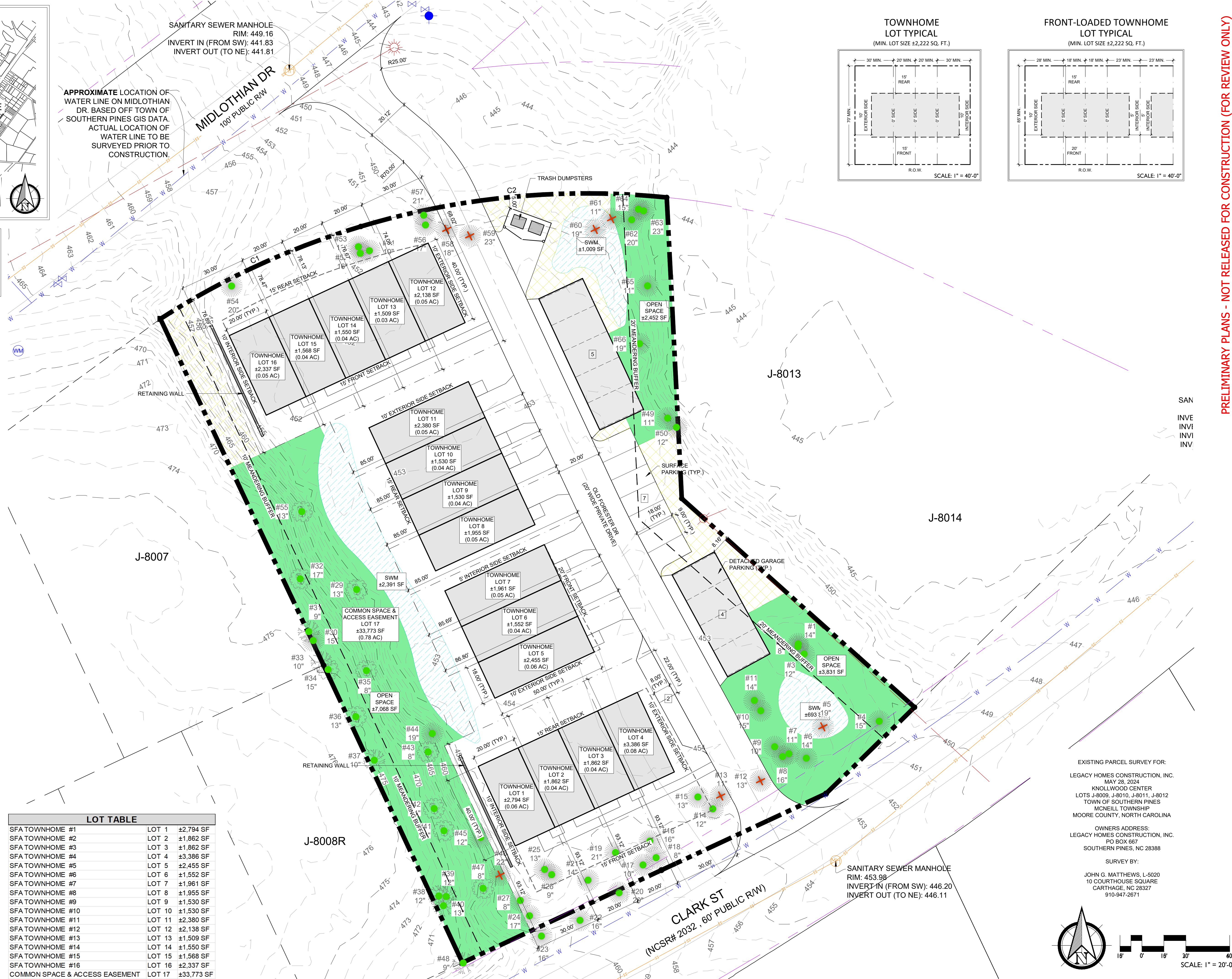
**DEVELOPMENT SUMMARY**

TOWNHOME LOTS (18' MIN. WIDTH X 85' MIN. DEPTH)	16 LOTS
COMMON SPACE & ACCESS EASEMENT	1 LOT
<b>TOTAL SITE ACREAGE:</b>	±1.52 AC 10.5 DUA
<b>TOTAL OPEN SPACE REQUIRED:</b>	6,621 SF ±0.15 AC 10.0%
<b>TOTAL OPEN SPACE PROVIDED:</b>	13,351 SF ±0.31 AC 20.2%
<b>TOTAL IMPERVIOUS SURFACE PERMITTED:</b>	94,587 SF ±2.17 AC 70.0%
<b>TOTAL IMPERVIOUS SURFACE PROPOSED:</b>	33,531 SF ±0.77 AC 50.5%
<b>PARKING REQUIREMENTS:</b> SINGLE FAMILY ATTACHED @ 2 SPACES/UNIT	
<b>TOTAL PARKING REQUIRED:</b>	32 SPACES
<b>TOTAL PARKING PROVIDED:</b>	32 SPACES

**LEGEND**

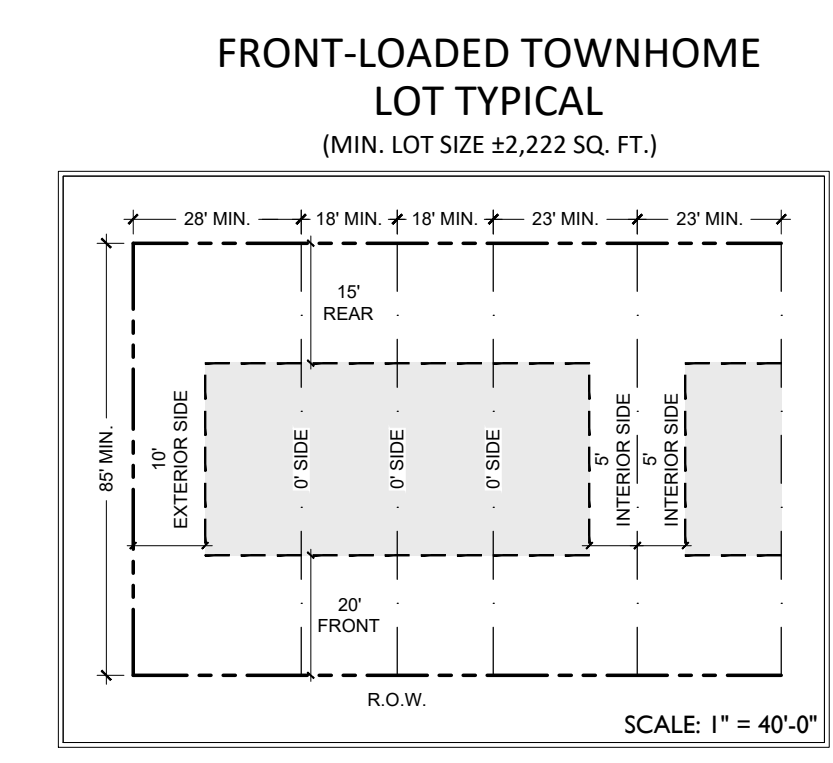
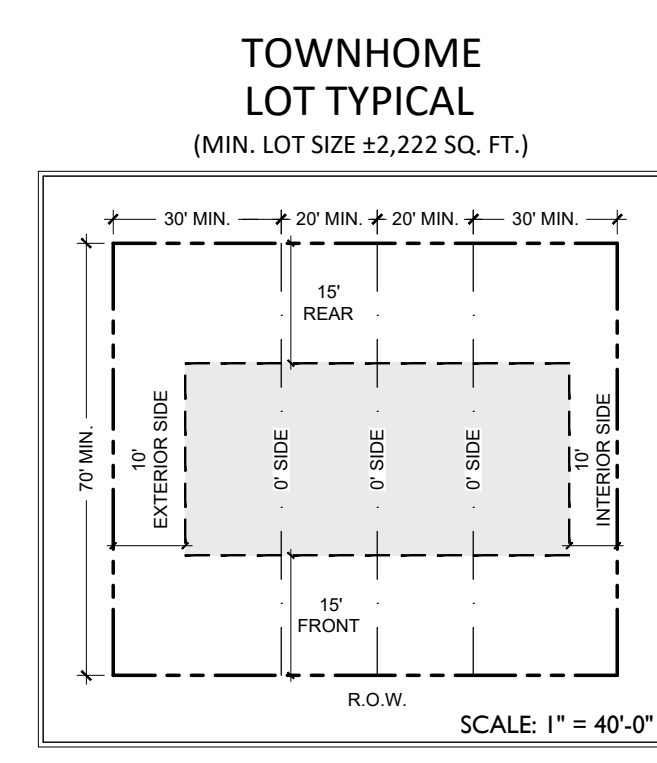
- = PROPERTY BOUNDARY
- - - = PARCEL BOUNDARY
- - - = SETBACK LINE
- - - = BUFFER LINE
- - - = BUFFER OF WAY
- - - = RIGHT OF WAY
- SS = SANITARY SEWER LINE
- W = WATER LINE
- = ELECTRIC LINE
- - - = EXISTING MAJOR CONTOUR
- - - = EXISTING MINOR CONTOUR
- - - = STORMWATER POND
- = OPEN SPACE
- = COMMON AREA

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



**LOT TABLE**

LOT	AREA (SF)
SFA TOWNHOME #1	LOT 1 ±2,794 SF
SFA TOWNHOME #2	LOT 2 ±1,862 SF
SFA TOWNHOME #3	LOT 3 ±1,862 SF
SFA TOWNHOME #4	LOT 4 ±3,386 SF
SFA TOWNHOME #5	LOT 5 ±2,455 SF
SFA TOWNHOME #6	LOT 6 ±1,552 SF
SFA TOWNHOME #7	LOT 7 ±1,961 SF
SFA TOWNHOME #8	LOT 8 ±1,955 SF
SFA TOWNHOME #9	LOT 9 ±1,530 SF
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SFA TOWNHOME #12	LOT 12 ±2,138 SF
SFA TOWNHOME #13	LOT 13 ±1,509 SF
SFA TOWNHOME #14	LOT 14 ±1,550 SF
SFA TOWNHOME #15	LOT 15 ±1,568 SF
SFA TOWNHOME #16	LOT 16 ±2,337 SF
COMMON SPACE & ACCESS EASEMENT	LOT 17 ±33,773 SF



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

**KOONTZ JONES DESIGN**

140 APPLCROSS ROAD, SUITE B  
 PINEHURST, NC 28374  
 P: (910) 884-8487  
 W: www.koontzjonesdesign.com

REVISIONS:

REVISIONS:

**CLARK STREET TOWNHOMES**  
 SOUTHERN PINES, NORTH CAROLINA

**PRELIMINARY PLAT - EXTERNAL GARAGES OPTION**

DATE: 2024.08.08  
 DESIGNED BY: TWH  
 DRAWN BY: DMV  
 CHECKED BY: TWH  
 Q.C. BY: REL  
 PROJECT #: KJ022102

SHEET NUMBER:  
**L-1.1A**

**CLARK ST TOWNHOMES CZD-RM-1  
EXHIBIT - LIST OF CONDITIONS**

**Development Standards (Deviations from RM-1 Standards)**

1. Land uses shall be limited to LBCS 1112 single-family attached residences.
2. There shall be no minimum lot size.
3. Single-family attached townhome lots 5-11 with attached garages shall have a minimum 20' front setback, 10' exterior side setback, 5' interior side setback and 15' rear setback.
4. Single-family attached townhomes lots 1-4 and 12-16 with detached garages and/or surface parking shall have a minimum 15' front setback, 10' exterior side setback, 10' interior side setback and 15' rear setback.
5. Surface parking and detached garages may encroach up to 15' into the 20' landscape buffer along the eastern property boundary.

**Architecture**

6. Single-family attached townhomes will generally reflect the architectural style shown in the included elevation Exhibits. The single-family attached townhomes shall incorporate depth and variety in articulation, design appearance, and color. Bump outs, porches, changing roof directions, variations in roofline, and/or design characteristics that achieve commensurate depth in design may be used to accomplish this standard.

**Streets and Access**

7. Entrance to the site shall be provided by a shared private driveway through the project site, connecting Clark St and Midlothian Dr.
8. The shared private drive shall have a 20' minimum width.
9. The shared private drive shall serve as the main construction entrance for the site during construction. Construction traffic shall not be allowed onto Clark St or Midlothian Dr except for the installation of critical project elements that require work on the street.

**Garages and Parking**

10. Lots 1-4 and 12-16 shall provide a maximum of two (2) parking spaces per unit as either two (2) surface parking spaces, or one (1) surface parking space and one (1) detached-garage space. (See alternate site plan labeled, "External Garage Option.")

**Landscape Buffers**

11. The west side yard buffer shall be 10' in width and be allowed to meander outside of the required buffer widths to obtain required calculations. The meandering planting layout will not reduce the required calculations of a 10' wide landscape buffer, per the Town's buffer requirements, Section 4.3.4.

12. The east side yard buffer shall be 20' in width and be allowed to meander outside of the required buffer widths to obtain required calculations. The meandering planting layout will not reduce the required calculations of a 20' wide landscape buffer, per the Town's buffer requirements, Section 4.3.4.

#### **Stormwater**

13. Stormwater management for the site shall meet pre/post requirements and be conducted via a combination of rain gardens, depressions, bioswales, underground cisterns, and/or retention ponds on each lot, within the common open space, or a combination of the two.

#### **Existing Mature Tree Preservation**

14. All existing trees, 6-inch diameter and greater shall be retained within the subject property that do not interfere with the following project elements:
  - a. Building footprints
  - b. Vehicular access alleys, driveways, and parking spaces
  - c. Utility installation
  - d. Essential site grading
  - Trees identified by the developer and confirmed by Town Staff during site plan review as necessary for removal due to one of the approved reasons noted above may be removed.
  - Trees identified by the developer as unhealthy and at risk of dying, to be confirmed by the Town's Arborist during site plan review, may be removed.
  - Town staff will verify tree protection fence installation for trees counting toward existing vegetation credit under UDO Section 4.3.13; the developer may request a reduction in tree protection fence radius if needed, and Town staff shall grant these requests if the Town Arborist finds it will not significantly affect tree health and viability.
15. All existing trees within the Clark St and Midlothian Dr right-of-way that do not interfere with project access and utility installation shall be retained and protected as is practicable considering utility placement, grading, driveway, and stormwater structures.

**CLARK ST TOWNHOMES  
CONDITIONAL DISTRICT NARRATIVE**

The development of the property located at 510 Clark St is presented for the purposes of the Town Council Hearing and subsequent site plan submittals and review. The proposed development, “Clark St Townhomes,” is planned to be a new infill community with a mixture of “missing middle” housing options and development patterns near downtown Southern Pines. The ±1.52-acre site situated between Clark St and Midlothian Dr, approximately 0.18 miles from Midland Rd, is comprised of one (1) parcel zoned Residential Mixed-Housing (RM-2). The Applicant is seeking to rezone the tract to a Conditional District Residential Mixed Housing (CZ-RM-1), known as “Clark Street Townhomes” that will allow a combination of single-family attached townhomes with attached garages and single-family attached townhomes with detached garages and surface parking. Under the Southern Pines Unified Development Ordinance (the “UDO”), the RM-1 zoning district is intended to “allow primarily Single-Family and Multi-Family Residences at a medium-density (approximately 10-12 Dwelling Units per acre)”. Under an RM-1 district, the project permits up to eighteen (18) residential units on the property.

Our original submittal proposed a site plan for a development pattern that included eight (8) single family attached townhomes. The units were serviced by an internal driveway connecting to Clark St. Despite a thoughtful and well-intentioned vision for the proposed development, a detailed analysis of the site has revealed that the associated development costs would be too excessive to provide affordable “missing middle” housing opportunities. Several key factors contributed to this financial challenge, including topographical constraints, the need for extensive grading, utility extension requirements, stormwater management demands, and infrastructure improvements necessary to meet code and accessibility standards.

As a result, the cumulative site preparation and improvement costs significantly exceeded what could be reasonably supported by the originally proposed development pattern. In particular, the density and unit types envisioned in the prior plan did not generate the financial feasibility required to offset these costs. Given these conditions, it became clear that offering truly attainable housing options—one of the primary goals of the 2040 Comprehensive Plan—would not be possible within the constraints of the original approach. Any attempt to proceed with the initial plan would have required either drastically increasing home prices or reducing the quality and accessibility of housing, both of which are misaligned with the project’s intent and community needs.

For these reasons, a reevaluation of the development strategy was necessary to explore alternative patterns that balance feasibility with affordability and long-term sustainability.

The revised Clark St Townhomes Conditional Zoning District application proposes a “Traditional Neighborhood” style development with sixteen (16) single-family attached residential townhomes distributed between four (4) townhome blocks. All residences will be accessed via a shared private driveway connected to Clark St and Midlothian Dr. The layout and design are consistent with the Town’s 2040 Comprehensive plan, providing “missing middle” housing options for prospective owners at a scale

that is compatible with the surrounding neighborhood. The development will meet the Town's standards for an RM-1 district and offer a quality design with unique conditions and standards that reflect a "Suburban Settlement" development pattern recommended for this area, per the Town's 2040 Comprehensive Plan.

The property falls within a high-quality watershed and there is no floodplain. As a result, a watershed protection permit application that was submitted and approved in the previous preliminary plat will need to be utilized. Overall, the impervious surface to be developed on the property will fall well below the permitted 70%. This site is a residential infill location in the Suburban Settlement character district of Southern Pines. Increased impervious surface in infill locations for residential development is consistent with the Town's 2040 Comprehensive Plan (2040CP).

Design elements for the project are described below.

- **Major Subdivision**

- A Major Subdivision application has been submitted for the Clark St Townhomes CZD-RM-1 district which will subdivide the project site into sixteen (16) single-family attached townhome lots and one (1) common area lot. Due to the unique conditions of the project site, we are requesting unique conditions that deviate from the current Major Subdivision and Preliminary Plat requirements and criteria (Section 2.20.4 of the UDO). Please note the following deviations:
  - Land uses shall be limited to LBCS 1112 single-family attached residences.
  - There shall be no minimum lot size.
  - Single-family attached townhome units with a detached garage and/or parking spaces shall have a minimum 15' front setback, 10' side setback and 15' rear setback.
  - Single-family attached townhome units with attached garages shall have a 5' internal side setback.

- **Architectural Character**

- The single-family attached townhomes will be designed to fit the Suburban Settlement Character District descriptions. All buildings are intended to both complement and add to the surrounding neighborhood. The project is also intended to be visually appealing from Clark St.

- **Single-Family Attached Townhomes**

- The proposed plan includes sixteen (16) single-family attached townhome units divided between four townhome blocks. The units will have a mixture of 2 and 3 bedrooms.
- The single-family attached townhomes shall be permitted to have up to two (2) stories and will not exceed the Town's standards of RM-1 District forty (40) feet maximum building height.
- Due to the proximity to the Downtown Adjacent Neighborhood Character District, the townhomes will be designed to reflect both the townhome architecture found within the Suburban Settlement and Downtown Adjacent Neighborhood Character Districts in

Southern Pines. Architectural Elevation exhibits of the townhomes have been provided with the application. The townhome units will generally reflect the architectural style shown in these elevations and will be of a varied design style and color.

- **Streets and Access**

- o All units will be accessed via a shared private driveway that cuts through the entire site with connecting entrances from Clark St and Midlothian Dr.

- **Garages and Parking**

- o Adequate parking will be provided on-site to meet UDO standards for single-family residences.
- o The community will have a combination of surface parking, carports, and/or enclosed garages at a ratio that meets the UDO standards. These standards are as follows from Section 4.5 of the Town’s Udo:

Land Use	Minimum Vehicle Parking Spaces
1 and 2 Family residences	2 spaces per Dwelling Unit

- o Lots 1-4 and 12-16 shall provide a maximum of two (2) parking spaces per unit as either two (2) surface parking spaces, or one (1) surface parking space and one (1) detached-garage space.
- o Lots 5-11 shall provide a maximum of two (2) parking spaces per unit as one (1) driveway parking space and one (1) attached-garage space.
- o Surface parking and detached garages may encroach into required buffers to yield minimum parking requirements.

- **Buffers/Setbacks**

- o Unless noted as a condition below, all buffers and setbacks will be provided per the minimum RM-1 district standards.
  - Deviations to the Town UDO dimensional standards for the proposed Conditional Zoning District are as follows:

Dimensional Requirements Table			
	Type	Requirement	Requested Condition
1	Building Height, Setbacks, and Lot Dimensions Exhibit 3-6	SFA w/o Garage Front Setback 25'	SFA w/o Garage Front Setback 15'
2	Building Height, Setbacks, and Lot Dimensions Exhibit 3-6	SFA w/ Garage Front Setback 25'	SFA w/ Garage Front Setback 20'
3	Building Height, Setbacks, and Lot Dimensions Exhibit 3-6	Rear Setback 30'	Rear Setback 15'

4	Building Height, Setbacks, and Lot Dimensions Exhibit 3-6	Exterior Side Setback 15'	Exterior Side Setback 10'
5	Building Height, Setbacks, and Lot Dimensions Exhibit 3-6	SFA w/ Garage Interior Side Setback 10'	SFA w/ Garage Interior Side Setback 5'

- **Landscape Buffer**

- Landscaping will be provided as required by the Town of Southern Pines UDO.
- Planting buffers and screening will be provided along adjacent property boundaries where necessary and required by the Town’s UDO.
- The side yard landscape buffer along the western property shall be ten (10) ft in width and be allowed to meander outside of required buffer widths to obtain required calculations.  
 The side yard buffer along the eastern property shall be twenty (20) ft in width and be allowed to meander outside of required buffer widths.
- In tighter areas where there is limited space for required plantings, “double counting” of landscape buffer large trees and street trees shall be allowed.

- **Existing Mature Vegetation**

- All existing trees with a diameter of 10” DBH or greater shall be retained on the subject property unless their removal is necessary to accommodate the following project elements:
  - Building footprints
  - Vehicular access alleys, driveways, and parking spaces
  - Utility installation
  - Essential site grading
- Trees identified by the developer and confirmed by Town Staff during site plan review as necessary for removal due to one of the approved reasons noted above may be removed.
- Trees identified by the developer as unhealthy and at risk of dying, to be confirmed by the Town’s Arborist during site plan review, may be removed.
- All existing trees within the right-of-way that do not interfere with project access and utility installation shall be retained.
- Town staff will verify tree protection fence installation for trees counting toward existing vegetation credit under UDO §4.3.13; the developer may request a reduction in tree protection fence radius if needed, and Town staff shall grant these requests if the Town Arborist finds it will not significantly affect tree health and viability.

- **Open Space and Common Areas**

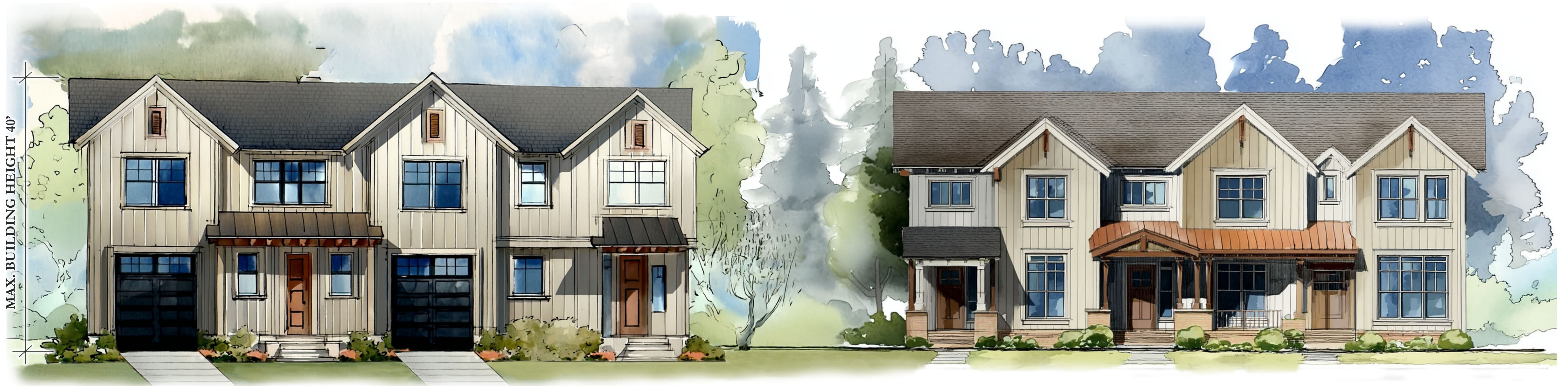
- All major subdivision developments require 10% open space. The development will provide approximately ±22.9% (± 0.35 acres) of open space as indicated on the site plan. This open space will be in buffer areas on the eastern and western sides of the project site. These areas shall meet the Town’s standards for Open Space calculation, per Section 4.9 of the UDO.

- **Stormwater**
  - o Stormwater management best practices will be applied on the site as necessary and required to control stormwater runoff throughout the project. All storm-water will be managed on site in a series of ponds, basins, bioswales or other devices.
  - o The project site is located within a high-quality watershed (HQW). To control and treat stormwater runoff for the project, stormwater best management practices will be applied as necessary and required by the Town of Southern Pines and State of North Carolina. Any required stormwater management devices will be permitted as required by the appropriate state and local agencies.
  - o Stormwater management for the site shall meet pre/post requirements and be conducted via a combination of rain gardens, depressions, bioswales, underground cisterns, and/or retention ponds on each lot, within the common open space, or a combination of the two.
- **Utility Service**
  - o The Town of Southern Pines can provide adequate water and sewer service to service this development. Utilities are currently within proximity, along the streets and adjacent properties near the proposed site or located directly on the property. All utilities on the site will be located underground.

The descriptions and narrative described above will apply to the entire project as indicated in the Conditional Zoning District plan document. For further clarification, a list of conditions has been provided with this application.

# CLARK STREET TOWNHOMES

SINGLE-FAMILY ATTACHED TOWNHOMES  
ARCHITECTURAL CHARACTER  
SOUTHERN PINES, NORTH CAROLINA



FRONT LOADED TOWNHOME

REAR LOADED TOWNHOME

PREPARED BY:  
 KOONTZ  
JONES  
DESIGN

+  
 SOUTHEAST

DISCLAIMER:  
THESE DRAWINGS ARE CONCEPTUAL IN NATURE AND IS FOR ILLUSTRATIVE PURPOSES ONLY. THESE  
PLANS/ELEVATIONS ARE SUBJECT TO CHANGE.

# **DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR CLARK ST TOWNHOMES**

This Declaration of Covenants, Conditions, and Restrictions ("Declaration") is made this [DATE], by [DEVELOPER'S NAME], hereinafter referred to as "Declarant."

## **RECITALS**

WHEREAS, the Declarant is the owner of certain real property located on Clark Street in Southern Pines, Moore County, North Carolina, as more particularly described in Exhibit A attached hereto and made a part hereof (the "Property");

WHEREAS, the Declarant desires to create a residential community to be known as "Clark Street Townhomes" (the "Subdivision") and to provide for the preservation of the values and amenities in said Subdivision and for the maintenance of the Common Areas, private roads, and other improvements;

WHEREAS, the Declarant desires to subject the Property to the provisions of this Declaration, which are intended to protect the value and desirability of the Subdivision and to be binding upon all persons having any right, title, or interest in the Property or any part thereof;

NOW, THEREFORE, the Declarant hereby declares that the Property shall be held, sold, and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of the Property and which shall run with the land and be binding on all parties having any right, title, or interest in the Property or any part thereof, and their heirs, successors, and assigns, and shall inure to the benefit of each Owner thereof.

## **ARTICLE I: DEFINITIONS**

1. "Association" shall mean the Clark Street Townhomes Homeowners Association, Inc., a North Carolina nonprofit corporation, its successors, and assigns.

2. "Common Area" shall mean all real property and improvements thereon owned by the Association for the common use and enjoyment of the Owners, including, but not limited to, private roads, green spaces, and landscaped areas.
3. "Lot" shall mean any numbered plot of land shown on the recorded subdivision plat of the Property, which is intended for development as a townhome.
4. "Owner" shall mean the record owner, whether one or more persons or entities, of fee simple title to any Lot within the Subdivision, including contract sellers but excluding those having such interest merely as security for the performance of an obligation.
5. "Declarant" shall mean [DEVELOPER'S NAME], its successors, and assigns, if such successors or assigns should acquire more than one undeveloped Lot from the Declarant for the purpose of development.
6. "Subdivision" shall refer to the planned community known as Clark Street Townhomes, located on Clark Street in Southern Pines, North Carolina.

## **ARTICLE II: PROPERTY RIGHTS**

1. Owner's Easement of Enjoyment: Every Owner shall have a right and easement of enjoyment in and to the Common Area, which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

- The right of the Association to establish reasonable rules and regulations governing the use of the Common Area.

- The right of the Association to suspend the voting rights and rights to use the Common Area by an Owner for any period during which any assessment against such Owner's Lot remains unpaid, and for a period not to exceed sixty (60) days for any infraction of its published rules and regulations.

- The right of the Association to dedicate or transfer all or any part of the Common Area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the Members.

2. Private Roads: The roads within the Subdivision are private and shall be maintained by the Association. No Owner shall block, obstruct, or hinder traffic on the private roads. The Association may adopt rules regulating parking and speed limits on private roads.

## **ARTICLE III: HOMEOWNERS ASSOCIATION**

1. Membership: Every Owner of a Lot within the Subdivision shall automatically be a member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot.

2. Voting Rights:

- Declarant Voting Rights: The Declarant shall be entitled to ten (10) votes for each Lot they own within the Subdivision. This special voting right shall continue until the Declarant no longer owns any Lots or until the Declarant voluntarily relinquishes this right in writing.

- Owner Voting Rights: After the Declarant no longer owns any Lots or relinquishes the special voting rights, each Lot shall have one (1) vote in the Association.

- Voting rights are subject to suspension as provided herein and in the Bylaws of the Association.

3. Board of Directors: The affairs of the Association shall be managed by a Board of Directors. The number, term, and qualifications of the Directors shall be as set forth in the Bylaws of the Association.

4. Assessments:

- Creation of the Lien and Personal Obligation of Assessments:\*\* The Declarant, for each Lot owned within the Subdivision, hereby covenants, and each Owner of any Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association: (1) annual assessments or charges; (2) special assessments for capital improvements; and (3) special assessments levied for emergency purposes. Such assessments, together with interest thereon and costs of collection, shall be a charge on the Lot and shall be a continuing lien upon the Lot against which each such assessment is made.

- Purpose of Assessments: The assessments levied by the Association shall be used exclusively to promote the recreation, health, safety, and welfare of the residents in the Subdivision and for the improvement and maintenance of the Common Areas, including the maintenance of private roads, open spaces, and landscaping.

## **ARTICLE IV: USE RESTRICTIONS**

1. Residential Use: All Lots shall be used for residential purposes only. No trade, business, or commercial activity shall be conducted on any Lot, except for home offices or home-based businesses that do not generate customer traffic, noise, or other nuisances detectable outside of the dwelling.

## 2. Architectural Control:

- No structure, including any building, fence, wall, or other improvement, shall be commenced, erected, or maintained on any Lot, nor shall any exterior addition to or change or alteration therein be made, until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same have been submitted to and approved in writing by the Architectural Control Committee (ACC).

- The ACC shall consist of three (3) members appointed by the Declarant during the Development Period and by the Board of Directors thereafter. The ACC shall consider the harmony of external design with existing structures, location with respect to topography and finished grade elevation, and conformity with the overall aesthetic of the Subdivision.

3. Nuisances: No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood. Owners shall refrain from activities that generate excessive noise, odor, or pollution.

## 4. Parking and Vehicle Restrictions:

- Parking shall be restricted to private driveways and garages. No vehicles shall be parked on the streets or Common Areas, except in designated guest parking spaces.

- Commercial vehicles, trailers, boats, and recreational vehicles shall not be parked on any Lot or street within the Subdivision unless stored in a garage or otherwise concealed from public view.

## 5. Pets:

- A maximum of two (2) household pets may be kept, provided they are not kept, bred, or maintained for commercial purposes. Pets shall be restrained at all times when outside the dwelling and must not create excessive noise or disturbance.

- Owners shall be responsible for cleaning up after their pets in the Common Areas.

## 6. Trash and Recycling:

- Trash service is provided by the town. Trash and recycling containers shall be stored out of view from the street, except on collection days when they may be placed at the curb.

- All garbage and recycling must be placed in secure, approved containers.

## 7. Lawn, Landscape Easement, and Open Space Maintenance:

- The Association shall be responsible for the maintenance of all lawns and open spaces within the Subdivision, including mowing, fertilizing, and landscaping.

- No Owner shall alter, landscape, or plant in these areas without the prior written approval of the Association.

## **ARTICLE V: INSURANCE AND MAINTENANCE**

### **1. Insurance:\***

- The Association shall maintain adequate property insurance covering the Common Areas and any improvements thereon against loss or damage by fire, flood, storm, and other hazards, including liability insurance covering the Common Areas and the Board of Directors.

- Each Owner shall be responsible for obtaining insurance coverage for their Lot and townhome, including casualty, liability, and flood insurance if applicable.

### **2. Maintenance:**

- The Association shall maintain the Common Areas, including roads, open spaces, and landscaping. Maintenance shall include, but not be limited to, repair, replacement, and upkeep of all common facilities, utilities, and infrastructure.

- Each Owner shall maintain their townhome and Lot in good condition and repair, including, but not limited to, exterior surfaces, roofs, windows, doors, and landscaping within the Lot boundaries.

## **ARTICLE VI: EASEMENTS**

1. Utility Easements: There is hereby reserved a blanket easement over, under

, and through the Subdivision for the installation, repair, and maintenance of utilities, including but not limited to water, sewer, electricity, gas, cable television, and telecommunications.

2. Ingress and Egress: Easements for ingress and egress over private roads are hereby established for the benefit of all Owners and the Association. No Owner shall obstruct or interfere with the use of these easements.

3. Drainage Easements: Easements for drainage facilities are hereby reserved, and no structure or improvement shall be placed within such easements that would interfere with the flow of water or maintenance of drainage systems.

## **ARTICLE VII: AMENDMENT**

1. Amendment by Declarant: The Declarant reserves the right to unilaterally amend this Declaration for so long as the Declarant owns any Lot within the Subdivision. Any amendment by the Declarant shall be consistent with the general purposes of this Declaration.

2. Amendment by Owners: After the Declarant no longer owns any Lots, this Declaration may be amended by a vote of two-thirds (2/3) of the Owners, with each Lot receiving one vote. Amendments shall be recorded in the public records of Moore County, North Carolina, to be effective.

## **ARTICLE VIII: GENERAL PROVISIONS**

1. Enforcement: The Association or any Owner shall have the right to enforce, by proceedings at law or in equity, all covenants, restrictions, easements, and liens now or hereafter imposed by this Declaration. Failure to enforce any provision hereof shall in no event be deemed a waiver of the right to do so thereafter.

2. Severability: Invalidation of any provision of this Declaration by judgment or court order shall not affect any other provisions, which shall remain in full force and effect.

3. Duration: The covenants and restrictions of this Declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable by the Association, the Declarant, and any Owner, their respective legal representatives, heirs, successors, and assigns, for a term of fifty (50) years from the date this Declaration is recorded, after which time they shall automatically extend for successive periods of ten (10) years unless an instrument signed by the then-Owners of two-thirds (2/3) of the Lots has been recorded agreeing to terminate or amend these covenants.

4. Interpretation: The provisions of this Declaration shall be liberally construed to effectuate its purpose of creating a uniform plan for the development and operation of a residential community.

Headings are for convenience only and shall not affect the meaning or interpretation of any provision herein.

IN WITNESS WHEREOF, the Declarant has executed this Declaration on the day and year first above written.

[DEVELOPER'S NAME]

[DEVELOPER'S SIGNATURE]

EXHIBIT A: Legal Description of Property

# Agenda Item

**To:** Planning Board  
**Via:** BJ Grieve, Planning Director  
**From:** James Broadwell, Planner II  
**Subject:** MAPP-04-25: Request to Subdivide Four Adjoining  
Parcels Situated Between Clark Street and Midlothian  
Drive into 16 Townhome Lots and One Common Area  
Lot.  
**Date:** August 21, 2025

---

## I. SUMMARY OF APPLICATION REQUEST

Trevor Hansen of Koontz Jones Design PLLC, on behalf of Moore HL Properties Inc., contingent on the approval of their Z-05-25 rezoning request, have submitted a Major Subdivision Preliminary Plat to subdivide ±1.52 acres of land in between Clark Street and Midlothian Drive into 16 single-family attached lots and one common area—totaling 17 lots.

## II. PROJECT INFORMATION

<b>A. Physical Addresses</b> 510 Clark Street PARID: 00032727	<b>B. Property Owner/Applicant</b> Travis Greene Moore HL Properties, Inc. 55 Walnut Creek Rd Pinehurst, NC 28374	<b>C. Authorized Agent</b> Trevor Hansen Koontz Jones Design, PLLC/V3 140 Applecross Rd, Ste B Pinehurst, NC 28374
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### A. Project Background and Site Information

#### i. Project Background and Zoning History

**Comprehensive Plan Designation.** The General Framework Map and Conservation and Development Maps from the Comprehensive Plan categorize this site as an “Area to Enhance” and “Neighborhood” respectively. This neighborhood area is intended to promote multiple home types and especially “missing-middle” home choices. Applicants for development in these areas should consider walkability and well-connected networks of open spaces where feasible.

**Suburban Settlements Character District.** The Suburban Settlements Character District comprises a wide variety of suburban-style development, including shopping areas, single-family neighborhoods, and apartment complexes. The character district does not necessarily possess attributes that are unique to Southern

Pines or represent distinct elements that future development should emulate. For that reason, new development in Suburban Settlements should look to the wider Comprehensive Plan for guidance when crafting design. Development should prioritize natural character preservation, infill development, mix-of-uses, “missing-middle housing,” buildings of varying heights, and pedestrian infrastructure.

**Zoning.** Contingent on the rezoning request of Z-05-25, the existing zoning district will be Residential Mixed Housing-1 Conditional District (RM-1CD). Final conditions approved for Z-05-25, as part of the Conditional Zoning District application, will be submitted into the record by either planning staff or the applicant, if approved. In the event that the rezoning request is denied or continued, then the effective zoning will remain RM-2.

**Overlays.** The subject property is entirely within High-Quality Watershed. As part of a previous Major Subdivision Approval for this property in October 2024, file # MAPP-02-24, a Watershed Protection Permit was afforded to the subject property. For that reason, neither this Major Subdivision Application nor the Conditional Zoning District application of which it is based upon (file # Z-05-25) will require a Watershed Protection Permit, as one has already been approved for the site.

**Figure 1. Vicinity Map** (Subject Property Outlined in Orange).



**Figure 2. Imagery of the Clark Street Townhomes Site (Facing North).**



**Figure 3. Preliminary Plat for Clark Street Townhomes.**



**Figure 4. Preliminary Plat for Clark Street Townhomes – “External Garage Option.”**



**III. STAFF REVIEW**

**A. Application Review Dates**

- Pre-Application Meeting: **June 24, 2025**
- Application Submitted: **July 14, 2025**
- Application Deemed Complete: **July 16, 2025**
  - Updated Materials Submitted: **August 8, 2025**
  - Updated Materials Submitted: **August 11, 2025**
- Technical Review Committee Meeting: **August 5, 2025**
- Planning Board Public Hearing Notice
  - Publication: **August 6 and 13, 2025**
  - Mail: **July 29, 2025**
  - Signage: **July 31, 2025**
  - Internet: **July 29, 2025**
- Planning Board Public Hearing: **April 21, 2025**

**B. Process and Standards of Review**

UDO §2.19, General Subdivision Regulations, and §2.20, Major Subdivision, cover the procedures for review and approval of a Major Subdivision. The criteria for compliance with a Major Subdivision Preliminary Plat are found in UDO §2.20.4(G), and apply to the review and approval of this development.

**C. Compliance with UDO §2.20.4(G) Major Subdivision Preliminary Plat Criteria.**

A major subdivision is permitted only if the applicant demonstrates consistency with the following five criteria. Below are staff comments regarding the application’s consistency with each:

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.*

• **Missing-Middle Housing.**

The Clark Street and Midlothian Drive area is anticipated to provide missing-middle housing on varying lot sizes that include connected networks of open space sensitive to the uses, densities, location, and character of surrounding areas. Comprehensive Plan policies 7.1 and 7.5–support housing diversity and workforce housing in the community–align well with the proposed single-family attached home layouts, and will provide an increased supply of “missing-middle” home-type inventory in line with these policy priorities.

• **Natural Character Preservation.**

The project’s narrative shows how it aims to maximize tree preservation throughout the site, as a significant number of mature trees are present throughout the site (see figures 2 and 5). If Z-05-25 is approved, two of the applicant’s conditions will retain all trees, 6-inch diameter and larger, that do not interfere with:

- building footprints

- vehicular access and parking
- utility installation
- essential site grading

This tree preservation condition, associated with file #Z-05-25, is consistent with Comprehensive Plan policies 4.9 and 4.10—preserve natural character and minimize tree loss during development.

**Figure 5. Mature Trees Within the Clark Street Townhomes Site.**



In conclusion, staff find that, should files Z-05-25 be approved, this MAPP-04-25 preliminary plat is consistent with Comprehensive Plan policies 7.1, 7.5, 4.9, and 4.10, and therefore this criterion.

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

- **Stormwater Control.**

The subject property’s topography shows that stormwater will drain generally from west to east, and ultimately into the existing infrastructure along Clark Street. Before connecting to this infrastructure, the applicant has shown they’ll first meet stormwater control requirements via a combination of rain gardens, depressions, bioswales, underground cisterns, and/or a small retention pond. Given the creative stormwater control design and existing infrastructure the system will connect to, staff find that the applicant’s stormwater plan complies with the UDO and state regulations.

With the approval of Z-05-25, the staff verification that no state or federal regulatory issues are present, and the assessment that no conflicts with the town’s UDO are present, staff do not find any regulatory issues with this application. Refining technical details will be addressed during site plan review with the Technical Review Committee to ensure compliance with all applicable town development ordinances. Therefore, staff find that the application is consistent with this 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;*

- **Lot Access and Dimensional Standards.**

With file Z-05-25, the applicant has proposed the following reduced lot and dimensional standards for the proposed units:

- No minimum lot sizes
- **Units 5-11 setbacks:** 20' (front), 10' (exterior side), 5' (interior side), and 15' (rear).
- **Units 1-4 and 12-16 setbacks:** 15' (front), 10' (exterior side), 10' (interior side), and 15' (rear).

Access will be provided by a 20-foot private drive, Old Forester Drive, that connects Clark Street to Midlothian Drive.

Though the proposed density for this development is greater than the surrounding area, staff do not assess that a density or access issue is present with the proposed Major Subdivision.

- **Parking and Access.**

Pending the approval of Z-05-25, future residents will access and park in a common area parcel, managed by the corresponding HOA. The applicant has also proposed that units 1-4 and 12-16 will have the option of employing one surface parking space and one garage (see file # Z-05-25); an alternate site plan that addresses the garage option has been provided as attachment 5a.

Refining technical details will be addressed during site plan review with the Technical Review Committee to ensure compliance with all applicable ordinances. Therefore, staff find that the application is consistent with this criterion.

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

Based on the application materials, preliminary plat layout, and Technical Review Committee analysis of the subject property and surrounding areas, staff find that safety and viability concerns are sufficiently addressed. Of note, the 20-foot access easement will ensure proper fire and emergency access to all of the 16 proposed units. Therefore, staff find that the application is consistent with this 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.*

Town utilities are readily available for extension to these proposed units, and town staff do not anticipate any issues in accommodating their proposed

service. Proper spacing of fire hydrants will be reviewed during site plan review. Therefore, staff find that the application is consistent with this criterion.

#### **D. Additional Staff Comments**

- **Phasing Plan.**

The applicant has not proposed a phasing plan associated with this development as of the time of writing this staff report. Should the applicant choose to conduct a phasing plan, they will need to make that revision, and show it on the site plan, during site plan review.

- **Construction Traffic.** To mitigate any noise or disturbances experienced by nearby neighbors, the applicant has included a mitigating condition in the Z-05-25 application. The condition directs all construction traffic to use the shared 20' private drive during construction, and that Clark Street and Midlothian Drive may only be parked on when directly installing project elements in those locations on the north and south side.

- **TRC Review.** The Technical Review Committee reviewed this project at its August 5, 2025 meeting – noting a few minor issues (see file #Z-05-25) that needed adjusting. Planning staff subsequently communicated those issues and recommended changes to the applicant, who provided amended documents on August 8 and 11, 2025.

Finally, if the Z-05-25 rezoning file is approved as presented, then staff find that this MAPP-04-25 application will have met all of the applicable Major Subdivision criteria.

#### **E. Outside Agency and Public Comments:**

Staff provided information on the project to outside agencies on July 29, 2025, and received the following comments:

- On August 11, 2025, NCDOT replied noting that the proposed 20' alley would need a driveway and right-of-way encroachment permit, otherwise no major concerns were noted.
- On August 11, 2025, the Fort Bragg Regional Land Use Advisory Commission (RLUAC) provided a review letter noting the importance of limiting impervious surface on the site, as it is within the high-quality watershed. Since the site already has a 5/70 exemption allocation, this concern has already been addressed.

Any additional applicant, agency, or public comments received following this staff report's publication, but prior to the public hearing, will be shared during staff's presentation.

#### IV. ATTACHMENTS

*Additional documentation, including but not limited to, the parcel deeds and applicable historical plats are available for review as a public document at the Town of Southern Pines planning office.*

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

1. Preliminary Plat Application
2. Adjacent Properties
3. Agent Authorization
4. Existing Conditions
5. Preliminary Plat | 5a. Preliminary Plat (External Garage Option)
6. Draft HOA Covenants

#### V. PLANNING BOARD ACTION:

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

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

**I move** to adopt the following for transmission to the Town Council as a result of the August 21, 2025 Preliminary Forum on application MAPP-04-25:

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-04-25:

- 1.

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:



## Major Subdivision Preliminary Plat Application

### REQUIRED APPLICATION MATERIALS:

- Application fee** in the amount of \$1,500.00 plus \$25.00 per lot
- Completed Major Subdivision Preliminary Plat Application** signed by the applicant
- Appointment of Agent** signed by the property owner(s) and the agent (if applicable)
- Deed** copy to provide proof of ownership and property boundaries
- Preliminary Plat:** Please refer to Appendix A of the UDO (pg. A-16) for detail requirements.
- Written narrative:** demonstrating compliance with UDO §2.19 and §2.20.
- Additional documentation:** Additional text and/or maps provided to demonstrate consistency with the criteria for approval of a preliminary plat listed in UDO §2.20.4(G). The list of criteria is attached.
- Covenants and Restrictions** (if applicable)
- Utility letters** confirming the availability of service and improvements necessary to provide water, wastewater, natural gas or telecommunications services (not needed for Town services).
- Drainage concept plan:** See drainage impact analysis checklist (if applicable).
- Traffic impact analysis:** See traffic impact analysis checklist (if applicable).
- 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. **Preliminary forum:** Held before the Planning Board at its regular monthly meeting. (Please refer to the **Application Processing Timeline** to determine the meeting date.)
3. **Public hearing:** Held before the Town Council at its regular monthly meeting. (Please refer to the **Application Processing Timeline** to determine the hearing date.)
4. **Approval:** The Town Council may approve, conditionally approve or deny the application based on the criteria listed in UDO §2.20.4(G).

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.: MAPP-\_\_\_\_-\_\_\_\_

Subdivision Name: Clark Street Townhomes Street Address: 510 Clark St, Southern Pines, NC 28387

PIN: 858219617079 Parcel ID: 00032727 Zoning District: RM-2

Project acreage in: Lots 0.74 AC + Roads 0.20 AC + Open Space 0.34 AC + Common Area 0.13 AC

+ Other (describe) 0.11 AC (Stormwater Management) = Total Project Acreage 1.52 AC

Number of Lots: 16 Minimum Lot Size: 1,400 SF (0.03 AC) Setbacks: 15' Front, 15' Rear, 10' Exterior, 10' Interior

Highway Corridor Overlay: Yes/No No If yes, Urban Village Urban Transition Rural Hwy

Watershed: Yes/No Yes If yes, LR #2: Yes LR Vass: Nicks Creek: HQW: Yes/No Yes

Does the site contain a Special Flood Hazard Area? Yes/No No Does the site contain wetlands? Yes/No No

Applicant:

Name: Travis Greene - Legacy Homes Construction, Inc.

Phone: 910-72-1371 Email: carolinabuilder@gmail.com

Mailing Address: 415 Pinehurst Ave. Southern Pines, NC 28387

Contact Person, if different from Applicant:

Name: Trevor Hansen - V3 Southeast P.C.

Phone: 910-684-8487 Email: thansen@v3co.com

Mailing Address: 140 Applecross Rd, Pinehurst NC 28374

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

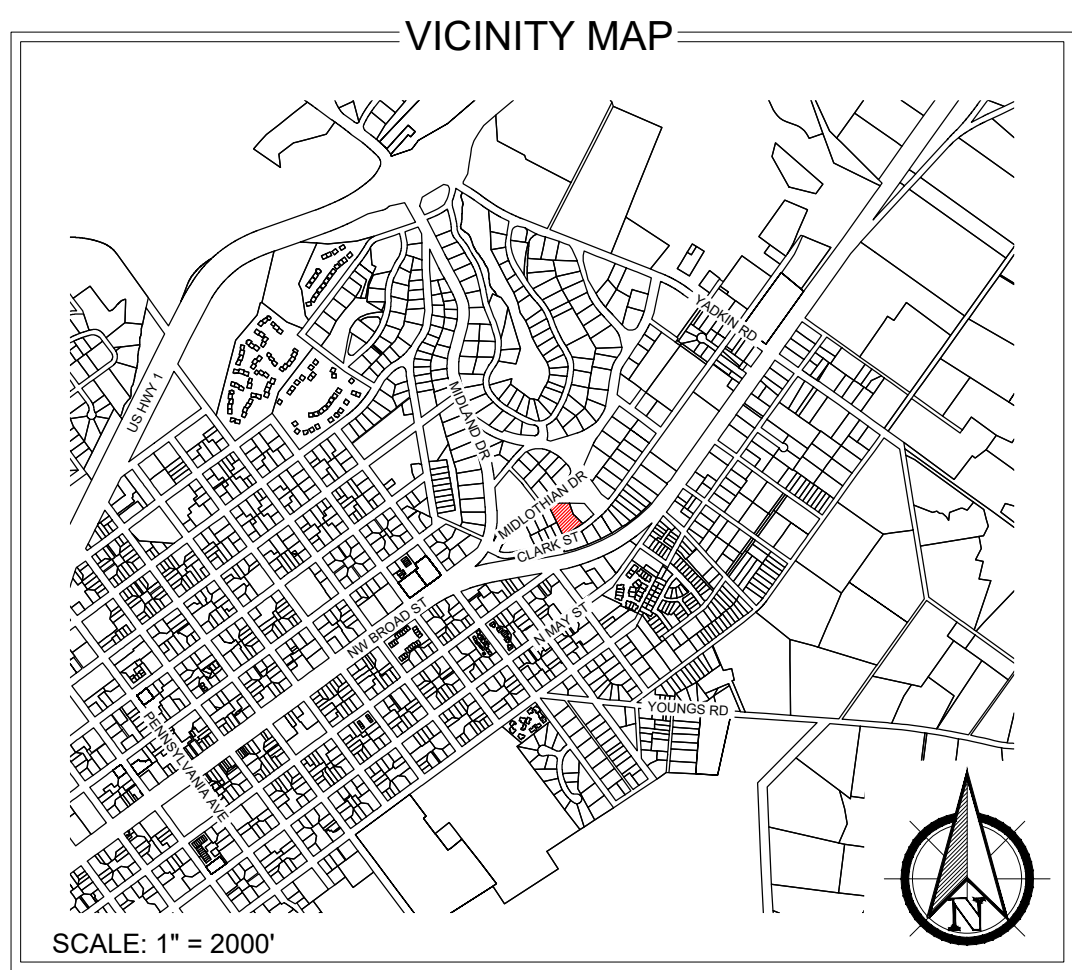
Name(s):

Phone: Email:

Mailing Address:

Date: 2025-07-14

Signature of Applicant



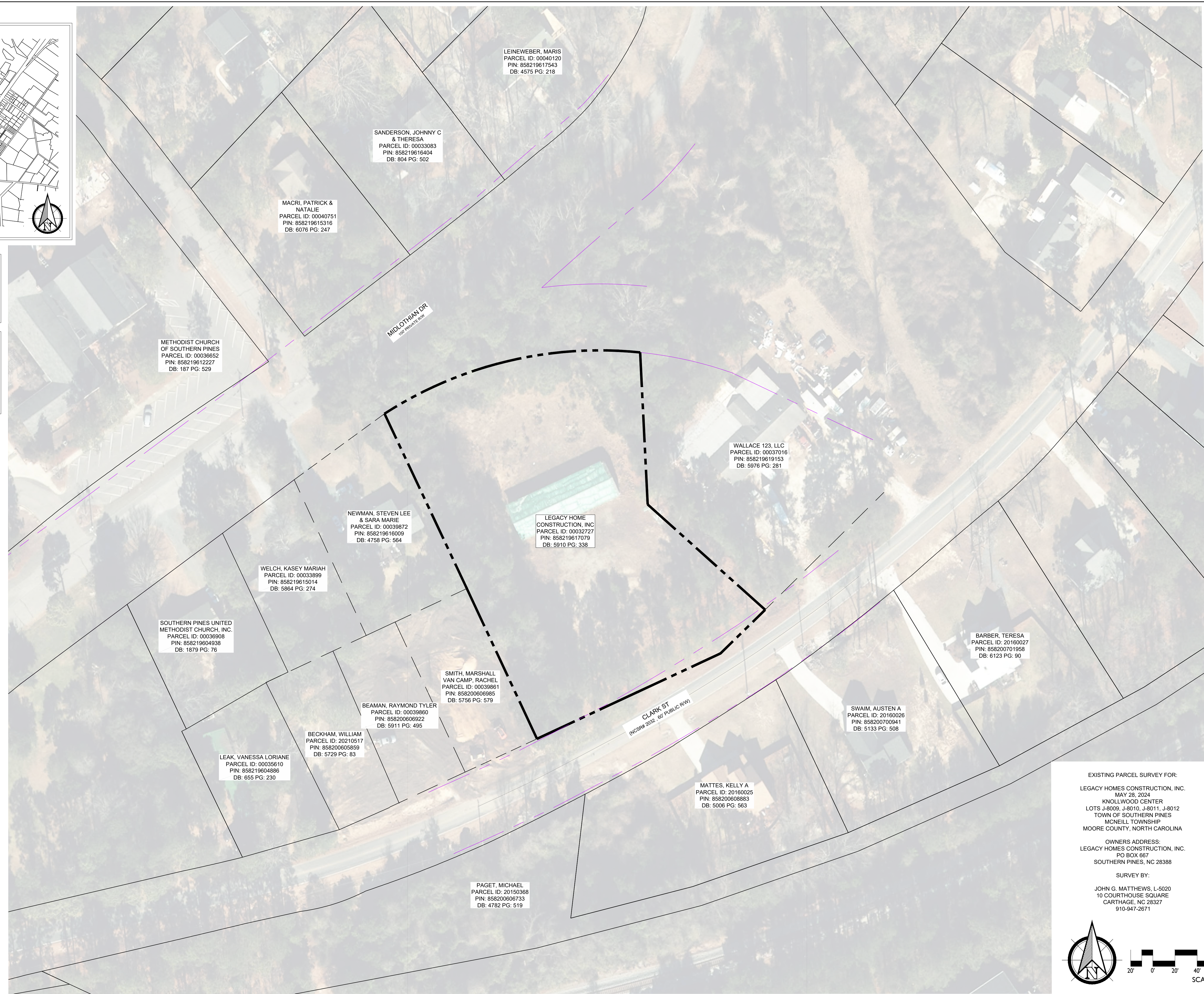
**FLOODPLAIN DATA**  
 THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X'  
 (AREAS OF MINIMAL FLOODING)  
 THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP  
 FIRM COMMUNITY  
 PANEL(S) NO: 8580 / 8582  
 MAP(S): 3710858000J / 3710858200J  
 DATE: OCTOBER 17, 2006

**ZONING INFORMATION**  
**EXISTING ZONING CLASSIFICATION:**  
 RM-2 - RESIDENTIAL MULTI-FAMILY LOW DENSITY  
**SETBACKS:**  
 FRONT: 15'  
 INTERIOR SIDE: 10'  
 EXTERIOR SIDE: 10'  
 REAR: 15'

**PROPERTY INFORMATION**  
**PROPERTY OWNER / APPLICANT:**  
 LEGACY HOMES CONSTRUCTION, INC.  
**PROPERTY ADDRESS:**  
 510 CLARK ST, SOUTHERN PINES, NC 28387  
**PARCEL ID:** 00032727  
**PIN:** 858219617079  
**DEED BOOK #:** 5910  
**DEED PAGE #:** 338

**LEGEND**  
 - - - - - = PROPERTY BOUNDARY  
 - - - - - = ADJACENT PARCELS  
 - - - - - = RIGHT OF WAY

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



LEINEWEBER, MARIS  
 PARCEL ID: 00040120  
 PIN: 858219617543  
 DB: 4575 PG: 218

SANDERSON, JOHNNY C  
 & THERESA  
 PARCEL ID: 00033083  
 PIN: 858219616404  
 DB: 804 PG: 502

MACRI, PATRICK &  
 NATALIE  
 PARCEL ID: 00040751  
 PIN: 858219615316  
 DB: 6076 PG: 247

METHODIST CHURCH  
 OF SOUTHERN PINES  
 PARCEL ID: 00036652  
 PIN: 858219612227  
 DB: 187 PG: 529

MID OTTAWA DR  
 (TOP PUBLIC R.O.W.)

WALLACE 123, LLC  
 PARCEL ID: 00037016  
 PIN: 858219619153  
 DB: 5976 PG: 281

LEGACY HOME  
 CONSTRUCTION, INC  
 PARCEL ID: 00032727  
 PIN: 858219617079  
 DB: 5910 PG: 338

NEWMAN, STEVEN LEE  
 & SARA MARIE  
 PARCEL ID: 00039872  
 PIN: 858219616009  
 DB: 4756 PG: 564

WELCH, KASEY MARIAH  
 PARCEL ID: 00033899  
 PIN: 858219615014  
 DB: 5864 PG: 274

SOUTHERN PINES UNITED  
 METHODIST CHURCH, INC.  
 PARCEL ID: 00036908  
 PIN: 858219604938  
 DB: 1879 PG: 76

SMITH, MARSHALL  
 VAN CAMP, RACHEL  
 PARCEL ID: 00039861  
 PIN: 858200606985  
 DB: 5756 PG: 579

BARBER, TERESA  
 PARCEL ID: 20160027  
 PIN: 858200701958  
 DB: 6123 PG: 90

BEAMAN, RAYMOND TYLER  
 PARCEL ID: 00039860  
 PIN: 858200606922  
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SWAIM, AUSTEN A  
 PARCEL ID: 20160026  
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BECKHAM, WILLIAM  
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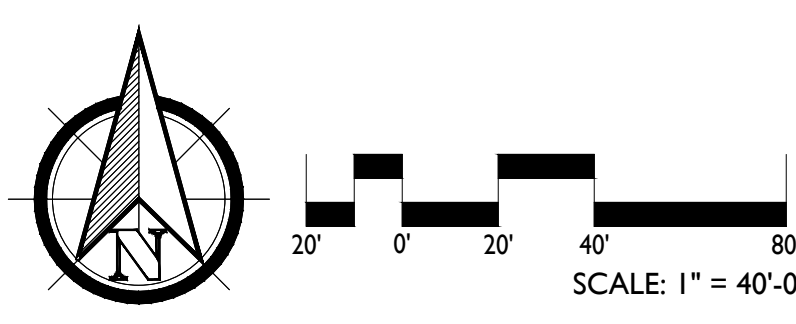
CLARK ST  
 (NCS# 202, 60' PUBLIC R.O.W.)

LEAK, VANESSA LORIANE  
 PARCEL ID: 00035610  
 PIN: 858219604886  
 DB: 655 PG: 230

MATTES, KELLY A  
 PARCEL ID: 20160025  
 PIN: 858200608853  
 DB: 5006 PG: 563

PAGET, MICHAEL  
 PARCEL ID: 20150368  
 PIN: 858200606733  
 DB: 4782 PG: 519

EXISTING PARCEL SURVEY FOR:  
 LEGACY HOMES CONSTRUCTION, INC.  
 MAY 28, 2024  
 KNOLLWOOD CENTER  
 LOTS J-8009, J-8010, J-8011, J-8012  
 TOWN OF SOUTHERN PINES  
 MCNEILL TOWNSHIP  
 MOORE COUNTY, NORTH CAROLINA  
 OWNERS ADDRESS:  
 LEGACY HOMES CONSTRUCTION, INC.  
 PO BOX 667  
 SOUTHERN PINES, NC 28388  
 SURVEY BY:  
 JOHN G. MATTHEWS, L-5020  
 10 COURTHOUSE SQUARE  
 CARTHAGE, NC 28327  
 910-647-2671



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

**KOONTZJONESDesign**  
 LAND PLANNING | LANDSCAPE ARCHITECTURE  
 150 S PAGE STREET  
 SOUTHERN PINES, NC 28387  
 P: (910) 884-8487  
 W: www.koontzjonesdesign.com

REVISIONS:

**CLARK STREET TOWNHOMES**  
 SOUTHERN PINES, NORTH CAROLINA  
 ADJACENT PROPERTIES

DATE: 2024.07.14  
 DESIGNED BY: TWH  
 DRAWN BY: DVM  
 CHECKED BY: TWH  
 Q.C. BY: REK  
 PROJECT #: K022102  
 SHEET NUMBER:  
**L-1.2**

**APPOINTMENT OF AGENT**

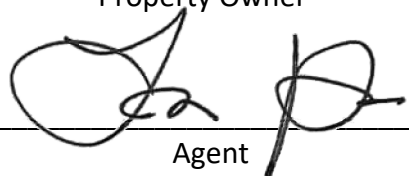
The undersigned owner(s), Legacy Homes Construction, Inc., hereby appoint(s) V3 Southeast, P.C. as the exclusive agent for the purpose of making an application to the Town of Southern Pines for approval of a **Major Subdivision Preliminary Plat** of the property described in the attached application. The owner(s) hereby agree that this agent has the authority to act for and on behalf of the owner(s) as follows:

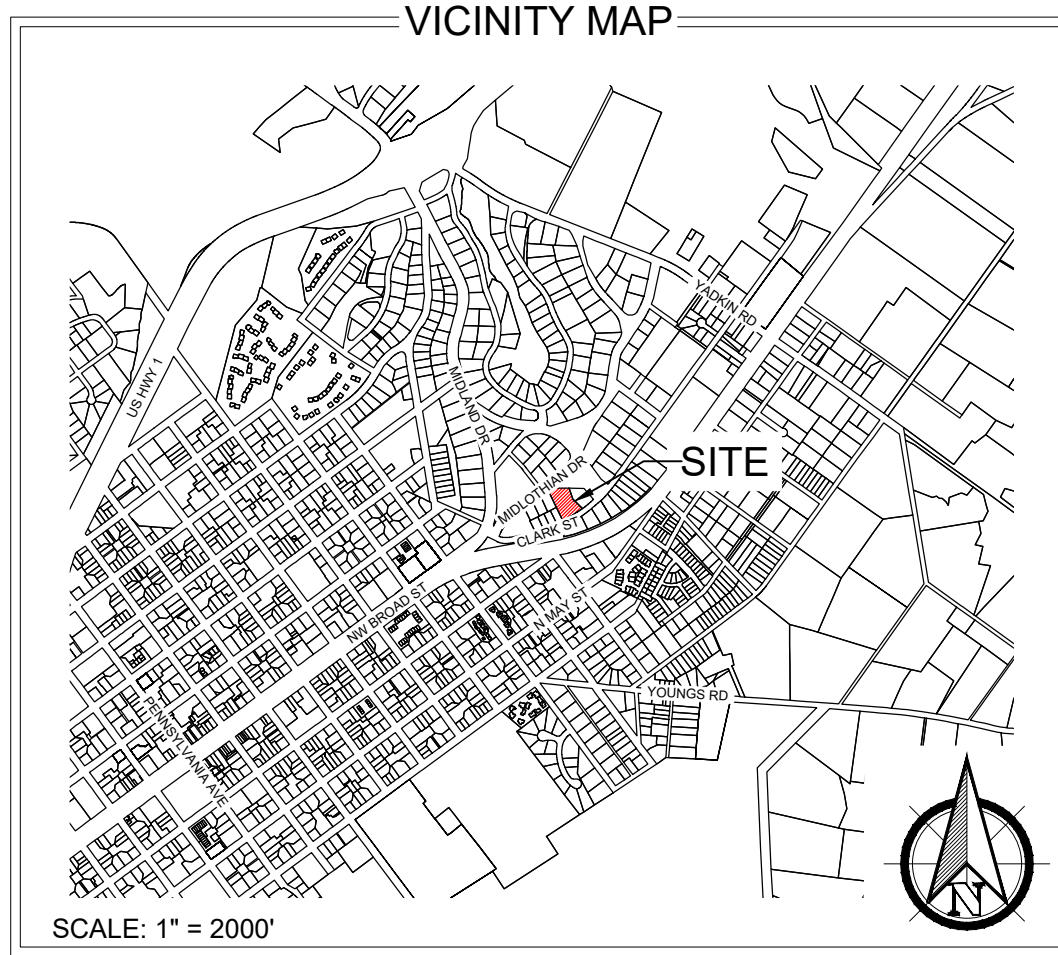
1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the approval of a Major Subdivision 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 14 day of July, 2025.

  
\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Property Owner  
  
\_\_\_\_\_  
Agent



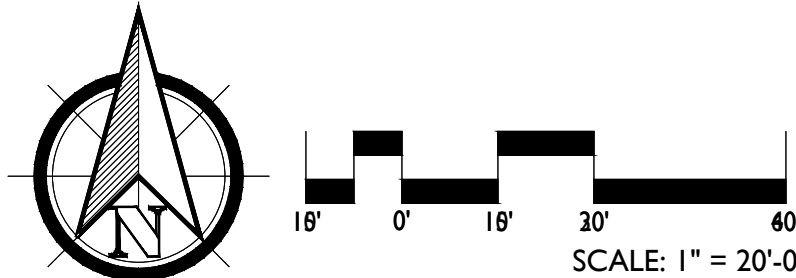
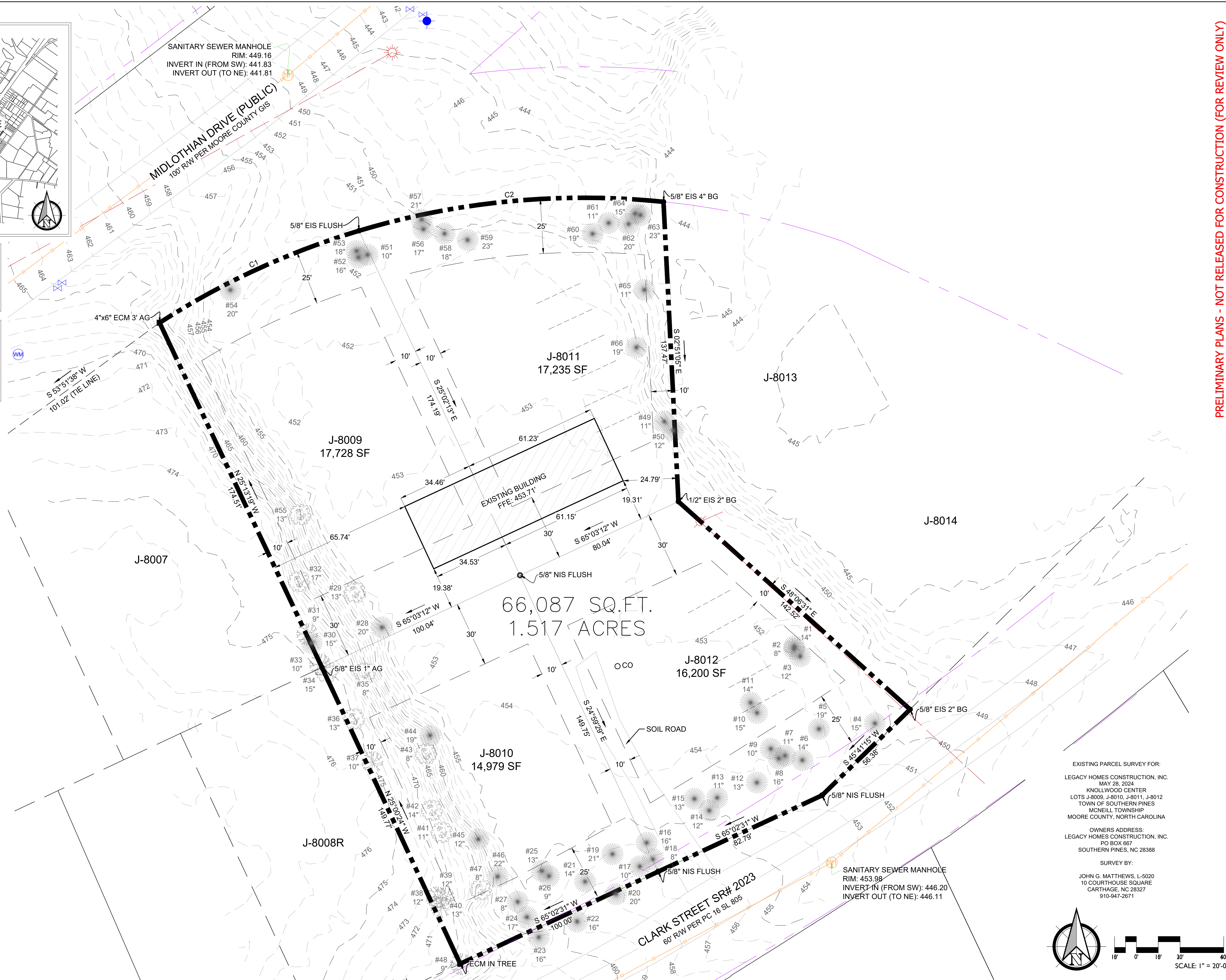
**FLOODPLAIN DATA**  
 THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X'  
 (AREAS OF MINIMAL FLOODING)  
 THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP  
 FIRM COMMUNITY  
 PANEL(S) NO. 8580 / 8582  
 MAP(S): 3710858000J / 3710858200J  
 DATE: OCTOBER 17, 2006

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 EXTERIOR SIDE: 15'  
 REAR: 30'

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 SS = SANITARY SEWER LINE  
 W = WATER LINE  
 - - - - - = ELECTRIC LINE  
 - - - - - = EXISTING MAJOR CONTOUR  
 - - - - - = EXISTING MINOR CONTOUR

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 TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE  
 PROJECT LIMITS. ALL DAMAGE MADE TO THE EXISTING  
 UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE  
 RESPONSIBILITY BY THE CONTRACTOR.



EXISTING PARCEL SURVEY FOR:  
 LEGACY HOMES CONSTRUCTION, INC.  
 MAY 28, 2024  
 KNOLLWOOD CENTER  
 TOWN OF SOUTHERN PINES  
 MCNEILL TOWNSHIP  
 MOORE COUNTY, NORTH CAROLINA  
 OWNERS ADDRESS:  
 LEGACY HOMES CONSTRUCTION, INC.  
 PO BOX 667  
 SOUTHERN PINES, NC 28388  
 SURVEY BY:  
 JOHN G. MATTHEWS, L-5020  
 10 COURTHOUSE SQUARE  
 CARTHAGE, NC 28327  
 910-947-2671

**CLARK STREET SR# 2023**  
 60' RW PER PC 16 SL 805

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

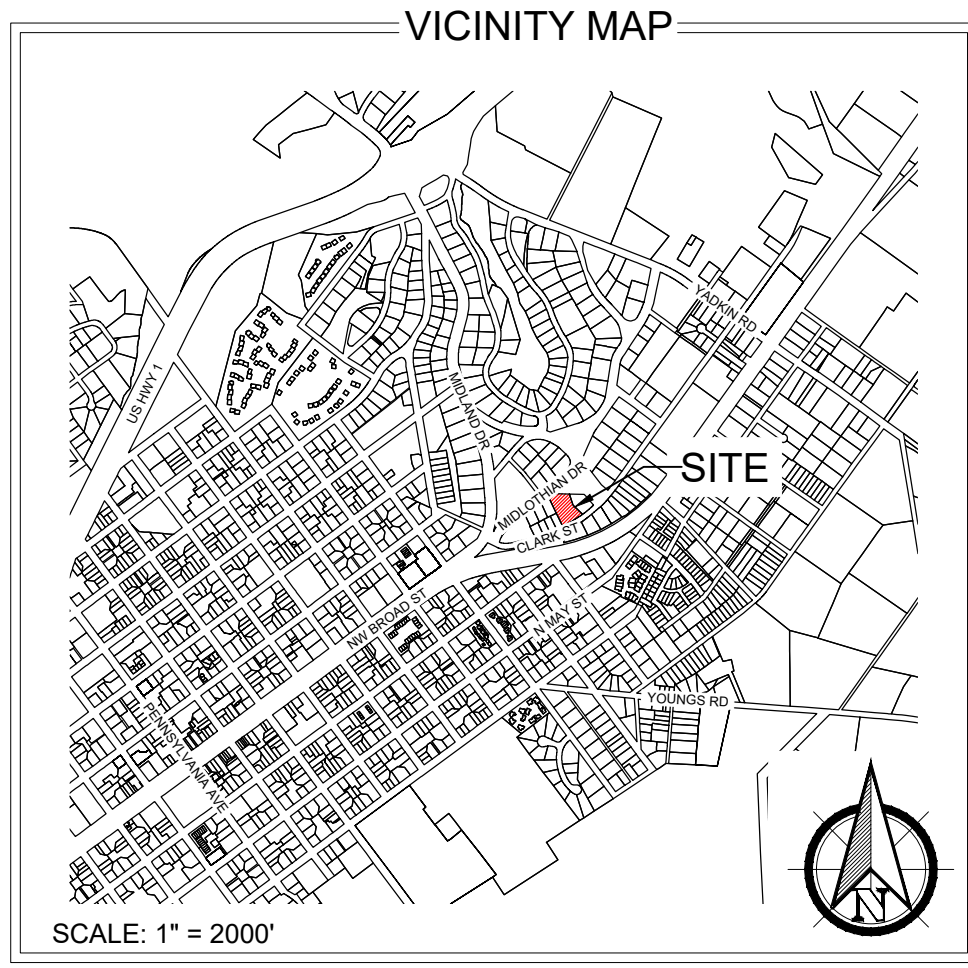
**KOONTZ JONES DESIGN**

140 APPLECROSS ROAD, SUITE B  
 PINEHURST, NC 28374  
 P: (910) 894-8487  
 W: www.koontzjonesdesign.com

REVISIONS:

**CLARK STREET TOWNHOMES**  
 SOUTHERN PINES, NORTH CAROLINA  
**EXISTING CONDITIONS PLAN**

DATE: 2025-07-14  
 DESIGNED BY: TWH  
 DRAWN BY: DVM  
 CHECKED BY: TWH  
 Q.C. BY: REL  
 PROJECT #: KJ022102  
 SHEET NUMBER:  
**L-1.0**



**FLOODPLAIN DATA**  
 THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X' (AREAS OF MINIMAL FLOODING)  
 THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY PANEL(S) NO. 8580 / 8582 MAP(S): 3710858000J / 3710858200J DATE: OCTOBER 17, 2006

**ZONING INFORMATION**  
**PROPOSED ZONING CLASSIFICATION:**  
 CZ-RM-1 - RESIDENTIAL MIXED HOUSING  
**SETBACKS (EXTERNAL PARKING):**  
 FRONT: 15'  
 INTERIOR SIDE: 10'  
 EXTERIOR SIDE: 10'  
 REAR: 15'  
**SETBACKS (FRONT LOADED):**  
 FRONT: 20'  
 INTERIOR SIDE: 5'  
 EXTERIOR SIDE: 10'  
 REAR: 15'

**PROPERTY INFORMATION**  
**PROPERTY OWNER / APPLICANT:**  
 LEGACY HOMES CONSTRUCTION, INC.  
**PROPERTY ADDRESS:**  
 510 CLARK ST, SOUTHERN PINES, NC 28387  
**PARCEL ID:** 00032727  
**PIN:** 858219617079  
**DEED BOOK #:** 5910  
**DEED PAGE #:** 338

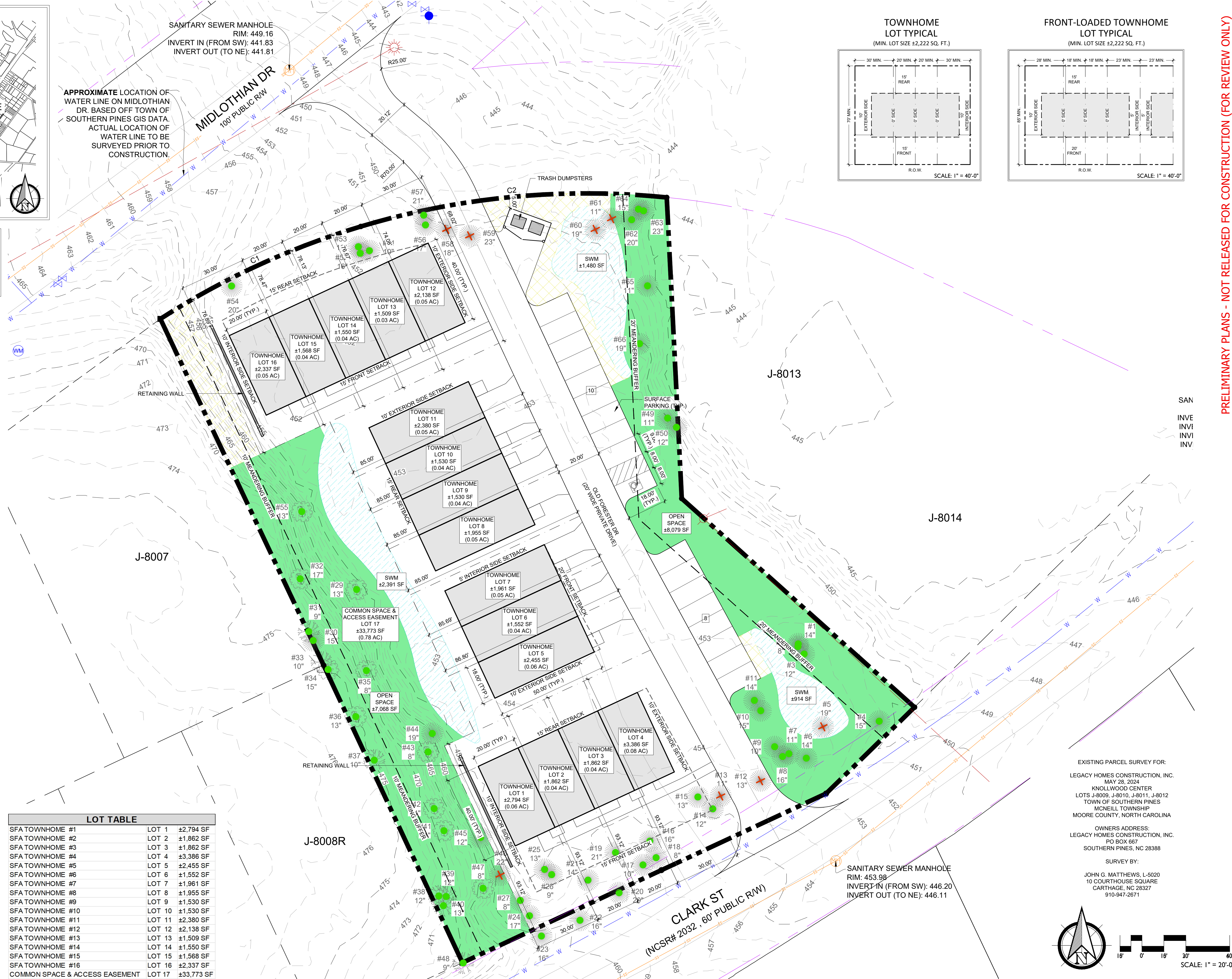
**DEVELOPMENT SUMMARY**

TOWNHOME LOTS (18' MIN. WIDTH X 85' MIN. DEPTH)	16 LOTS
COMMON SPACE & ACCESS EASEMENT	1 LOT
<b>TOTAL SITE ACREAGE:</b>	±1.52 AC 10.5 DUA
<b>TOTAL OPEN SPACE REQUIRED:</b>	6,621 SF ±0.15 AC 10.0%
<b>TOTAL OPEN SPACE PROVIDED:</b>	15,147 SF ±0.35 AC 22.9%
<b>TOTAL IMPERVIOUS SURFACE PERMITTED:</b>	94,587 SF ±2.17 AC 70.0%
<b>TOTAL IMPERVIOUS SURFACE PROPOSED:</b>	31,463 SF ±0.72 AC 47.5%
<b>PARKING REQUIREMENTS:</b> SINGLE FAMILY ATTACHED @ 2 SPACES/UNIT	
<b>TOTAL PARKING REQUIRED:</b>	32 SPACES
<b>TOTAL PARKING PROVIDED:</b>	32 SPACES

**LEGEND**

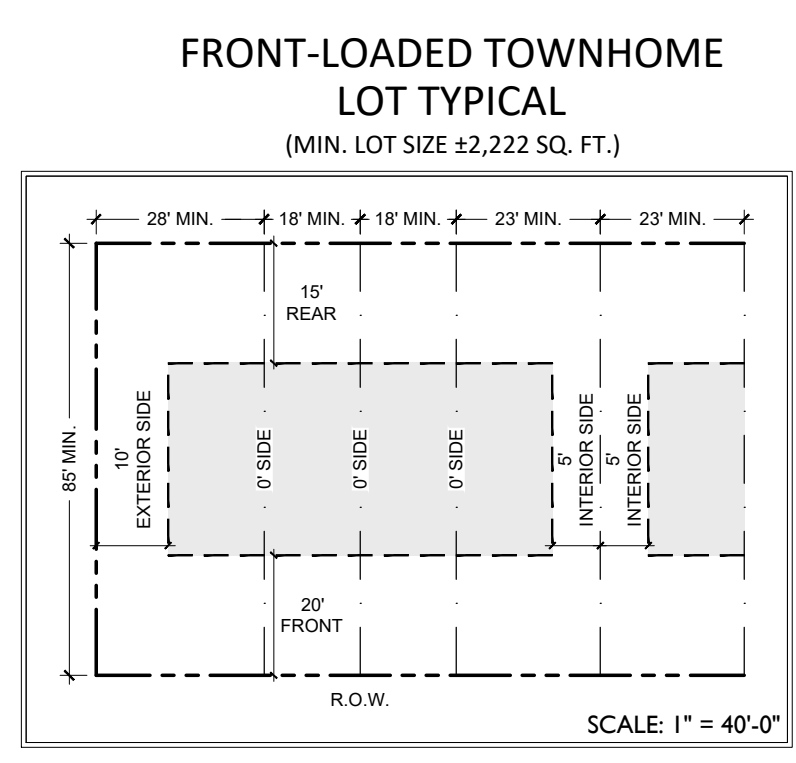
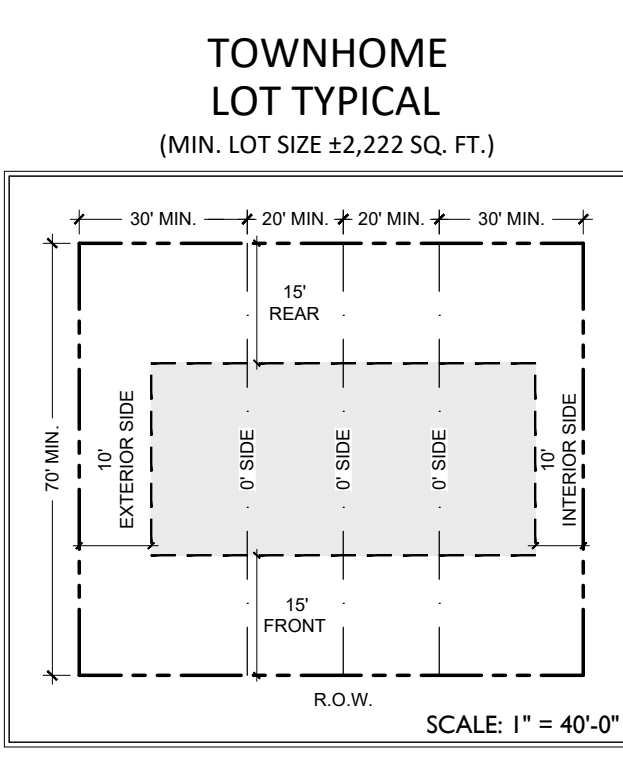
- = PROPERTY BOUNDARY
- - - = PARCEL BOUNDARY
- - - = SETBACK LINE
- - - = BUFFER LINE
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**LOT TABLE**

SFA TOWNHOME	LOT	SQ. FT.
SFA TOWNHOME #1	LOT 1	±2,794 SF
SFA TOWNHOME #2	LOT 2	±1,862 SF
SFA TOWNHOME #3	LOT 3	±1,862 SF
SFA TOWNHOME #4	LOT 4	±3,386 SF
SFA TOWNHOME #5	LOT 5	±2,455 SF
SFA TOWNHOME #6	LOT 6	±1,552 SF
SFA TOWNHOME #7	LOT 7	±1,961 SF
SFA TOWNHOME #8	LOT 8	±1,955 SF
SFA TOWNHOME #9	LOT 9	±1,530 SF
SFA TOWNHOME #10	LOT 10	±1,530 SF
SFA TOWNHOME #11	LOT 11	±2,380 SF
SFA TOWNHOME #12	LOT 12	±2,138 SF
SFA TOWNHOME #13	LOT 13	±1,509 SF
SFA TOWNHOME #14	LOT 14	±1,550 SF
SFA TOWNHOME #15	LOT 15	±1,568 SF
SFA TOWNHOME #16	LOT 16	±2,337 SF
COMMON SPACE & ACCESS EASEMENT	LOT 17	±33,773 SF



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

**KOONTZ JONES DESIGN**

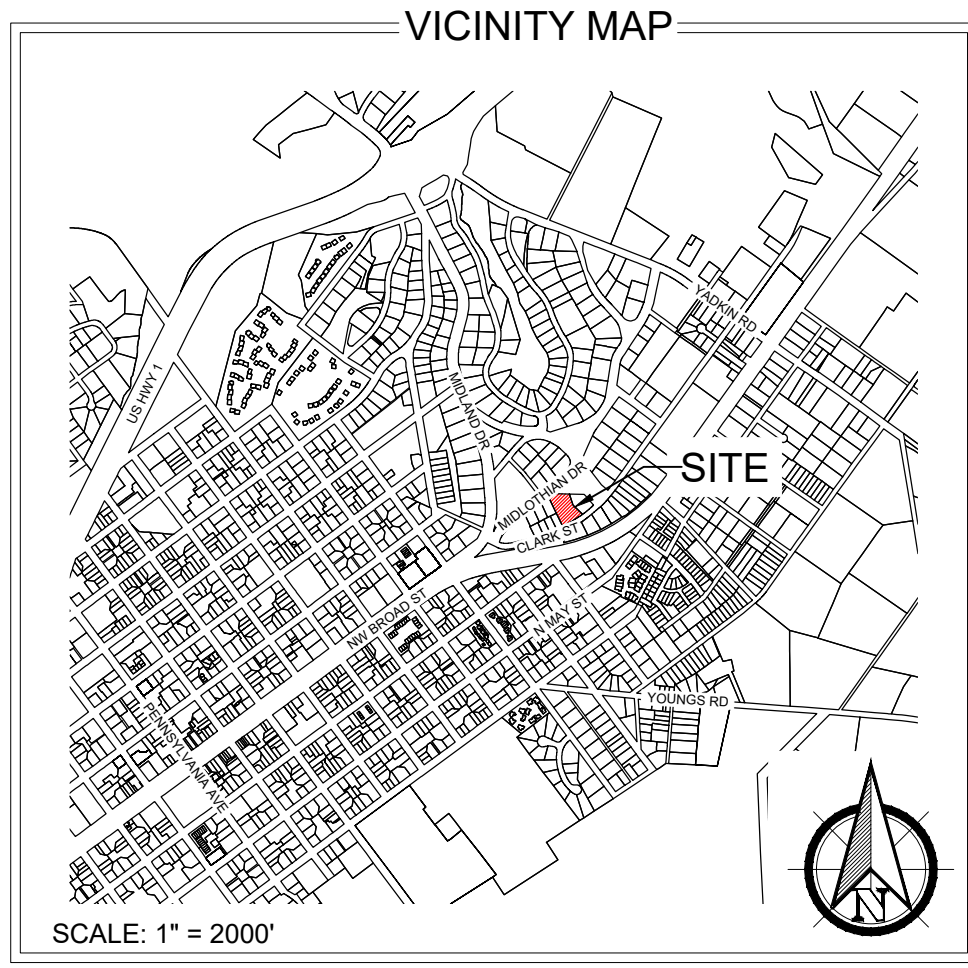
140 APPLECROSS ROAD, SUITE B  
 PINEHURST, NC 28374  
 P: (910) 884-8487  
 W: www.koontzjonesdesign.com

REVISIONS:

CLARK STREET TOWNHOMES  
 SOUTHERN PINES, NORTH CAROLINA

PRELIMINARY PLAT

DATE: 2024.08.08  
 DESIGNED BY: TWH  
 DRAWN BY: DMV  
 CHECKED BY: TWH  
 Q.C. BY: REL  
 PROJECT #: KJ022102  
 SHEET NUMBER:  
**L-1.1A**



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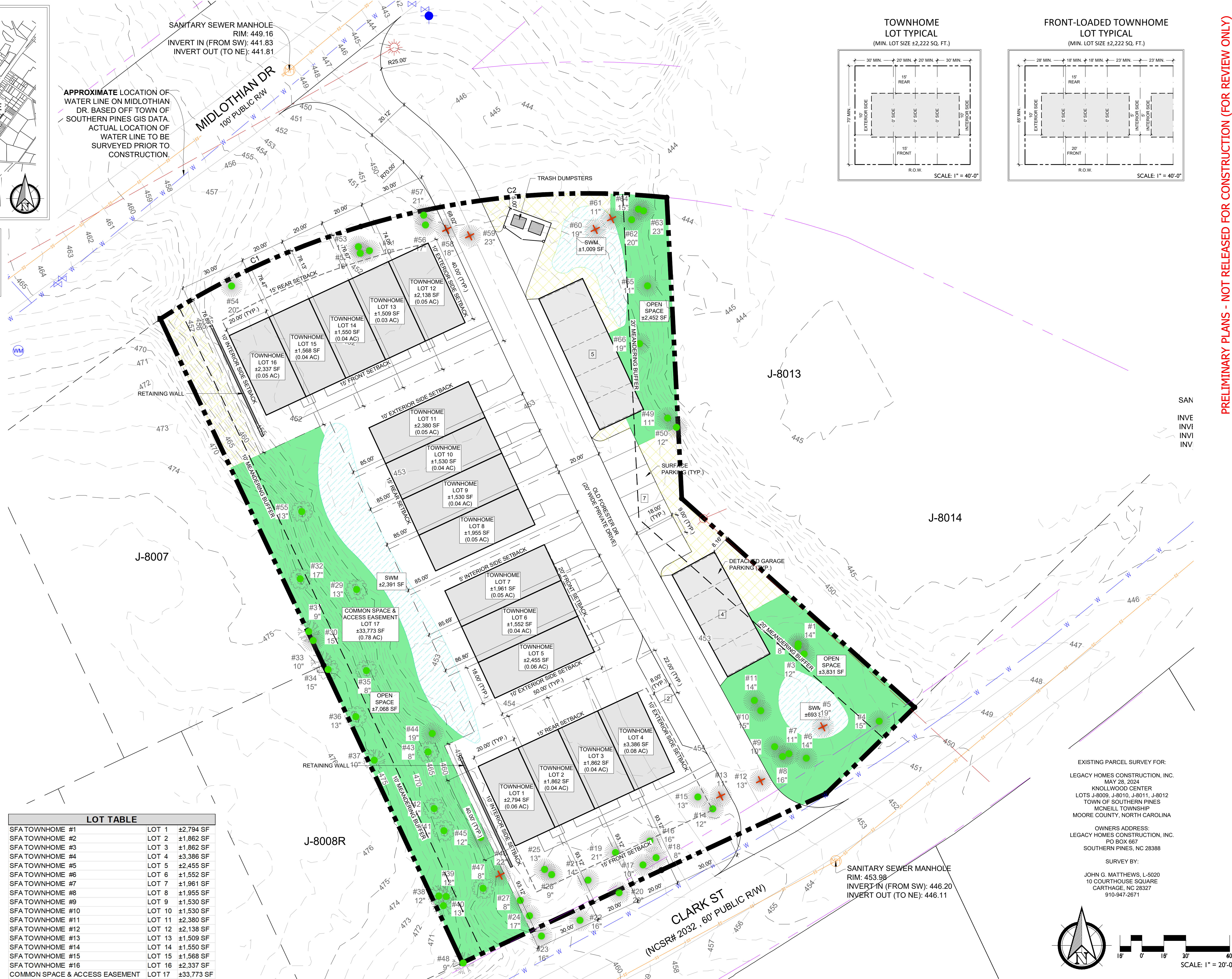
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<b>TOTAL OPEN SPACE PROVIDED:</b>	13,351 SF ±0.31 AC 20.2%
<b>TOTAL IMPERVIOUS SURFACE PERMITTED:</b>	94,587 SF ±2.17 AC 70.0%
<b>TOTAL IMPERVIOUS SURFACE PROPOSED:</b>	33,531 SF ±0.77 AC 50.5%
<b>PARKING REQUIREMENTS:</b> SINGLE FAMILY ATTACHED @ 2 SPACES/UNIT	
<b>TOTAL PARKING REQUIRED:</b>	32 SPACES
<b>TOTAL PARKING PROVIDED:</b>	32 SPACES

**LEGEND**

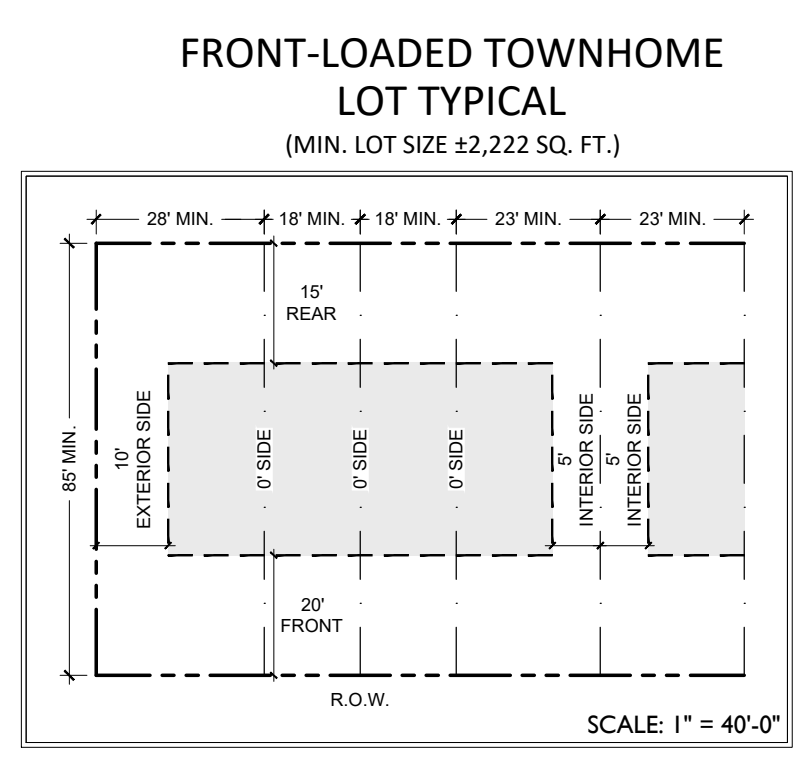
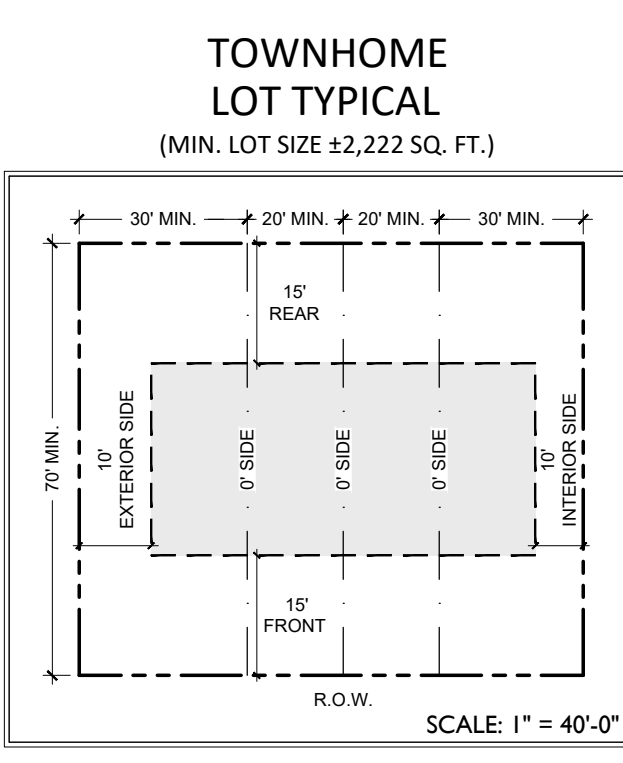
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COMMON SPACE & ACCESS EASEMENT	LOT 17	±33,773 SF



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 P: (910) 884-8487  
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REVISIONS:

REVISIONS:

REVISIONS:

**CLARK STREET TOWNHOMES**  
 SOUTHERN PINES, NORTH CAROLINA

**PRELIMINARY PLAT - EXTERNAL GARAGES OPTION**

EXISTING PARCEL SURVEY FOR:  
 LEGACY HOMES CONSTRUCTION, INC.  
 MAY 28, 2024  
 KNOLLWOOD CENTER  
 TOWN OF SOUTHERN PINES  
 MCNEILL TOWNSHIP  
 MOORE COUNTY, NORTH CAROLINA

OWNERS ADDRESS:  
 LEGACY HOMES CONSTRUCTION, INC.  
 PO BOX 667  
 SOUTHERN PINES, NC 28388

SURVEY BY:  
 JOHN G. MATTHEWS, L-5020  
 10 COURTHOUSE SQUARE  
 CARTHAGE, NC 28327  
 910-947-2671

DATE: 2024.08.08  
 DESIGNED BY: TWH  
 DRAWN BY: DMV  
 CHECKED BY: TWH  
 Q.C. BY: REL  
 PROJECT #: KJ022102

SHEET NUMBER:  
**L-1.1A**

# **DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR CLARK ST TOWNHOMES**

This Declaration of Covenants, Conditions, and Restrictions ("Declaration") is made this [DATE], by [DEVELOPER'S NAME], hereinafter referred to as "Declarant."

## **RECITALS**

WHEREAS, the Declarant is the owner of certain real property located on Clark Street in Southern Pines, Moore County, North Carolina, as more particularly described in Exhibit A attached hereto and made a part hereof (the "Property");

WHEREAS, the Declarant desires to create a residential community to be known as "Clark Street Townhomes" (the "Subdivision") and to provide for the preservation of the values and amenities in said Subdivision and for the maintenance of the Common Areas, private roads, and other improvements;

WHEREAS, the Declarant desires to subject the Property to the provisions of this Declaration, which are intended to protect the value and desirability of the Subdivision and to be binding upon all persons having any right, title, or interest in the Property or any part thereof;

NOW, THEREFORE, the Declarant hereby declares that the Property shall be held, sold, and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of the Property and which shall run with the land and be binding on all parties having any right, title, or interest in the Property or any part thereof, and their heirs, successors, and assigns, and shall inure to the benefit of each Owner thereof.

## **ARTICLE I: DEFINITIONS**

1. "Association" shall mean the Clark Street Townhomes Homeowners Association, Inc., a North Carolina nonprofit corporation, its successors, and assigns.

2. "Common Area" shall mean all real property and improvements thereon owned by the Association for the common use and enjoyment of the Owners, including, but not limited to, private roads, green spaces, and landscaped areas.
3. "Lot" shall mean any numbered plot of land shown on the recorded subdivision plat of the Property, which is intended for development as a townhome.
4. "Owner" shall mean the record owner, whether one or more persons or entities, of fee simple title to any Lot within the Subdivision, including contract sellers but excluding those having such interest merely as security for the performance of an obligation.
5. "Declarant" shall mean [DEVELOPER'S NAME], its successors, and assigns, if such successors or assigns should acquire more than one undeveloped Lot from the Declarant for the purpose of development.
6. "Subdivision" shall refer to the planned community known as Clark Street Townhomes, located on Clark Street in Southern Pines, North Carolina.

## **ARTICLE II: PROPERTY RIGHTS**

1. Owner's Easement of Enjoyment: Every Owner shall have a right and easement of enjoyment in and to the Common Area, which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

- The right of the Association to establish reasonable rules and regulations governing the use of the Common Area.

- The right of the Association to suspend the voting rights and rights to use the Common Area by an Owner for any period during which any assessment against such Owner's Lot remains unpaid, and for a period not to exceed sixty (60) days for any infraction of its published rules and regulations.

- The right of the Association to dedicate or transfer all or any part of the Common Area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the Members.

2. Private Roads: The roads within the Subdivision are private and shall be maintained by the Association. No Owner shall block, obstruct, or hinder traffic on the private roads. The Association may adopt rules regulating parking and speed limits on private roads.

## **ARTICLE III: HOMEOWNERS ASSOCIATION**

1. Membership: Every Owner of a Lot within the Subdivision shall automatically be a member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot.

2. Voting Rights:

- Declarant Voting Rights: The Declarant shall be entitled to ten (10) votes for each Lot they own within the Subdivision. This special voting right shall continue until the Declarant no longer owns any Lots or until the Declarant voluntarily relinquishes this right in writing.

- Owner Voting Rights: After the Declarant no longer owns any Lots or relinquishes the special voting rights, each Lot shall have one (1) vote in the Association.

- Voting rights are subject to suspension as provided herein and in the Bylaws of the Association.

3. Board of Directors: The affairs of the Association shall be managed by a Board of Directors. The number, term, and qualifications of the Directors shall be as set forth in the Bylaws of the Association.

4. Assessments:

- Creation of the Lien and Personal Obligation of Assessments:\*\* The Declarant, for each Lot owned within the Subdivision, hereby covenants, and each Owner of any Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association: (1) annual assessments or charges; (2) special assessments for capital improvements; and (3) special assessments levied for emergency purposes. Such assessments, together with interest thereon and costs of collection, shall be a charge on the Lot and shall be a continuing lien upon the Lot against which each such assessment is made.

- Purpose of Assessments: The assessments levied by the Association shall be used exclusively to promote the recreation, health, safety, and welfare of the residents in the Subdivision and for the improvement and maintenance of the Common Areas, including the maintenance of private roads, open spaces, and landscaping.

## **ARTICLE IV: USE RESTRICTIONS**

1. Residential Use: All Lots shall be used for residential purposes only. No trade, business, or commercial activity shall be conducted on any Lot, except for home offices or home-based businesses that do not generate customer traffic, noise, or other nuisances detectable outside of the dwelling.

## 2. Architectural Control:

- No structure, including any building, fence, wall, or other improvement, shall be commenced, erected, or maintained on any Lot, nor shall any exterior addition to or change or alteration therein be made, until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same have been submitted to and approved in writing by the Architectural Control Committee (ACC).

- The ACC shall consist of three (3) members appointed by the Declarant during the Development Period and by the Board of Directors thereafter. The ACC shall consider the harmony of external design with existing structures, location with respect to topography and finished grade elevation, and conformity with the overall aesthetic of the Subdivision.

3. Nuisances: No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood. Owners shall refrain from activities that generate excessive noise, odor, or pollution.

## 4. Parking and Vehicle Restrictions:

- Parking shall be restricted to private driveways and garages. No vehicles shall be parked on the streets or Common Areas, except in designated guest parking spaces.

- Commercial vehicles, trailers, boats, and recreational vehicles shall not be parked on any Lot or street within the Subdivision unless stored in a garage or otherwise concealed from public view.

## 5. Pets:

- A maximum of two (2) household pets may be kept, provided they are not kept, bred, or maintained for commercial purposes. Pets shall be restrained at all times when outside the dwelling and must not create excessive noise or disturbance.

- Owners shall be responsible for cleaning up after their pets in the Common Areas.

## 6. Trash and Recycling:

- Trash service is provided by the town. Trash and recycling containers shall be stored out of view from the street, except on collection days when they may be placed at the curb.

- All garbage and recycling must be placed in secure, approved containers.

## 7. Lawn, Landscape Easement, and Open Space Maintenance:

- The Association shall be responsible for the maintenance of all lawns and open spaces within the Subdivision, including mowing, fertilizing, and landscaping.

- No Owner shall alter, landscape, or plant in these areas without the prior written approval of the Association.

## **ARTICLE V: INSURANCE AND MAINTENANCE**

### **1. Insurance:\***

- The Association shall maintain adequate property insurance covering the Common Areas and any improvements thereon against loss or damage by fire, flood, storm, and other hazards, including liability insurance covering the Common Areas and the Board of Directors.

- Each Owner shall be responsible for obtaining insurance coverage for their Lot and townhome, including casualty, liability, and flood insurance if applicable.

### **2. Maintenance:**

- The Association shall maintain the Common Areas, including roads, open spaces, and landscaping. Maintenance shall include, but not be limited to, repair, replacement, and upkeep of all common facilities, utilities, and infrastructure.

- Each Owner shall maintain their townhome and Lot in good condition and repair, including, but not limited to, exterior surfaces, roofs, windows, doors, and landscaping within the Lot boundaries.

## **ARTICLE VI: EASEMENTS**

1. Utility Easements: There is hereby reserved a blanket easement over, under

, and through the Subdivision for the installation, repair, and maintenance of utilities, including but not limited to water, sewer, electricity, gas, cable television, and telecommunications.

2. Ingress and Egress: Easements for ingress and egress over private roads are hereby established for the benefit of all Owners and the Association. No Owner shall obstruct or interfere with the use of these easements.

3. Drainage Easements: Easements for drainage facilities are hereby reserved, and no structure or improvement shall be placed within such easements that would interfere with the flow of water or maintenance of drainage systems.

## **ARTICLE VII: AMENDMENT**

1. Amendment by Declarant: The Declarant reserves the right to unilaterally amend this Declaration for so long as the Declarant owns any Lot within the Subdivision. Any amendment by the Declarant shall be consistent with the general purposes of this Declaration.

2. Amendment by Owners: After the Declarant no longer owns any Lots, this Declaration may be amended by a vote of two-thirds (2/3) of the Owners, with each Lot receiving one vote. Amendments shall be recorded in the public records of Moore County, North Carolina, to be effective.

## **ARTICLE VIII: GENERAL PROVISIONS**

1. Enforcement: The Association or any Owner shall have the right to enforce, by proceedings at law or in equity, all covenants, restrictions, easements, and liens now or hereafter imposed by this Declaration. Failure to enforce any provision hereof shall in no event be deemed a waiver of the right to do so thereafter.

2. Severability: Invalidation of any provision of this Declaration by judgment or court order shall not affect any other provisions, which shall remain in full force and effect.

3. Duration: The covenants and restrictions of this Declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable by the Association, the Declarant, and any Owner, their respective legal representatives, heirs, successors, and assigns, for a term of fifty (50) years from the date this Declaration is recorded, after which time they shall automatically extend for successive periods of ten (10) years unless an instrument signed by the then-Owners of two-thirds (2/3) of the Lots has been recorded agreeing to terminate or amend these covenants.

4. Interpretation: The provisions of this Declaration shall be liberally construed to effectuate its purpose of creating a uniform plan for the development and operation of a residential community.

Headings are for convenience only and shall not affect the meaning or interpretation of any provision herein.

IN WITNESS WHEREOF, the Declarant has executed this Declaration on the day and year first above written.

[DEVELOPER'S NAME]

[DEVELOPER'S SIGNATURE]

EXHIBIT A: Legal Description of Property

# Agenda Item

**To:** Planning Board  
**Via:** BJ Grieve, Planning Director  
**From:** James Broadwell, Planner II  
**Subject:** MAPP-03-25: Major Subdivision Preliminary Plat for 7 Homes along East Indiana Avenue; Petitioner: The ASCOT Corporation, Agent  
**Date:** April 21, 2025

---

## I. SUMMARY OF APPLICATION REQUEST

The ASCOT Corporation 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 seven lots under RS-2 zoning. The parent tract contains solely natural wooded areas adjacent to a minor-arterial roadway. Per the Moore County tax records, the property is identified as PARID 00055181, which comprises 4.56 acres, and is owned by James E. Rhodes.

## II. PROJECT INFORMATION

### A. Property Owner & Applicant Information

**Property Owner**

James E. Rhodes  
P.O. Box 1657  
Southern Pines, NC 28388

**Applicant / Authorized Agent**

Colin Webster  
The ASCOT Corporation  
P.O. Box 1872  
Southern Pines, NC 28388

### B. Project Background and Site Information

**i. Project Background and History**

The subject property, PARID 00055181, is an approximately 4.56-acre residential lot located along E Indiana Avenue adjacent to the Sandhurst South neighborhood. The lot was never subdivided following the surrounding section of Sandhurst South being platted in 1983 (Plat Cabinet 2, Slide 376).

This Preliminary Plat application intends to create seven new lots, exceeding the UDO §2.19 threshold of five lots to qualify for a Minor Subdivision. Additionally, E Indiana Avenue is designated a Minor Arterial roadway according to the town's Road Network Map. Because of this designation, this subdivision also 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 seven lots that range from 22,774 square feet to 29,447 square feet—all of which meet the current RS-2 zoning standards.

**ii. Location, Zoning, Comprehensive Plan Designations**

The subject property is located approximately 1/2-mile from the intersection of Fort Bragg Road and E Indiana Avenue. 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.

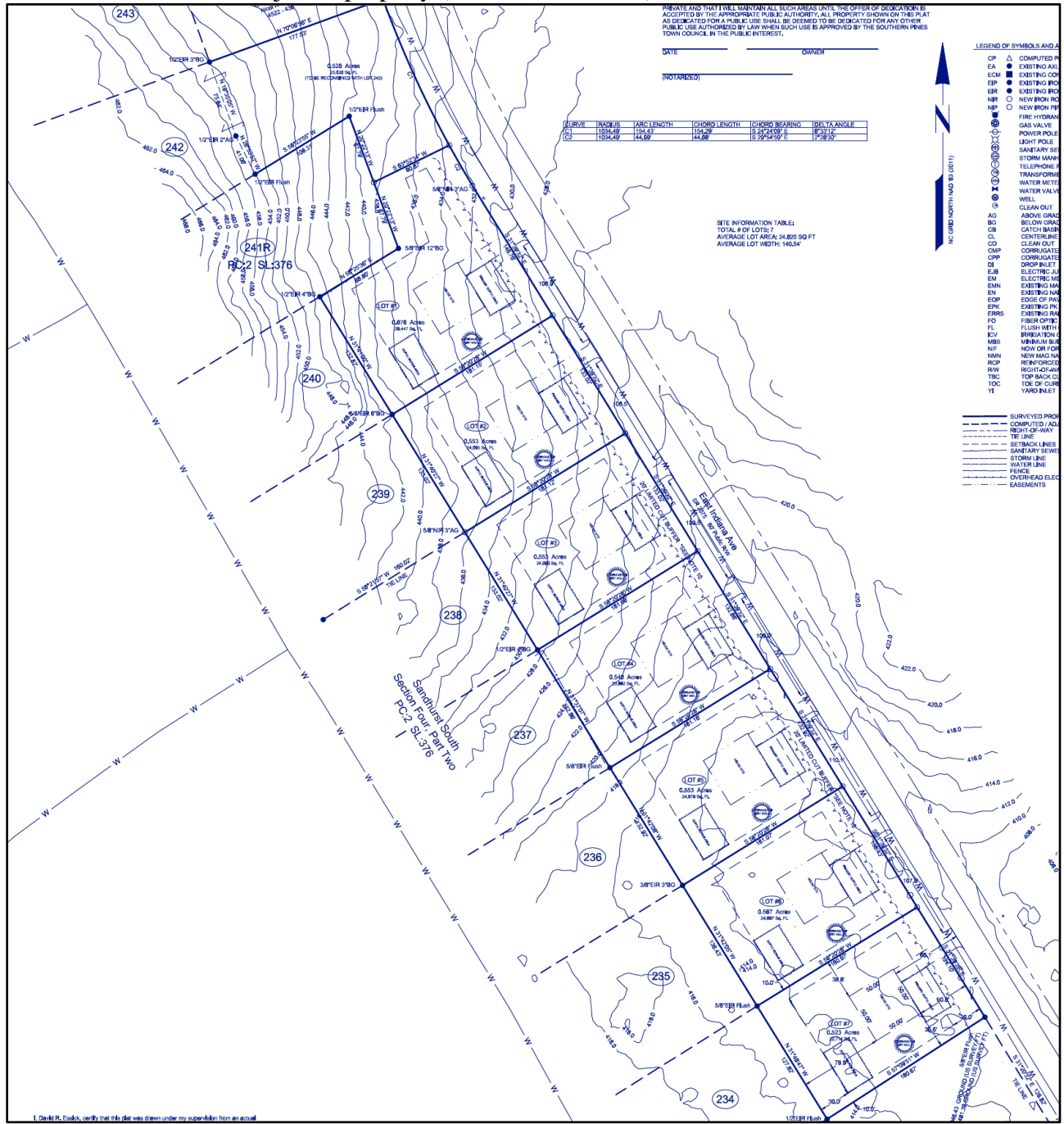
Figure 1: Immediate Vicinity Map. Parent tract outlined in orange.



**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, with RS-3 lots across E Indiana Ave.



**Figure 3: Preliminary Plat.** Seven proposed lots, except for the northernmost area proposed to be recombined with an adjacent property (PARID: 00056878).



**III. STAFF REVIEW**

**A. Application Review Dates**

- MAPP application submitted: **June 11, 2025**
- Application deemed incomplete: **June 13, 2025**
- Revised application materials submitted: **June 17, 2025**
- Application deemed complete: **June 18, 2024**
- TRC Pre-Application Review: **April 29, 2025**
- Notice of Planning Board Preliminary Forum:
  - Posted On-site: **July 31, 2025**
  - Internet: **July 29, 2025**
- Follow-up discussion between staff and the applicant: **July 28, 2025**
- Follow-up emails between staff and the applicant: **August 12, 2025**
- Planning Board Preliminary Forum: **August 21, 2025**

**B. Process and Standards of Review**

UDO §2.19, General Subdivision Regulations, and §2.20, Major Subdivision, cover the procedures for review and approval of a Major Subdivision. The criteria for compliance with a Major Subdivision Preliminary Plat are found in UDO §2.20.4(G), and apply to the review and approval of this townhome development.

**C. Compliance with UDO §2.20.4(G) Major Subdivision Preliminary Plat Criteria.** A major subdivision is permitted only if the applicant demonstrates consistency with the following five criteria. Below are staff comments regarding the application’s consistency with each:

- 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;*

**Area Vision.** Town staff agree 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.

**Preservation of Natural Character and Minimizing Tree Loss During Development.** The applicant has shown a 20-foot “limited cut buffer” on the preliminary plat with a note that reads: *20’ front limited cut buffer shall be disturbed by the original builder of each dwelling only to the extent necessary to install a driveway and utilities to serve each lot;*” Though staff appreciate this note, staff find that only a 20-foot width would not fully meet reasonable and proportional preservation pursuant to Comprehensive Plan policy 4.10. Comprehensive Plan polices 4.9 and 4.10 call for the preservation of our town’s natural character and minimizing tree loss during development wherever possible. For that reason, staff assess that preservation of the existing mature trees within the front setback (30-foot width) would be a

desirable, proportional, and reasonable community benefit. **Figure 4** below shows the significant number of mature trees within the subject property along E Indiana Avenue. These trees are emblematic of the Southern Pines natural character, and are a key asset to the community.

Furthermore, the setback area may not be developed with structures, so no loss of developable area, minus minor tree protection fence radii distance (if applicable), would occur if the existing trees are preserved. For that reason, preserving these trees within the front setback is necessary to satisfying Criterion #1. If the applicant preserves the existing mature trees, then staff assess this criterion is met.

The applicant expressed to staff on July 28, 2025 that preserving the mature trees in the 30-foot setback should not present an issue; however, they are awaiting soil testing results to confirm unanswered questions about grading. Once they receive those test results, they intend to let staff know their take on preserving the 30-foot width.

**Figure 4: Existing Trees Within the Subject Property Along E Indiana Ave.**





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

**Minor Arterial Roadway Designation.** E Indiana Avenue is a Minor Arterial roadway according to the town’s Roadway Network Map; because creating additional driveways on high traffic and speed roadways may create safety and/or design issues, major subdivision review is required pursuant to UDO §2.32.1(A)(7) (in addition to being over the 5-lot threshold pursuant to UDO §2.19 in this case). 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 highway, arterial, and collector roadways to prevent those safety concerns.

Where the subject property fronts E Indiana Avenue, the speed limit is 45-MPH, the elevation drop is approximately 38-feet, and the road’s immediate travel area comprises two curves that limit site line visibility at varying distances depending on which proposed driveway one exits from.

Engineering staff reviewed the proposed driveway access locations. Because the applicant plans to add seven driveways, with adequate dispersion over a total distance of approximately 1,000 feet, 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 (50 C.F.R. §17 (wildlife and fisheries)) and should be considered when development is proposed in near proximity to known RCW habitat. According to an agency referral letter from the Fort Bragg Regional

Land Use Advisory Commission (RLUAC) received by staff on August 11, 2025, “the site is designated as Critical to Protect in the Fort Bragg Compatible Use Rating system due to its location within a previously identified red-cockaded woodpecker active foraging area...it is recommended that the owner have the property surveyed by personnel experienced in management and monitoring of the species prior to the removal of any mature pine trees.” For that reason, staff highly recommend conducting a RCW study on the subject property prior to the removal of any trees. Staff previously relayed to the applicant that, given the proximity to known RCW clusters, RLUAC would likely recommend the study (as they have). The applicant then told staff on July 28, 2025 that doing the study should not be an issue for the project and they would plan for it. Conducting a RCW study ensures compliance with the above mentioned federal regulations, and therefore this criterion.

**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 E Indiana Avenue are more than sufficient to meet this requirement, and preserving trees like these are a primary goal of the town’s Comprehensive Plan (and MAPP Criterion #1). Staff wish to point out that a mature tree preservation measure pursuant to MAPP Criterion #1 would also satisfy this UDO requirement.

In conclusion, after a RCW study is conducted and any necessary changes are made to the site plan following that study, staff assess that Criterion #2 will be 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 driveway 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 April 29 and August 5, 2025 meeting. The committee noted that the level of impervious surface being added could be sufficiently addressed with on-site stormwater dry wells—which the applicant has shown on the Preliminary Plat.

As mentioned under Criterion #2, town engineering staff also reviewed the proposed driveway access locations. Given the seven additional driveways

are proposed with adequate spacing over a 1,000-foot total distance, 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 water 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 E Indiana Avenue. For wastewater, the applicant intends to install septic systems, as town sewer services are not available off of this section of E Indiana Ave. The applicant will need to coordinate with the Moore County Health Department for the septic system installation. For these reasons, staff confirm that Criterion #5 is met.

#### **D. General Staff Comments**

- **Northern Section to be Recombined with Lot #242.**

The applicant intends to recombine the northern-most portion of the subject property with "lot 242" (from the original Plat Cabinet 2, Slide 376) as shown on the preliminary plat. Staff asked the applicant for more information on this proposed course of action for relevant context; however, the applicant has yet to provide any clarifying information on this question as of writing this staff report. For clarity, staff do not find any technical issues with the recombination of this portion of the subject property, but wish to understand the context.

#### **E. Outside Agency and Neighborhood Meeting Comments:**

A request for agency comments on this Major Subdivision Preliminary Plat was sent on on July 29, 2025. Agencies notified include the Town of Southern Pines Streets, Public Works, Utilities, Fire, Recreation and Parks, and Engineering departments, the Regional Land Use Advisory Commission (RLUAC), the United States Fish and Wildlife Services (USFWS), the Moore County Airport, and the North Carolina Department of Transportation (NCDOT). Staff have received the following comments since:

- On August 11, 2025, NCDOT replied noting that the proposed seven driveways would need driveway and right-of-way encroachment permits, otherwise no major concerns were noted.
- As mentioned above, on August 11, 2025, RLUAC replied with a letter strongly recommending that a RCW study be conducted before any site clearing commences (see attachment 5).

- The Technical Review Committee reviewed this project’s file at their 4/29/2025 and 8/5/2025 meetings, and did not identify any significant issues. Further site plan review and approval will be required prior to issuance of a Final Plat or building permits for development, if approved.

Any additional applicant, agency, or public comments received following this staff report’s publication, but prior to the public hearing, will be shared during staff’s presentation.

**IV. ATTACHMENTS:**

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

1. Preliminary Plat Applications and Agent Authorization
2. Deed and Purchase Agreement
3. Preliminary Plat
4. Utility Letter
5. RLUAC RCW Review Letter

Additional documentation, including but not limited to, the NCDOT comment and the existing plat for the subject section of the Sandhurst South neighborhood is available for review as a public document at the Town of Southern Pines planning office.

**V. PLANNING BOARD ACTION:**

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

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

**I move** to adopt the following for transmission to the Town Council as a result of the August 21, 2025 Preliminary Forum on application MAPP-03-25:

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-03-25:

- 1.

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

- 1.

---

**REQUIRED APPLICATION MATERIALS:**

- Application fee** in the amount of \$1,500.00 plus \$25.00 per lot
- Completed Major Subdivision Preliminary Plat Application** signed by the applicant
- Appointment of Agent** signed by the property owner(s) and the agent (if applicable)
- Deed** copy to provide proof of ownership and property boundaries
- Preliminary Plat:** Please refer to Appendix A of the UDO (pg. A-16) for detail requirements.
- Written narrative:** demonstrating compliance with UDO §2.19 and §2.20.
- Additional documentation:** Additional text and/or maps provided to demonstrate consistency with the criteria for approval of a preliminary plat listed in UDO §2.20.4(G). The list of criteria is attached.
- Covenants and Restrictions** (if applicable)
- Utility letters** confirming the availability of service and improvements necessary to provide water, wastewater, natural gas or telecommunications services (not needed for Town services).
- Drainage concept plan:** See drainage impact analysis checklist (if applicable).
- Traffic impact analysis:** See traffic impact analysis checklist (if applicable).
- 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. **Preliminary forum:** Held before the Planning Board at its regular monthly meeting. (Please refer to the **Application Processing Timeline** to determine the meeting date.)
3. **Public hearing:** Held before the Town Council at its regular monthly meeting. (Please refer to the **Application Processing Timeline** to determine the hearing date.)
4. **Approval:** The Town Council may approve, conditionally approve or deny the application based on the criteria listed in UDO §2.20.4(G).

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.: MAPP-\_\_\_\_-\_\_\_\_

Subdivision Name: None Street Address: E. Indiana Ave, 28387
PIN: 858000651316 Parcel ID: 00055181 Zoning District: RS-2
Project acreage in: Lots 4.56 + Roads 0 + Open Space 0 + Common Area 0
+ Other (describe) 0 = Total Project Acreage 4.56
Number of Lots: 7 Minimum Lot Size: 22,774 sqft. Setbacks: 30' F, 10' S, 30' R
Highway Corridor Overlay: Yes/No NO If yes, Urban Village Urban Transition Rural Hwy
Watershed: Yes/No NO If yes, LR #2: LR Vass: Nicks Creek: HQW: Yes/No
Does the site contain a Special Flood Hazard Area? Yes/No NO Does the site contain wetlands? Yes/No NO

Applicant:

Name: The Ascot Corporation
Phone: 910-688-7361 Email: colin@ascotgrp.com
Mailing Address: P.O. Box 1872, Southern Pines, NC 28388

Contact Person, if different from Applicant:

Name:
Phone: Email:
Mailing Address:

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

Name(s): James E. Rhodes
Phone: 910-603-1500 Email: Ed@RhodesCO.com
Mailing Address: P.O. Box 1657, Southern Pines, NC 28388

Date: 5/19/2025

[Signature]
Signature of Applicant

APPOINTMENT OF AGENT

The undersigned owner(s), J. Edward Rhoden hereby appoint(s) THE ASIST Co., LLC as the exclusive agent for the purpose of making an application to the Town of Southern Pines for approval of a Major Subdivision Final Plat of the property described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for 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 15<sup>th</sup> day of May, 2025.

J. Edward Rhoden  
Property Owner

\_\_\_\_\_  
Property Owner

[Signature]  
FOR THE ASIST CORPORATION, LLC AS MGR.  
Agent

The Waugh Group LLC  
99 Lakeview Dr.  
Whispering Pines, NC  
28327

16

FOR REGISTRATION REGISTER OF DEEDS  
Judy D. Martin  
Moore County, NC  
April 30, 2010 09:24:40 AM  
Book 3716 Page 491-493  
FEE: \$25.00  
INSTRUMENT # 2010005424



INSTRUMENT # 2010005424

Prepared by and return to Robbins May & Rich LLP (SFL), 120 Applecross Road, Pinehurst, North Carolina 28374  
No title examination performed

Brief Description for Index: Sandhurst South Lots

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made on this the 30<sup>th</sup> day of November, 2009 by and between The Waugh Group, LLC, 99 Lakeview Drive, Whispering Pines, North Carolina 28327 ("Grantor") and J. Edward Rhodes, 58 Pine Ridge Drive, Whispering Pines, North Carolina 28327, ("Grantee").

WITNESSETH

Grantor, for valuable consideration paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, has and by these presents does grant, bargain, sell, and convey unto Grantee in fee simple, a one-half undivided interest, as a tenant in common with Grantor, in the real property, situated in Sandhill Township, Moore County, North Carolina, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (collectively, the "Property").

TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereto belonging to Grantee in fee simple.

And Grantor covenants with Grantee that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for easements, covenants, and other encumbrances of record the lien for ad valorem taxes or other assessments for the current year, and matters, provisions, and reservations shown on any plat described in this reference, and applicable zoning or other ordinances.

The designations "Grantor" and "Grantee" as used herein shall include the parties and their respective heirs, successors, and assigns and shall include singular, plural, masculine, feminine or neuter as required by context.

[the remainder of this page is intentionally left blank]

IN WITNESS WHEREOF, this instrument is executed (a), if by individuals, by hereunto setting their hands under seal by adoption of the word "SEAL" appearing next to the individuals' names or signatures, (b), if by a corporation, by the duly authorized officers of the corporation on its behalf under seal by adoption of the facsimile seal printed hereon for such purpose or, if an impression seal appears hereon, by affixing such impression seal or by adoption of the word "SEAL" appearing next to the name of the corporation or the signatures of the officers, directors or shareholders, (c), if by a partnership, by the duly authorized partners of the partnership on its behalf under seal by adoption of the word "SEAL" appearing next to the name of the partnership or the signatures of the partners or (d), if by a limited liability company, by the duly authorized members or managers on its behalf under seal by adoption of the word "SEAL" appearing next to the name of the limited liability company or the signatures of the members or managers, on the day and year first above written.

The Waugh Group LLC

 (SEAL)  
 James H. Bingham  
 Manager

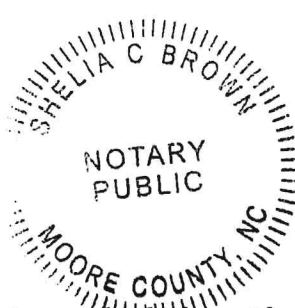
STATE OF North Carolina  
 COUNTY OF Moore

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

Name	Capacity
James H. Bingham	Manager, The Waugh Group LLC

- I have personal knowledge of the identity of the principal;
- I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a \_\_\_\_\_; or
- A credible witness has sworn to the identity of the principal

Witness my hand and official stamp or seal on this the 29<sup>th</sup> day of ~~November~~ <sup>December</sup>, 2009.



  
 Notary Public

Print notary name: Shelia C. Brown  
 (notary name must be exactly as on notary seal)

My commission expires: April 30, 2011

[affix notary seal, which must be fully legible]

## Exhibit A

### Tract 1

Lot 23, Sandhurst South Estate tracts, Section III, as shown on plat recorded in Plat Cabinet 2, Slide 265, Moore County Registry.

### Tract 2

Lot 142, Section 2, Sandhurst South, as shown on plat recorded in Plat Cabinet 1 at Slide 146-B of the Moore County Registry less and except that major portion of Lot 142 conveyed in instrument recorded in Book 538, Page 315, Moore County Registry.

### Tract 3

Lot 241, Section 4, Part 2, Sandhurst South, as shown on plat recorded in Plat Cabinet 2, Slide 376, Moore County Registry.

### Tract 4

Lot 263, Section 4, Part 3, Sandhurst South, as shown on plat recorded in Plat Cabinet 3, Slide 328, Moore County Registry.

### Tract 5

Lots 206, 214, 216, 217, 218, 219, 220, and 221, Section 4, Part 1, Sandhurst South, as shown on plat recorded in Plat Cabinet 2, Slide 266, Moore County Registry.

### Tract 6

That certain  $\pm 4.76$  acre tract beginning at the northeastern corner of Lot 232, Section 4, Part 2, Sandhurst South, as shown on plat recorded in Plat Cabinet 2, Slide 376, Moore County Registry, the beginning corner also being located in the western right-of-way line of Indiana Avenue, running thence from the beginning with the northwestern line of Lot 232, South 58 degrees 21 minutes West, 180 feet to the northwest corner of Lot 232, the corner also being located in the northeastern boundary line of Lot 234, running thence in a generally north-northwestern direction along the eastern boundary lines of Lots 234, 235, 236, 237, 238, 239, 240, and 241 to a common corner of Lots 242 and 243 as shown on the plat, the corner also being the southwestern corner of that  $\pm 0.83$  acre parcel conveyed to Nelson in instrument recorded in Book 1336, Page 96, Moore County Registry, running thence with the southern boundary line of the Nelson parcel, North 70 degrees 9 minutes 26 seconds East, 177.66 feet to the southeastern corner of the Nelson parcel, the corner being located in the western right-of-way of Indiana Avenue, running thence, with the western right-of-way of Indiana Avenue, in generally a southeasterly direction  $\pm 1,156$  feet to the point and place of beginning.

### Tract 7

That certain  $\pm 0.64$  acre-tract designated as "Access Easement and Utility Easement" and shown on plat recorded in Plat Cabinet 12, Slide 213, Moore County Registry.

**FIRST AMENDMENT TO  
AGREEMENT FOR PURCHASE AND SALE OF LAND**

**THIS FIRST AMENDMENT TO AGREEMENT FOR PURCHASE AND SALE OF LAND** (this "Amendment") is entered into by and between The Waugh Group, LLC & J Edward Rhodes, a North Carolina limited liability company (the "Seller"), and Grosvenor Land LLC, a North Carolina limited liability company (the "Buyer"), as of the date set forth below.

**WITNESSETH:**

WHEREAS, Buyer and Seller executed that certain Agreement for Purchase and Sale of Land dated July 9<sup>th</sup>, 2024, with respect to the purchase and sale of approximately 4.46 acres, more or less, located on the southern side of Indiana Ave in Moore County, North Carolina, as more particularly described in the Agreement (the "Property"); and

WHEREAS, the parties hereby agree to amend the terms of the Agreement, as set forth below.

NOW, THEREFORE, for and in consideration of the covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree, and the Agreement is hereby amended as follows:

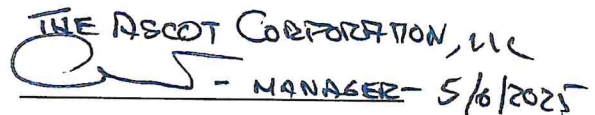
1. The above recitals are incorporated herein by reference;
2. Closing is hereby extended to February 5<sup>th</sup>, 2026; or earlier if the Town of Southern Pines approves the sub-division earlier.
3. Assignment of the Agreement to The Ascot Corporation, LLC
4. Except as specifically amended by this Amendment, the Agreement remains unchanged and in full force and effect, and the parties by their execution hereof hereby ratify, affirm and approve the Agreement, as specifically amended hereby. All capitalized terms, if not otherwise defined herein, shall have the same meanings as set forth in the Agreement.

IN WITNESS WHEREOF, the undersigned have duly executed this Amendment which shall have an effective date of May, 6<sup>th</sup>, 2025

SELLER:



BUYER:

  
THE ASCOT CORPORATION, LLC  
- MANAGER - 5/6/2025

CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT ALL STREETS SHOWN ON THIS PLAT ARE WITHIN THE TOWN OF SOUTHERN PINES PLANNING JURISDICTION. ALL STREETS AND OTHER IMPROVEMENTS SHOWN ON THIS PLAT HAVE BEEN INSTALLED OR COMPLETED OR THAT THEIR INSTALLATION OR COMPLETION (WITHIN TWELVE MONTHS AFTER THE DATE BELOW) HAS BEEN ASSURED BY THE POSTING OF A PERFORMANCE BOND OR OTHER SUFFICIENT SURETY AND THAT THE SUBDIVISION SHOWN ON THIS PLAT IS IN ALL RESPECTS IN COMPLIANCE WITH THE SOUTHERN PINES UDO, AND THAT THEREFORE THIS PLAT HAS BEEN APPROVED BY THE SOUTHERN PINES PLANNING DIRECTOR, SUBJECT TO ITS BEING RECORDED IN THE MOORE COUNTY REGISTRY WITHIN SIXTY DAYS OF THE DATE BELOW.

DATE \_\_\_\_\_ PLANNING DIRECTOR \_\_\_\_\_

CERTIFICATE OF OWNERSHIP AND DEDICATION

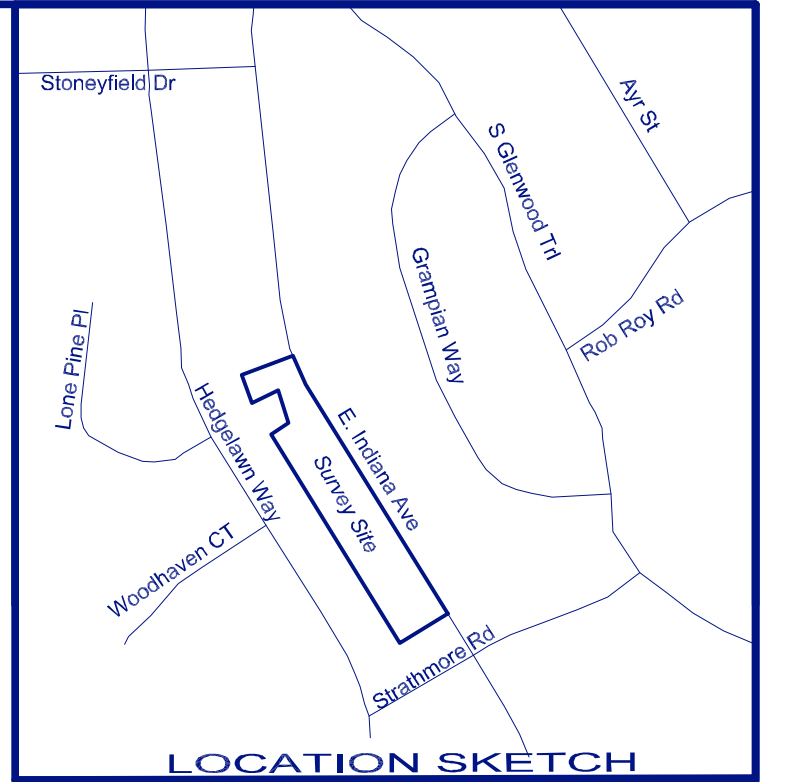
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE TOWN OF SOUTHERN PINES. THAT I HEREBY FREELY ADOPT THIS PLAN OF SUBDIVISION AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAT AS STREETS, ALLEYS, WALKS, PARKS, OPEN SPACE AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE AND THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL THE OFFER OF DEDICATION IS ACCEPTED BY THE APPROPRIATE PUBLIC AUTHORITY. ALL PROPERTY SHOWN ON THIS PLAT AS DEDICATED FOR A PUBLIC USE SHALL BE DEEMED TO BE DEDICATED FOR ANY OTHER PUBLIC USE AUTHORIZED BY LAW WHEN SUCH USE IS APPROVED BY THE SOUTHERN PINES TOWN COUNCIL IN THE PUBLIC INTEREST.

DATE \_\_\_\_\_ OWNER \_\_\_\_\_

(NOTARIZED)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1034.49	154.43	154.29	S 24°24'09" E	8°33'12"
C2	1034.49	44.69	44.68	S 29°54'59" E	2°28'30"

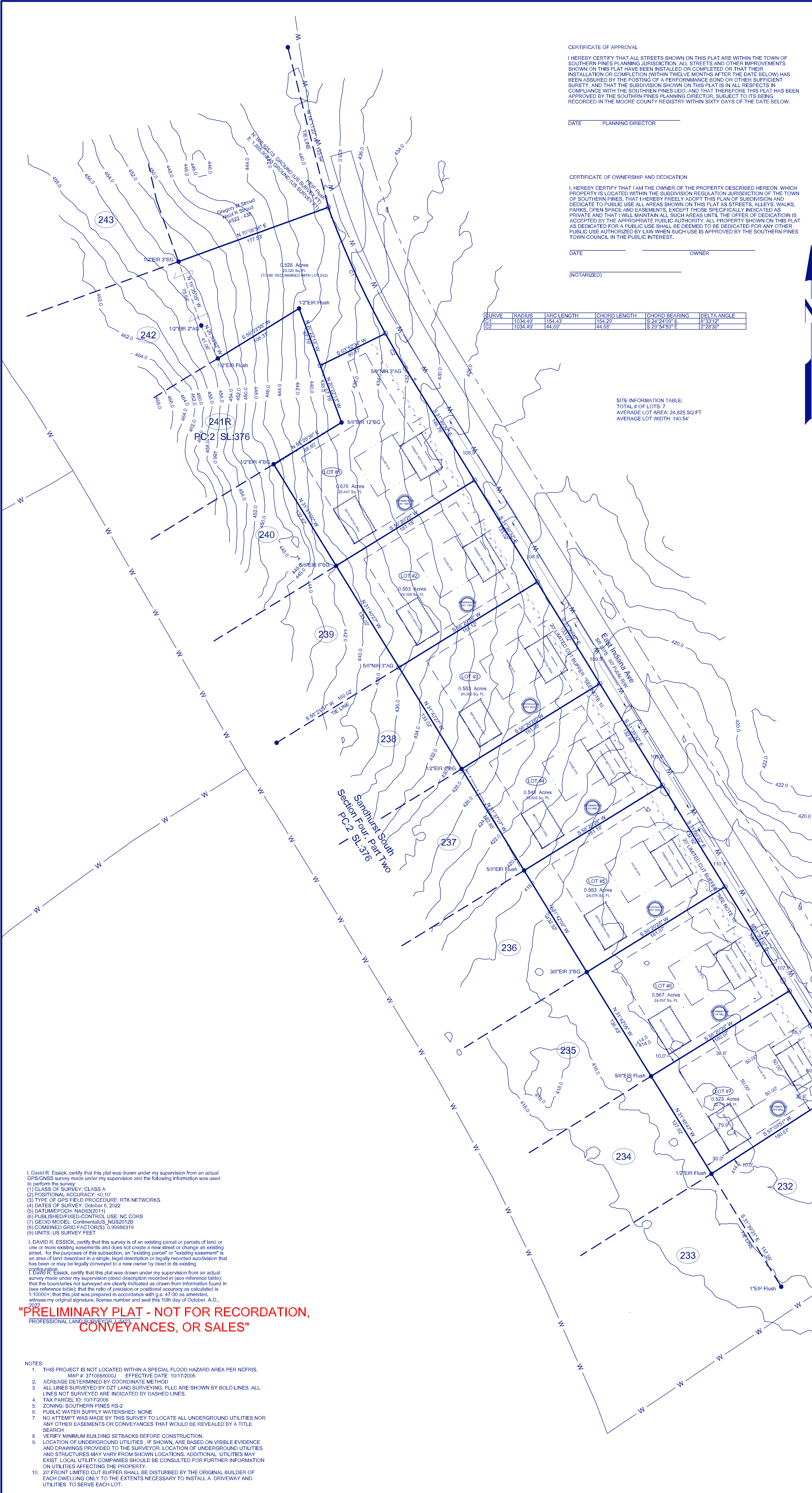
SITE INFORMATION TABLE:  
TOTAL # OF LOTS: 7  
AVERAGE LOT AREA: 24,825 SQ FT  
AVERAGE LOT WIDTH: 140.54'



LEGEND OF SYMBOLS AND ABBREVIATIONS

- CP ▲ COMPUTED POINT
- EA ● EXISTING AXLE
- ECM ■ EXISTING CONCRETE MONUMENT
- EIP ● EXISTING IRON PIPE
- EIR ● EXISTING IRON ROD
- NIR ● NEW IRON ROD
- NIP ○ NEW IRON PIPE
- FIRE HYDRANT
- ⊕ G.W. VALVE
- ⊕ POWER POLE
- ⊕ LIGHT POLE
- ⊕ SANITARY SEWER MANHOLE
- ⊕ STORM MANHOLE
- ⊕ TELEPHONE PEDESTAL
- ⊕ TRANSFORMER
- ⊕ WATER METER
- ⊕ WATER VALVE
- ⊕ WELL
- AG CLEAN OUT
- BG ABOVE GRADE
- CG BELOW GRADE
- CB CATCH BASIN
- CL CENTERLINE
- CMP CORRUGATED METAL PIPE
- CPP CORRUGATED PLASTIC PIPE
- DI DROP INLET
- EJB ELECTRIC JUNCTION BOX
- EM ELECTRIC METER
- EMN EXISTING MAG NAIL
- EN EXISTING NAIL
- EOP EDGE OF PAVEMENT
- EPK EXISTING PK NAIL
- ERRS EXISTING RAILROAD SPIKE
- FO FIBER OPTIC
- FL FLUSH WITH GRADE
- ICV IRRIGATION CONTROL VALVE
- MBS MINIMUM BUILDING SETBACKS
- NIF NOW OR FORMERLY
- NMN NEW MAG NAIL
- RCP REINFORCED CONCRETE PIPE
- R/W RIGHT-OF-WAY
- TBC TOP BACK CURB
- TOC TOE OF CURB
- VI YARD INLET

- SURVEYED PROPERTY BOUNDARY
- - - COMPUTED / ADJOINER PROPERTY LINE
- - - RIGHT-OF-WAY
- - - THE LINE
- - - SETBACK LINES
- - - SANITARY SEWER LINE
- - - STORM LINE
- - - WATER LINE
- - - FENCE
- - - OVERHEAD ELECTRIC LINES
- - - EASEMENTS



I, David R. Essick, certify that this plat was drawn under my supervision from an actual GPS/GNSS survey made under my supervision and the following information was used to perform the survey:  
(1) CLASS OF SURVEY: CLASS A  
(2) POSITIONAL ACCURACY: <math>\pm 0.11'</math>  
(3) TYPE OF GPS FIELD PROCEDURE: RTK NETWORKS  
(4) DATES OF SURVEY: October 8, 2022  
(5) DATUM/EPOCH: NAD83(2011)  
(6) PUBLISHED/FIXED-CONTROL USE: NC CORS  
(7) GEOID MODEL: ContinentalUS\_NGS2012B  
(8) COMBINED GRID FACTOR(S): 0.99986319  
(9) UNITS: US SURVEY FEET

I, DAVID R. ESSICK, certify that this survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street. For the purposes of this subsection, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.

I, David R. Essick, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in (see reference table)), that the boundaries not surveyed are clearly indicated as drawn from information found in (see reference table); that the ratio of precision or positional accuracy as calculated is 1:1000+; that this plat was prepared in accordance with G.S. 47-30 as amended; witness my original signature, license number and seal this 10th day of October, A.D., 2022.

**"PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES"**  
PROFESSIONAL LAND SURVEYOR: 17423

- NOTES:
- THIS PROJECT IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER NCFRIS. MAP #: 371085800J EFFECTIVE DATE: 10/17/2006
  - ACREAGE DETERMINED BY COORDINATE METHOD.
  - ALL LINES SURVEYED BY DZT LAND SURVEYING, PLLC ARE SHOWN BY BOLD LINES. ALL LINES NOT SURVEYED ARE INDICATED BY DASHED LINES.
  - TAX PARCEL ID: 10/17/2006
  - ZONING: SOUTHERN PINES RS-2
  - PUBLIC WATER SUPPLY WATERSHED: NONE
  - NO ATTEMPT WAS MADE BY THIS SURVEY TO LOCATE ALL UNDERGROUND UTILITIES NOR ANY OTHER EASEMENTS OR CONVEYANCES THAT WOULD BE REVEALED BY A TITLE SEARCH.
  - VERIFY MINIMUM BUILDING SETBACKS BEFORE CONSTRUCTION.
  - LOCATION OF UNDERGROUND UTILITIES, IF SHOWN, ARE BASED ON VISIBLE EVIDENCE AND DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND UTILITIES AND STRUCTURES MAY VARY FROM SHOWN LOCATIONS. ADDITIONAL UTILITIES MAY EXIST. LOCAL UTILITY COMPANIES SHOULD BE CONSULTED FOR FURTHER INFORMATION ON UTILITIES AFFECTING THE PROPERTY.
  - 20' FRONT LIMITED CUT BUFFER SHALL BE DISTURBED BY THE ORIGINAL BUILDER OF EACH DWELLING ONLY TO THE EXTENTS NECESSARY TO INSTALL A DRIVEWAY AND UTILITIES TO SERVE EACH LOT.

PRELIMINARY PLAT FOR:  
**INDIANA AVE SUBDIVISION**  
**GROSVENOR LAND, LLC**  
MAY 29, 2025  
ETJ OF THE TOWN OF SOUTHERN PINES  
SANDHILLS TOWNSHIP  
MOORE COUNTY, NORTH CAROLINA

Reference Table: Deed Book 3716, Page 491 (Tract 6)  
Moore County Registry

Property Address: E. Indiana Ave, Southern Pines, NC 28387  
Owner's Address: J Edward Rhodes, PO Box 1657, Southern Pines, NC 28386

DZT  
LAND SURVEYING, PLLC NC FIRM: P-2686  
SUITE 5 7500 NC HWY 15501 WEST END, NC 27376  
JOB#: 1018



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April 4, 2025

To whom it may concern,

Re: Water and Sewer Availability for: **Parcel ID – 00055181**

The Town of Southern Pines has a water main adjacent to the subject property. There is adequate capacity to serve the 7 proposed lots.

The subject property does not have access to public sewer.

If you have any questions, or desire more information, please e-mail or call me during regular office hours (8:00 a.m. - 5:00 p.m.).

Sincerely,

A handwritten signature in cursive script that reads "James Michel".

**James Michel, PE, MBA**  
Town of Southern Pines  
Town Engineer/Asst. Public Works Director  
801 SE Service Road  
Southern Pines, NC 28387  
(910)692-1983

# RLUAC

Fort Bragg Regional Land Use Advisory Commission

## SOUTHERN PINES COURTESY REVIEW

**Project:** MAPP-03-25

**Location:** West side of E Indiana Ave. north of Strathmore Rd.

**PIN#:** 858000651316

August 5, 2025

Following a review of the above referenced application by the RLUAC Land Use Committee, it has been determined that:

- The site is designated as Critical to Protect in the Fort Bragg Compatible Use Rating system due to its location within a previously identified red-cockaded woodpecker active foraging area.
- The site is located within a prescribed burn smoke awareness area associated with land managed to preserve longleaf pine forest habitat.

Preserving red-cockaded woodpecker (RCW) habitat, both on and off the installation, is critical to the success of Fort Bragg's environmental mission and the long-term sustainment of its military training and operational missions. The cumulative effect of RCW habitat loss throughout the region can reduce the amount of land available for training on Fort Bragg, which, in-turn, impacts military readiness.

Due to the presence of endangered red-cockaded woodpeckers in the vicinity of the property, care should be taken to limit potential impacts to their habitat during the development of the site. It is recommended that the owner have the property surveyed by personnel experienced in management and monitoring of the species prior to the removal of any mature pine trees. Information about RCW survey protocols can be found here: <https://www.fws.gov/office/eastern-north-carolina/sandhills-rcw-safe-harbor>. The owner / developer is also encouraged to preserve as many mature pines and as much contiguous undisturbed forested land on the site as possible.

RLUAC also recommends that, since the property is within a prescribed burn smoke awareness area, the owner / developer provide constructive notice to lot purchasers of the likelihood of experiencing occasional exposure to smoke conditions during prescribed burns.

While RLUAC's findings and recommendations are non-binding on the Town of Southern Pines, their consideration and incorporation into your review of this case will help to

improve compatibility outcomes for our region as a whole by protecting Fort Bragg's military training and operational missions.

Thank you for providing the opportunity for RLUAC to review this case.

Hon. Kia Anthony, Chairwoman  
Fort Bragg Regional Land Use Advisory Commission

Vagn K. Hansen II, AICP, Executive Director  
Fort Bragg Regional Land Use Advisory Commission