



AGENDA

Tuesday, September 9, 2025: 6:00 PM

Town Council Business Meeting

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

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

a. Adoption of Agenda

Adoption of Agenda

4. PRESENTATION

a. Appearance Commission: Sprucing Up Southern Pines Awards

The Appearance Commission will recognize the 2025 winners.

5. PUBLIC COMMENTS

a. Eastman Road Watertank T-Mobile Antenna Lease Amendment

T-Mobile currently leases space on the Town's water tank at 240 Eastman Road. They have requested to increase the number of antennas on the tank from six to nine, which requires a revision to the existing lease and to extend the lease by two additional five-year terms, beginning October 1, 2029, when the current lease ends.

b. Approve Resolution #1124-A - Setting a Public Hearing Date for Annexation Application AX-02-25 - 1271 Old US 1 Hwy.

The Town Clerk requests that the hearing date be amended per Resolution #1124-A to September 23, 2025, to meet legal notice requirements.

The Clerk has issued a Certificate of Sufficiency for annexation application AX-02-25 and is requesting to proceed with setting a public hearing date.

c. Resolution #1128 Application for Wastewater Collection System Rehabilitation and Replacement Funding

Staff is working to complete an application for wastewater collection system rehabilitation and replacement funding through the Department of Water Infrastructure. A resolution in support of the application is required to accompany the application. The funding available may come in the form of low interest loans and, depending on application scores and funding availability, has the potential for principle forgiveness.

d. Resolution #1129 Approval of the 2025-2036 Water and Sewer Capital Improvements Plan

Staff is working on an application for wastewater collections system rehabilitation and replacement funding. A current Capital Improvement Plan (CIP) covering a minimum of 10 years is needed to maximize application scoring.

e. Resolution #1130 Approving Local Water Supply Plan

Staff is requesting that the Town Council adopt the attached resolution to accept the information contained in the 2024 Local Water Supply Plan for the Town of Southern Pines. Once approved by the Town Council, a signed copy of the attached resolution, or an amended version of such, will be provided to the Water Supply Planning Section Supervisor at the Division of Water Resources of the North Carolina Department of Environmental Quality (DEQ). The Local Water Supply Plan cannot be considered compliant with the requirements of NCGS §143-355(1) until an adopted resolution is received by the Division of Water Resources of NCDEQ.

f. Ordinance #3143, #3144 and #3145 closing the Capital Project Fund - Paving

Finance has requested the closure of CPF 55 and the transfer of the remaining monies to the Streets Department Contractual line-item.

g. Ordinance #3147 and #3146 establishing a Capital Project Fund for the purpose of purchasing and renovating 300 SW Broad Street

An Ordinance establishing a CPF for the purchase and renovation of 300 SW Broad Street as a Town Hall. \$500,000 is being transferred from the General Capital Reserve to establish the fund and cover initial expenses.

h. Approve Meeting Minutes

Staff has prepared the following minutes for approval:

- August 12, 2025, Town Council Business Meeting
- August 26, 2025. Town Council Work Session

7. PUBLIC HEARINGS - LEGISLATIVE

a. OA-03-24: Landscaping & Tree Protection Amendments

A continuation of a legislative public hearing that first began at the November 12, 2024 meeting. The public hearing was first continued one month to the December 17, 2024 meeting. On December 17, 2024 the hearing was continued for three months to the March 11, 2025 meeting. At the March 11, 2025 meeting it was continued again for three months to the June 10, 2025 meeting. At the June 10, 2025 meeting it was continued again for three months to the September 9, 2025 meeting. The public hearing is regarding proposed amendments to the UDO covering topics related to landscaping and tree protection requirements for new commercial development and subdivisions.

b. Z-04-24 & OA-04-24: Zoning Map Amendment and UDO Text Amendments to Create Two Character Districts

A continuation of a legislative public hearing that first began at the November 12, 2024 meeting. The public hearing was first continued one month to the December 17, 2024 meeting. On December 17, 2024 the hearing was continued for three months to the March 11, 2025 meeting. At the March 11, 2025 meeting it was continued again for three months to the June 10, 2025 meeting. At the June 10, 2025 meeting it was continued again for three months to the September 9, 2025 meeting. The public hearing is regarding the creation of a Downtown Character District and a West Southern Pines Character District.

c. OA-03-25: Unified Development Ordinance (UDO) Text Amendments

A public hearing regarding proposed amendments to the UDO related to the process to amend Planned Developments, an error on Exhibit 3-1 related to rear setbacks, and clarifying that Technical Review Committee meetings are open to the public.

8. PUBLIC HEARINGS - EVIDENTIARY

a. MAPP-03-25: East Indiana Ave. Major Subdivision Preliminary Plat

Colin Webster of The Ascot Corporation has submitted an application to subdivide 4.56 acres located on the west side of East Indiana Ave. near Strathmore St. that are currently zoned RS-2 into seven (7) single-family residential lots.

9. ACTION ITEMS

a. Planning Board Appointments

The Planning Director requests that the Town Council consider reappointing Mr. Matthew Walden to a second term on the Planning Board. The Planning Director also requests that the Town Council consider appointing one of two applicants to fill a vacancy recently created when Ms. Kim Wade completed her second term on August 12, 2025.

10. CLOSED SESSION

a. Closed Session as authorized in N.C.G.S. §143-318.11(a)(5)

Staff requests a closed session to discuss negotiations surrounding real estate acquisition.

11. ADJOURNMENT

Meetings/work sessions of the Southern Pines Town Council are now available on the Town's Website at sopinesnc.info/agendas. Video of the Town Council meetings will be live-streamed on the website for viewing either during the meetings or after they have concluded. Please note, the video is provided only for the purposes of viewing the meetings; public comments or questions are not accepted via the live stream.



It's that time of year again

SUSP

**Sprucing Up
Southern Pines**



Residential Nominations

105 E Vermont Ave

420 S Ashe Street

360 Midland Road

280 E Indiana Ave

920 W Iowa Ave

760 S Ashe Street





105 E Vermont Ave



105 E Vermont Ave



105 E Vermont Ave



360 Midland Road



360 Midland Road



360 Midland Road



360 Midland Road



920 W Iowa Ave



920 W Iowa Ave



420 S Ashe Street





280 E Indiana Ave

760 S Ashe Street





760 S Ashe Street

760 S Ashe Street



Commercial Nominations

**600 SW Broad Street
Ct.**

140 Memorial Park

**135 E Pennsylvania Ave.
St.**

270 SW Broad



600 SW Broad Street





600 SW Broad Street



140 Memorial Park Ct.



135 E Pennsylvania




Southern Prime
STEAKHOUSE

270 SW Broad St.



MEMO

To: Reagan Parsons, Town Manager
From: James Michel, PE Town Engineer/Assistant Public Works Director
Date: September 2, 2025
Re: Amendment to T-Mobiles Antenna Lease for the Eastman Road Watertank

T-Mobile currently leases space on the Town's water tank at 240 Eastman Road. They have requested to increase the number of antennas on the tank from six to nine, which requires a revision to the existing lease. As part of the amendment, T-Mobile has also asked to extend the lease by two additional five-year terms, beginning October 1, 2029, when the current lease ends. The amendment further includes a revised payment schedule for the added lease terms. The proposed payments are consistent with similar installations and include the standard 3% annual increase.

Under NCGS §160A-272, municipalities must follow a specific process when leasing property. The first step is a resolution announcing the intent to enter into the lease, followed by a 30-day public notice period. If the resolution on this agenda is approved, staff will publish the required notice in the *Pilot* newspaper by September 14, 2025. This would allow the Town Council to take formal action at its regular business meeting on October 14, 2025.

THIRD AMENDMENT TO TOWER OPTION AND LEASE AGREEMENT

THIS THIRD AMENDMENT TO TOWER OPTION AND LEASE AGREEMENT (“Amendment”) is made and entered into by and between The Town of Southern Pines, a Municipal Corporation (“Landlord”), and T-Mobile South LLC, a Delaware limited liability company (“Tenant”).

Recitals

The parties hereto recite, declare and agree as follows:

A. Landlord and Tenant (or as applicable, their respective predecessors in interest) entered into a Tower Option and Lease Agreement dated August 24th, 1999 as amended by the Amendment to Tower Option and Lease Agreement dated September 8th, 2009, as amended by the Second Amendment to Tower Option and Lease Agreement dated July 25th, 2019 the “Lease”, with respect to Premises located at 240 Eastman Road, Southern Pines, North Carolina 28387.

B. Landlord and Tenant desire to enter into this Amendment in order to modify and amend certain provisions of the Lease.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant covenant and agree as follows:

1. Effective as of the full execution of this Third Amendment, Tenant will have the right to modify its Antenna Facilities as described and depicted on Exhibit A-1 to mount up to nine (9) antennas on the Tower and at the heights reflected, which is attached hereto and by this reference incorporated herein, and Landlord hereby consents to and approves of the modifications described and depicted on Exhibit A-1 in all respects.

2. Effective as of October 1, 2029, the term of the Lease is hereby extended for a term of five (5) years. If neither party is in default beyond applicable notice and cure periods at the expiration of the term, then the Lease shall be automatically renewed for one (1) additional five (5) year term provided Tenant may elect not to renew by providing Landlord with written notice not less than 30 days prior to the expiration of the then current term. Effective as of October 1, 2029, the annual rental rates will increase per Exhibit A-2, attached hereto and incorporated herein by reference.

3. The parties’ notice addresses in the Lease are deleted in their entirety and replaced with the following:

If to Tenant:

T-Mobile USA, Inc.
Attn: Lease Compliance/Site #5FA0667A
12920 SE 38th Street
Bellevue, WA 98006

If to Landlord:

The Town of Southern Pines
125 SE Broad Street
Southern Pines, NC 28387

4. The terms and conditions of the Lease are incorporated herein by this reference, and capitalized terms used in this Amendment shall have the same meanings such terms are given in the Lease. Except as specifically set forth herein, this Amendment shall in no way modify, alter or amend the remaining terms of the Lease, all of which are ratified by the parties and shall remain in full force and effect. To the extent there is any conflict between the terms and conditions of the Lease and this Amendment, the terms and conditions of this Amendment will govern and control.

5. Landlord represents and warrants to Tenant that the consent or approval of no third party, including, without limitation, a lender, is required with respect to the execution of this Amendment, or if any such third party consent or approval is required, Landlord has obtained any and all such consents or approvals.

6. This Amendment may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute a single instrument. Signed facsimile and electronic copies of this Amendment shall legally bind the parties to the same extent as original documents.

IN WITNESS WHEREOF, the parties have executed this Amendment effective as of the date of execution by the last party to sign.

The Town of Southern Pines

Name: _____

Title: _____

Date: _____

T-Mobile South LLC

Name: _____

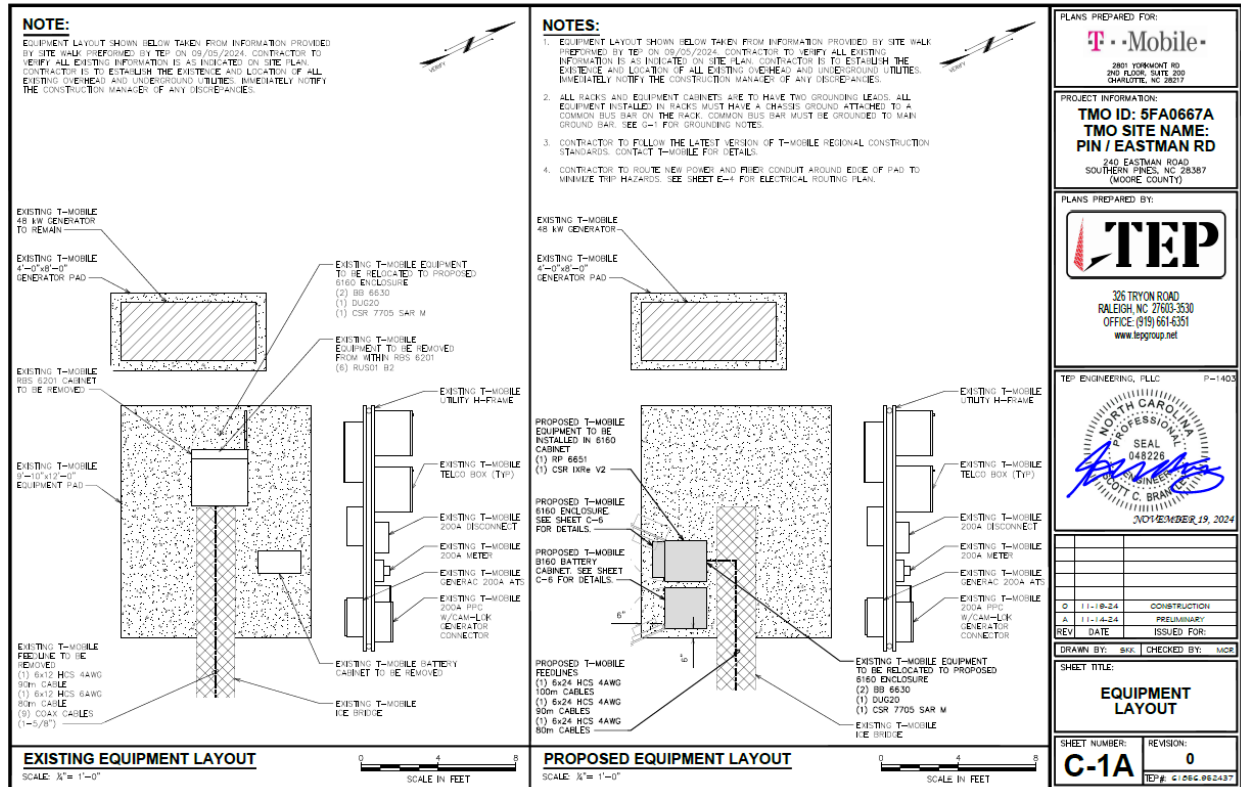
Title: _____

Date: _____

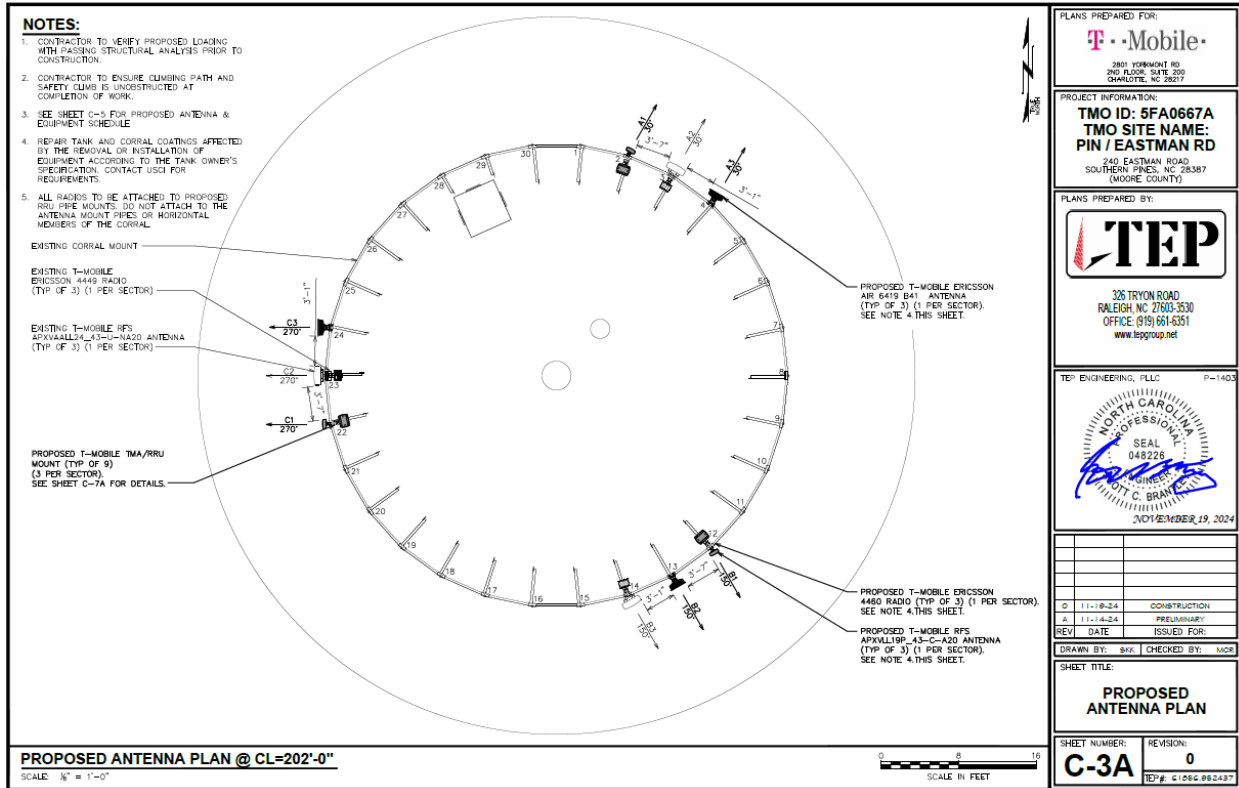


Site #5FA0667A
Site Name: PIN/Eastman Road
Market: North Carolina

Exhibit A-1



Site #5FA0667A
Site Name: PIN/Eastman Road
Market: North Carolina



NOTES:

- CONTRACTOR TO REFERENCE T-MOBILE ISSUED RFDS AND GIVE PRECEDENCE TO INFORMATION PROVIDED IN RFDS OVER INFORMATION PROVIDED IN THIS TABLE.
- VERIFY LOADING WITH PASSING STRUCTURAL ANALYSIS PRIOR TO CONSTRUCTION.
- IF STRUCTURAL ANALYSIS AND RFDS DO NOT MATCH CONTRACTOR IS TO CONTACT T-MOBILE IMMEDIATELY.

PIPE POS. #	POS. #	SECTOR	MANUFACTURER (MODEL #)	MOUNTING HEIGHT	CABLE SIZE	AZIMUTH (TN)	CABLE LENGTH	EQUIPMENT (MODEL #)
2	A1	ALPHA	RFS APXVALL19P_43-C-A20 (QUAD)	6 @ 202'-0"±		30°		(1) ERICSSON RRU [RADIO 4449 B71+885]
3	A2	ALPHA	RFS APXVARR24_A3-U-NA20 (OCTO)	6 @ 202'-0"±		30°		(1) ERICSSON RRU [RADIO 4460 B25+866]
4	A3	ALPHA	ERICSSON AIR 6419 B41 (ACTIVE ANTENNA - MASSIVE MIMO)	6 @ 202'-0"±		30°		
12	B1	BETA	RFS APXVALL19P_43-C-A20 (QUAD)	6 @ 202'-0"±		150°	80m	(1) ERICSSON RRU [RADIO 4460 B25+866]
13	B2	BETA	ERICSSON AIR 6419 B41 (ACTIVE ANTENNA - MASSIVE MIMO)	6 @ 202'-0"±		150°	90m	(1) ERICSSON RRU [RADIO 4449 B71+885]
14	B3	BETA	RFS APXVARR24_A3-U-NA20 (OCTO)	6 @ 202'-0"±		150°	100m	
22	C1	GAMMA	RFS APXVALL19P_43-C-A20 (QUAD)	6 @ 202'-0"±		270°		(1) ERICSSON RRU [RADIO 4449 B71+885]
23	C2	GAMMA	RFS APXVARR24_A3-U-NA20 (OCTO)	6 @ 202'-0"±		270°		(1) ERICSSON RRU [RADIO 4460 B25+866]
24	C3	GAMMA	ERICSSON AIR 6419 B41 (ACTIVE ANTENNA - MASSIVE MIMO)	6 @ 202'-0"±		270°		

PROPOSED ANTENNA/CABLE SCHEDULE
67D5998E_1xAIR+1OP+1QP SITE CONFIGURATION

(3) 6x24
HCS 44WG

PROPOSED ANTENNA SCHEDULE

PLANS PREPARED FOR:
T-Mobile
2801 YORKMONT RD
2ND FLOOR, SUITE 200
CHARLOTTE, NC 28217

PROJECT INFORMATION:
TMO ID: 5FA0667A
TMO SITE NAME:
PIN / EASTMAN RD
240 EASTMAN ROAD
SOUTHERN PINES, NC 28387
(MOORE COUNTY)

PLANS PREPARED BY:
TEP
325 TRYON ROAD
RALEIGH, NC 27603-3530
OFFICE: (919) 661-6351
www.tepgroup.net

TEP ENGINEERING, PLLC P-1403

NORTH CAROLINA PROFESSIONAL SEAL
048226
ENGINEER
T. C. BRANLEY
NOVEMBER 19, 2024

DRAWN BY: [] CHECKED BY: MCR

SHEET TITLE:
PROPOSED ANTENNA SCHEDULE

SHEET NUMBER: **C-5** REVISION: 0
TEP# 61066-002437

TMO - Internal

Exhibit A-2

Rent will be paid annually with a 3% yearly increase as noted below:

Year 1	\$71,093.18
Year 2	\$73,225.97
Year 3	\$75,422.75
Year 4	\$77,685.43
Year 5	\$80,015.99
Year 6	\$82,416.48
Year 7	\$84,888.97
Year 8	\$87,435.64
Year 9	\$90,059.71
Year 10	\$92,760.47



RESOLUTION #1127
NOTICE OF INTENT TO ENTER INTO A LEASE WITH
T-MOBILE SOUTH, LLC FOR WATER TOWER LEASE FOR WIRELESS
COMMUNICATION EQUIPMENT

WHEREAS, the Town of Southern Pines owns the Eastman Road Tank (Tank) at 240 Eastman Road; and

WHEREAS, the Town has an existing lease agreement with Alltel Communication, LLC d/b/a Verizon Wireless which expires on October 1, 2029 for the purposes of installing wireless communication equipment on said water tank; and

WHEREAS, the Town supports the continued operation and improvement of wireless communication services.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina in regular session assembled this 9th day of September, 2025, that:

1. In accordance with North Carolina General Statutes §160A-272, the Town Council of Southern Pines announces its intent to amend the existing lease with T-Mobile South, LLC “the lessee,” and increase term an additional (5) years with an option to renew for 1 additional 5 year term.
2. The Town of Southern Pines will lease part of the Tank to the lessee for an annual amount of \$71,093.18 with a 3% annual increase as described in exhibit A-2.
3. The Town of Southern Pines does not have any intended needs for the portions of the Tank included in the lease.
4. The Town Council intends to act on this lease at its regular meeting on Monday, October 14, 2025.
5. The Town Clerk shall provide notice of the Town Council’s intent to enter into this lease in *The Pilot* newspaper no later than September 14, 2025.

Adopted this the 9th day of September 2025..

Elizabeth Robertson, Town Clerk



RESOLUTION #1124-A

SETTING DATE OF PUBLIC HEARING FOR ANNEXATION APPLICATION AX-02-25: 1271 Old US 1 Hwy.

WHEREAS, a petition requesting annexation of an area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Town Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina:

Section 1. That a public hearing on the question of annexation of the area described herein will be held at the Southern Pines Police Department at 3:00 pm on September 23, 2025.

Section 2. The area proposed for annexation is described as follows:

Property Identification Number (PIN) and Parcel Identification:

PIN: 857112855199; PARID: 00046830

Property Owners/Applicants:

John Pandich for Trophy Point Properties IV, LLC
115 Evergreen Court
Pinehurst, NC 28374

Total Size of Property:

Total Acreage: +/- 0.645 acres

Meets & Bounds:

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

BEGINNING Beginning at an existing iron pipe in the Southern line of Old US Highway No. 1, the Northeast corner of Lot 4, Property of Robert Burns Division, as recorded in Map Book 8, Page 11, & also being the Northwest corner of Lot 1, Cornell Division as recorded in Plat Cabinet 11, Slide 531; Running thence from the Beginning, as the common line of Lot 4, Burns Division & Lot 1, Cornell Division, S 49°51'49" E 200.06' to an iron pipe; Thence S 49°53'44" E 100.08' to an iron pipe, the common corner of Lot 4 & Lot 9, Burns Division; Thence as the common line of Lots 4 & 5 and 8 & 9, Burns Division, S 56°59'04" W 99.91' to an iron pipe, the common corner of Lots 5 & 8, Burns Division and the corner of the DSSK I, LLC Property as recorded in Plat Cabinet 16, Slide 978; Thence as the line of Lot 5 & the DSSK Property, N 49°53'23" W 299.99' to an iron pipe in the southern line of Old US Highway No. 1, the common corner of Lot 5, Burns Division and the corner of the DSSK I, LLC Property; Thence as the line of Old US Highway No. 1, N 56°53'13" E 99.94' to the Beginning, containing 28,697 square feet, more or less, and being all of Lots 4 & 5, Property of Robert Burns, as recorded in Map Book 8, Page 11 in the Moore County Registry.

Section 3. Notice of said public hearing shall be published in The Pilot, a newspaper having general circulation in the Town of Southern Pines, at least ten (10) days prior to the date of said public hearing.

Adopted this 9th day of September, 2025.

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting of September 9, 2025, as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



RESOLUTION #1128
APPLICATION FOR WASTEWATER COLLECTION SYSTEM
REHABILITATION AND REPLACEMENT FUNDING

WHEREAS, The Town of Southern Pines has need for and intends to construct a wastewater collection system project described as the wastewater collection system rehabilitation and replacement project, and

WHEREAS, The Town of Southern Pines intends to request State loan and/or grant assistance for the project,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina, the Applicant in regular session assembled this 9th day of September, 2025, that:

1. The Applicant, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award (if applicable).
2. That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.
3. That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
4. That the governing body of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Southern Pines to make a scheduled repayment of the loan, to withhold from the Town of Southern Pines any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan (if applicable).
5. That Town Manager Reagan Parsons, Town Engineer/Asst. Public Works Director James Michel, and Finance Director Tess Brubaker-Speis the Authorized Representative(s), and successors so titled, are hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a loan and/or grant to aid in the project described above.
6. That the Authorized Representative(s), and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the applications.
7. That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants pertaining thereto.

Adopted this the 9th day of September 2025.

Taylor G. Clement Mayor

I certify that this Resolution was adopted by the Town Council of the Town of Southern Pines at its meeting on September 9, 2025, as shown in the Minutes of the Town Council meeting for that date.

Elizabeth Robertson, Town Clerk



**RESOLUTION #1129
APPROVAL OF THE 2025-2036 WATER AND SEWER CAPITAL
IMPROVEMENTS PLAN**

WHEREAS, the Town of Southern Pines, North Carolina (the “Town”) continues to adhere to a high standard of professional financial management to ensure adequate public infrastructure, economic development, and services for its citizens; and

WHEREAS, the Town of Southern Pines has developed a water and sewer system in and around the Town of Southern Pines; and

WHEREAS, said municipal water and sewer system is operated and maintained by the Town of Southern Pines; and

WHEREAS, the Town of Southern Pines recognizes the need for, and advantage of, maintaining adequate short-term and long-term planning for capital improvements and asset management for the water and sewer systems.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina in regular session assembled this 9th day of September, 2025, that:

1. The FY2025-FY2036 Water and Sewer Capital Improvements Plan is hereby adopted and approved for implementation; and
2. That staff update the plan as new information becomes available.

Adopted this the 9th day of September 2025.

Taylor G. Clement Mayor

I certify that this Resolution was adopted by the Town Council of the Town of Southern Pines at its meeting on September 9, 2025, as shown in the Minutes of the Town Council meeting for that date.

Elizabeth Robertson, Town Clerk

	FUNDED	FOR EVALUATION & POTENTIAL FUNDING						
UTILITIES - THROUGH ENTERPRISE FUND	FY 25-26	FY 26-27	FY 27-28	FY 28-29	FY 29-30	FY 30-31	FUTURE YEARS 2031-2036	TOTAL CAPITAL PROJECTION
Crane Truck Replacement	\$ -	\$ -	\$ -	\$ -	\$ 145,000	\$ -	\$ -	\$ 145,000
Equipment Replacements	\$ -	\$ -	\$ 17,000	\$ -	\$ 61,000	\$ -	\$ 271,000	\$ 349,000
Light Duty Truck Replacements	\$ 65,000	\$ -	\$ -	\$ 37,000	\$ 37,000	\$ -	\$ 78,000	\$ 217,000
Service Truck Replacements	\$ 135,000	\$ -	\$ -	\$ 280,000	\$ -	\$ -	\$ -	\$ 415,000
Transit Van Replacement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40,000	\$ 40,000
Vac Truck Replacements	\$ -	\$ -	\$ -	\$ -	\$ 545,000	\$ -	\$ 589,000	\$ 1,134,000
Dump Trucks and Flatbeds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 244,000	\$ -	\$ 244,000
Gravity Sewer System - Annual Rehabilitation (Wastewater Project #8)	\$ 600,000	\$ 360,500	\$ 371,315	\$ 382,454	\$ 393,928	\$ 405,746	\$ 2,154,161	\$ 4,668,104
Longleaf Dam Sewer Relocation (Wastewater Project #7)	\$ 450,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 450,000
Midland Rd. Water Line Replacement (Water Project #2)	\$ -	\$ 331,000	\$ 2,205,000	\$ -	\$ -	\$ -	\$ -	\$ 2,536,000
North Pressure Zone (Water Project #4)	\$ 4,623,191	\$ 2,395,809	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,019,000
Pinebluff Parallel Transmission Main (Water Project #8)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,123,000	\$ 30,123,000
Sewer Lift Station Emergency Backups (Wastewater Project #5)	\$ 252,000	\$ 205,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 457,000
US-1 Booster Pump Station Addition (Water Project #5)	\$ -	\$ -	\$ 731,000	\$ -	\$ -	\$ -	\$ -	\$ 731,000
US-1 Parallel Transmission Main (Water Project #6)	\$ -	\$ 448,000	\$ 3,299,000	\$ -	\$ -	\$ -	\$ -	\$ 3,747,000
US-1 Water Line Relocation & Upsize (Water Project #3)	\$ -	\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500,000
US-15-501 Water Line Replacement & Upsize (Water Project #7)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,511,000	\$ 1,511,000
Warrior Woods Pump Station Upgrade Phases IB, II, III (Wastewater Projects #1-3)	\$ -	\$ -	\$ -	\$ 135,000	\$ 1,070,000	\$ -	\$ 5,036,300	\$ 6,241,300
Water Treatment Plant Capacity Expansion Study/Permit (WTP Project #6)	\$ -	\$ -	\$ 150,000	\$ -	\$ -	\$ -	\$ 150,000	\$ 300,000
Water Treatment Plant Raw Water Main Replacement (WTP Project #5)	\$ -	\$ -	\$ -	\$ 500,000	\$ 2,625,000	\$ 2,625,000	\$ -	\$ 5,750,000
Water Treatment Plant Modifications (WTP Projects #1-4)	\$ 4,356,682	\$ 3,748,318	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,105,000
	\$ 10,481,873	\$ 7,988,627	\$ 6,773,315	\$ 1,334,454	\$ 4,876,928	\$ 3,274,746	\$ 39,952,461	\$ 74,682,404

POTENTIAL FUNDING SOURCES	FY 25-26	FY 26-27	FY 27-28	FY 28-29	FY 29-30	FY 30-31	FY 31-36	
Utility Fund	\$ 10,481,873	\$ 1,988,627	\$ 2,773,315	\$ 1,334,454	\$ (123,072)	\$ 3,274,746	\$ 3,952,461	\$ 23,682,404
Loan or other debt	\$ -	\$ 6,000,000	\$ 4,000,000	\$ -	\$ 5,000,000	\$ -	\$ 36,000,000	\$ 51,000,000
Grant or other external source	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ 10,481,873	\$ 7,988,627	\$ 6,773,315	\$ 1,334,454	\$ 4,876,928	\$ 3,274,746	\$ 39,952,461	\$ 74,682,404



**RESOLUTION #1130
APPROVING LOCAL WATER SUPPLY PLAN**

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the Town of Southern Pines, has been developed and submitted to the Town Council of the Town of Southern Pines for approval; and

WHEREAS, the Town Council of the Town of Southern Pines finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for the Town of Southern Pines, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED: by the Town Council of the Town of Southern Pines that the Local Water Supply Plan entitled, Southern Pines Local Water Supply Plan dated 2024 is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Southern Pines Town Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

Adopted this the 9th day of September 2025.

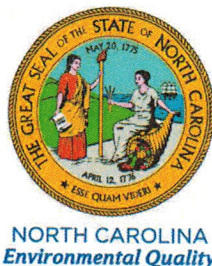
I certify that this Resolution was adopted by the Town Council of the Town of Southern Pines at its meeting on September 9, 2025, as shown in the Minutes of the Town Council meeting for that date.

Elizabeth Robertson, Town Clerk

JOSH STEIN
Governor

D. REID WILSON
Secretary

RICHARD E. ROGERS, JR.
Director



August 27, 2025

Ron Istre
Utilities Superintendent
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387

Subject: LWSP Meet Minimum Criteria
Southern Pines Water System
PWSID#: 03-63-010
Moore County

Dear Mr. Istre,

This letter is to notify you that our staff has reviewed the information contained in the 2024 Local Water Supply Plan (LWSP) update submitted by your office. Since all the required information is complete, the LWSP for the Southern Pines Water System hereby meets the minimum criteria established in North Carolina General Statute 143-355(l).

Your water system's 2024 LWSP is now viewable online from the LWSP website found at: https://www.ncwater.org/Water_Supply_Planning/Local_Water_Supply_Plan/search.php. The plan has been made available after our best efforts to screen any errors. As a final check, please review and report any mistakes or omissions to the review engineer. Unless notified otherwise, the Division of Water Resources considers your 2024 LWSP complete.

Thank you very much for your efforts to provide your customers with a safe and reliable supply of drinking water. We look forward to continuing to work with you in these efforts. Please contact Louis Murray at louis.murray@deq.nc.gov or (919)707-9017, or Linwood Peele at linwood.peele@deq.nc.gov or (919) 707-9024, if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, which appears to be "Linwood Peele", is written over a circular stamp or seal.

Linwood Peele, Water Supply Planning
Branch Head
Division of Water Resources, NCDEQ



The Division of Water Resources (DWR) provides the data contained within this Local Water Supply Plan (LWSP) as a courtesy and service to our customers. DWR staff does not field verify data. Neither DWR, nor any other party involved in the preparation of this LWSP attests that the data is completely free of errors and omissions. Furthermore, data users are cautioned that LWSPs labeled **PROVISIONAL** have yet to be reviewed by DWR staff. Subsequent review may result in significant revision. Questions regarding the accuracy or limitations of usage of this data should be directed to the water system and/or DWR.

1. System Information

Contact Information

Water System Name:	Southern Pines	PWSID:	03-63-010
Mailing Address:	801 SE Service Rd Southern Pines, NC 28387	Ownership:	Municipality
Contact Person:	Ron Istre	Title:	Utilities Superintendent
Phone:	910-692-1983	Cell/Mobile:	618-979-1678

Complete

Distribution System

Line Type	Size Range (Inches)	Estimated % of lines
Asbestos Cement	6-12	8.67 %
Cast Iron	1-12	15.55 %
Ductile Iron	6-18	4.32 %
Galvanized Iron	2	0.61 %
Other	1-16	11.06 %
Polyvinyl Chloride	2-12	59.79 %

What are the estimated total miles of distribution system lines? 246 Miles

How many feet of distribution lines were replaced during 2024? 650 Feet

How many feet of new water mains were added during 2024? 370 Feet

How many meters were replaced in 2024? 100

How old are the oldest meters in this system? 12 Year(s)

How many meters for outdoor water use, such as irrigation, are not billed for sewer services? 1,957

What is this system's finished water storage capacity? 7.5000 Million Gallons

Has water pressure been inadequate in any part of the system since last update? Line breaks that were repaired quickly should not be included. No

Programs

Does this system have a program to work or flush hydrants? Yes, Annually

Does this system have a valve exercise program? Yes, Annually

Does this system have a cross-connection program? Yes

Does this system have a program to replace meters? No

Does this system have a plumbing retrofit program? No

Does this system have an active water conservation public education program? No

Does this system have a leak detection program? No

Water Conservation

What type of rate structure is used? Flat/Fixed

How much reclaimed water does this system use? 0.0000 MGD For how many connections? 0

Does this system have an interconnection with another system capable of providing water in an emergency? Yes

2. Water Use Information

Service Area

Sub-Basin(s)	% of Service Population	County(s)	% of Service Population
Lumber River (09-1)	60 %	Moore	100 %
Cape Fear River (02-3)	40 %		

What was the year-round population served in 2024? 15,500

Has this system acquired another system since last report? No

Water Use by Type

Type of Use	Metered Connections	Metered Average Use (MGD)	Non-Metered Connections	Non-Metered Estimated Use (MGD)
Residential	10,390	1.6827	0	0.0000
Commercial	1,042	0.4663	0	0.0000
Industrial	6	0.0026	0	0.0000
Institutional	156	0.1827	0	0.0000

How much water was used for system processes (backwash, line cleaning, flushing, etc.)? 0.1943 MGD

System processes account for activities including fire flow testing, hydrant flushing, storage tank draining & cleaning, construction, major main breaks, Town projects, etc.

Water Sales

Purchaser	PWSID	Average Daily Sold (MGD)	Days Used	MGD	Contract Expiration	Recurring	Required to comply with water use restrictions?	Pipe Size(s) (Inches)	Use Type
Dept of the Army (Camp Mackall) cust#: 16388	03-63-617	0.0489	366	0.0450	2025	Yes	Yes	8	Regular
Moore Co - Addor	03-63-153	0.0040	366	0.0450	2025	Yes	Yes	6	Regular
Moore Co - Pinehurst (Midland Rd)	03-63-108	0.5497	366	1.0000	2025	Yes	Yes	8	Regular
Oakwood Hills-Pinebluff Cust#: 010258	03-63-151	0.0143	366	0.0000	2025	Yes	Yes	6	Regular
Town of Aberdeen - Emergency	03-63-020	0.0000	0	0.5000	2053	Yes	Yes	8	Emergency
Town of Aberdeen - Shaw Landing	03-63-020	0.1957	285			Yes	Yes	8	Regular
Town of Carthage	03-63-025	0.0136	285	0.5000	2027	Yes	Yes	8	Regular
Whispering Pines (Carolina Water)	03-63-112	0.2639	366	0.6000	2025	Yes	Yes	8	Regular

Southern Pines confirms selling 0.2639 MGD of water to Whispering Pines in 2024.
Aberdeen has a new interconnection at Shaw Landing, and 0.1957 MGD is correct.
Sales of 0.0136 MGD to Carthage is confirmed. The connection with Carthage is indicated as an Emergency one in their service agreement; however, it is shown as a Regular sales in this LWSP given that water is sold to Carthage on a Regular basis and thus needs to be accounted for in the Southern Pines demand.

3. Water Supply Sources

Monthly Withdrawals & Purchases

	Average Daily Use (MGD)	Max Day Use (MGD)		Average Daily Use (MGD)	Max Day Use (MGD)		Average Daily Use (MGD)	Max Day Use (MGD)
Jan	3.1447	3.4460	May	4.3165	5.4040	Sep	4.5326	5.7800
Feb	3.1625	3.5140	Jun	5.4507	6.4350	Oct	3.9710	4.6400
Mar	3.2877	4.0450	Jul	5.0555	6.0710	Nov	3.4677	3.9900
Apr	4.1287	5.3010	Aug	4.7918	5.1860	Dec	2.8053	3.4460

Note: purchases not included in monthly averages.



Ground Water Sources

Name or Number	Average Daily Withdrawal (MGD)		Max Day Withdrawal (MGD)	12-Hour Supply (MGD)	CUA Reduction	Year Offline	Use Type
	MGD	Days Used					
No. 1 - Weymouth	0.0000	0		0.1200			Emergency
No. 2 - Henley	0.0000	0		0.1500			Emergency
No. 4 - Douglas Center	0.0000	0		0.1200			Emergency
Water Plant / 5	0.0000	0		0.1300			Emergency

Ground Water Sources (continued)

Name or Number	Well Depth (Feet)	Casing Depth (Feet)	Screen Depth (Feet)		Well Diameter (Inches)	Pump Intake Depth (Feet)	Metered?
			Top	Bottom			
No. 1 - Weymouth	250	180	180	220	10	231	Yes
No. 2 - Henley	250	180	180	220	10	231	Yes
No. 4 - Douglas Center	180	120	120	160	10	150	Yes
Water Plant / 5	122	80	80	112	10	117	Yes

Are ground water levels monitored? No,

Does this system have a wellhead protection program? Yes

Surface Water Sources

Stream	Reservoir	Average Daily Withdrawal		Maximum Day Withdrawal (MGD)	Available Raw Water Supply		Usable On-Stream Raw Water Supply Storage (MG)
		MGD	Days Used		MGD	* Qualifier	
Drowning Creek	Southern Pines Plant Reservoir	4.0009	366	0.0000	14.0000	F	0.0000

* Qualifier: C=Contract Amount, SY20=20-year Safe Yield, SY50=50-year Safe Yield, F=20% of 7Q10 or other instream flow requirement, CUA=Capacity Use Area Permit

Surface Water Sources (continued)

Stream	Reservoir	Drainage Area (sq mi)	Metered?	Sub-Basin	County	Year Offline	Use Type
Drowning Creek	Southern Pines Plant Reservoir	178	Yes	Lumber River (09-1)	Moore		Regular

What is this system's off-stream raw water supply storage capacity? 160 Million gallons

Are surface water sources monitored? Yes, Daily

Are you required to maintain minimum flows downstream of its intake or dam? No

Does this system anticipate transferring surface water between river basins? No

Water Purchases From Other Systems

Seller	PWSID	Average Daily Purchased (MGD)	Days Used	Contract		Required to comply with water use restrictions?	Pipe Size(s) (Inches)	Use Type
				MGD	Expiration	Recurring		

Aberdeen - Cypress Creek	03-63-020	0.2658	366				Yes	8	Regular
Aberdeen - Emergency Connection	03-63-020	0.0000	0	0.1000		Yes	Yes	8	Emergency
Carthage - Emergency Connection	03-63-011	0.1406	32	0.5000	2013	Yes	Yes	8	Emergency

Water Treatment Plants

Plant Name	Permitted Capacity (MGD)	Is Raw Water Metered?	Is Finished Water Ouput Metered?	Source
Southern Pines	8.0000	Yes	Yes	Drowning Creek

Did average daily water production exceed 80% of approved plant capacity for five consecutive days during 2024? No

If yes, was any water conservation implemented?

Did average daily water production exceed 90% of approved plant capacity for five consecutive days during 2024? No

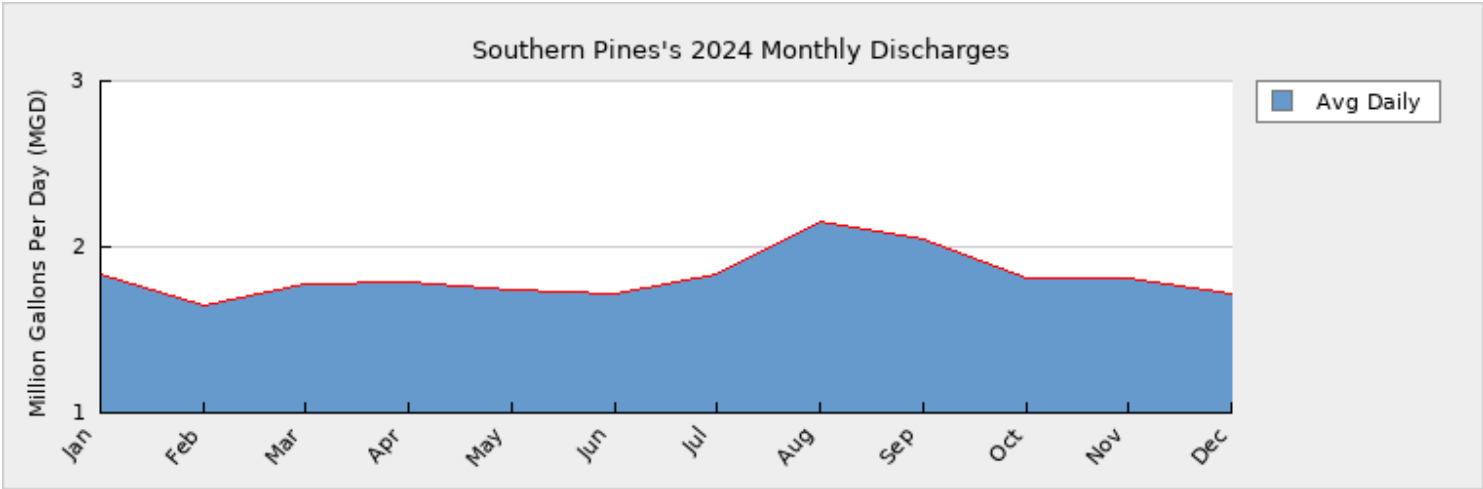
If yes, was any water conservation implemented?

Are peak day demands expected to exceed the water treatment plant capacity in the next 10 years? No

4. Wastewater Information

Monthly Discharges

	Average Daily Discharge (MGD)		Average Daily Discharge (MGD)		Average Daily Discharge (MGD)
Jan	1.8390	May	1.7361	Sep	2.0495
Feb	1.6442	Jun	1.7204	Oct	1.8096
Mar	1.7739	Jul	1.8371	Nov	1.8139
Apr	1.7826	Aug	2.1583	Dec	1.7231



How many sewer connections does this system have? 6,940

How many water service connections with septic systems does this system have? 2,372

Are there plans to build or expand wastewater treatment facilities in the next 10 years? No

Wastewater Permits

Permit Number	Type	Permitted Capacity (MGD)	Design Capacity (MGD)	Average Annual Daily Discharge (MGD)	Maximum Day Discharge (MGD)	Receiving Stream	Receiving Basin
NCG590018	WTP	0.4800	0.8640	0.1149	0.2553	Aberdeen Creek	Lumber River (09-1)

Wastewater Interconnections

Water System	PWSID	Type	Average Daily Amount MGD	Contract Maximum (MGD)
			Days Used	

Moore Co Public Utilities	03-63-108	Discharging	1.6738	366	
Town of Aberdeen - Poplar St	03-63-020	Discharging	0.0396	366	
Town of Aberdeen	03-63-020	Receiving	0.0270	366	0.0306

Southern Pines confirms that the reported discharge of 0.0396 MGD to Aberdeen-Poplar Street is correct.

5. Planning

Projections

	2024	2030	2040	2050	2060	2070
Year-Round Population	15,500	15,810	18,000	20,000	22,000	25,000
Seasonal Population	0	0	0	0	0	0
Residential	1.6827	1.7233	1.9080	1.9600	2.1120	2.3500
Commercial	0.4663	0.5500	0.6200	0.6500	0.6800	0.7000
Industrial	0.0026	0.0045	0.0048	0.0050	0.0055	0.0057
Institutional	0.1827	0.0890	0.0908	0.0926	0.0945	0.0964
System Process	0.1943	0.0961	0.0980	0.0999	0.1019	0.1040
Unaccounted-for	0.7066	0.4555	0.4595	0.4641	0.4687	0.4734

Future Water Sales

Purchaser	PWSID	MGD	Contract Year Begin	Year End	Pipe Size(s) (Inches)	Use Type
Moore County PU Pinehurst	03-63-108	1.0000	2030			Regular

Demand v/s Percent of Supply

	2024	2030	2040	2050	2060	2070
Surface Water Supply	14.0000	14.0000	14.0000	14.0000	14.0000	14.0000
Ground Water Supply	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Purchases	0.4064	0.4064	0.4064	0.4064	0.4064	0.4064
Future Supplies		0.0000	0.0000	0.0000	0.0000	0.0000
Total Available Supply (MGD)	14.4064	14.4064	14.4064	14.4064	14.4064	14.4064
Service Area Demand	3.2352	2.9184	3.1811	3.2716	3.4626	3.7295
Sales	1.0438	2.4039	2.4039	2.4039	2.4039	2.4039
Future Sales		1.0000	1.0000	1.0000	1.0000	1.0000
Total Demand (MGD)	4.2790	6.3223	6.5850	6.6755	6.8665	7.1334
Demand as Percent of Supply	30%	44%	46%	46%	48%	50%



The purpose of the above chart is to show a general indication of how the long-term per capita water demand changes over time. The per capita water demand may actually be different than indicated due to seasonal populations and the accuracy of data submitted. Water systems that have calculated long-term per capita water demand based on a methodology that produces different results may submit their information in the notes field.

Your long-term water demand is **109** gallons per capita per day. What demand management practices do you plan to implement to reduce the per capita water demand (i.e. conduct regular water audits, implement a plumbing retrofit program, employ practices such as rainwater harvesting or reclaimed water)? If these practices are covered elsewhere in your plan, indicate where the practices are discussed here. **No changes**

Are there other demand management practices you will implement to reduce your future supply needs? **N/A**

What supplies other than the ones listed in future supplies are being considered to meet your future supply needs? **N/A**

How does the water system intend to implement the demand management and supply planning components above? **N/A**

Additional Information

Has this system participated in regional water supply or water use planning? **No**

What major water supply reports or studies were used for planning?

Please describe any other needs or issues regarding your water supply sources, any water system deficiencies or needed improvements (storage, treatment, etc.) or your ability to meet present and future water needs. Include both quantity and quality considerations, as well as financial, technical, managerial, permitting, and compliance issues:

The Division of Water Resources (DWR) provides the data contained within this Local Water Supply Plan (LWSP) as a courtesy and service to our customers. DWR staff does not field verify data. Neither DWR, nor any other party involved in the preparation of this LWSP attests that the data is completely free of errors and omissions. Furthermore, data users are cautioned that LWSPs labeled **PROVISIONAL** have yet to be reviewed by DWR staff. Subsequent review may result in significant revision. Questions regarding the accuracy or limitations of usage of this data should be directed to the water system and/or DWR.



ORDINANCE #3143
AMEND & CLOSING THE PAVING STREETS PROJECT FUND BUDGET

BE IT ORDAINED by the Town of Southern Pines Town Council, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project budget is hereby amended:

Section 1: The project authorized is to establish a fund for the purpose of resurfacing and ongoing maintenance of existing roads.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following amount is reduced for the project:

Construction	\$ <u>3,203,170</u>
	\$ <u>3,203,170</u>

Section 4: The following additional amount is appropriated for the project:

Transfer to General Capital Reserve Fund	\$ 208,575
Transfer to General Fund	<u>3,203,170</u>
	\$ <u>3,411,745</u>

Section 5: The following additional revenue is anticipated to be available to complete this project:

Interest on Investments	\$ <u>208,575</u>
	\$ <u>208,575</u>

Section 6: Copies of this capital project ordinance shall be furnished to the Clerk of the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 7: This ordinance becomes effective September 9, 2025.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of September 9, 2025 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



ORDINANCE #3144
AMEND THE GENERAL CAPITAL RESERVE PROJECT BUDGET

BE IT ORDAINED, by the Town of Southern Pines Town Council, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital reserve project budget is hereby amended:

Section 1: The project authorized is for the purpose of acquisition, renovation, and/or construction of major capital facilities and improvements to the Town’s infrastructure.

Section 2: The officers of this unit are hereby directed to proceed with the capital reserve fund within the terms of the budget contained herein.

Section 3: The following additional amount is appropriated for the project:

Transfer to Capital Project Funds	<u>\$ 208,575</u>
Total Additional Project Appropriation	<u>\$ 208,575</u>

Section 4: The following additional revenue is anticipated to be available for this project:

Transfer In – Capital Project Fund – Paving Streets	<u>\$ 208,575</u>
Total Additional Project Revenues	<u>\$ 208,575</u>

Section 5: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 6: This amended ordinance becomes effective September 9, 2025.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of September 9, 2025 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



ORDINANCE #3145
AMEND THE 2025-2026 FISCAL YEAR BUDGET
Transfer From Paving Streets Fund

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 9th day of September, 2025 that the Operating Budget for the Fiscal Year 2025/2026 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
General Fund	Transfer In – Paving	10-397-5500	\$3,203,170	
Streets	Paving	10-560-7300	\$3,203,170	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of September 9, 2025 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



ORDINANCE #3146
AMENDING THE GENERAL CAPITAL RESERVE PROJECT BUDGET

BE IT ORDAINED, by the Town of Southern Pines Town Council, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital reserve project budget is hereby amended:

Section 1: The project authorized is for the purpose of acquisition, renovation, and/or construction of major capital facilities and improvements to the Town's infrastructure.

Section 2: The officers of this unit are hereby directed to proceed with the capital reserve fund within the terms of the budget contained herein.

Section 3: The following additional amount is appropriated for the project:

Transfer to Capital Project Fund – Town Hall	<u>\$ 500,000</u>
--	-------------------

Total Additional Project Appropriation	<u>\$ 500,000</u>
--	-------------------

Section 4: The following amount is reduced for the project:

Transfer to Capital Project Funds	<u>\$500,000</u>
-----------------------------------	------------------

Total Reduced Project Appropriation	<u>\$ 500,000</u>
-------------------------------------	-------------------

Section 5: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 6: This amended ordinance becomes effective September 9, 2025.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of September 9, 2025 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



ORDINANCE #3147
ESTABLISHING A CAPITAL PROJECT FUND TO PURCHASE AND UPFIT
300 SW BROAD STREET

BE IT ORDAINED by the Town of Southern Pines Town Council, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project budget is hereby adopted:

Section 1: The project authorized is to establish a fund for the purpose of purchasing 300 SW Broad Street and upfitting the existing facility for use as a Town Hall.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following amount is appropriated for the project:

Building and Upfit Costs	<u>\$ 7,500,000</u>
	<u>\$ 7,500,000</u>

Section 4: The following revenue is anticipated to be available to complete this project:

Transfer In – General Capital Reserve Fund	\$ 500,000
Financing Proceeds	<u>7,000,000</u>
	<u>\$ 7,500,000</u>

Section 6: Copies of this capital project ordinance shall be furnished to the Clerk of the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 7: This ordinance becomes effective September 9, 2025.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of September 9, 2025 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



MINUTES

Tuesday, August 12, 2025: 6:00 PM

Town Council Business Meeting

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda and requests the removal of Item 8d.

Mayor Pro Tem Pate moved to adopt the Consent Agenda with the removal of Item 8d, seconded by Councilmember Goodman. The vote was unanimous.
Motion passed.

4. PUBLIC COMMENTS

No public comments were voiced.

5. CONSENT AGENDA

Mayor Pro Tem Pate moved to approve the Consent Agenda, seconded by Councilmember Goodman, the vote was unanimous.
Motion passed.

a. Articles Lease - Weymouth

Request for adoption of a new lease with the Weymouth Center for the Arts regarding a number of books, memorabilia and various items owned by the Town of Southern Pines to be displayed at the Center.

b. Approve Resolution #1122 - Adopting an Electronic Records Retention Schedule

Staff requests the approval of Resolution #1122 - Adopting an Electronic Records Retention Policy

c. Approve Meeting Minutes

Staff has prepared the meeting minutes from the August 22, 2025, Town Council Business Meeting for your approval.

d. Approve Resolution #1124 - Setting a Public Hearing Date for Annexation Application AX-02-25 - 1271 Old US 1 Hwy.

The Clerk has issued a Certificate of Sufficiency for annexation application AX-02-25 and is requesting to proceed with setting a public hearing date.

e. Approve Resolution #1125 - Declaring the Badge and Service Weapon of Deputy Chief Charles Campbell Declared Surplus and Awarding to him upon his retirement

Staff request approval of Resolution #1125- Declaring the Badge and Service Weapon of Deputy Chief Charles Campbell Declared Surplus and Awarding it to him upon his retirement on October 1, 2025, after serving the Town of Southern Pines for 29 years.

6. PUBLIC HEARINGS - LEGISLATIVE

a. OA-02-25 Proposed Amendments to the Unified Development Ordinance (UDO)

The Town of Southern Pines Planning Department is proposing to amend multiple sections of the UDO related to sign regulations and the Engineering Department is proposing to amend Appendix B of the UDO.

Mayor Clement opened the hearing.

Planning Director BJ Grieve presented the proposal to the Council.

Discussion ensued.

Public Comments were opened and none voiced.

Councilmember Goodman moved to continue the hearing to the August 26, 2025, Town Council meeting, seconded by Councilmember Gray, the vote was unanimous.
Motion passed.

b. PD-02-25 Penick Village Planned Development - Conceptual Development Plan

The purpose of the application is to establish a unified framework for the existing continuing care retirement community and to support its ongoing operations and future expansion.

Mayor Clement opened the hearing.

Planner Mason Mattox presented the application and staff report to the Council.

Planner Mattox noted that Penick Village is currently listed as *Horse Country* under the Character District Map, which appears to be an error, so staff recommends the Council consider a joint amendment to the character district's map of the 2040 Comprehensive Plan, changing it to *Suburban Settlement*.

Discussion ensued.

Bob Koontz, of Koontz Jones Design, V3, along with Tony Bournehorst and Chip Carmarti of Penick Village presented the project to the Council.

Councilmember Petersen questioned the stormwater management plans, the proposed building height and the total number of buildings on the property.

Mr. Koontz proceeded to address some of the neighbors' concerns that were previously submitted to the Planning Dept. and stressed that the majority of the concerns were a result of Hurricane Chantal, a 500-yr. storm, and were not likely to occur again. Additionally, the stormwater system was under construction as the time resulting in additional issues.

Mayor Pro Tem Pate questioned the setback for Section E.

Public Comments:

Unknown = expressed concern regarding drainage and dirt run off. Also concerned regarding the height of the proposed build on Ridge Street as well as the lack of buffer between homes.

Maureen O'Hara, 560 E. Delaware, shared a packet with the Council detailing items of concern, mostly surrounding water run-off.

Discussion ensued.

Jim Lewis, Penick Village resident and Board of Directors member, supports the project.

Jacob Kaufman, 385 E. New Jersey, has stormwater concerns. Mr. Kaufman also complained about the fire trucks and ambulances using their sirens throughout the night while waiting for the gates to Penick Village to be opened. The issue of traffic was also raised with concerns over construction employees parking and blocking half the road.

Bill Jackman, 350 E. Main, is unhappy with the construction workers using the roads to stage their equipment while spilling oil all over the roads, making the area very messy. Mr. Jackman also addressed the building height, stormwater runoff and traffic.

Anne Hocutt, Penick Village and member of the Board of Directors, spoke about how much they enjoy living at Penick.

Emily Galbraith, Bishops Ridge, is not opposed to the development, just opposed to a building of 70 feet being built right behind her.

Holly Kriegan, 530 E. Delaware, is worried that her backyard will be affected by the construction.

Ian Kriegan, 530 E. Delaware, is just asking that the retention pond won't be able to be seen from their property. Mr. Kriegan also expressed his displeasure at the removal of old growth pines for the development.

Joel Carter, 465 E. Delaware, shared his displeasure of the project, the building height and number of units proposed. Mr. Carter asked for a 90-day continuance on any decision on the project.

Jim MacInerney, 460 Crest Road, is opposed to the proposed height deviation requested for the project.

Mayor Clement listed a number of questions she had about the project and requested a continuance for the hearing.

Councilmember Gray would appreciate additional input from the Town Engineer.

Councilmember Petersen feels more than a 30-day continuance is needed and a 90-day continuance should be scheduled.

Discussion ensued.

Mr. Koontz requested a 30-day continuance.

Councilmember Gray feels a 30-day continuance is sufficient.

Discussion ensued.

Councilmember Goodman moved to continue PD-02-25 Penick Village Planned Development Project to the October 14, 2025, Town Council Business Meeting, seconded by Councilmember Petersen; the vote was unanimous.

Motion passed.

c. Z-04-25 Rezoning of 0.23 acres on N. Hardin Street from RS-1 to RM-1CD

Tony Fairley, authorized agent for Sandhills Community Action Program Inc., has submitted a request to rezone a single parcel from RS-1 to RM-1CD (Conditional Zoning District) to allow for the development of four single-family attached dwelling units, configured as two structures with two dwelling units each.

Mayor Clement opened the hearing.

Town Planner Mattox presented the application and staff report to the Council.

Councilmember Goodman questioned the need for an environmental survey. Discussion ensued.

The applicant verbally agrees to the addition of Condition #8 regarding the environmental survey.

Mayor Pro Tem Pate moved that after reviewing the proposed Conditional Zoning district, considering UDO §2.17.9, and the applicant's voluntary conditions, the amendment is consistent with the 2040 Comprehensive Plan, per the reasons set forth in the Planning Board's resolution that was included as an attachment for the staff report for Z-04-25. The motion was seconded by Councilmember Gray and the vote was unanimous.

Motion passed.

Councilmember Pate then moved to approve Z-04-25 with the applicant's conditions to include Condition #8, if needed, as presented during the meeting.

d. RA-01-25: Abandonment of 852 square feet of S. Bennett St. right of way

A public hearing regarding abandonment of 852 square feet of right of way at the intersection of South Bennett Street and West Wisconsin Avenue. A staff error in the abandonment process in 2022 is being corrected by repeating the abandonment process as set forth in North Carolina law and the Unified Development Ordinance.

Mayor Clement opened the hearing.

Councilmember Petersen reiterates that she is opposed to abandoning right-a-way without any benefit to the Town.

Public comments were asked for and none voiced.

Councilmember Goodman moved to approve RA-01-25 Abandonment of 852 sq. ft of S. Bennett St Right-of-Way, seconded by Councilmember Gray; the vote was as follows: The Council voted as follows:

- Mayor Clement: aye
- Mayor Pro Tem Pate: aye
- Councilmember Petersen: nay
- Councilmember Gray: aye
- Councilmember Goodman: aye

Motion passed.

7. PUBLIC HEARINGS - EVIDENTIARY

a. MAPP-02-25: Murray Hill Road Townhomes Major Subdivision Preliminary Plat (continued from July meeting)

Mr. Paul Saathoff of Koontz Jones Design, PLLC, on behalf of On Your Lot, Inc. (Value Build Homes), 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 two parent tracts into 20 townhomes and 1 single-family dwelling. Per the Moore County tax records, the property is identified as PARID 00052146 and 00048691, which comprise 2.06 total acres. This hearing was continued at the July 22, 2025 Regular Meeting.

Mayor Clement swore in pending witnesses for the hearing.

Town Attorney Mac McCarley asked the members to disclose the following relative to the application and property: any specialized knowledge; a fixed opinion not subject to change; close relation to the applicant or property owner; and/or a financial interest in the outcome. The answer was unanimously no.

Attorney McCarley entered into the record a copy of a letter (Exhibit D) sent to the Council and Town staff by Mr. Koontz questioned the ability of the Council to remain objective and questioned the Council about their objectivity. All members stated that they would remain objective during the hearing. The applicant was asked if they wished to object to any of the Councilmembers and the applicant responded no.

Planner I James Broadwell presented the August 12, 2025, staff report (Exhibit E) and presentation (Exhibit F) to the Council.

Issues that have been worked on since last meeting:

- Unit 21's driveway now exits into a 20ft alley.
- sidewalk along Murray Hill Rd to connect the Units to the crosswalk
- Pine and Shady replaced Penny and Blue Jay to offer continuity.
- preserve all trees that don't interfere with essential grading, the buildings or utilities
- Councilmember Petersen reiterated her preference to design buildings around the trees rather than remove the trees.

- the applicant will complete red-cockaded woodpecker study before any trees are removed.
Councilmember Petersen questioned the repercussions to the development if the 5ft reduction of buffer was allowed along the back of units #15-20.

- Planner Broadwell replied that the western setback was a result of Engineering commenting that the proximity of the 4-way stop required the clearance and the other buffer was a result of providing the detached structure.

Councilmember Petersen feels that granting deviations is a mistake, allowing applicants to not follow rules that were put in place for a reason.

Mayor Clement feels matching the roads to the existing roads makes sense.

Town Manager Parsons asked if the name changes had been vetted, though Moore County and Planner Broadwell replied negatively.

Paul Saatoff, Koonz Jones Design, reviewed the changes made to the plan from the previously presented plan.

Councilmember Petersen asserted that the shown diagrams of the property do not accurately show what the property will look like when completed but rather what the property may look like 10 years from completion. Mr. Saatoff confirmed that the diagrams shown are what the property will look like once the landscaping has matured.

Mayor Clement clarified that the Town Council can only consider expert testimony and that Councilmember Petersen does not hold a degree in landscape design.

Mayor Pro Tem Pate questioned if the project would be phased and Mr. Saatoff was unable to confirm. Planning Director Grieve added that it was common practice for builders to phase out such projects.

Discussion ensued.

Mayor Clement closed the hearing.

Mayor Pro Tem Pate moved to approve Attachment 1 of the staff report, as drafted, as Findings of Fact regarding the proposed Preliminary Plat MAPP-02-25; seconded by Councilmember Gray; the vote was as follows:

The Council voted as follows:

- Mayor Clement: aye
- Mayor Pro Tem Pate: aye
- Councilmember Petersen: nay
- Councilmember Gray: aye
- Councilmember Goodman: aye

Motion passed.

Mayor Pro Tem Pate moved to approve Preliminary Platt MAPP-02-25 with the conditions set forth in staff report MAPP-02-25, seconded by Councilmember Gray; the vote was as follows:

The Council voted as follows:

- Mayor Clement: aye
- Mayor Pro Tem Pate: aye
- Councilmember Petersen: nay
- Councilmember Gray: aye
- Councilmember Goodman: aye

Motion passed.

b. SU-01-25: Remove Buffer and Setback Requirement for Lot 9 of Tyler's Ridge

On behalf of Trustee James B. O'Malley, Paul Saathoff with KoontzJones Design has applied for a Special Use Permit to amend the 2011 Conditional Use Permit for the Tyler's Ridge development (i.e., file #CU-01-11) for Lot 9. The amendment being proposed would remove a required 30' landscaping buffer and 50' building setback.

Mayor Clement swore in pending witnesses for the hearing.

Town Attorney Mac McCarley asked the members to disclose the following relative to the application and property: any specialized knowledge; a fixed opinion not subject to change; close relation to the applicant or property owner; and/or a financial interest in the outcome. The answer was unanimously no.

Planner II Gene Ruiz presented the Staff Report (Exhibit A) and the Staff Presentation (Exhibit B) to the Council. Planner Ruiz shared that the staff had worked diligently with the developer on this project since the 2040 Comprehensive Plan mandates that existing landscaping be protected.

Discussion ensued regarding protecting the existing landscape buffer and planting a new buffer. Planning Director Grieve added that the Town Arborist was consulted on any tree removal.

US Fish & Wildlife Agency letter (Exhibit C) was presented to the Council that requires a survey only if taking down any Longleaf Pines over 10 inches in diameter and no Longleaf Pines are being removed.

Mayor Pro Tem Pate questioned the need for the removal of the buffer and setback requirements just to add parking and asked if the lot was undevelopable without the removal? - Planner Ruiz stated that the site would be developable without removing the buffer.

- Mayor Pro Tem Pate clarified that a 30 ft buffer was required per the existing standards and Planner Ruiz concurred.

Discussion ensued

Bob Koontz, Koontz Jones Design plus V3, addressed the items discussed during Planner Ruiz's presentation.

Mayor Pro Tem Pate asked for clarification on what would be planted in the yellow circle area of the slide. Mr. Koontz answered that the plan is 2 pines and 3 understory trees.

Discussion ensued regarding landscaping plans.

Mayor Clement asked for clarification on the setback requirements, residential versus commercial.

- Mayor Pro Tem Pate questioned if the applicant was threatening to cut down mature trees if the request wasn't approved and discussion ensued.

Councilmember Goodman feels a condition should be added regarding the planting in the area highlighted yellow on the presentation slide and discussion ensued.

Mayor Clement closed the hearing.

Mayor Pro Tem Pate moved to adopt Attachment 1 of the staff report as Findings of Fact regarding the proposed Special Use Permit SU-01-25 with the following changes in Finding of Fact #3 in the final sentence of the final paragraph, insert the following: These improvements, plus the additional landscaping in the cleared area on the north side of the site will maintain the intent of the original buffer to soften the appearance of commercial development and ensure compatibility with nearby properties.

The motion was seconded by Councilmember Gray and the vote was unanimous.

Motion passed.

Mayor Pro Tem Pate moved to approve Special Use Permit SU-01-25 with the following condition: Condition #1: that areas outside the required planting area and within the yellow circled area shown

in presentation (Exhibit B) shall be planted to the buffer standard found in Unified Development Ordinance 4.3.4.

The motion was seconded by Councilmember Gray and the vote was unanimous.

Motion passed.

8. ACTION ITEMS

a. PD-01-25: Written Decision for Tommy's Car Wash PDP

Planning staff have prepared a draft Written Decision for application PD-01-25, Tommy's Car Wash PDP, for the Town Council's review and approval. The PDP was approved at the July 22, 2025 Regular Meeting.

Councilmember Goodman questioned if the applicant was shown the written decision prior to the meeting. Tommy's staff were present at the meeting and verbally agreed to the conditions.

Councilmember Goodman moved to approve PD-01-25: Written Decision for Tommy's Car Wash PDP, seconded by Mayor Pro Tem Pate; the vote was unanimous.

Motion passed.

b. MAPP-01-24: Written Decision for Hale Street Cottages Major Subdivision Preliminary Plat

Planning staff have prepared a draft Written Decision for application MAPP-01-25, Hale Street Cottages Major Subdivision Preliminary Plat, for the Town Council's review and approval. The Preliminary Plat was approved with a Conditional Zoning District rezoning at the July 22, 2025 Regular Meeting.

Councilmember Goodman questioned if the applicant was shown the written decision prior to the meeting. The decision was published as part of the meeting packet on Friday and therefore available for review.

Councilmember Goodman moved to approve MAPP-01-25: Written Decision for Hale Street Cottages Major Subdivision Preliminary Platt, seconded by Mayor Pro Tem Pate; the vote was unanimous.

Motion passed.

c. AR-05-25: Architectural Compliance Permit for Pinehurst Hyundai at 1480 US Highway 1

Penney Design Group, is requesting an Architectural Compliance Permit on behalf of the legal property owner Southern Pines Automotive, LLC for a 23,688 square foot single story automotive dealership building. The address is 1480 US-1 which is located in the General Business (GB) zone. This item was continued at the June 10, 2025 Regular Meeting.

Mayor Clement opened the hearing, which is a continuation from June 10, 2025.

Planner II Gene Ruiz presented the application and staff report.

Discussion ensued.

Lauren Krupsaw, Penney Design Group presented on behalf of the applicant.

Councilmember Goodman moved to approve AR-05-25: Architectural Compliance Permit for Pinehurst Hyundai as set forth in the building elevations dated July 31, 2025, with one deviation to building materials as specifically described in the August 12, 2025, staff report, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

d. Approve Resolution authorizing the use of Design-Build for the proposed Fleet Maintenance Facility

Approve Resolution #1121 authorizing the use of the Design-Build procurement method for the proposed Fleet Maintenance Facility

This item was removed from the Agenda prior to Agenda adoption.

e. Closed Session as authorized in N.C.G.S. §143-318.11(a)(5)

Mayor Clement cancelled the closed session with no new information to be discussed.

9. ADJOURNMENT

Upon motion by Councilmember Goodman, seconded by Mayor Pro Tem Pate and carried unanimously,
Council adjourned at 12:32 pm.
Motion passed.

Respectfully submitted:

Elizabeth Robertson, Town Clerk

DRAFT



MINUTES

Tuesday, August 26, 2025: 3:00 PM

Town Council Work Session

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

4. ACTION ITEMS

a. Approve Application to the Local Government Commission Regarding a Financing Agreement for 300 SW Broad Street

Resolution #1126 - Authorize Filing Application for Approval of a Financing Agreement Authorized by NCGS 160A-20 for 300 SW Broad Street

Town Manager Parsons presented the item to the Council.

Mayor Pro Tem Pate questioned the language around tax increases and discussion ensued.

Mayor Pro Tem Pate moved to approve the Application to the Local Government Commission regarding a financing agreement for 300 SW Broad Street, seconded by Councilmember Goodman; the vote was unanimous.

Motion passed.

b. MAPP-02-24: Written Decision for Murray Hill Townhomes Major Subdivision Preliminary Plat

Staff has prepared a draft Written Decision for MAPP-02-25, Murray Hill Townhomes. The Preliminary Plat was approved by Council on August 12.

Planning Director BJ Grieve presented the item to the Council.

Councilmember Goodman questioned if the applicant had been provided a written copy of the decision prior to the meeting and Planning Director Grieve confirmed that they had and had approved the document.

Councilmember Petersen asked to be informed of the percentage of trees removed with regard to Condition #1.

- Planning Director Grieve advised that the information would not be available till the site plan.

Councilmember Goodman moved to approve the Written Decision for MAPP-02-25 Murray Hill Townhomes Major Subdivision Plat, seconded by Councilmember Gray; the vote was unanimous.
Motion passed.

c. SU-01-25: Written Decision for Tyler's Ridge Lot 9

Staff has prepared a draft Written Decision for application SU-01-25, Tyler's Ridge Lot 9. The application was approved by Council on August 12.

Planning Director BJ Grieve presented the item to the Council.

Councilmember Goodman questioned if the applicant had been provided a written copy of the decision prior to the meeting and Planning Director Grieve confirmed that they had and had approved the document.

Councilmember Goodman moved to approve the Written Decision for SU-01-25 Tyler's Ridge Lot 9, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

5. PUBLIC HEARINGS - LEGISLATIVE

a. OA-02-25 Proposed Amendments to the Unified Development Ordinance (UDO)

The Planning Department proposes multiple UDO amendments related to sign regulations. The Engineering Department has also prepared amendments to Appendix B of the UDO. This public hearing was opened on August 12 and continued to August 26.

Planning Director Grieve presented the item to Council and advised that not mentioned in his presentation are changes being made to the appendices and clarified that the changes were advertised properly, just left out of the presentation.

Mayor Pro Tem Pate moved to approve OA-02-25: Proposed Amendments to the Unified Development Ordinance, seconded by Councilmember Petersen; the vote was unanimous.

Motion passed.

6. COUNCIL UPDATES AND DISCUSSION

a. Capital Projects Update

Staff will share current updates on several active capital projects.

Asst. Town Manager Jessica Roth and Recreation Director Greg Thompson presented an update to the Council regarding the Whitehall Carriage House project and it's progress. Request for bids were sent out and only one was returned. Staff does not recommend that the Council award the bid and recommends that staff do the work they are able to and hire contractors to do some of the smaller projects, such as grading.

Discussion ensued.

Asst. Town Manager/Fire Chief Mike Cameron presented an update on options for the Downtown Park Parking lot renovation.

Councilmember Goodman is good with option 1 or option 3 and also suggested planting to reforest the area.

Mayor Clement expressed her concern regarding the dangers of having parking so close to the park. Councilmember Petersen likes option 4 but acknowledges that maintenance of that option could be a problem and discussed the pros and cons of the other options, then presented the option of installing a runner of 2 small pathways for vehicles instead of a whole driveway and requested a cost estimate on the option (5) of reforesting from Councilmember Goodman and her ideas (option 6). Discussion ensued.

Mayor Pro Tem Pate, after consideration, is voting for option 1 or option 3 but is leaning towards option 1 and likes the extra parking it provides.

Councilmember Gray is behind option 1 or option 3 but feels option 3 is more maintenance, so option

1 is the best option since it provides parking.

Mayor Clement questioned Recreation Director Thompson about whether the addition of increased green space allows for more opportunities and Director Thomson answered yes due to more usable space being available.

Councilmember Petersen requested that the decision be continued 90 days to give staff time to get estimates for the new options she requested.

Discussion ensued.

Mayor Pro Tem Pate moved to approve the presented option #1; seconded by Councilmember Gray; the vote was as follows:

- Mayor Clement: aye
- Mayor Pro Tem Pate: aye
- Councilmember Petersen: nay
- Councilmember Gray: aye
- Councilmember Goodman: aye

Motion passed.

Town Manager Parsons and Asst. Town Manager/Fire Chief Mike Cameron presented options for Broad Street near Harbour Shopping Center.

Asst. Town Manager/Fire Chief Cameron noted that having grass right next to the street makes maintaining it an issue due to proximity to parked vehicles.

Mayor Clement likes option 3.

Discussion ensued.

Councilmember Petersen requests that wider tree wells be installed, and the trees installed be as mature as possible.

Mayor Clement asked if we could plant native grasses around trees instead of bricks.

Discussion ensued and all Councilmembers agreed to option 3 with native grasses and the addition of a planter on the corner.

b. Post Chantal Action Report

Staff has evaluated the Town's response during and after Tropical Storm Chantal and prepared an action report. Staff will provide a high-level overview of the report and answer any questions.

Asst. Town Manager Roth and Asst. Town Manager/Fire Chief Cameron presented the item to the Council and discussed the process they used to create the report and plans for the future.

Mayor Clement thanked staff for their quick response.

Councilmember Goodman suggested adding the report to the water bill insert so that the citizens can be made aware of the behind the scenes work the Town does.

Asst. Town Manager Roth shared that a lot of information has been added and is available on our website for citizens concerned about drainage or other helpful ideas to help with storm runoff.

Councilmember Petersen questioned the process of proving a submitted plan has been designed for a 10-yr storm. Town Engineer/Asst. Public Works Director James Michel explained that the developer's engineer is responsible for the calculations based on a NOAA Table using Intensity Duration Frequency Curves or Precipitation Duration Frequency Curves and then once submitted, the Town performs a high-level review of the plan. The erosion control and permanent storm water control permitting process was then discussed.

Discussion ensued.

Asst. Town Manager Roth shared a new project launched on the Town's social media where we will highlight a different Town employee and shared the first video with them.

c. Water Discussion

Staff will provide an update regarding recent discussions with Moore County and solicit feedback from the Council regarding continued interest.

Town Manager Parsons and Town Engineer/Asst. Public Works Director Michel presented the item to the Council giving a general overview of the water system, its capacities and how it operates. Also discussed was the possibility of Moore County wanting to purchase additional water from the Town. Discussion regarding a study done for Moore County by LKC proposed a scenario where an intake was added downstream which could result in Southern Pines selling Moore County additional water and what doing that would involve. The size and ownership of the second intake was discussed as well as staff's recommendations should the topic be further explored.

Town Attorney McCarley added additional details regarding a project timeline should the Council decide to continue exploring the options.

d. Planning Department Update

Planning staff will briefly update the Town Council on agenda items coming in September. Staff will also follow up on prior discussions at the August 12, 2025 Regular Meeting about the Planning Department's agency referrals to the U.S. Fish & Wildlife Service and update the Town Council on the status of Phase 2 of 2040 Comprehensive Plan Implementation.

Planning Director Grieve updated the Council on the following

- staff is going to start being more judicious in giving referrals for red-cockaded woodpecker studies due to staffing issues with the US Fish and Wildlife Service.
- update on the current status of SB587. Staff recommends that we continue our amendment for 60 days.
- update on housing projects from the Comp Plan. It's moving forward but slowly.
- still waiting to hear back on the multi-modal planning grant that we applied for in April.
- update on the contents of the September agenda
- Planning Board: Kim Wade will vacate her seat and 2 more members coming up for re-appointments.

7. COUNCIL ROUNDTABLE

Councilmember Goodman

- workforce housing group in Aberdeen and thought we might want to explore the idea.
- requested an update on Murray Hill and Town Manager Parson advised that the Town has not heard back from DOT.
- commended the Mayor for her hard work on starting the discussion regarding buying a building for town hall discussions

Councilmember Petersen

- shared that to use the current transportation system you must have Wi-Fi and a printer to get tokens for the ride and the transportation service ends at 5:00pm. Asked that the Town explore ways to make it more accessible. Discussion ensued around whether this was an MPO issue. Councilmember Petersen reiterated that she would like to Town to purchase tokens and have them available for purchase locally or by grant.

Councilmember Gray

- shared that she is getting calls regarding sedimentation and erosion issues and citizens claiming their yards were being washed away and asked for an overview of what legally the Town can do to help.
- asked to set a deadline for when meetings end at the next work session.

- gave a shout-out to Asst. Town Manager/Fire Chief Cameron for speaking with Dreams For All foundation.
- members of the Bicycle and Pedestrian Committee have contacted her and are requesting clarification on council policy on expectations for the committee.
- 8.1 - 8.99 of 2040 Comp Plan contains a policy on the Bicycle and Pedestrian Committee. Will discuss more at the next work session.
- visited the Penick area.

Mayor Pro Tem Pate

Mayor Clement

- will meet with the auditors
- attended a concept meeting on updating police policies.
- attended a RULAC presentation on Ft. Bragg

8. CLOSED SESSION

a. Council will hold a closed session as authorized in N.C.G.S. §143-318.11(a)(5) to discuss real estate.

Councilmember Goodman moved to enter closed session as authorized by NCGS §143-318.11(a)(5), seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

Councilmember Goodman moved to exit closed session, seconded by Councilmember Petersen; the vote was unanimous.

Motion passed

9. ADJOURNMENT

Upon motion by Councilmember Gray, seconded by Councilmember Petersen and carried unanimously, Council adjourned at 8:55 pm.

Motion passed.

Respectfully submitted:

Elizabeth Robertson, Town Clerk

Agenda Item

To: Reagan Parsons, Town Manager

From: BJ Grieve, Planning Director

Subject: OA-03-24: Open Space and Landscaping Amendments to the Unified Development Ordinance (UDO)

Date: September 9, 2025

I. SUMMARY OF AMENDMENT REQUEST

The Town of Southern Pines Planning Department is continuing with implementation of the 2040 Comprehensive Plan by proposing to amend the Unified Development Ordinance (UDO) with a variety of text amendments primarily related to tree protection procedures, open space standards, and landscaping code. The proposed amendments are an implementation of Policies 3.2, 3.8, 4.1, 4.45, 4.5, 4.7, 4.9, and 4.10 in the town's 2040 Comprehensive Plan. Work on implementing these policies in the town's long-range plan was prioritized by the Town Council in October of 2023. The planning staff is therefore requesting Town Council review and approval per UDO §2.17. Description of the proposed amendments can be found in the [November 12, 2024, staff report](#) and its attachments, as follows.

1. [Planning Board Resolution to Adopt a Written Recommendation](#);
2. [Applicability Map of Zoning Districts and Overlays where Tree Protection Areas Would be Required within Open Space](#);
3. [Proposed amendments \(amended sections only\)](#), using ~~strikeout~~ for proposed deletions and underline for proposed additions;
4. [Red-Cockaded Woodpecker Reclassification US FWS Fact Sheet](#);
5. [Agency Comment and Letters of Support](#); and
6. [Draft Ordinance](#).

A full copy of the UDO showing all proposed amendments using **red text** for all changes and underlining for additions and ~~strikeout~~ for deletions, along with margin comments providing explanatory context for many of the changes: tinyurl.com/TOSPOA0324. Planning staff will continue the November 12, 2024, and December 17, 2024, public hearing discussions with the Town Council at its March 11, 2025, continued public hearing.

II. TOWN COUNCIL REVIEW

On November 12, 2024, the Planning Department presented a public hearing draft of the proposed landscaping and open space—including tree protection areas and plans—text amendment. Planning staff presented the proposed amendments. Planning staff responded to a variety of questions and comments from the Town Council, including penalties for unauthorized tree removal where tree protection areas would be required, cleared areas landscaping standards, and Appendix F's list of recommended species. Seven members of

the public spoke on the proposed amendments, specifically on the topics of clearcutting, landscape buffering, requirements “running with the land,” concerns about too many penalty options for developers who clear-cut without approvals, Appendix F’s recommended list of species, support of preservation efforts, and the importance of inspections. Additional discuss was had about tree protection fencing and site inspections during construction.

Ann Peterson moved to continue the public hearing to the December 17, 2024, regular business meeting of the Council so that councilmembers could meet with Planning staff and provide additional feedback and discuss concerns. Motion carried unanimously by all members of the Council. Afterward, Planning staff met with Councilpersons Goodman and Peterson. A list of proposed changes and additional comments from those meetings can be found in the [section IV.C Staff Comments of the December 17, 2024, Town Council staff report for OA-03-24](#).

At the December 17, 2024, regular meeting of the Council, the Council moved to continue the proposed amendments 90 days to its March 11, 2025, meeting considering recently adopted state legislation (i.e., Senate Bill 382 modifying NCGS §160D-601 Procedure for Adopting, Amending, or Repealing Development Regulation) that amended provisions for down-zoning. The Town Council wished to provide Planning staff and legal counsel sufficient time to review the proposed text amendment in light of the state-level changes. At the January 28 and February 25, 2025, work session meetings of the Council, Planning Director BJ Grieve provided planning updates to the Council regarding the status of state-level legislation in light of North Carolina communities’ concerns over the amended provisions for down-zoning.

At the March 11, 2025 regular meeting of the Council, the Council moved to continue the proposed amendments 90 days to the June 10, 2025 meeting to allow further time to see what (if any) action the North Carolina Legislature may take in the current session regarding the impacts of Senate Bill 382.

At the June 10, 2025 regular meeting of the Council, the Council moved to continue the proposed amendments 90 days to the September 9, 2025 meeting to again allow further time to see what (if any) action the North Carolina Legislature may take in the current session regarding the impacts of Senate Bill 382.

Planning staff have consulted with the Town Attorney and the Chair of the APA-NC Legislative Committee and at this time staff recommend a continuance of two months to the November 6, 2025 regular meeting.

III. PLANNING BOARD REVIEW

On July 18, 2024, the Planning Department presented a public hearing draft of the landscaping and open space—including tree protection areas and plans—text amendment. Planning staff presented the proposed amendments. Planning staff responded to a variety of questions and comments from the Planning Board. Following planning staff’s

presentation, four public comments were made regarding the proposed amendments, which are described in the [November 12, 2024, staff report](#).

IV. 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

Planning staff comments were provided at the February 25, 2025, work session of the Town Council. Staff are available during regular business hours prior to the Town Council's continued public hearing on September 9, 2025, for any additional questions and/or to discuss any of the proposed amendments.

D. Outside Agency Comments

No new agency comments have been received since the November 12, 2024 and December 17, 2024 public hearings. Previous agency comments and letters of support were compiled into the [November 12, 2024, staff report's Attachment 5](#). Any responses received from other agencies following completion of this staff report but prior to the continued public hearing will be provided at the hearing.

V. TOWN COUNCIL ACTION

The Town Council must consider the criteria for text amendments found in UDO §2.17.10, including consistency with the Comprehensive Plan. Per NCGS §160D-605, the Town Council must approve a brief statement addressing plan consistency and reasonableness of the proposed amendment. The Town Council may wish to use the following motions for guidance. The Planning Department's recommendation is in bold font.

I move to continue the proposed text amendments in file #OA-03-24 until the Town Council's November 6, 2025 regular meeting to allow additional time for state-level conversations regarding the recent amendments to North Carolina General Statute §160D-601.

-OR-

I move that after considering the criteria for text amendment found in UDO §2.17.10, the first of which is consistency with the Comprehensive Plan, the Town Council finds that:

1. The proposed text amendments are consistent with the Comprehensive Plan and are a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's resolution that was included as an attachment to the November 12, 2024, staff report for OA-03-24;
2. The proposed text amendment is consistent with the Comprehensive Plan and is a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's resolution that is included as an attachment to the staff report for OA-03-24, but with the following edits or additions to the resolution...
3. The proposed text amendment is not consistent with the Comprehensive Plan and/or is unreasonable for the following reasons...

And, therefore, I move to:

1. Approve OA-03-24 as attached to [the ordinance](#) with the list of proposed changes in Section IV(C) of the December 17, 2024, staff report and with finalized illustrations to replace the drafts provided for the hearing.
(if desired, the Town Council may state any additional reasons you support the proposed amendment, besides those already listed in the Planning Board resolution);
2. Approve OA-03-24 as attached to [the ordinance](#) with numbers (##, ##, etc.) from the list of proposed changes in Section IV(C) of the December 17, 2024, staff report and with finalized illustrations to replace the drafts provided for the hearing.
(if desired, the Town Council may state any additional reasons you support the proposed amendment, besides those already listed in the Planning Board resolution);
3. Approve OA-03-24 as attached to [the ordinance](#) with [the list of proposed changes in Section IV(C) of the December 17, 2024, staff report]/[with numbers (##, ##, etc.) from the list of proposed changes in Section IV(C) of the December 17, 2024, staff

report], finalized illustrations to replace the drafts provided for the hearing, and the following additional changes...

(if any changes were made to the proposed revisions, list the changes and reason(s) the text was changed);

4. Deny OA-03-24
(the Town Council shall state any reasons for denial of the proposed amendment); OR
5. Other...

Agenda Item

To: Reagan Parsons, Town Manager

From: BJ Grieve, Planning Director
James Broadwell, Planner I

Subject: Z-04-24: Zoning Map Overlay Amendment to the
Downtown Transition Overlay

OA-04-24: Character Districts Text Amendments to the
Unified Development Ordinance (UDO)

Date: September 9, 2025

I. SUMMARY OF AMENDMENT REQUEST:

The Town of Southern Pines Planning Department is continuing with implementation of the 2040 Comprehensive Plan by proposing a Zoning Map amendment to modify the boundary of the Downtown Transition Overlay as well as text amendments to amend the Downtown Overlay and West Southern Pines Overlay. The text amendments relate to implementing character-based zoning standards for commercial and multi-family development. The proposed amendments are an implementation of Policies 3.1 and 3.2 in the 2040 Comprehensive Plan. Planning staff request Town Council review and an approval decision per UDO §2.17. The boundaries of the proposed Zoning Map amendment and the proposed UDO text amendments were provided in the December 17, 2024 staff report and attachments, available at this link:

1. [December 17, 2024 staff report.](#)
2. [Proposed Zoning Map](#)
3. [Unified Development Ordinance \(UDO\) showing proposed text changes.](#)

II. TOWN COUNCIL REVIEW:

At the November 12, 2024 Town Council regular meeting, a public hearing was held on Z-04-24 and OA-04-24. Planning staff presented the background and reasoning behind the Character Districts project. Ms. Sarah Sinatra, from Inspire Placemaking Collective, presented additional project background, how the text amendments would function, and what outcomes the new standards would achieve. Ms. Sinatra and planning staff responded to a variety of questions from the council.

At the conclusion of the hearing, the Town Council articulated four issues that needed further analysis and possible changes. For that reason, the Council continued the public hearing to the December 17, 2024 regular meeting. Those four issues and their corresponding corrections made are listed below:

1. Clarifying language for sidewalk locations.

Issue: The Town Council noted on 11/12/24 that the proposed UDO amendments on sidewalk locations, within the Downtown and West Southern Pines overlays, were too ambiguous. The wording did not clarify if sidewalks must be installed in the Right-of-Way or within private property with a sidewalk easement (if the Right-of-Way is too narrow). The proposed §3.6.3(O) and §3.6.4(I) should clearly require sidewalks with new development or redevelopment to be installed within the public Right-of-Way, or on private property within a sidewalk easement if installation in the Right-of-Way is not feasible.

Corrective Change: The proposed UDO §3.6.3(O) and §3.6.4(I) now read *“a sidewalk shall be installed along the property, adjacent to the street within a Right-of-Way or within a sidewalk easement on private property.”*

2. The addition of “OS” zoning to a “RM” zoning minimum lot size provision in the Downtown Overlay.

Issue: The true original purpose of adding “OS” to section §3.6.3(E)(1), a “RM” zoning minimum lot size provision for downtown, was unclear at the time of the 11/12/24 town council meeting and needed clarification.

Corrective Change: Staff researched the history of this change and discussed with the consultants and have proposed to strike OS from §3.6.3(E)(1). Staff and consultants from Inspire examined this addition and determined it was erroneous. The possible outcomes that adding “OS” to this section would promote were also examined. Though some minor positives were identified, like creating slightly more housing density in a preferred area under specific circumstances, staff ultimately concluded that the ambiguity imposed outweighed the positives. Staff also found that Conditional Zoning is an alternative mechanism that will produce better outcomes in these unique circumstances.

3. Clarify that one may deviate from Character District Design Standards in West Southern Pines with Conditional Zoning

Issue: The town council asked at their 11/12/24 meeting if a third story could be an option under a Conditional Zoning District (CZD) in West Southern Pines. Planning staff confirmed that it was; however, the provision enabling deviation from Character District design standards by employing a CZD was not explicitly noted in the proposed applicability section for the West Southern Pines overlay.

Corrective Change: Staff and consultants added the CZD provision note to §3.6.4(B)(3) which reads: *“These design standards shall apply to new and redevelopment except as authorized as part of a CZD.”*

4. Requiring Corner Entrances on Corner Lot Properties in the Downtown Overlay

Issue: The town council felt at their 11/12/24 meeting that the provision prescribing corner entrances on corner lots in the Downtown Overlay was too rigid. The council agreed this design is preferred, but may not be desirable at every location. For that reason, the wording should reflect that preference but also allow flexibility to display why a corner entrance is not feasible and an alternative design is reasonable.

Corrective Change: Under the proposed §3.6.3(F)(3), the consulting team changed the wording of “shall incorporate a corner entrance or similar treatment to emphasize their prominent location” to “shall make efforts to incorporate a corner entrance or similar treatment to emphasize their prominent location.”

At the December 17, 2024, regular meeting of the Council, the Council moved to continue the proposed amendments 90 days to its March 11, 2025, meeting considering recently adopted state legislation (i.e., Senate Bill 382 modifying NCGS §160D-601 Procedure for Adopting, Amending, or Repealing Development Regulation) that amended provisions for down-zoning. The Town Council wished to provide Planning staff and legal counsel sufficient time to review the proposed text amendment in light of the state-level changes. At the January 28 and February 25, 2025, work session meetings of the Council, Planning Director BJ Grieve provided planning updates to the Council regarding the status of state-level legislation in light of North Carolina communities’ concerns over the amended provisions for down-zoning.

At the March 11, 2025 regular meeting of the Council, the Council moved to continue the proposed amendments 90 days to the June 10, 2025 meeting to allow further time to see what (if any) action the North Carolina Legislature may take in the current session regarding the impacts of Senate Bill 382.

At the June 10, 2025 regular meeting of the Council, the Council moved to continue the proposed amendments 90 days to the September 9, 2025 meeting to again allow further time to see what (if any) action the North Carolina Legislature may take in the current session regarding the impacts of Senate Bill 382.

Planning staff have consulted with the Town Attorney and the Chair of the APA-NC Legislative Committee and at this time staff recommend a continuance of two months to the November 6, 2025 regular meeting.

III. PLANNING BOARD REVIEW:

At the October 24, 2024 Planning Board regular meeting, a public hearing was held prior to the Board’s motion on the map and text amendments. Planning staff presented the background for the Character Districts project, presented the reasoning behind the project, and distributed a letter of comments received from Mr. Thomas McCabe that staff received that same day via email. Consultants from Inspire Placemaking Collective presented additional project background, how the text amendments would function, and what outcomes the new standards would achieve. The consulting team from Inspire and planning

staff responded to a variety of questions from the board. Only one public comment was made regarding the amendments; Ms. Jeanne Dupuch expressed her concerns about growth increasing demand on utility and traffic infrastructure throughout Moore County, and that this project does not address those emerging issues.

After closing the public hearing, a motion was made by Andy Bleggi and seconded by Jennifer Garner that the zoning map amendment (Z-04-24) is consistent with the 2040 Comprehensive Plan and that the Board adopts Attachment A of the staff report. Andy Bleggi then motioned that the text amendment (OA-04-24) is consistent with the 2040 Comprehensive Plan, which was seconded by Matthew Walden. Furthermore, the Planning Board recommended approval of Z-04-24 and OA-04-24, with two modifications to OA-04-24, to the Town Council as follows:

1. That the proposed revisions presented by Mr. Thomas McCabe to the OA-04-24 text amendment be carefully considered; that the planning department will revise the final text amendment draft according to all proposed revisions that hold merit.
2. That the existing text “CB/DTO” under UDO Exhibit 3-15 (Table of Authorized Uses) be changed to “CB” to clarify where uses are authorized alongside the changes set in OA-04-24.

The motion to recommend approval of the zoning map amendment, Z-04-24, passed on a 5-0 unanimous vote. The motion to recommend approval of the text amendment, OA-04-24, with two modifications, passed on a 5-0 unanimous vote. The Planning Board’s recommended modifications were incorporated into a version of the UDO showing all proposed amendments that was posted on the [Planning Department’s website](#) for public review prior to mailing and publication of the legal notice for the November 12, 2024 public hearing.

IV. APPLICATION REVIEW:

A. Review Process for a Zoning Map Amendment:

Zoning map amendments are reviewed pursuant to UDO §2.17.

B. Criteria for a Zoning Map Amendment Review:

When reviewing an amendment to the zoning map, the hearing bodies (Planning Board followed by Town Council) shall consider the guidance of the following criteria, as set forth in UDO §2.17.9.:

2.17.9. Criteria for UDO Text Amendments

In its review of an application for a Zoning Map 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. *Rezoning shall be consistent with the adopted Comprehensive Plan.*

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

C. Review Process for a Text Amendment:

Amendments to the text of the UDO are reviewed pursuant to UDO §2.17.

D. Criteria for a Text Amendment Review:

When reviewing amendments to the text of the UDO, the hearing bodies (Planning Board followed by Town Council) shall consider the guidance of 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.*

E. Staff Comments:

Planning staff analysis and comment on the proposed zoning map and text amendments were provided in the December 17, 2024 regular meeting staff report, a copy of which is linked above.

Additional planning staff comments were provided at the February 25, 2025, work session of the Town Council. Staff are available during regular business hours prior to the Town Council's continued public hearing on September 9, 2025 for any additional questions and/or to discuss any of the proposed amendments.

F. Outside Agency Comments:

No new agency comments have been received since the November 12, 2024 and December 17, 2024 public hearings. Any responses received from other agencies following completion of this staff report but prior to the continued public hearing will be provided at the hearing.

V. TOWN COUNCIL ACTION:

The Town Council shall consider the criteria for map amendments and text amendments found in UDO §2.17.9 and UDO §2.17.10, including consistency with the Comprehensive

Plan. Per NCGS §160D-605, the Town Council shall approve a brief statement addressing plan consistency and reasonableness of the proposed amendment. The Town Council may wish to use the following motions for guidance. The Planning Department's recommendation is in bold font.

I move to continue the proposed zoning map amendment and text amendments in files Z-04-24 and OA-04-24 until the Town Council's November 6, 2025 regular meeting to allow additional time for state-level conversations regarding the recent amendments to North Carolina General Statute §160D-601.

-OR-

I move that after considering the criteria for a map amendment found in UDO §2.17.9, the first of which is consistency with the Comprehensive Plan, the Town Council finds that:

1. The proposed map amendment (Z-04-24) is consistent with the Comprehensive Plan and is a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's resolution that was included as an attachment to the Z-04-24 & OA-04-24 staff report;
2. The proposed map amendment (Z-04-24) is consistent with the Comprehensive Plan and is a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's resolution that is included as an attachment to the Z-04-24 & OA-04-24 staff report, but with the following edits or additions to the resolution...
3. The proposed map amendment (Z-04-24) is not consistent with the Comprehensive Plan and/or is unreasonable for the following reasons...

And, therefore, I move to:

1. Approve Z-04-24 as attached to the ordinance (*if desired, the Town Council may state any additional reasons you support the proposed amendment, besides those already listed in the Planning Board resolution*);
 2. Approve Z-04-24 as attached to the ordinance, and with the following additional changes... (*if any changes were made to the proposed revisions, list the changes and reason(s) the text was changed*);
 3. Deny Z-04-24 (*the Town Council shall state any reasons for denial of the proposed amendment*); OR
 4. Other...
-

I move that after considering the criteria for text amendments found in in UDO §2.17.10, the first of which is consistency with the Comprehensive Plan, the Town Council finds that:

1. The proposed text amendments (OA-04-24) are consistent with the Comprehensive Plan and are a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's resolution that was included as an attachment to the Z-04-24 & OA-04-24 staff report;
2. The proposed text amendments (OA-04-24) are consistent with the Comprehensive Plan and are a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's resolution that is included as an attachment to the Z-04-24 & OA-04-24 staff report, but with the following edits or additions to the resolution...
3. The proposed text amendments (OA-04-24) are not consistent with the Comprehensive Plan and/or is unreasonable for the following reasons...

And, therefore, I move to:

1. Approve OA-04-24 with modifications recommended by the Planning Board and by the Town Council following the public hearing, and as attached to the ordinance (*if desired, the Town Council may state any additional reasons you support the proposed amendment, besides those already listed in the Planning Board resolution*);
2. Approve OA-04-24 with modifications recommended by the Planning Board and as attached to the ordinance, and with the following additional changes... (*if any changes were made to the proposed revisions, list the changes and reason(s) the text was changed*);
3. Deny OA-04-24 (*the Town Council shall state any reasons for denial of the proposed amendment*); OR
4. Other...

Agenda Item

To: Reagan Parsons, Town Manager

From: BJ Grieve, Planning Director

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

Date: September 9, 2025

I. SUMMARY OF AMENDMENT REQUEST:

The Town of Southern Pines Planning Department has prepared an amendment to the Unified Development Ordinance (UDO) with text amendments covering three main topics. The planning staff has prepared these amendments for Planning Board and Town Council review 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. PLANNING BOARD REVIEW & RECOMMENDATION:

At the August 21, 2025 Planning Board regular meeting, a public hearing was held prior to the Board's motion on text amendments. Planning staff presented a summary of the

proposed amendments. No members of the public spoke, and there were no questions from the Planning Board. After closing the public hearing, the Planning Board made a motion to adopt a Resolution regarding consistency between the proposed amendments and the Comprehensive Plan, and recommended approval of OA-03-25 to the Town Council. The motion carried unanimously by a vote of 5–0.

III. 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.*

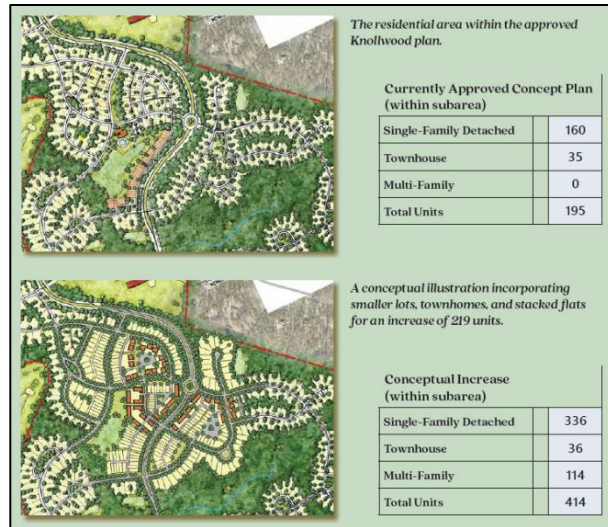
(C) Public Policy. *Certain public policies in favor of the text amendment may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with the Town, area, neighborhood, or specific plans.*

(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 Town Council public hearing on September 9, 2025 for questions and/or to discuss any of the proposed amendments. Each topic will be presented to the Town Council and public at the September 9, 2025 Town Council Regular meeting.



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 414.¹ The Comp Plan calls for

this change 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) 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

¹ Town of Southern Pines 2040 Comprehensive Plan, page 146.

considered by following the public review process, is generally 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.²

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 September 2, 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 Town Council public hearing will be provided verbally at the hearing.

IV. 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.

V. TOWN COUNCIL ACTION:

The Town Council shall consider the criteria for text amendments found in UDO §2.17.10, including consistency with the Comprehensive Plan. Per NCGS §160D-605, the Town Council shall approve a brief statement addressing plan consistency and reasonableness of the proposed amendments. The Town Council may wish to use the following motions for guidance:

I move that after considering the criteria for text amendments found in in UDO §2.17.10, the Town Council finds that:

1. The proposed text amendments are consistent with the Comprehensive Plan and are a reasonable way to implement that plan for the reasons set forth in the Planning Board’s resolution that was included as an attachment to the staff report for OA-03-25;

² Town of Southern Pines 2040 Comprehensive Plan, page 8.

2. The proposed text amendment is consistent with the Comprehensive Plan and is a reasonable way to implement that plan for the reasons set forth in the Planning Board's resolution that is included as an attachment to the staff report for OA-03-25, but with the following edits or additions to the resolution...
3. The proposed text amendment is not consistent with the Comprehensive Plan and/or is unreasonable for the following reasons...

And, therefore, I move to:

1. Approve the proposed amendments to the UDO as shown on the attachment to staff report OA-03-25 in the September 9, 2025 Town Council packet *(if desired, the Town Council may state any additional reasons you support the proposed amendment, besides those already listed in the Planning Board resolution)*;
2. Approve the proposed amendments to the UDO as shown on the attachment to staff report OA-03-25 in the September 9, 2025 Town Council packet, with the following additional changes... *(if any changes were made to the proposed revisions, list the changes and reason(s) the text was changed)*;
3. Deny OA-03-25 *(the Town Council shall state any reasons for denial of the proposed amendment)*; OR
4. Other...



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.

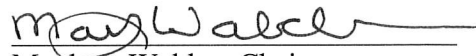
NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the revisions to the Unified Development Ordinance (UDO) that have been prepared by town staff are reasonable, in the public interest and are consistent with the Town of Southern Pines Comprehensive Plan (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 21st day of August, 2025.

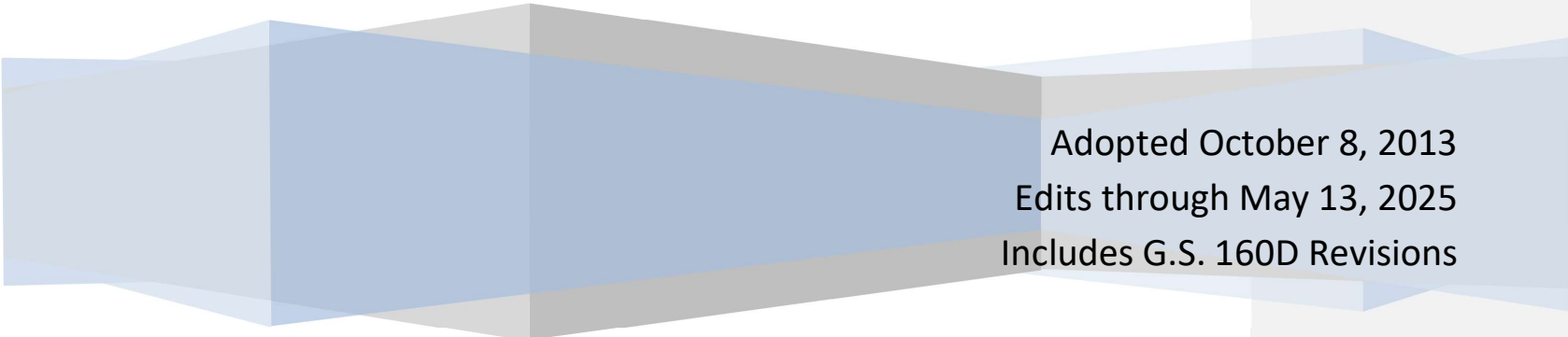

Matthew Walden, Chairman

ATTEST:



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

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

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

(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	
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	

Letters match dimension in design element column

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: Reagan Parsons, Town Manager

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: September 9, 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. PLANNING BOARD PRELIMINARY FORUM

A preliminary forum was opened and concluded on August 21, 2025. Planning staff gave a presentation of the subject property, the proposed plan, and staff's three unresolved questions and concerns for the project. Following staff's comments, Eric Givens and James Hindmarsh, from ASCOT Corporation, came to the podium to answer questions from the Planning Board and the public.

Two members of the public and Ed Rhodes, the current property owner, also spoke during the preliminary forum. Members of the public and the Planning Board discussed concerns with the applicant including traffic impacts (adding seven driveways on a high speed and heavily trafficked roadway), mature tree clearing, and stormwater impacts and mitigation measures. For tree clearing, the applicants stated that they usually do not clear more than the general periphery of the building footprint and driveway. They also stated they'd be willing to commit to preserving trees within the 30-foot front setback, but needed to verify a soil test to see how much area their proposed septic systems would require before they could say for sure. Ed Rhodes, the current property owner, gave some context as to why this section of the Sandhurst South neighborhood was never subdivided—explaining how the plan was to subdivide in sections according to the appropriate timing and conditions. Finally, the public reinforced how stormwater management is presently an issue for this site—especially near the E Indiana Ave. and Strathmore St. intersection.

After closing the forum, the Planning Board voted to transmit one issue to the Town Council:

1. **Traffic intensity and seven new driveways along E Indiana Ave.** An issue raised by the public during the preliminary forum was that the traffic along E Indiana routinely travels well above the 45-MPH speed limit and is very congested during peak commute hours. With seven new driveways proposed on this roadway, a deeper look at the density and safety implications should be conducted.

Pursuant to NCGS §160D-301(b)(6), the Town Council is reminded that no part of the Planning Board’s discussion that took place on August 21, 2025, may be used as a basis for the Council’s decision on MAPP-03-25.

III. 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 section of Sandhurst South that surrounds the subject property being subdivided 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 an arterial 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 24,697 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**.

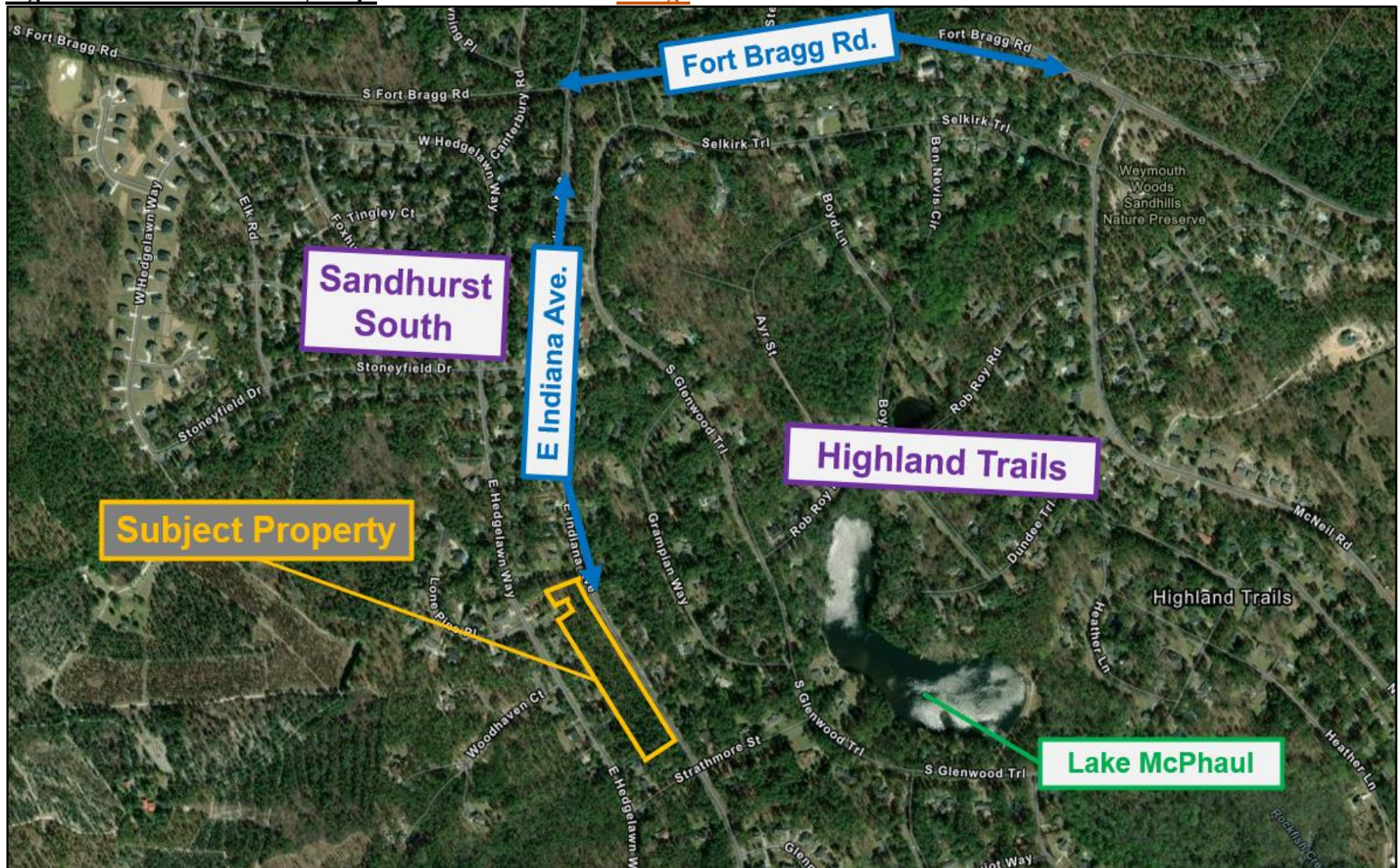
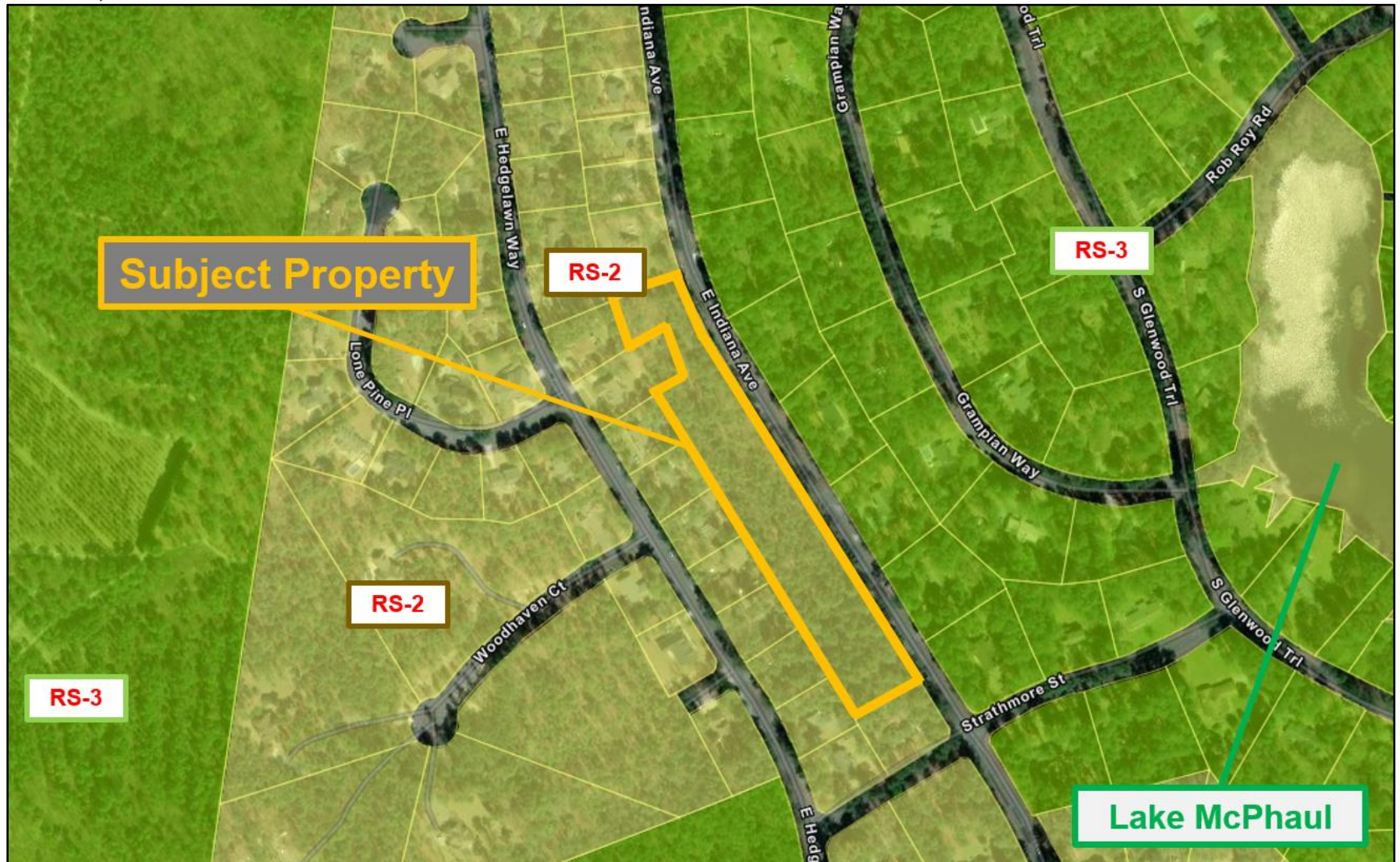


Figure 2: Zoning Map. The subject property is zoned **RS-2** (Residential Singlefamily-2), and is outlined in **orange**. It is surrounded by RS-2 lots, with RS-3 lots across E Indiana Ave.



[illegible]

IV. 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**
 - Revised application materials submitted: **August 26, 2025**
- Town Council Evidentiary Hearing: **September 9, 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 what's 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 and September 3, 2025 that preserving the mature trees in the 30-foot setback should not present an issue; however, ASCOT is awaiting soil testing results to confirm unanswered questions about the space required for septic areas. Once ASCOT receives those test results, they intend to let staff know their take on preserving the 30-foot width. As of the completion of this staff report on September 4, 2025, the applicant has not committed to the proposed condition #1 (regarding mature tree preservation) found in section VI of this staff report.

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 to qualify for a Minor Subdivision pursuant to UDO §2.19). 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 1,100 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. On September 3, 2025, the applicant committed to Condition #2 (regarding conducting the RCW study) found in section VI of this staff report. By doing so, the RCW study will ensure 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 the 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 1,100-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 approval and installation. For these reasons, staff confirm that Criterion #5 is met.

D. General Staff Comments

- **0.676-acre portion to be recombined with “lot #240.”**

The applicant intends to recombine a portion of the subject property with an adjacent property—425 E Hedgelawn Way (“lot 240” from the original Sandhurst South Plat Cabinet 2, Slide 376), as shown on the latest version of the preliminary plat (see **figure 5** below). Originally, the applicant had shown the northernmost portion of the subject property being recombined with “lot 242.” However, after the Planning Board preliminary forum on August 21st, the applicant noticed the error in their proposed plan and submitted an updated preliminary plat to staff on August 26. The plat now shows their intended area to be recombined with “lot 240,” which is 425 E Hedgelawn Way.

Staff do not find any technical issues with the recombination of this portion of the subject property, as it does not violate any subdivision regulation provisions in the UDO. Additionally, because the change between the version of the plat prior to the Planning Board preliminary forum and the current version is not increasing the lot count or otherwise increasing the intensity of the preliminary plat, staff find that the application does not require another preliminary forum with the Planning Board.

Figure 5: Portion to be recombined with “lot 240.”



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.

V. 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
6. NCDOT 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.

VI. TOWN COUNCIL ACTION:

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

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

I move to:

1. **Adopt Attachment 1 of the staff report, as drafted, as Findings of Fact regarding the proposed Preliminary Plat MAPP-03-25.**

- OR -

2. Adopt Attachment 1 of the staff report as Findings of Fact regarding the proposed Preliminary Plat MAPP-03-25, with the following changes:

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

I move to:

1. Approve the Preliminary Plat MAPP-03-25;
2. Deny the Preliminary Plat MAPP-03-25;
3. **Approve the Preliminary Plat MAPP-03-25 with the conditions set forth in staff report MAPP-02-25.**

Condition 1–Mature Tree Preservation. All existing trees, 10-inch diameter and larger, within the front setback (30-feet) of the seven lots abutting E. Indiana Avenue shall remain and shall be protected in accordance with the town’s tree protection standards, excluding areas required for driveways and/or utility access and easements. The preserved trees shall account for the town’s major subdivision street trees requirement.

- Tree protection fencing of at least 6-feet in radius shall be installed where applicable pursuant to UDO §4.3.13. The developer may request a reduction in tree protection fence radius during site plan review; town staff shall grant a requested tree protection fence radius reduction, contingent on the Town Arborist’s concurrence that a proposed reduction will not significantly impinge tree viability.
- The Final Plat for MAPP-03-25 shall reflect a note detailing that all trees, 10-inches in diameter and greater, shall be preserved within the front setback.

This condition is pursuant to MAPP Criterion 1, Comprehensive Plan Policies 4.9 and 4.10, and UDO §4.3.13.

Condition 2–Red Cockaded Woodpecker (RCW) Assessment. The developer shall conduct the necessary RCW assessment to identify any possible cavity trees, possible sensitive foraging area, and overall RCW impact prior to lot clearing.

- Town staff shall verify the study’s findings and any necessary adjustments to meet Endangered Species Act (ESA) regulation, in line with the second Major Subdivision criterion.
- The developer shall make any necessary adjustments that result from the findings to adhere to federal ESA regulation and the second Major Subdivision criterion.

This condition is pursuant to MAPP Criterion 2 and Comprehensive Plan Policy 4.9.

ATTACHMENT 1
Draft Town Council Findings of Fact
Preliminary Plat Application MAPP-03-25

FINDINGS OF FACT

- A. The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Major Subdivision Preliminary Plat approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Preliminary Plat, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.
- B. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 1 (the application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities) in that, with a control measure to optimize mature existing tree preservation included with the Preliminary Plat approval, the plat will be consistent with the 2040 Comprehensive Plan. The mature trees along E Indiana Avenue provide distinct natural character to the surrounding community, which directly aligns with Major Subdivision Preliminary Plat Criterion 1, and Comprehensive Plan policies 4.9 and policy 4.10. Additionally, preserving these trees may count toward street trees, buffers, and open space requirements pursuant to UDO §4.3 and §4.9. The proposed subdivision is consistent with the General Framework Map and Conservation and Development Maps, which categorize the site as an “Area to Enhance” and “Neighborhood,” respectively. Site access and water utility connections, provided by Town of Southern Pines Public Works, are both readily available. Septic tanks will also be installed by the developer to address wastewater management. Therefore, the project is also compatible with its surrounding infrastructure.
- C. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 2 (the proposed subdivision complies with the UDO and applicable state and federal regulations) in that once the project developer conducts a Red Cockaded Woodpecker assessment, and makes any necessary development plan adjustments, the project will definitively adhere to federal Endangered Species Act regulation. The application also meets UDO density, open space, and street trees requirements.
- D. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 3 (the proposed Subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property) in that the seven single-family detached lots and their respective dimensions meet density standards. Moreover, planning staff have not found evidence that the proposed seven driveways will present a safety or design issue along E. Indiana Avenue because no concerns with the proposed lot layout were raised by NCDOT in response to a request for agency comment.
- E. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 4 (the proposed subdivision will not have detrimental impacts on the safety or viability of permitted

uses on adjacent properties) in that the project does not present a safety or viability concern for the surrounding area. Based on staff's analysis, the additional driveways being added onto E Indiana Avenue, a minor arterial roadway, will not present a safety concern. Stormwater will be properly mitigated on each lot internally with the dry well drainage system as shown on the preliminary plat. No other safety or viability concerns were shown from the town staff's analysis.

- F. The Town Council finds that the application complies with UDO §2.20.4(G), Criterion 5 (the proposed public facilities are adequate to serve the normal and emergency demands of the proposed development, and to provide for the efficient and timely extension to serve future development) in that the proposed utility plan adequately meets water and fire flow requirements. The applicant will install septic systems to meet wastewater requirements, which will require certification from the Moore County Health Department. The Town of Southern Pines will provide water utility extensions and connections, and they will serve this development adequately and efficiently.

REQUIRED APPLICATION MATERIALS:

- X **Application fee** in the amount of \$1,500.00 plus \$25.00 per lot
- X **Completed Major Subdivision Preliminary Plat Application** signed by the applicant
- X **Appointment of Agent** signed by the property owner(s) and the agent (if applicable)
- X **Deed** copy to provide proof of ownership and property boundaries
- X **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.
- N/A **Covenants and Restrictions** (if applicable)
- X **Utility letters** confirming the availability of service and improvements necessary to provide water, wastewater, natural gas or telecommunications services (not needed for Town services).
- X **Drainage concept plan:** See drainage impact analysis checklist (if applicable).
- N/A **Traffic impact analysis:** See traffic impact analysis checklist (if applicable).
- X **Electronic copy (PDF) of all application materials** submitted to plan@southernpines.net

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

REVIEW AND APPROVAL:

1. **Staff review:** Planning staff will review the application within five business days and notify the applicant if additional materials are needed.
2. **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 (910) 692-4003 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 Sq Ft. 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@ascot-grp.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 of Applicant

APPOINTMENT OF AGENT

The undersigned owner(s), J. Edward Rader 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 15th day of May, 2025.


Property Owner

Property Owner


FOR THE ASIST CORPORATION, LLC AS AGT.
Agent

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

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 30th 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

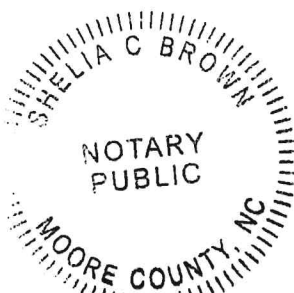
STATE OF North Carolina
COUNTY OF Moore

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:

<u>Name</u>	<u>Capacity</u>
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 29th day of ~~November~~ ^{December}, 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 ± 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 ± 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 ± 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 9th, 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 5th, 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.

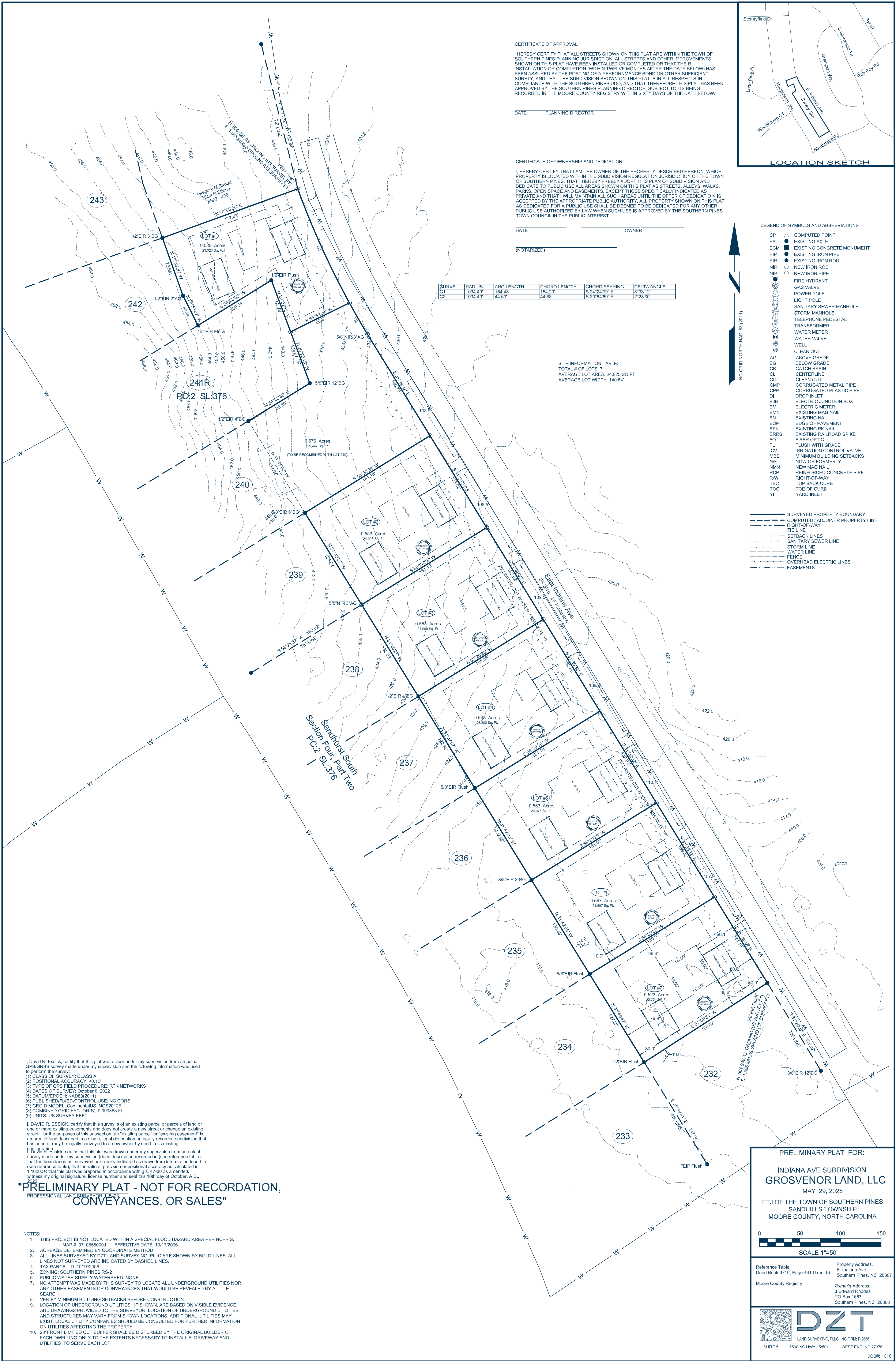
IN WITNESS WHEREOF, the undersigned have duly executed this Amendment which shall have an effective date of May, 6th, 2025

SELLER:



BUYER:

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



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,



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



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

From: [Jones, DeAngelo J](#)
To: [Cindy Williams](#); [Archie Daniel](#); [Cory Albers](#); [David Byrd](#); [Director](#); [Greg Thompson](#); [James Michel](#); [Ken Skipper](#); [JuarezPozos, Dagoberto](#); [Cloutier, Rick](#); [Ron Istre](#); [US Fish & Wildlife Sys \(raleigh@fws.gov\)](#)
Cc: [James Broadwell](#)
Subject: RE: [External] MAPP-03-25 Proposed Major Subdivision
Date: Monday, August 11, 2025 12:15:37 PM
Attachments: [image001.png](#)

Hello Cindy,

We have reviewed the proposed development and our comments are as follows:

- A driveway permit will be required for the 7 proposed accesses. There is a \$50 inspection fee for each connection totaling \$350.00 prior to approval.
- An encroachment will be required for utility service connections, main extensions and/or proposed public facilities within the right way like sidewalk. The Town of Sothern Pines would need to sign as third party where applicable.
- What will be the land use for Lot 242? Will this be a future development?
- Ensure trees and undergrowth is cut back to allow for acceptable sight distance.

If you have any questions, please let me know.

Thanks and have a great day!!!

DeAngelo J. Jones
Senior Assistant District Engineer
North Carolina Department of Transportation
Division of Highways
Division 8, District 2

(910)944-7621
djjones1@ncdot.gov

902 N Sandhills Blvd
PO Box 1067
Aberdeen, NC 28315



From: Cindy Williams <CWilliams@southernpines.net>

Sent: Tuesday, July 29, 2025 12:21 PM

To: Archie Daniel <adaniel@southernpines.net>; Cory Albers <calbers@southernpines.net>; David Byrd <DByrd@southernpines.net>; Jones, DeAngelo J <djjones1@ncdot.gov>; Director <director@rluac.com>; Greg Thompson <GThompson@southernpines.net>; Michel, James <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; JuarezPozos, Dagoberto <djuarezpozos@ncdot.gov>; Cloutier, Rick <rcloutier@moorecountyairport.com>; ISTRE,

RONALD <ristre@southernpines.net>; US Fish & Wildlife Svs (raleigh@fws.gov) <raleigh@fws.gov>
Cc: James Broadwell <JBroadwell@southernpines.net>
Subject: [External] MAPP-03-25 Proposed Major Subdivision

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good afternoon,

Please review the attachment and respond with any comments or concerns at your earliest convenience.

Thank you.

Cindy Williams
Planning Department
Town of Southern Pines
801 SE Service Rd.
Southern Pines, NC 28387
(910) 692-4003

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

Agenda Item

To: Reagan Parsons, Town Manager

From: BJ Grieve, Planning Director

Subject: Planning Board Appointments

Date: September 9, 2025

I. REQUEST:

The Planning Director requests that the Town Council consider reappointing Mr. Matthew Walden to a second term on the Planning Board. The Planning Director also requests that the Town Council consider appointing one of two applicants to fill a vacancy recently created when Ms. Kim Wade completed her second term on August 12, 2025.

II. BACKGROUND:

Mr. Matthew Walden was appointed to the Planning Board on October 24, 2022 and the first of two possible terms on the Planning Board will expire on October 23, 2025. Mr. Walden has expressed a willingness to serve a second term.

Ms. Kim Wade completed the second of two possible terms on the Planning Board on August 12, 2025. There are presently two applicants to serve on the Planning Board. Mr. Jeremy Haskell applied on December 21, 2024 and Mr. Paul Friday applied on July 17, 2025. Both applications from Messrs. Haskell and Friday are in the Town Council's Dropbox folder labelled "Planning Board Applications."

III. LEGAL REVIEW:

In accordance with UDO §8.13.1(B), the Planning Board shall consist of seven (7) members. Five members appointed by the Town Council shall reside within the Town. Two members appointed by the County Board of Commissioners shall reside within the Town's Extraterritorial Planning Area.

- *The Board currently consists of four (4) active members who reside in Town and two (2) active members who reside in the Town's ETJ.*
- *Mr. Walden is one of the four (4) active members and is eligible for a second term.*
- *Messrs. Haskell and Friday currently reside in Town and are thereby eligible for appointment to the vacant seat as an in-Town member of the Board.*

In accordance with UDO §8.13.1(C), Planning Board members shall be appointed for three-year staggered terms but may be appointed to not more than two (2) successive complete terms.