



## AGENDA

### Town Council Business Meeting

Thursday, November 6, 2025: 6:00 PM

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

##### b. Proclamation — Veterans Day

#### 4. PUBLIC COMMENTS

#### 5. CONSENT AGENDA

##### a. Approve Meeting Minutes

Staff has prepared the following meeting minutes for approval:

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

#### 6. PUBLIC HEARINGS - LEGISLATIVE

##### a. Landscaping & Tree Protection Amendments to UDO - File #OA-03-24

A continuation of a legislative public hearing that first began at the November 12, 2024 meeting and that has been continued five times. 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. Character District Amendments to Zoning Map and UDO - Files #Z-04-24 & #OA-04-24

A continuation of a legislative public hearing that first began at the November 12, 2024 meeting and that has been continued five times. The public hearing is regarding the creation of a Downtown Character District and a West Southern Pines Character District.

##### c. Penick Village Conceptual Development Plan (CDP) - File #PD-04-25

Koontz Jones Design + V3 Companies LLC, on behalf of Penick Village Inc., has submitted a Planned Development application to establish a unified zoning framework for Penick Village and to support its ongoing operations and future expansion.

#### 7. ACTION ITEMS

##### a. Offer of Dedication for a portion of South Carlisle Street

DHIC - Morganton Park North, LLC have offered to dedicate the completed balance of South Carlisle Street, about 1,500 feet between Brucewood Road and Tanglewood Drive, to the Town of Southern Pines.

#### 8. CLOSED SESSION

##### a. Closed Session - Personnel

Council will hold a closed session under NCGS 143-318.11(a)(6) to discuss the performance reviews for the Town Manager and Town Attorney.

#### 9. ADJOURNMENT

Meetings/work sessions of the Southern Pines Town Council are now available on the Town's Website at [sopinesnc.info/agendas](http://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.



**MINUTES**

**Tuesday, October 14, 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.

Mayor Clement requested a moment of silence for Charlie Kirk.

**2. PLEDGE OF ALLEGIANCE**

**3. TOWN MANAGER'S COMMENTS**

Town Manager Reagan Parsons reviewed the agenda and asked Council to note that the previously discussed lease of 125 SE Broad Street is not on the agenda as the lessee withdrew their interest.

**a. Adoption of Agenda**

Mayor Pro Tem Pate moved to adopt the meeting agenda, seconded by Councilmember Goodman; the vote was unanimous.

Motion passed.

**4. PUBLIC COMMENTS**

No public comments were voiced.

**5. CONSENT AGENDA**

Councilmember Goodman moved to approve the Consent Agenda, seconded by Councilmember Pate; the vote was unanimous.

Motion passed.

**a. Eastman Road Water tank 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. Resolution #1131 authorizing the Town Manager to enter into an Installment Finance Agreement with First Bank not to exceed \$7M.**

Resolution authorizing the Town Manager and Finance Director to proceed with

paperwork finalizing a \$7M installment financing agreement for the purchase of 300 SW Broad Street. Terms will be for twenty years at 4.35% with no pre-payment penalties.

**c. Approve Meeting Minutes**

Staff has prepared the following meeting minutes for approval:

- September 9, 2025, Town Council Business Meeting
- September 23, 2025, Town Council Work Session Meeting

**d. Resolution #1133: Adopting a Contract to Accept North Carolina Governor's Highway Safety Program Grant**

Staff request that the Town Council consider the adoption of Resolution #1133 Adopting the Contract to Accept North Carolina Governor's Highway Safety Program Grant.

**6. PUBLIC HEARINGS - LEGISLATIVE**

**a. Clark Street Townhomes Rezoning - File #Z-05-25**

A rezoning request to develop 16 townhomes on about 1.5 acres on Clark Street. Planner II James Broadwell presented the application and staff report to the council highlighting the following issues:

- Planning Board recommends denial of application
- The comprehensive plan calls for more middle housing and this fills that need.
- changes have been made to the plan following the Planning Board meeting and the applicant's meeting with neighbors.
- new plan calls for more tree protection than the original plan did.

Trevor Hansen of Koontz Jones Design/V3 Southeast, presented for the applicant.

Discussion ensued on the following topics:

- plan will save 2/3 more trees than the original plan
- NW corner distance to Midlothian? 40–50 feet
- options being explored to bundle the utilities and bring them around the trees to preserve more trees
- councilmembers find it odd to have parking so far from homes
- applicant is willing to stipulate that this will be no more than a 2-story build

**Public Comments**

Janna Hagarty questioned who the project is targeted for and the impact on emergency services. Ms. Hagarty also questioned if the term 'middle housing' referred to pricing or size?

- Missing middle. = bridging a gap between apartment living and single-family housing.

John MacInerny, 140 Crest Road, is concerned about the density of the project, being that all housing in the area is now single-family housing. Johnny Sanderson, 125 Midlothian Dr., believes this area was previously a dumping ground and asked if that had been taken into consideration.

- Mr. Hanson advised that the previous owner of the property buried construction debris on site and site testing has been done with mitigation in process now.

Joel Carter, 465 E Delaware, pointed out an optional element in the UDO that when connecting 2 right-a-ways that you provide access for pedestrians and bicycles and asked that it be done on this project.

- Mr. Travis Green, HL Properties & Legacy Construction, will address the gate structure to ensure that pedestrians and bicyclists will have access to the emergency road through the community and will agree to any needed easement.

Emma Davia, 115 Barroff Court, questioned if the design allowed a car to turn around in the parking area, which appears very narrow.

- Mr Hansen stated that residents will be able to get in and out of the parking spots as a vehicle normally would.

Luck Lineweber, 301 Midlothian, questioned if the Council could address construction vehicles in the area should the project move forward.

- Mr. Hanson stated that consideration to construction traffic is addressed in the proposed Condition #10 and Council asked that it be re-worded to address traffic and parking of construction vehicles.

Mayor Clement asked for clarification on the space between units and was told approximately 30 feet.

Mayor Clement closed the public hearing.

Discussion ensued about the number of units requested.

I move to that after reviewing the proposed conditional zoning district and after considering the criteria for approval zoning map amendments found in the UDO 2.17.9, the proposed amendment to the Town of Southern Pines Zoning Map is reasonable, in the public interest and consistent with the current character of the suburban settlements character district and the criteria set forth in the Town of Southern Pines Unified Development Ordinance 2.17.9, and therefore I move to approve file Z-05-25 with the conditions submitted by the applicant for the RM1 conditional zoning district and as modified by staff and agreed to in writing by the applicant at the October 14, 2025, public hearing as follows:

- 1) Building height shall be limited to 40 feet and 2 stories.
  - 2) the shared private drive shall have a 20 ft minimum width, an emergency access-only gate adjacent to Midlothian Dr. that allows for pedestrian and bicycle ingress and egress, and a public pedestrian and bicycle access easement.
  - 3) Clark Street private drive shall serve as the main construction entrance for the site during construction. Construction traffic shall not be allowed to park on Clark Street or Midlothian except for the installation of critical project elements that require work on the street.
  - 4) Water and sewer lines shall connect via the 20 ft access drive and connect to the townhouse units from the 20 ft access drive.
- All other conditions as listed in the staff report are the same.

Motion moved by Councilmember Gray and seconded by Councilmember Goodman; the vote was 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. Clark Street Townhomes Subdivision Plat - File #MAPP-04-25**

A preliminary plat request to subdivide about 1.5 acres into 16 townhome lots in accordance with the Clark Street Townhomes Rezoning.

Mayor Clement opened the hearing. Town Attorney McCarley qualified the Council by asking Councilmembers to identify any issues of bias regarding this application, and all Council members confirmed they had no disqualifying bias. The applicant was asked whether they wished to challenge any member of Council on the basis of disqualifying bias and the response was negative. Town Clerk Beth Robertson swore all witnesses in.

Town Planner II James Broadwell presented the staff report (Exhibit A) and presentation (Exhibit B). The application is to subdivide four parcels located between Midlothian Drive and Clark Street into 16 townhome lots and one common area lot.

Trevor Hansen, Koontz Jones Design/V3, represented the applicant and stated they had nothing to add to the staff presentation.

PublicComment  
None were voiced.

Mayor Clement closed the hearing.

Councilmember Gray moved to adopt Attachment 1 of the staff report, as drafted, as Findings of Fact regarding the proposed Preliminary Plat MAPP-04-25. The motion was seconded by Councilmember Goodman and the vote was as follows:

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

Motion passed.

Councilmember Gray moved to approve the Preliminary Plat MAPP-04-25, seconded by

Councilmember Goodman; the vote was as follows:

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

Motion passed.

**b. Veteran's Guardian Preliminary Development Plan - File #PD-03-25**

A Preliminary Development Plan (PDP) request to develop a 27,390 square foot office building on eight acres in the Southern Pines Corporate Park.

Mayor Clement opened the hearing and shared a brief explanation of quasi-judicial hearings.

Town Attorney McCarley qualified the Council by asking Councilmembers to identify any issues of bias regarding this application, and all Council members confirmed they had no disqualifying bias. The applicant was asked whether they wished to challenge any member of Council on the basis of disqualifying bias and the response was negative. Town Clerk Beth Robertson swore in pending witnesses for the hearing.

Town Planner II Mason Mattox presented the staff report (Exhibit A) and presentation (Exhibit B) to the Council. The application is to develop approximately 8.67 acres of the Southern Pines Corporate Park.

Discussion ensued regarding the number of parking spaces.

Mr. John Carpenter of LKC Engineering, representing the applicant, shared a presentation with the Council and answered additional questions on parking versus the number of expected employees.

Mr. Mark Christianson, representing Veterans Guardian, addressed the Council regarding the business, its purpose and plans for the future. Discussion ensued regarding tree preservation, grading, buffer size and if the business fits within the Comprehensive Plan.

- John pointed visually at a drawing to where the parking would be located.

**Public Comment**

Pete Mace, 170 Pine Barrens Vista, commented that the grading on the site is very challenging and not desirable to develop in his opinion and that the Town should thank the applicant for undertaking the task of developing it.

Mayor Clement closed the public hearing.

I move to adopt Attachment 1 of the staff report, as drafted, as Findings of Fact for PD-03-25 with the following amendment: B1: The applicant demonstrates it will achieve the purposes of the PD and this section. This includes a condition to optimize natural character preservation and minimize tree loss during development. The Town Council further finds

that the existing natural tree cover on the site contributes to the town's natural character and conditions of approval will maintain a buffer and require standard landscaping planting within the site.

Motion was made by Councilmember Goodman, seconded by Mayor Pro Tem Pate and the vote was unanimous.

Motion passed.

Therefore, I move to approve the preliminary development plan for PD-03-25 with the two conditions of approval.

Condition 1) In a 20-foot buffer adjacent to the perimeter of the site, the project developer shall retain all existing trees greater than or equal to 6-inches in diameter, subject to the following:

- No grading shall occur within the buffer or within the critical root zone of buffer trees. The critical root zone is defined by the Town Arborist as a tree's respective drip line. The project area between the two proposed drive aisles adjacent to Air Tool Drive may be graded, and a planted buffer shall be required in this area. Minimal disturbance for necessary infrastructure such as driveway connections, utility corridors, or similar essential improvements are excepted from this restriction.

- Tree protection fencing shall be installed to protect the critical root zone of all retained trees within the buffer at a minimum distance of 6-feet or a tree's drip line, whichever is greater. The exact tree protection fence locations shall be reviewed and approved during the site plan review.

- If the above required standoff distance directly prevents necessary site design, then the project developer may request a standoff reduction of tree protection fences. Any approved reduction is contingent on the assessment and concurrence from the Town of Southern Pines Arborist.

- The project developer may remove underbrush within the buffer, such as vines and small trees less than 6-inches in diameter.

- Additional plantings necessary in order to meet UDO Exhibit 4-4 will be reviewed and approved during site plan process, excluding shrub plantings.

Condition 2)  $\pm$  8.67 acres of 5/70 exemption allocation are granted with application PD-03-25, Veterans Guardian.

Motion was made by Councilmember Goodman, seconded by Mayor Pro Tem Pate and the vote was unanimous.

Motion passed.

## **8. ACTION ITEMS**

### **a. Resolution #1132 requesting an NCDOT intersection review**

The Town requests that the North Carolina Department of Transportation (NCDOT) study the intersection of Fairway Drive and Central Drive (NC22) for potential improvements as a result of safety concerns brought about by multiple recent accidents at the intersection. Town Manager Parson introduced the item to Council. The resolution requests that NCDOT review the intersection of Central and Fairway.

Mr. Pete Mace addressed the Council regarding his concerns over the safety of the intersection as he lives in the area and the morning/evening traffic is heavy and becoming dangerous.

Town Manager Parsons informed the Council that NC Hwy 22 from Aviation Drive to the new traffic circle on Midland is being put forward as an area for the NCDOT to look at and, specifically, there is preliminary engineering by NCDOT for the intersection of PeeDee and NC Hwy 22.

Asst. Public Works Director Cory Albers will be looking at the intersection in regard to sight distance and signage. The town is considering a stop bar for the traffic sign to prevent people from running it.

Mr Mace suggested that the vegetation needs to be trimmed, and the lighting needs to increase.

Councilmember Goodman suggested that a low-cost, but high impact option would be a lighted stop sign.

Councilmember Goodman moved to approve Resolution #1132 Requesting an NCDOT Intersection Review, seconded by Councilmember Gray; the vote was unanimous. Motion passed.

#### **9. ADJOURNMENT**

Upon motion by Councilmember Gray, seconded by Councilmember Goodman and carried unanimously, Council adjourned at 9:14 pm.

Respectfully submitted:

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## MINUTES

Tuesday, October 28, 2025: 3:00 PM

Town Council Work Session

C. Michael Haney Community Room: Southern Pines Police Department

450 W. Pennsylvania Ave

### 1. CALL TO ORDER

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

### 2. PLEDGE OF ALLEGIANCE

### 3. TOWN MANAGER'S COMMENTS

Asst. Town Manager/Fire Chief Mike Cameron reviewed the agenda.

Mayor Clement added an item to the beginning of section *Council Updates and Discussion* named *Government Shut Down*.

### 4. ACTION ITEMS

#### a. Consider Planning Board Appointments

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

Councilmember Petersen stated that she believes a formal policy is needed. Mayor Clement responded that the current procedure being used for Appointed Boards/Commissions is now based on bylaws and subjective to Council vote.

Councilmember Goodman supports a policy that prohibits moving a friend to the head of the list but doesn't support feel a formal policy is needed to appoint and vote on new or 2nd term members. Discussion ensued.

Councilmember Goodman moved to reappoint Monica Brickey to the ETJ position for her second term ending on January 9, 2029. The motion was seconded by Councilmember Gray and the vote was unanimous.  
Motion passed.

Councilmember Goodman moved to appoint Jeremy Haskill to the Planning Board for a term ending on October 28, 2028. The motion was seconded by Councilmember Gray and the vote was unanimous.  
Motion passed.

#### b. Written Decision: Clark Street Townhomes

Planning staff have prepared a draft Written Decision for application MAPP-01425, Clark Street Townhomes Major Subdivision Preliminary Plat, for the Town Council's review and approval. The Preliminary Plat was approved at the October 14, 2025 Regular Meeting.

Planning Director BJ Grieve presented the Written Decision to the Council.

Councilmember Goodman asked if the Decision had been made available to the applicant prior to today's meeting and Planning Director Grieve confirmed that it was.

Councilmember Goodman moved to approve the Written Decision: Clark Street Townhomes, seconded by Councilmember Gray; the vote was as follows:

- Mayor Clement: aye
- Councilmember Petersen: nay
- Councilmember Gray: aye
- Councilmember Goodman: nay

Motion passed.

**c. Written Decision: Veteran's Guardian PDP**

Planning staff have prepared a draft Written Decision summarizing Town Council approval of PD-03-25, Veteran's Guardian Preliminary Development Plan.

Planning Director Grieve presented the Written Decision to the Council.

Councilmember Goodman asked if the Decision had been made available to the applicant prior to today's meeting and Planning Director Grieve confirmed that it was.

Councilmember Goodman moved to approve the Written Decision: Veteran's Guardian PDP, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

**d. Offer of Dedication for Air Tool Drive**

RAB Investments, LLC have offered to dedicate the completed balance of Air Tool Drive, about 1,400 feet, to the Town of Southern Pines.

Planning Director Grieve presented the item to the Council.

Mayor Clement confirmed that a crosswalk is present.

Councilmember Petersen questioned if gutters and drainage was installed and was told that the plans were reviewed by the Town Engineer and that curbs, gutters and drains were installed and will be managed in accordance with stormwater requirements and in accordance with town and state requirements.

Councilmember Goodman asked if the road surface had recently been redone and was told that it was recently updated.

Councilmember Goodman moved to accept the offer of dedication for the portion of Air Tool Drive described, seconded by Councilmember Gray; the motion was unanimous.

Motion passed.

**5. COUNCIL UPDATES AND DISCUSSION**

Councilmember Pate joined the meeting.

Mayor Clement opened the discussion about the Federal Government shut down.

Councilmember Goodman would like to recommend a suspension of utility shut-offs and late fees until it ends.

motion

Discussion ensued about the suspension time frame, corporate versus residential accounts and eliminating late fees indefinitely, and how that might affect the Town.

Councilmember Goodman moved to suspend utility shut-offs on residential accounts until January 13, 2026, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

Councilmember Goodman moved to eliminate late fees on residential utility accounts until January 13,

2026, seconded by Councilmember Gray; the vote was as follows:

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

Motion passed.

**a. Request: Red's Corner Social District**

Scott Bertrand, owner of Red's Corner Food Truck Campus, requests that the Council consider creating a social district to include two properties associated with Red's Corner. [A "social district," enabled by NCGS](#), allows patrons to purchase an alcoholic beverage and then walk around with it as they drink it, as long as they remain within the district's boundaries.

Planning Director Grieve and Planner II Mason Mattox presented the request to the Council.

Mr. Scott Bertrand, the applicant, was present to answer questions.

Discussion ensued.

Council were all in agreement that staff should continue on the project.

**b. Freight Depot Lease**

The Town released an RFP for the Freight Depot, located at 305 NW Broad St. Included in the packet are a memo summarizing the process and a proposal for Council consideration.

Asst. Town Manager/Fire Chief Cameron, Town Clerk Beth Robertson and Communications Specialist Courtney Heaton presented the item to the Council describing the process and steps taken by staff during the Request For Proposal (RFP) process.

Mr. Kevin Drum was present to describe his proposal for the creation of the *Seaboard Speakeasy* and answer any of Council's questions.

Discussion ensued.

Council was in agreement that staff continue with working on a lease with the applicant.

**c. Planning Department Update**

Planning staff will briefly update the Town Council on agenda items coming in November. Staff will also discuss annexation agreements with adjoining municipalities, present a quick update on Phase 2 of Comprehensive Plan implementation and ask for feedback on recent revisions to the format of staff reports.

Planning Director Grieve updated the Council on the Planning Departments submittals for the next meeting as well as current projects

**d. Golf Cart Travel on Public Streets**

This discussion is an opportunity for staff to provide information and Council to provide guidance as to whether to pursue an Ordinance that would allow golf carts to use public streets in Southern Pines.

Council asked staff to address allowing golf cart travel on public streets.

Police Chief Polidori stated that golf carts are not covered by the General Statute, but local ordinances can be created to cover them. The ordinance can become somewhat extensive and will require time from staff to ensure the ordinance would be tailored appropriately for the Town's needs. Discussion ensued regarding:

- registration of golf carts
- golf cart requirements such as lights and mirrors
- proof of insurance

- road restrictions due to speed limits  
Staff will return to Council with a map of their recommendations for streets to be included.

#### **e. East Vermont Concerns**

Follow-up on Public Comment from a recent meeting

Asst. Town Manager/Fire Chief Cameron and Chief Polidori addressed concerns regarding speed and traffic on East Vermont. Based on data collected by the Police Department, there are 3 options listed in the attached staff memo to address concerns.

Concerns

Traffic data showed that 85% of vehicles on that road were compliant with the speed limit. Congestion is believed to be contributing to any issues found. The staff's recommendation at this time is that no changes be made at this time.

Discussion ensued.

Council requested that they be updated with data once the traffic sign was flipped for opposite traffic.

#### **6. COUNCIL ROUNDTABLE**

Councilmember Gray gave kudos to Chief Polidori for a presentation that he did at a school recently. Mayor Pro Tem Pate would like to give a shout-out to Communications Specialist Courtney Heaton for her work on the Town's communications, highlighting improvements in frequency and content.

Councilmember Pate would also like to remind everyone to vote in the upcoming election.

Mayor Clement shared information on local food drives and food pantries where those in need could go to for assistance when needed. The list is on the Town website and the Town will be assisting in collection efforts.

Councilmember Petersen spoke regarding:

- Earl Wright, who for many years has repaired and given out bikes at Christmas time, is in need of a donated space to store and work on bikes for the next 2 months.
- asked the members of the MPO to suggest a light at the intersection of May St. and Indiana Ave.
- would like a policy regarding committee appointments.
- Attended the West Southern Pines trunk or treat and would like to explore purchasing and installing motion lights and a camera to prevent vandalism of the playground.
- citizens would like more movies in the West Southern Pines Park
- would like to continue talks to address Moore County Transportation issues.
- Was able to attend the Central Pines Committee meeting

Councilmember Goodman has noticed that many lights on Broad St. are out and requested that staff address the issue.

Councilmember Goodman thanked staff for addressing concerns by installing a sign

#### **7. ADJOURNMENT**

Upon motion by Mayor Pro Tem Pate, seconded by Councilmember Petersen and carried unanimously, Council adjourned at 5:42 pm.

Respectfully submitted:

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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:** November 6, 2025

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### 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](https://tinyurl.com/TOSPOA0324).

### 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.

At the September 9, 2025 regular meeting of the Council, the Council moved to continue the proposed amendments 60 days to the November 6, 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 at this time staff recommend a continuance of a final three months to the February 10, 2026 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 November 6, 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 February 10, 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 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:** November 6, 2025

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### 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.

At the September 9, 2025 regular meeting of the Council, the Council moved to continue the proposed amendments 60 days to the November 6, 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 at this time staff recommend a continuance of a final three months to the February 10, 2026 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 November 6, 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 February 10, 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...

# Planning Staff Report

**To:** Planning Board

**From:** Mason Mattox, Planner II

**Date:** November 06, 2025

**Item:** (File #PD-04-25) Review of a Planned Development District Conceptual Development Plan for Penick Village

## I. EXECUTIVE SUMMARY

Koontz Jones Design + V3 Companies LLC, on behalf of Penick Village Inc., has submitted a Planned Development application to establish a unified entitlement framework for an existing continuing care retirement community and to support its ongoing operations and future expansion. The community currently includes, or is planned to include: independent living, assisted living, and supportive services such as home care, memory support, nursing care, and rehabilitation, all located on approximately 44.8 acres on the south side of Ridge Street between E. Connecticut Avenue and E. Delaware Avenue.

- The Planned Development (PD) designation is required pursuant to UDO §5.11.3(A)
- The existing unit/bed capacity of Penick Village is 268; this application would entitle 206 more units/beds to create a maximum capacity of 474.

**Return to Planning Board.** An earlier version of this application (File #PD-02-25) was recommended for approval by the Planning Board on July 24, 2025. The application was then considered by the Town Council on August 12, 2025, but was continued for two months due to concerns raised by neighboring property owners. Since that time, the applicant has acquired an additional parcel to be included within the Planned Development area. The inclusion of additional land within a Conceptual Development Plan (CDP), either approved or proposed, required a resubmittal and rehearing per UDO §2.18.8(B). Accordingly, the revised application was considered at the October 23, 2025 Planning Board Regular Meeting, rather than proceeding to the Town Council in October as originally scheduled.

- This application includes updates to building height limits, setbacks, and open space standards.
- Primary concerns from adjacent property owners have consistently involved the topics of building height, construction traffic and parking, regular traffic and parking, and stormwater management.

**October 23, 2025 Planning Board Public Hearing.** During the Planning Board meeting, adjacent property owners expressed support for the inclusion of a public multi-use path along Ridge Street to connect to the Weymouth entrance on Delaware Avenue, a provision supported by both the applicant and the public. Concerns were also raised regarding the transition between three-story and four-story building heights adjacent to Ridge Street and Delaware Avenue. Following discussion, the Planning Board voted 6-0 to recommend approval of the Conceptual Development Plan, with a concurrent Character District map amendment to the 2040 Comprehensive Plan; the board also identified the proposed trail connection as an issue for consideration.

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**II. PROJECT INFORMATION**

**A. Property Owners:**

Penick Village Inc. & JA Greer Group, LLC – both under the jurisdiction of Penick Village, Inc. See Parcel identification in applicant’s exhibits for more detailed ownership information.

**B. Applicant & Authorized Agent:**

Koontz Jones Design + V3 Companies LLC

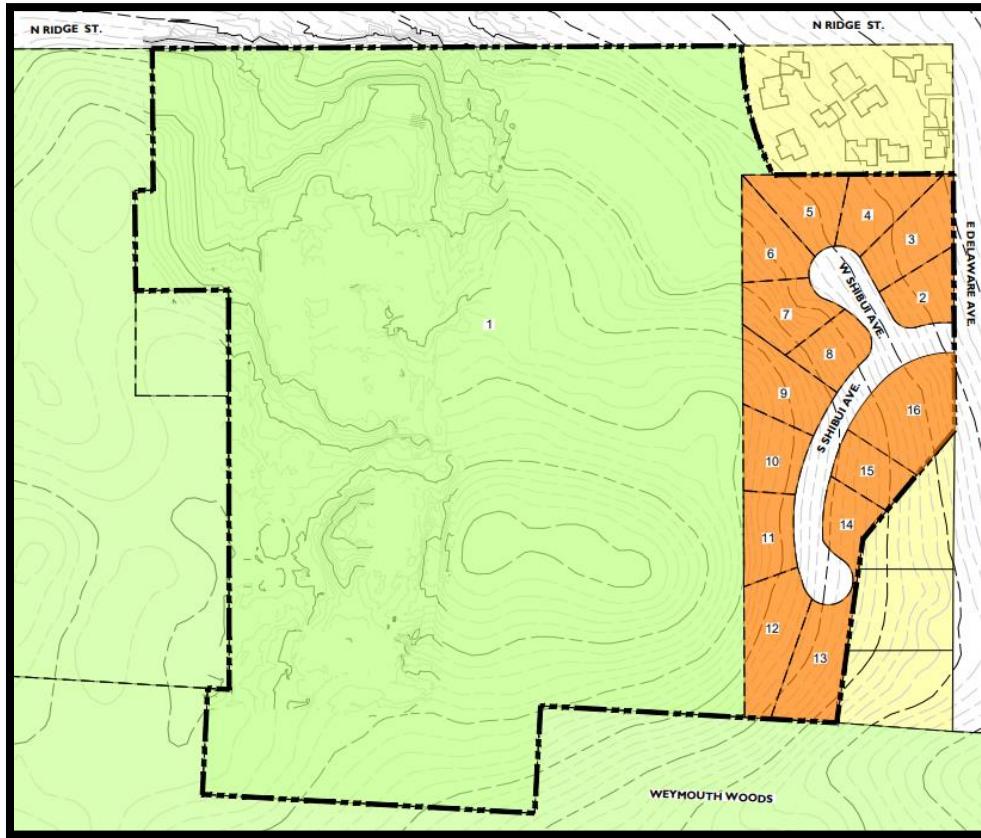
**C. Subject Property Description:**

The subject property is bound by North Ridge Street, East Connecticut Avenue, East Delaware Avenue, and the Boyd Tract of Weymouth Woods.

**Figure 1: Zoning Vicinity Map** (Approximate Property Boundary Shown in **Red**).



**Figure 2: Applicant's Existing Conditions (See Exhibit II)**



**Figure 3: Applicant's Conceptual Master Plan (See Exhibit IV)**





### III. STAFF REVIEW

#### **Application Review Dates**

- Conceptual Development Plan Application Submitted: **September 08, 2025**
- Application Deemed Complete: **September 12, 2025**
- Internal Consultation with the Technical Review Committee: **July 01, 2025**
  - New comments as a result of the resubmitted application can be found under “Agency Review and Comments” section.
- Comments Requested from Outside Agencies: **October 02, 2025**
- Notice of **October 23, 2025**, Planning Board Meeting:
  - Posted On-site: **October 02, 2025**
  - Mailed: **October 03, 2025**
  - Internet: **October 02, 2025**
  - Published: **October 08 & October 15, 2025**
- Notice of **November 06, 2025**, Town Council Business Meeting
  - Mailed: **October 24, 2025**
  - Internet: **October 24, 2025**
  - Published: **October 22 & October 29, 2025**

#### **Process and Standards of Review**

Applications for a Planned Development District (PD) are reviewed under UDO §2.18 through a three-step process: Conceptual Development Plan (CDP), Preliminary Development Plan (PDP), and Final Development Plan (FDP). This application is for a CDP, which establishes the zoning standards for the project through a rezoning process. As such, it must address the criteria for both a zoning map amendment (UDO §2.17.9) and a CDP (UDO §2.18.4(H)).

#### **Criteria for Zoning Map Amendments (UDO §2.17.9)**

##### **A. Consistency with Comprehensive Plan**

###### ***General Framework – Areas to Preserve & Areas to Enhance***

The existing Penick Village campus lies within the Areas to Preserve designation, which emphasizes conserving rural character, open space, and natural features. While the site includes multi-story apartment buildings, the overall campus design retains substantial green buffers and open space, thereby supporting the conservation goals of this designation. The proposed Shibui Gardens expansion falls within the Areas to enhance designation, which encourages context-sensitive redevelopment and neighborhood-scale infill. The plan proposes compact residential clusters including townhomes, duplexes, and single-family homes, arranged in a way that integrates with surrounding development. As such, the proposal aligns with the General Framework map by maintaining natural elements within the existing campus and by promoting thoughtful infill in the current Shibui Gardens area.

###### ***Conservation and Development – Rural Living & Neighborhood***

The existing Penick Village campus is designated Rural Living, which emphasizes low-density development, natural landscapes, and large lots. While the existing built form includes apartments, the campus retains open space and avoids large-scale grading, elements which align with the broader intent of the Rural Living designation. The Shibui Gardens expansion area lies within the Neighborhood designation, which supports walkable, mixed-type residential development with

integrated open space. The proposed plan reflects this intent through its mix of housing types, pedestrian connectivity, and proposal to share green areas. Overall, the proposal demonstrates compatibility with the Conservation and Development Map by preserving key environmental features within the existing campus and delivering context-appropriate residential form within the expansion area.

### **Character Districts – Horse Country & Suburban Settlement**

The existing Penick Village campus is located within the Horse Country Character District, which emphasizes rural landscapes, equestrian access, and low-profile development. While the campus includes larger-scale residential buildings, the existing portion of Penick Village has been established in this form for over 50 years. Despite its intensity, the design preserves mature trees and open space areas but does not reflect the core rural and equestrian character intended for this district. The Shibui Gardens expansion lies within the Suburban Settlement Character district, which supports shopping centers, office parks, single-family neighborhoods, and even apartment complexes. Staff find the inclusion of the Shibui area into the CDP to be consistent with this Character district.

Overall, staff finds the application to be generally consistent with the 2040 Comprehensive Plan, including the General Framework Map, the Conservation and Development map, and goals for housing diversity, infill development, and aging-in-place. The proposal preserves natural features within the existing campus and introduces a compatible mix of housing and pedestrian connectivity in the Shibui Gardens expansion. However, the existing Penick Village campus is inconsistent with the current Horse Country Character District because that district prioritizes rural landscapes, equestrian access, and low-profile development; features not reflected by the current site. Pursuant to NCGS §160D-605, staff recommends a concurrent amendment to the Character Districts Map (2040 Comprehensive Plan, p. 65) to reclassify the existing Penick Village campus from Horse Country to Suburban Settlement. The campus has been long-established in its current form and the Conceptual Development Plan proposes a modest expansion of that existing use in a way that is contextually appropriate and consistent with the built environment surrounding the site.

## **B. Adverse Impacts on Neighboring Lands**

Between the original application's review before the Planning Board and Town Council, adjacent property owners raised several concerns related to the redevelopment and expansion of Penick Village. These included issues of construction traffic, building height and visual impact, stormwater management, and overall traffic generation. The applicant has provided additional responses and clarifications following the August 12, 2025 Town Council public hearing, which are summarized below, and provided in-full as Attachment #9 to this staff report.

### **I. Construction Traffic and Phasing**

Adjacent property owners residing on Delaware Avenue expressed concern about the routing of construction traffic and on-street parking during active phases of development. The applicant has clarified that future construction associated with the redevelopment of the Shibui Gardens parcel will be accessed from Delaware Avenue, as there are no internal connections between this area and the main Penick Village campus.

## **2. Building Height and Setbacks**

Residents adjacent to the Shibui Gardens property raised concerns over potential obstruction of views and the perceived scale of new development along Delaware Avenue. In response, the applicant amended the CDP to limit building height to 55 feet, measured to the eave, with a maximum of four occupied stories. Buildings exceeding 35 feet in height will maintain a minimum 40-foot setback from Delaware Avenue and adjoining residential lots not owned by Penick Village. Buildings 35 feet or less will continue to observe a 30-foot setback. A 20-foot landscaped buffer will also be provided along the Delaware Avenue frontage, consistent with UDO §4.3.4 and the CDP narrative (Section 4.2.4). These measures, along with the retention of existing vegetation, will significantly mitigate visual impacts to surrounding properties.

## **3. Stormwater**

Neighbors expressed concern about runoff from existing stormwater facilities and potential impacts from future impervious surfaces. The applicant's narrative (Section 4.2.9) specifies that all stormwater and sedimentation control will comply fully with Town of Southern Pines and NCDEQ requirements, and that best management practices will be employed throughout all phases. Engineering evaluations of the existing system have already been completed, with necessary repairs coordinated through the Town Engineer and deemed satisfactory, especially adjacent to Ridge Street. Future development phases will include detailed stormwater design at the Preliminary Development Plan (PDP) stage to ensure continued compliance with all local and state standards. Staff consider these measures to adequately address stormwater concerns.

## **4. Traffic**

Concerns were raised that redevelopment could generate additional vehicular traffic along Delaware Avenue and nearby streets. The applicant's Traffic Design Analysis (TDA), prepared by Kimley-Horn, demonstrates that the proposed CDP will not result in significant degradation of level-of-service on adjacent roadways. Internal circulation will continue to utilize existing entrances from Ridge Street and Delaware Avenue, distributing vehicular trips across multiple access points. The CDP also provides for an interconnected pedestrian network and improved internal circulation consistent with the design standards outlined in Section 4.2.1 of the narrative.

## **C. Suitability as Presently Zoned**

The existing Penick campus portion of the site is currently zoned FRR, and the Shubui Avenue expansion area is currently zoned RM-1. The proposed PD zoning allows unified development standards across parcels and ensures alignment with the existing continuing care retirement community and its proposed future operations, including or planned to include: independent living, assisted living, and supportive services such as home care, memory support, nursing care, and rehabilitation.

## **D. Health, Safety, and Welfare**

The rezoning supports public welfare by increasing access to senior living options within an existing care network, leveraging existing services while minimizing suburban expansion through infill development.

## **E. Public Policy**

The rezoning would support multiple public policy goals directly linked to the Town's 2040 Comprehensive Plan, including support for more diverse housing options, support for a walkable and connected network that increases daily physical activity for seniors, and

Specifically:

- Policy 4.12 – Be an Active Community
- Policy 7.1 – Support Housing Diversity in the Community, and
- Policy 7.6 – Ensure that Nearby Development Reinforces the Character and Quality of Existing Neighborhoods

## **F. Size of Tract**

The total proposed PD area is approximately 44.8 acres, including the existing (approximate) 36.32-acre Penick Village campus and 8.48 acres of the adjacent Shibui Gardens properties. The combined area provides sufficient land to support a continuing care retirement community with coordinated site design, open space, and connectivity. The Planned Development district allows the applicant to balance the needs of the existing campus with expansion provided through infill.

## **G. Other Factors**

The applicant proposes development phasing responsive to market demands and infrastructure availability. The applicant noted that phasing often includes renovations to existing buildings.

## **H. Applicant Representations**

The PD zoning binds the project to the land uses and standards described in the CDP and supporting documents.

### **Criteria: Conceptual Development Plan Process (UDO §2.18.4)**

#### **A. The proposed PD satisfies the criteria for a Zoning Map amendment established in this chapter;**

See above.

#### **B. The Conceptual Development Plan represents an overall development pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program, and any other applicable planning documents adopted by the Town;**

See above.

#### **C. The proposed development is appropriate for the area of the Town in which it is located; and**

The property has operated as Penick Village since the 1960s and is surrounded by a mix of low-density residential neighborhoods and natural open space provided by Weymouth Woods. This CDP application does not propose the introduction of incompatible uses. The design framework anticipates infill in a manner consistent with the existing campus, while also preserving open space.

**D. The proposed development will not generate the need for inefficient extensions and expansions of public facilities, utilities and services.**

The project utilizes existing water and sewer connections and proposes no inefficient infrastructure expansion. Four access points exist or are proposed; stormwater will be managed on-site in compliance with local and state regulations.

**Additional Comments**

**1. Requirement to pursue Planned Development Zoning**

Staff note UDO §5.11.3(A) as a catalyst for Penick Village pursuing a Planned Development Zoning designation: Existing Continuing Care Retirement Communities that are not authorized by zoning classification shall be considered conforming uses for purposes of reconstruction or expansion, subject to the provisions of this section. All new or expanded structures for Principal or Accessory Uses shall be located on the existing site. Any expansion to adjacent or contiguous sites outside of the existing property boundaries will require approval through the PD zoning process.

**2. Water Supply Watershed Overlay**

Per UDO §3.6.8(B)(1), all new development created after December 15, 1993 is subject to the Water Supply Watershed Regulations; however, UDO §2.47.5 allows pre-1993 built-upon area to be removed and reconstructed provided the built-upon area is not increased. The Shibui addition (Phase E) includes pre-1993 development, but any future development that would exceed the existing impervious surface will require either:

- A. A calculation demonstrating that the pre-1993 impervious surface percentage is not increased for the Phase E area, or
- B. The approval of watershed exemption allocation credits.

Accordingly, the CDP should include a provision acknowledging that one of these approaches will be required at the Preliminary Development Plan (PDP) phase, at which time the applicant will need to either verify that the existing impervious surface is not exceeded, or apply for watershed allocation prior to further site development approval.

**3. Specific CDP Deviations Requested**

The applicant has submitted a comprehensive narrative and CDP that meet the requirements of UDO §2.18.4. Staff notes the proposed PD zoning requests various deviations from the default UDO standards, pending approval of this CDP application. They are as follows:

- **Open Space Calculations:** The applicant requests a reduction from the 40' required width to count land toward open space, to 20' between buildings, citing enhanced pedestrian improvements. Staff is inclined to support this request given the campus-nature of Penick Village.
- **Building Height:** The applicant requests that a maximum building height of up to 55 feet be permitted, with height being measured from the front of the building to the eave, and not the tallest feature as the UDO prescribes. This would exclude sloped roof structures from building height calculations. Staff note the issue of building height as being a common concern for adjacent property owners during the previous Town Council hearing on application PD-02-25. The applicant has stated that the existing height of buildings within the development is approximately 53' to the eaves. The applicant has also volunteered

additional setbacks and height limitations adjacent to Delaware Avenue as a part of this revised application. See Exhibit IV in the applicant's exhibits attachment for more details.

- **Brick Ratio:** The applicant requests a minimum of 25% brick on all exterior façades, rather than the 80% required for commercial development elsewhere.
- **Building Materials:** The applicant proposes a prohibition against vinyl as siding, but states that the material is permissible for doors and windows.
- **Building Dimensions:** The applicant proposes that the long portion of buildings must be divided into smaller bump-out segments, which must project a minimum of two feet. This is the same as the standard listed in the UDO.
- **Garages:** The applicant proposes that garages may face internal streets, roads, and driveways only, but shall not face external streets including Ridge Street and Delaware Avenue.
- **Architectural Compliance Approval:** The applicant also requests that Town staff review all architectural compliance permits, regardless of building size, provided that the application is fully consistent with the CDP and UDO. If a deviation is requested, the application must go before the Town Council.

#### **IV. AGENCY REVIEW AND COMMENTS**

A request for comments was emailed to agencies on October 02, 2025. Agencies notified include Town of Southern Pines Streets, Utilities, Fire, Recreation and Parks, and Engineering departments, the Regional Land Use Advisory Commission, U.S. Fish and Wildlife Service, Moore County Airport and the North Carolina Department of Transportation.

- a. The Town of Southern Pines Public Works Department responded stating that the applicants will need to submit an abandonment request for Shibui Avenue.
- b. RLUAC referenced their prior comment that the site is designated as "Important to Protect" within Fort Bragg's High-Quality Waters drainage area and encourages measures to limit stormwater runoff impacts on McDeeds Creek; while the proposed development poses no military compatibility concerns, RLUAC's non-binding recommendations aim to support overall regional environmental and military mission compatibility.
- c. USFW responded with an automated email, citing that they are on furlough and will not have access to government email.
- d. NCDOT responded by asking if the Town will require a Traffic Impact Analysis, to which a response has not yet been provided.
- e. Any additional agency comments received between the writing of this report and the preliminary forum will be presented at the forum.

#### **V. STAFF RECOMMENDATION**

Staff recommends approval of the Conceptual Development Plan and rezoning of Penick Village to Planned Development District (PD), with a concurrent Character District map amendment to reclassify the existing portion of the campus from the Horse Country designation to the Suburban Settlement designation.

#### **VI. ATTACHMENTS**

The following materials have been provided as attachments to this staff report:

- I. Planning Board Recommendation

2. Application
3. Applicant's Narrative
4. Applicant's Exhibits
5. Original Neighborhood Meeting Report
6. RLUAC Letter
7. DH Carter Letter
8. Traffic Design Analysis
9. Applicant's Comments Prior to Continued Council

Note: Attachment #9 was submitted to Planning staff following the original August Town Council Public Hearing. The applicant's responses contained in this attachment were intended for review during the October Town Council meeting; however, the item was subsequently returned to the Planning Board for reconsideration.

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

## **VII. TOWN COUNCIL ACTION**

A request for approval of a Conceptual Development Plan is a request for a rezoning. Per North Carolina General Statute 160D-605, the Town Council must adopt a statement of plan consistency and reasonableness.

To assist the Town Council town staff have prepared the following draft motions for consideration, modification as necessary, and adoption:

**I move that after reviewing the application, applicable criteria, the Planning Board's written recommendation, and public comments:**

1. **The requested Conceptual Development Plan is substantially consistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment One.**
2. The requested Conceptual Development Plan is consistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment One, and revised by the Town Council as follows...
3. The requested Conceptual Development Plan is inconsistent with the 2040 Comprehensive Plan and is not a reasonable request for the following reasons...
4. The request is a reasonable rezoning that advances public health, safety, and welfare by supporting aging-in place and infill redevelopment.

**And therefore, I move to:**

1. Approve PD-04-25 as submitted, with a concurrent amendment to the 2040 Comprehensive Plan reclassifying a portion of the site from Horse Country to Suburban Settlement.

2. **Approve PD-04-25 with a concurrent amendment to the 2040 Comprehensive Plan reclassifying a portion of the site from Horse Country to Suburban Settlement, subject to the following condition of approval:**
  - i. **The CDP shall be amended to note that, prior to PDP approval for Phase E, the applicant must either demonstrate that impervious surface does not exceed the pre-1993 amount, or obtain watershed allocation. A final revised copy of the CDP shall be submitted to the Planning Department prior to the submission of any PDP application.**
  
3. Deny PD-04-25 for the following reasons...



**ATTACHMENT A**  
**PLANNING BOARD RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION**  
**FOR ZONING MAP AMENDMENT APPLICATION PD-04-25**

**WHEREAS**, Section 160D-604(d) of the North Carolina General Statutes specifies that the Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but that a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board;

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

**WHEREAS**, the Planning Board conducted a public hearing on October 23, 2025, for consideration of a Planned Development – Conceptual Development Plan for the Penick Village Planned Development;

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board finds the application PD-04-25 to be generally consistent with the Town of Southern Pines 2040 Comprehensive Plan, including the General Framework Map, the Conservation and Development Map, and relevant policy goals. The request is consistent with the General Framework Map because the existing campus preserves much open space and tree cover within the “Areas to Preserve” designation, and the Shibui Gardens expansion supports context-sensitive infill in the “Areas to Enhance” designation.

The proposal is consistent with the Conservation and Development Map because the existing campus maintains green buffers and avoids over-grading in the “Rural Living” area, while the Shibui Gardens expansion proposes a walkable, mixed-type residential pattern in the “Neighborhood” designation. The proposal is consistent with several policy goals of the Comprehensive Plan, including Policy 4.12 (Be an Active Community), Policy 7.1 (Support Housing Diversity), and Policy 7.6 (Ensure Neighborhood Compatibility), because the project enhances pedestrian connectivity that supports physical activity, introduces varied housing types, and reinforces the existing scale and character of Penick Village as a whole.

While the existing campus lies within the Horse Country Character District, its built form does not reflect the district’s intended rural and equestrian character. Because the site has operated in this form for over five decades and already includes large-scale senior housing, the Planning Board supports a concurrent amendment to the Character Districts Map (Town of Southern Pines 2040 Comprehensive Plan, p. 65), to reclassify the existing campus from Horse Country to Suburban Settlement because of the compatibility of the Suburban Settlement Character District with the existing built environment and modest proposed expansion. The proposed development is appropriate for its location, utilizes existing infrastructure, and

is not expected to create significant adverse impacts. It satisfies the UDO criteria for zoning map amendments, including suitability of the site, compatibility with neighboring lands, and advancement of public health, safety, and welfare through improved access to aging-in-place options.

**AND, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Board recommends a concurrent amendment to the Character Districts Map to reclassify the existing portion of Penick Village campus from Horse Country to Suburban Settlement, for the reasons outlined in the October 23, 2025 staff report and pursuant to NCGS §160D-605.

**AND, FURTHER** that the following additional matters were considered by the Planning Board as a basis for a recommendation of approval to the Town Council regarding PD-04-25:

1. Allow provision to allow a public multi-use path along Ridge Street to connect to the Weymouth entrance on to Delaware Avenue, which is supported by the applicant and the public.

**ADOPTED** this the 30<sup>th</sup> day of October, 2025.

  
Matthew Walden, Chair

**ATTEST:**

  
Cindy Williams  
Secretary to the Planning Board

<b>OFFICE USE ONLY:</b>		
Fee: \$1,800.00	Date Received: <input type="text"/>	Case No.: PD- <input type="text"/>

**Project Information:**

Project Name:	<input type="text" value="Penick Village"/>		
Physical address:	<input type="text" value="500 East Rhode Island Ave., Southern Pines, NC 28387"/>		
PIN:	<input type="text" value="multiple (see attached exhibit)"/>	Parcel ID:	<input type="text" value="multiple (see attached exhibit)"/>
Site Size:	<input type="text" value="████████ ±44.8"/>	Zoning:	<input type="text" value="FRR / RM-1"/>

**Applicant:**

Name(s):	<input type="text" value="Penick Village Inc. c/o Chip Cromartie"/>		
Email:	<input type="text" value="ccromartie@penickvillage1964.org"/>	Phone:	<input type="text" value="(910) 692-0300"/>
Mailing Address:	<input type="text" value="500 East Rhode Island Ave. Southern Pines, NC 28387"/>		

**Authorized Agent, if different from Applicant:**

Name(s):	<input type="text" value="Koontz Jones Design + V3 Companies c/o Bob Koontz"/>		
Email:	<input type="text" value="bkoontz@v3co.com"/>	Phone:	<input type="text" value="(910) 684-8487"/>
Mailing Address:	<input type="text" value="140 Applecross Rd., Suite B, Pinehurst, NC 28374"/>		

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

Name(s):	<input type="text" value="Penick Village Inc. &amp; JA Greer Group, LLC"/>		
Email:	<input type="text" value="ccromartie@penickvillage1964.org"/>	Phone:	<input type="text" value="(910) 692-0300"/>
Mailing Address:	<input type="text" value="500 East Rhode Island Ave. Southern Pines, NC 28387"/>		

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

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council for approval of a Planned Development District – Conceptual Development Plan as required by the Town of Southern Pines Zoning Ordinance. The following information is submitted in support of this application:

The property which is the subject of this application is located on the South side of Ridge St. (St./Ave.), between E. Connecticut Ave (St./Ave.) and E. Delaware Ave (St./Ave.). The property has a frontage of 1,185 feet and a depth of 1,520 feet.

The request is based upon **Section 2.18** of the **Town of Southern Pines Unified Development Ordinance**. The proposed use of the property is as follows:

A senior living community including independent living, assisted living, and services including home care, memory support, nursing, and rehabilitation.

Date: 6/9/25

Alva S. Cromartie  
Applicant

**PLANNING DEPARTMENT  
TOWN OF SOUTHERN PINES  
801 SE Service Road, Southern Pines, NC 28387  
[plan@southernpines.net](mailto:plan@southernpines.net) (910) 692-4003 [www.southernpines.net](http://www.southernpines.net)**



PD DISTRICT CONCEPTUAL DEVELOPMENT  
PLAN APPLICATION  
**PENICK VILLAGE**  
SOUTHERN PINES, NORTH CAROLINA

PROJECT NARRATIVE AND DESIGN STANDARDS

**1.0 PURPOSE**

The purpose of this PD – Conceptual Development Plan application is to:

- To establish a Planned Development (PD) District with a Conceptual Development Plan (CDP) for Penick Village to continue the development of the property, add area to the property, formerly the Shibui Gardens apartments, that would have common zoning, and provide future flexibility for the development of the property. The overall use of the property would continue as already established for continuing care retirement communities, senior and assisted living facilities.
- Establish the permitted uses, density, standards, and conditions under which the subject property shall be developed through this narrative and the associated plans being submitted with this application.

The submitted documents include the Town's Conceptual Development Plan application form. This request includes all required items as specified in Section 2.18.4, Conceptual Development Plan, of the Town's Unified Development Ordinance (UDO). The Conceptual Development Plan of this property shall include all standards and conditions contained in this document and the submitted supporting documents.

**2.0 PROJECT OVERVIEW**

**2.1 Location**

The proposed project described in this application is geographically located on the Eastern side of downtown Southern Pines on the southeastern side of Ridge Street, between East Vermont Avenue and East Delaware Avenue. A site location map showing the site and immediate surroundings is included with this application. The property is adjacent to the Weymouth Center in Weymouth and a residential neighborhood development. The site is accessible from North Ridge Street via East Rhode Island Avenue, Maine Avenue, and East New Jersey Avenue. Access is also available from East Delaware Avenue via the former apartment entrance of

Shibui Gardens. The site is fully annexed into the Town of Southern Pines. Utilities are available at the site with the capacity to accommodate the proposed development.

## **2.2 Vision**

The vision for the project is to continue developing Penick Village in a manner consistent with the existing community's character. Additional properties have been added to the overall Penick Village property, which previously included the Shibui Gardens Apartments, and will be subject to the standards outlined in this document. This will provide clarity for both the Town of Southern Pines and Penick Village as the property continues to develop over several years, allowing flexibility within the project area. As part of the project, the residential units may be a mix of single-family, duplex, or multi-family buildings and will be carefully integrated into the surrounding area. Development may also include skilled nursing facilities, assisted living facilities, amenity buildings, and other facility buildings. Building architecture will be compatible with the existing community. Landscaping and design elements common to Southern Pines and the existing property will be used. Maintaining the attractive aesthetic character of the existing community is crucial to the future of Penick Village and will enable it to remain a vibrant, active residential community.

The property will have four (4) points of ingress/egress. The primary Ingress/egress to the development will be provided from North Ridge Street through the three (3) existing entrance locations. Additionally, a fourth gated resident access will be provided from East Delaware Avenue, connecting at the former Shibui Gardens access point, which has recently been added to the overall development area. A new gated entry (unmanned) will be located at the East Delaware Avenue entrance point. The gate will be set back far enough from East Delaware Avenue to prevent cars from being stacked on the public street. Additional details will be provided in the Planned Development Plan (PDP) phase.

Best management practices for development, stormwater management, and erosion control will be implemented.

The Conceptual Development Plan section of this document provides a detailed description of the development program, including its conditions and standards.

## **2.3 Compliance**

All development within the site must adhere to the approved standards and conditions stated in this document. As allowed under UDO Section 3.5.14, unique conditions and standards, differing from baseline UDO conditions and standards, can be established to facilitate a planned development district. The conditions and

requirements stated in this document that vary from the UDO shall supersede the UDO. Before issuing a building permit and commencing any construction, a Preliminary Development Plan for each phase must be submitted and approved in accordance with the requirements of Section 2.18.5 of the UDO. All development and building permits are subject to all Local, State, and Federal permitting guidelines, architectural review, rules, and regulations, and must be approved by the Town of Southern Pines. To the extent this document does not otherwise establish a development standard, the UDO standard in effect at the time of application will apply.

The current zoning on the property is Facilities Recreation and Resources (FRR) and Residential Mixed Housing (RM-1). These designations permit housing services (LBCS 1200) and multifamily housing. The proposed PD development will be consistent with the uses designated in the UDO.

The proposed CDP and land uses are consistent with the TCP, the property's existing use, and the surrounding and adjoining properties. The TCP has designated the property as Rural Living and Residential close to the Downtown Activity Center.

### **3.0 EXISTING CONDITIONS**

#### **3.1 Existing Natural Features**

##### **3.1.1 Prevalent Tree Canopy and Vegetation**

The Existing Conditions map included in Exhibit 1 shows the existing tree canopy on the site. The trees are a mix of Longleaf Pine trees and ornamental plantings that have been installed over time for Penick Village and the Shibui Gardens apartments.

##### **3.1.2 Orchards or Other Agricultural Groves**

No portion of the site is currently being used for an orchard or agricultural use, and none exists on the site.

##### **3.1.3 Streams, Wetlands, and Floodplain**

This property does not have streams or wetlands. The proposed development is within a high-quality watershed area in the Little River (Intake No. 2) WS-IIIP watershed.

##### **3.1.4 Topographic Features**

A topographic map with two (2') foot contours is included in the application exhibits on sheet L-1.0, Existing Conditions.

### **3.1.5 Unique Land Formations, Endangered/Threatened Species**

Dr. Jay H. Carter III & Associates, Inc., prepared a red-cockaded woodpecker survey, which is included with this application.

All development and building permits within the site are subject to all Local, State, and Federal permitting guidelines, rules, and regulations. Additional studies will be conducted if required for permitting.

## **3.2 Existing Man-made Features**

### **3.2.1 Streets, Roads, Parking, or Other Structures**

The property has four (4) points of ingress/egress. The primary Ingress/egress to the development will be provided from North Ridge Street through the three (3) existing entrance locations. In addition, a fourth access is provided from East Delaware Avenue at South Shibui Avenue.

### **3.2.2 Stormwater Facilities and Structures**

There are existing stormwater facilities located on the property.

### **3.2.3 Utilities**

Sewer—The existing buildings on the site are currently served by sewer, and any additional future development can be connected to the existing infrastructure. The Town of Southern Pines has sufficient service capacity to accommodate any proposed development.

Electric - Electric power is available. All new electric lines will be installed underground.

Telephone/Cable—Telephone and cable service are available at the site. All new service lines will be installed underground.

Water—Public water line connections are located near the site and currently serve the property's existing structures. The lines are adequate to accommodate any proposed development.

## **3.3 Existing Legal Features**

**3.3.1 Zoning Information** - The current zoning on the property (FRR) and Residential Mixed Housing (RM-1). These designations permit housing services (LBCS 1200) and multifamily housing.

**3.3.2 Property Lines** - See plans and deeds included with this application

- 3.3.3 Right-of-Ways** – The Adjacent rights-of-way along North Ridge Street and East Delaware Avenue are shown on the plans included with this application, as well as on the Existing Conditions map in Exhibit 1. Additionally, public rights-of-way are indicated for South and West Shibui Avenue.
- 3.3.4 Easements** – All identified easements have been provided on the Existing Conditions on Exhibit 1.
- 3.3.5 Ownership Information**—See the existing conditions plan for depictions of the tracts listed in the table below. Copies of the corresponding recorded deeds evidencing ownership are provided as exhibits with this application. The property to be rezoned will be described using the property descriptions provided in the attached deeds and survey.
- 3.3.6 Adjacent Parcel information**—The adjacent parcel owners, zoning, use, PINs, and Parcel ID numbers are listed on the Adjacent Property Owners list in the exhibit included in this application.

**4.0 DEVELOPMENT CONDITIONS**

**4.1 Development Program**

- The development of the property will continue and expand the existing uses for residential services. The project will have varied diversity between independent living cottages, duplexes, apartments, assisted living apartments, and skilled nursing rooms. All of these units will be part of the continuing care community, allowing residents to age in place. Existing facilities include the following:

**Existing and proposed development**

	Units/beds	
<b>Existing Uses</b>		
<b>Independent Living Apartments</b>	154	units*
<b>Single Family (Garden Cottages)</b>	9	units
<b>Duplex</b>	31	units
<b>Assisted Living/Memory Care</b>	42	units
<b>Health Center/Skilled Nursing</b>	32	units
<b>Total Existing</b>	<b>268</b>	<b>units</b>

<b>Future Development</b>		
<b>Independent Living Apartments</b>	206	Combined Total
<b>Single Family</b>		
<b>Skilled Nursing</b>		
<b>Duplex</b>		
<b>Assisted Living/Memory Care</b>		
<b>Total Development</b>	<b>474</b>	<b>units</b>

\* 44 Independent Living Units currently under construction

**Other Amenities currently include or may include  
 (These amenities are available to residents and  
 guests only and not open to the public):**

- Community Gardens
- Facilities Management Building
- Village House
- Dining Areas
- Chapel
- Hair Salon and Barbershop
- Fitness Center
- Multimedia Room
- Library
- Classroom
- Studio Space
- Walking Trails
- Multipurpose Rooms
- Café
- Movie theater
- Gift Shop
- Dog park
- Pet washing station
- Car Wash Station
- Workshop / Woodshop
- Art studio
- Pool
- Sauna/steam room / hot tub
- Childcare
- Adult day care/day health
- Clinic space

## **4.2 Additional Design Conditions**

The following additional development standards will control development on the site:

### **4.2.1 Vehicular & Pedestrian Circulation, Parking, and Streets**

The property will have four (4) points of ingress/egress. The primary Ingress/egress to the development will be provided from North Ridge Street through the three (3) existing entrance locations. In addition, a fourth access will be provided from East Delaware Avenue. At such time as development begins in phase 5, an application to abandon the existing South and East Shibui Avenue rights-of-way will be submitted and incorporated into the overall development. Access to any remaining occupied lot(s) will be provided and maintained.

All roadways and parking facilities will be designed to meet the Town of Southern Pines' engineering paving standards. Additional geotechnical engineering cross sections may be prepared by a licensed geotechnical engineer and provided as an alternative, based on the specific soil conditions on the property. These alternative paving requirements may be approved and implemented with the approval of the Town Engineer.

Reductions to the number of required parking spaces required by the UDO for specific uses within the project area may be requested and approved during the PDP process as detailed designs for the site are prepared. The Town of Southern Pines governs roadways adjacent to the community, and therefore, any new ingress/egress locations will require Town approval during the PDP process.

Sidewalks and Trails – Sidewalks will be provided throughout the property and will connect to the existing sidewalk network. Sidewalk locations shown on the conceptual plan may be modified and located throughout the project to connect buildings, amenities, and parking areas. Since Penick Village is an integrated campus, sidewalks will be provided as necessary and may not be located per UDO standards. Safe pedestrian access to all areas of the campus will be provided on a minimum four (4) foot wide concrete sidewalk.

### **4.2.2 Open Space**

A minimum of 20% of the total open space shall be provided. A minimum of 10% of the provided open space shall be usable open space as described in Section 3.5.14 of the UDO. A running tabulation will be provided during the PDP process for each phase.

Due to the unique design and layout of the Penick Village campus, we request a reduction from the UDO standard to allow areas with a minimum width of 20 feet that contain landscape elements or features, including benches, seating areas, gathering spaces, trails, sidewalks, or landscaping, which may be counted toward open space requirements. These small, pocket gardens, pedestrian ways, and other areas within the development will be highly landscaped and are essential to the overall character of the project. These spaces will create an openness throughout the campus, providing pleasing walks and offering passive outdoor areas for the community's residents. They are critical open space components of the campus design.

#### 4.2.3 Architectural Standards

All buildings will be required to meet the standards of the commercial building design guidelines described in Section 4.10 of the Town of Southern Pines UDO, with some exceptions. Buildings will be designed to reflect the existing campus structures. Modifications to the requirements of Section 4.10 shall be permitted to maintain a residential nature for all structures throughout the community. Requested modifications include the following:

- **Building Height:** A building height of up to 55'-0" is permitted. Building height is to be measured from the front of the building to the eave of the building at the average grade of the building. Sloped roofs will not be included in the calculation of building height. Buildings will be a maximum of 4 stories.
- **Brick Ratio:** Buildings will be required to have a minimum of 25% brick on the exterior facades.
- **Building Materials** – No vinyl siding will be permitted. Vinyl may be used for windows and doors. The building materials will be consistent with those of the other buildings on campus.
- **Building Dimensions:** Long elevations will be divided as required by the UDO to create smaller segments using bump-outs. Bump outs will be required to have a minimum of two feet.
- **Garages:** Garages may face internal roads, streets, and driveways. Garages may not face external streets, including Ridge Street and Delaware Avenue.
- **Approvals:** The staff will review architectural plans to determine compliance with the UDO, the standards included above in Section 4.2.3, and existing design features within the campus. Architectural approvals are not subject to Town Council ARB review and will be performed by staff, including buildings exceeding 10,000 square feet. If modifications to the standards in the UDO and those listed

above are requested, Town Council review will be required to issue an Architectural Compliance Permit.

#### **4.2.4 Landscaping and Buffering**

Landscape standards will meet or exceed the Town of Southern Pines' UDO requirements, as outlined in Section 3.5.14(H), for areas within the buffers and visible from adjoining properties. Landscaping within the development will be designed to be consistent with the current campus and will be installed in a manner consistent with the existing campus development. Penick Village will design landscaping within the development to provide connected pedestrian walkways, visually connected open spaces, and a safe community environment. Landscaping will help maintain the campus feel and overall character of Penick Village.

As shown on Exhibit IV – Conceptual Master Plan, the existing FFR zoned property indicated on Exhibit V - Phasing Plan as Phases A, B, C, and D, and areas surrounding Bishop's Ridge will continue to provide a 20-foot building setback and a 15-foot landscaped buffer along the property perimeter. Properties in Phase E, along Delaware Avenue, will maintain a 30-foot building setback for buildings up to 35 feet in height and a 40-foot building setback for buildings exceeding 35 feet in height, as measured per the CDP. In addition, a 20-foot landscape buffer will be provided in this area as defined by the Town's UDO.

Buffering along the property boundaries will be consistent with the standards required in the UDO. As permitted by the UDO in Section 4.3.4.B(7), fencing may be used to provide screening from adjacent properties. If fencing is used for buffering, landscaping may be reduced in accordance with the standards outlined in the UDO. In addition, existing vegetation credits, as determined by Section 4.3.13 of the UDO, may be utilized for existing shrubs and trees that will be maintained within the buffer areas.

#### **4.2.5 Utilities**

Electric, water, and sewer utilities are currently available near the property described in Section 3.2.3. Any new utility lines will be installed underground, in accordance with the policies of the local utility providers and the Town of Southern Pines.

Occasionally, temporary services may be required and allowed at community facilities, temporary construction offices, and other standard amenities such as parks. Drainage easement areas will be provided as required by the UDO and applicable regulations, and they will be

designed, detailed, and located during the detailed engineering and permitting of the development phases. The duration, scope, and location of temporary services will be designed to ensure that they will not disrupt surrounding development and will be reviewed by the Town Engineer during the site plan review process.

The Town of Southern Pines will provide water and sewer utilities. Waterlines will be looped throughout the development as required. The developer will bear the cost of construction, and once certified, utility lines will be dedicated to the Town of Southern Pines if required. Duke Energy will provide power and electric utilities.

#### **4.2.6 Lighting**

Appropriate lighting for any future development will be provided, consistent with the existing development in terms of lighting levels and fixture types. Parking area lighting will be designed in accordance with the requirements of Section 4.8 in the Town of Southern Pines (UDO). The cost of installation of any lighting shall not be the responsibility of the Town of Southern Pines. Duke Energy Progress will supply lighting for the parking lot and safety lighting throughout the community. Other low-level landscape lighting may be designed and installed by Penick Village, meeting the standards of the UDO. The comfort and safety of residents will be taken into consideration during the lighting design.

#### **4.2.7 Signage**

Any new signage will be designed to be consistent with the existing community and conform to the Town of Southern Pines UDO requirements in Section 4.6. Signage internal to the development and not visible from off-site may be provided throughout the property for purposes of identification and wayfinding, and it is permitted without a separate sign permit.

#### **4.2.8 Temporary Uses/Special Events**

Temporary construction trailers, including, but not limited to, real estate, construction, and sales offices, may be installed during construction and real estate sales. The appropriate permits must be obtained from the Town of Southern Pines for any temporary uses or special events, and comply with UDO standards and the time limitations of the UDO unless extensions are requested and specifically listed as part of a PDP application.

#### **4.2.9 Storm Water Management and Water Quality Management**

The property is located within a state-regulated and protected drainage basin. As such, stormwater design will fully comply with all aspects of applicable local and state standards and regulations for stormwater management and watershed protection, including specific requirements for erosion and sedimentation control. Best management practices for each phase shall be utilized during development, in accordance with NCDEQ guidance. Drainage facilities will be located in the general areas shown on the conceptual site plan included with this application. These locations are subject to change as the property continues to develop, based on detailed engineering and grading plans. Stormwater must be maintained on the overall property to meet the Town of Southern Pines, NCDEQ, and any other stormwater regulations.

As permitted by the Town of Southern Pines, based on the density and existing conditions of both the existing Penick Village property and the additional incorporation of the adjacent developed properties, a watershed protection permit will be maintained. This will enable the development to provide up to 70% impervious surface, thereby establishing the community as outlined in this document.

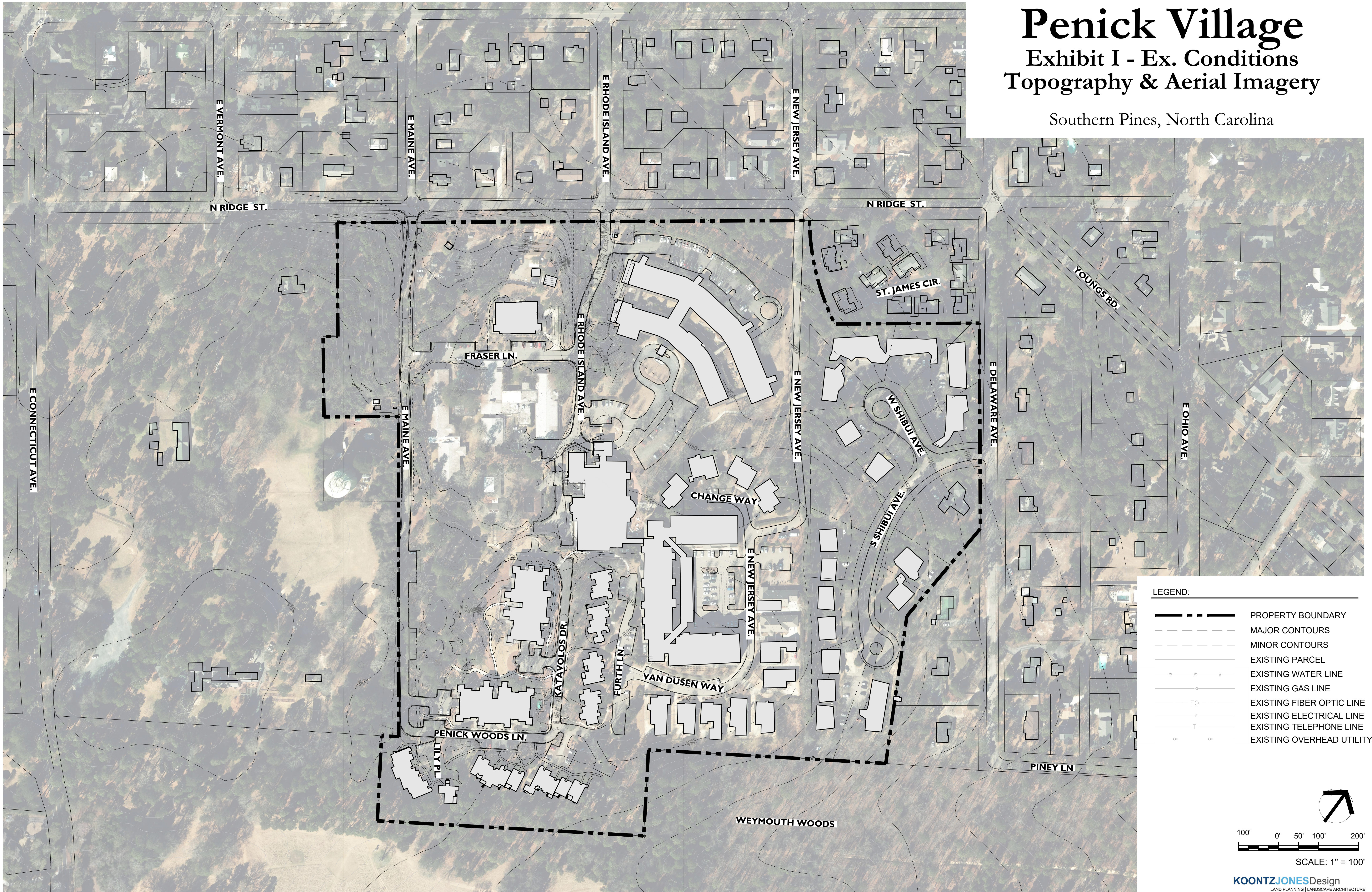
#### **5.0 Phasing**

Due to the uncertainty of economic factors that influence land development, some flexibility in the sequencing of phases is necessary and is to be based on market demands and necessary infrastructure improvements. Rather than tying the phasing to specific dates and sequencing, phasing is tied to the required infrastructure improvements, including roadway, waterline, and sewerline construction, as well as fire access, which are adequate to serve the phase to be developed. Utilities to serve new phases of development will be provided and may require upgrades to existing services. In addition, no more than a temporary interruption in service for occupied buildings within the property area will be permitted. Phases are not required to develop sequentially within this plan, but may not be developed until adequate infrastructure is provided to accommodate the proposed phase. Phases may also be developed and combined with other phases or broken into subphases. Phasing and requirements for each phase will be reviewed at the time a PDP is submitted for an individual phase.

# Penick Village

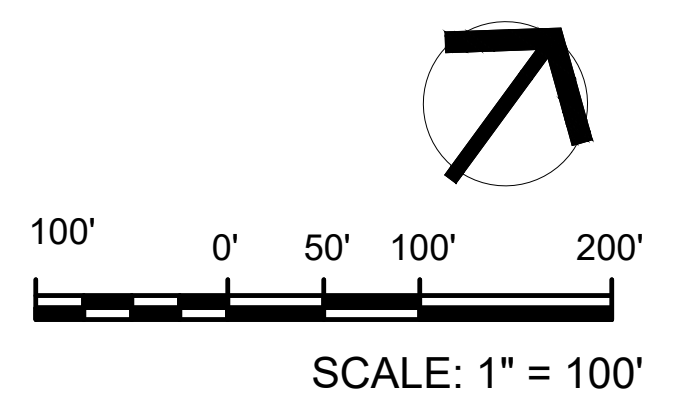
## Exhibit I - Ex. Conditions Topography & Aerial Imagery

Southern Pines, North Carolina



**LEGEND:**

	PROPERTY BOUNDARY
	MAJOR CONTOURS
	MINOR CONTOURS
	EXISTING PARCEL
	EXISTING WATER LINE
	EXISTING GAS LINE
	EXISTING FIBER OPTIC LINE
	EXISTING ELECTRICAL LINE
	EXISTING TELEPHONE LINE
	EXISTING OVERHEAD UTILITY

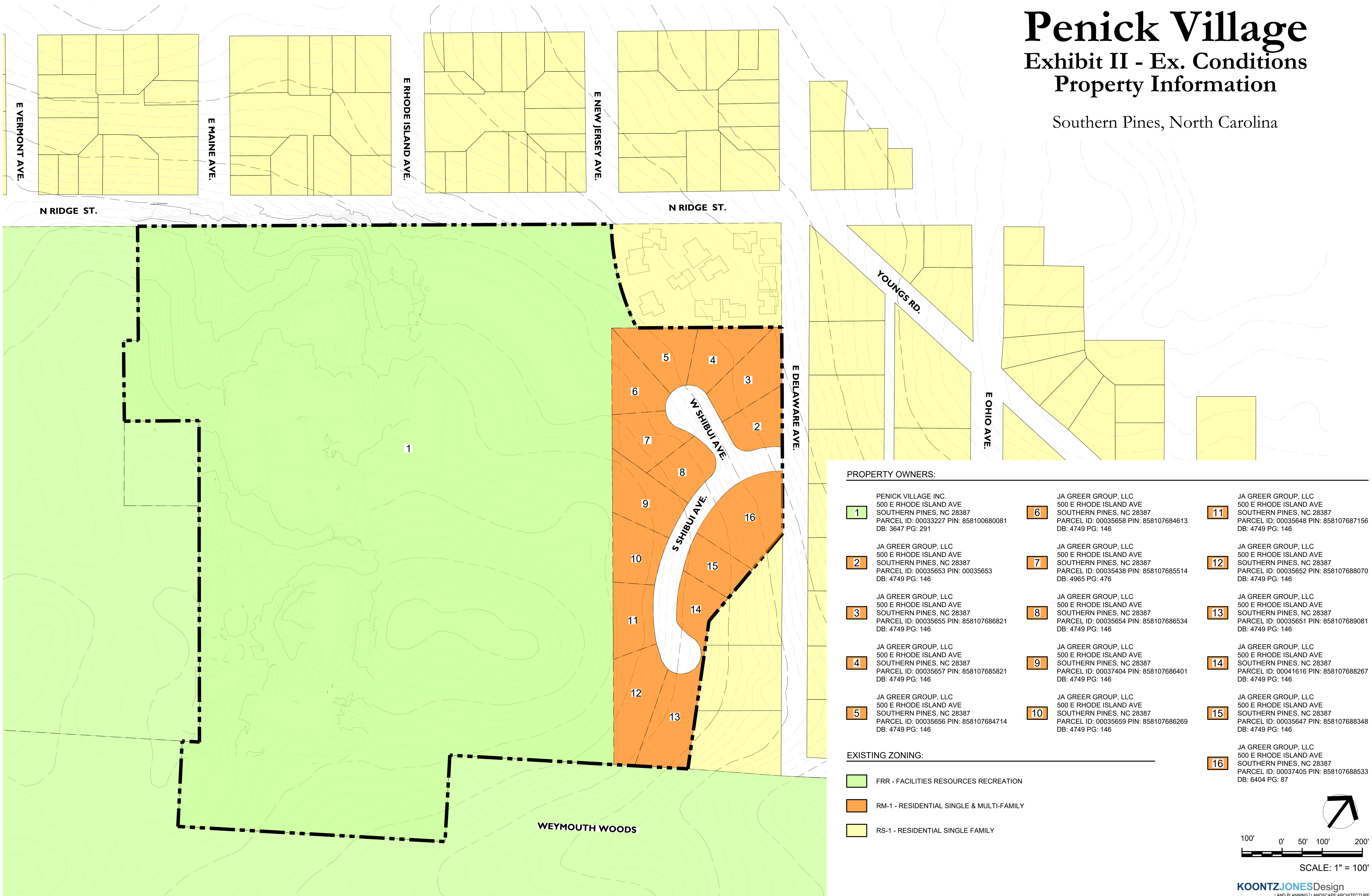


# Penick Village

## Exhibit II - Ex. Conditions

### Property Information

Southern Pines, North Carolina

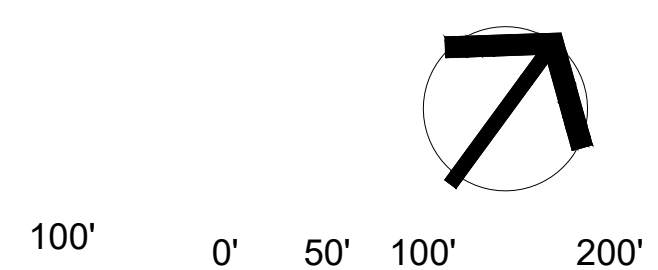


**PROPERTY OWNERS:**

<b>1</b>	PENICK VILLAGE INC. 500 E RHODE ISLAND AVE SOUTHERN PINES, NC 28387 PARCEL ID: 00033227 PIN: 858100680081 DB: 3647 PG: 291	<b>6</b>	JA GREER GROUP, LLC 500 E RHODE ISLAND AVE SOUTHERN PINES, NC 28387 PARCEL ID: 00035658 PIN: 858107684613 DB: 4749 PG: 146	<b>11</b>	JA GREER GROUP, LLC 500 E RHODE ISLAND AVE SOUTHERN PINES, NC 28387 PARCEL ID: 00035648 PIN: 858107687156 DB: 4749 PG: 146
<b>2</b>	JA GREER GROUP, LLC 500 E RHODE ISLAND AVE SOUTHERN PINES, NC 28387 PARCEL ID: 00035653 PIN: 00035653 DB: 4749 PG: 146	<b>7</b>	JA GREER GROUP, LLC 500 E RHODE ISLAND AVE SOUTHERN PINES, NC 28387 PARCEL ID: 00035438 PIN: 858107685514 DB: 4965 PG: 476	<b>12</b>	JA GREER GROUP, LLC 500 E RHODE ISLAND AVE SOUTHERN PINES, NC 28387 PARCEL ID: 00035652 PIN: 858107688070 DB: 4749 PG: 146
<b>3</b>	JA GREER GROUP, LLC 500 E RHODE ISLAND AVE SOUTHERN PINES, NC 28387 PARCEL ID: 00035655 PIN: 858107686821 DB: 4749 PG: 146	<b>8</b>	JA GREER GROUP, LLC 500 E RHODE ISLAND AVE SOUTHERN PINES, NC 28387 PARCEL ID: 00035654 PIN: 858107686534 DB: 4749 PG: 146	<b>13</b>	JA GREER GROUP, LLC 500 E RHODE ISLAND AVE SOUTHERN PINES, NC 28387 PARCEL ID: 00035651 PIN: 858107689081 DB: 4749 PG: 146
<b>4</b>	JA GREER GROUP, LLC 500 E RHODE ISLAND AVE SOUTHERN PINES, NC 28387 PARCEL ID: 00035657 PIN: 858107685821 DB: 4749 PG: 146	<b>9</b>	JA GREER GROUP, LLC 500 E RHODE ISLAND AVE SOUTHERN PINES, NC 28387 PARCEL ID: 00037404 PIN: 858107686401 DB: 4749 PG: 146	<b>14</b>	JA GREER GROUP, LLC 500 E RHODE ISLAND AVE SOUTHERN PINES, NC 28387 PARCEL ID: 00041616 PIN: 858107688267 DB: 4749 PG: 146
<b>5</b>	JA GREER GROUP, LLC 500 E RHODE ISLAND AVE SOUTHERN PINES, NC 28387 PARCEL ID: 00035656 PIN: 858107684714 DB: 4749 PG: 146	<b>10</b>	JA GREER GROUP, LLC 500 E RHODE ISLAND AVE SOUTHERN PINES, NC 28387 PARCEL ID: 00035659 PIN: 858107686269 DB: 4749 PG: 146	<b>15</b>	JA GREER GROUP, LLC 500 E RHODE ISLAND AVE SOUTHERN PINES, NC 28387 PARCEL ID: 00035647 PIN: 858107688348 DB: 4749 PG: 146
				<b>16</b>	JA GREER GROUP, LLC 500 E RHODE ISLAND AVE SOUTHERN PINES, NC 28387 PARCEL ID: 00037405 PIN: 858107688533 DB: 6404 PG: 87

**EXISTING ZONING:**

- FRR - FACILITIES RESOURCES RECREATION
- RM-1 - RESIDENTIAL SINGLE & MULTI-FAMILY
- RS-1 - RESIDENTIAL SINGLE FAMILY

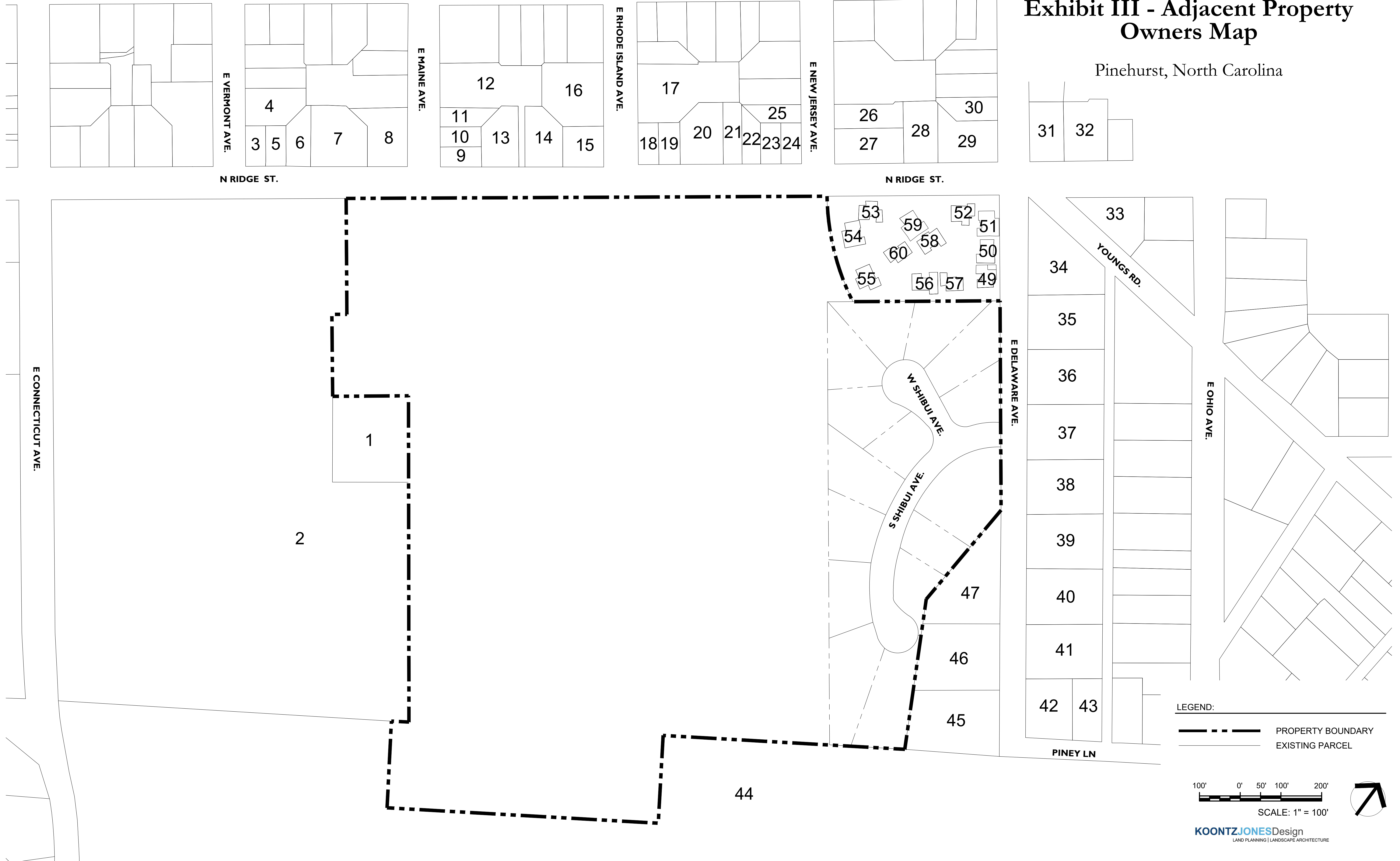


SCALE: 1" = 100'

# Penick Village

## Exhibit III - Adjacent Property Owners Map

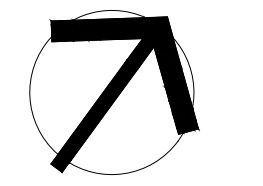
Pinehurst, North Carolina



**LEGEND:**  
 - - - - - PROPERTY BOUNDARY  
 \_\_\_\_\_ EXISTING PARCEL

100' 0' 50' 100' 200'  
 SCALE: 1" = 100'

**KOONTZ JONES Design**  
 LAND PLANNING | LANDSCAPE ARCHITECTURE



NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE.

# Penick Village

## Exhibit IV - Conceptual Master Plan

Southern Pines, North Carolina



**OPEN SPACE REQUIREMENT: (20% OF TOTAL AREA)**

TOTAL SITE ACREAGE	- ±44.8 AC
REQUIRED OPEN-SPACE	- 8.96 AC (20%)

**IMPERVIOUS SURFACE REQUIREMENT: (70% OF TOTAL AREA)**

IMPERVIOUS SURFACE (MAXIMUM)	- 31.36 AC
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**GENERAL NOTES:**

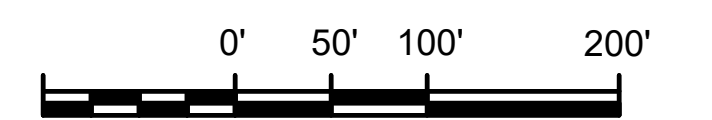
1. FENCE LOCATION IS CONCEPTUAL AND WILL MATCH EXISTING FENCE ALONG RIDGE STREET.

**OPEN SPACE NOTES:**

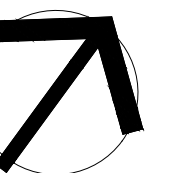
1. OPEN SPACE WILL BE PROVIDED THROUGHOUT THE COMMUNITY AS REQUIRED BY THE TOWN'S UDO. A MINIMUM OF 20% OF THE SITE MUST BE DEDICATED TO OPEN SPACE WITH 50% OF THE OVERALL OPEN SPACE BEING USABLE OPEN SPACE AS DESCRIBED IN SECTION 3.5.14 OF THE UDO. EACH PRELIMINARY DEVELOPMENT PLAN (PDP) PREPARED FOR ANY AREA OF THE PROPERTY SHALL PROVIDE A TABULATION ILLUSTRATING THE OPEN SPACE BEING PROVIDED WITH EACH PHASE, PREVIOUSLY PROVIDED OPEN SPACE FROM OTHER PHASES, AND THE BALANCE OF OPEN SPACE THAT MUST BE PROVIDED IN FUTURE PHASES TO MEET THE OPEN SPACE REQUIREMENTS OF SECTION 3.5.14. SPECIFIC LOCATIONS FOR COMMON AREAS AND OPEN SPACE WILL ALSO BE IDENTIFIED DURING EACH PDP.

**LEGEND:**

- PROPERTY BOUNDARY
- MAJOR CONTOURS
- MINOR CONTOURS
- EXISTING PARCEL
- 20' BUILDING SETBACK
- 15' LANDSCAPE BUFFER
- 30' BUILDING SETBACK (BUILDINGS 35' HEIGHT & UNDER)
- 20' LANDSCAPE BUFFER
- IRON FENCE
- 40' SETBACK (BUILDINGS OVER 35' HEIGHT)



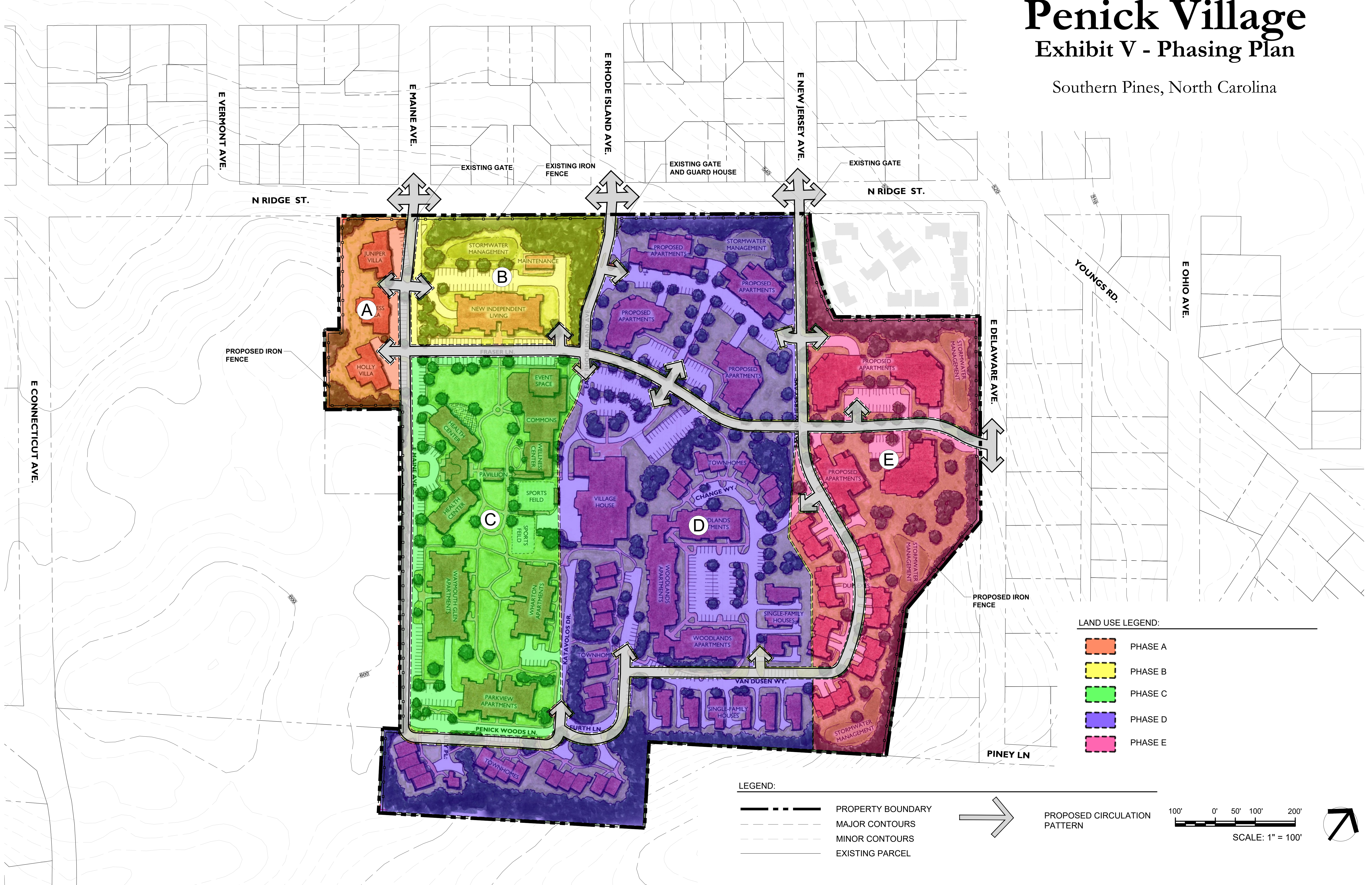
SCALE: 1" = 100'



# Penick Village

## Exhibit V - Phasing Plan

Southern Pines, North Carolina

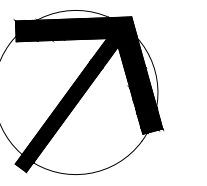
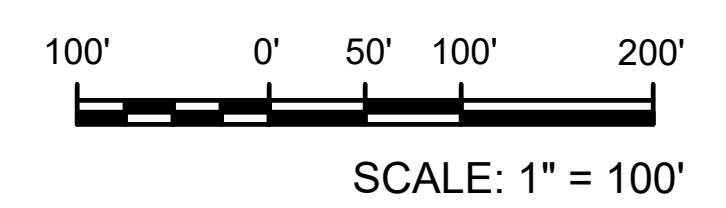


**LAND USE LEGEND:**

- PHASE A
- PHASE B
- PHASE C
- PHASE D
- PHASE E

**LEGEND:**

- PROPERTY BOUNDARY
- MAJOR CONTOURS
- MINOR CONTOURS
- EXISTING PARCEL
- PROPOSED CIRCULATION PATTERN



## **NEIGHBORHOOD MEETING REPORT**

DATE: June 12, 2025

PROJECT: Penick Village CDP Application

LOCATION: Penick Village – Village House  
500 East Rhode Island Ave  
Southern Pines, NC 28387

SUBMITTED BY: Paul Saathoff

ATTENDEES: Paul Saathoff, Koontz Jones Design + V3, PLLC  
Tony Bornhorst, Penick Village  
Chip Cromartie, Penick Village

A second informal Neighborhood Meeting was held on Thursday, June 12th, 2025, from 4:00 p.m. to 6:00 p.m. in the Chapel at the Village House in Penick Village at 500 East Rhode Island Avenue in Southern Pines. The Town of Southern Pines requires this meeting for Planned Development District (PD) and Conceptual Development Plan (CDP) rezoning applications. This meeting allowed adjoining property owners to review the proposed plans for the project and discuss the plans with the development team. Neighborhood meetings provide the applicant with an important dialogue with adjacent owners to understand the issues and concerns of residents living near the proposed project. A site plan, existing site conditions, an aerial photograph, and an overall aerial property map were available for review. All adjoining parcel owners, within 200', in the direct vicinity of the proposed property, were notified by letter (see attached copy of the letter) before the meeting date.

Many of the neighbors who attended the first neighborhood meeting, along with a few additional neighbors, took the opportunity to review the plans and discuss the project with the development team. (See attached sign-in sheet)

Questions related to various aspects of the development were raised and addressed by the development team, based on the current direction of the plan. The project team described the current progress of the CDP submittal, stating that the application has been submitted to the town and that no changes had been made to the plans reviewed during the first neighborhood meeting.

Overall, there was excellent participation and dialogue during the meeting. The adjoining owners were interested in the current progress of the application and approval process and had additional



questions for the development team. The following is a list of questions posed to the development team and dialogue related to those questions:

- Traffic: Concerns related to additional traffic along Delaware Avenue were discussed. It was explained that the Delaware Avenue entrance would be gated for residents and potentially for construction traffic. This access point will become one of four (4) access points for a significantly lower traffic-generating use. The Penick Village team discussed with the property owners that very few residents within Penick Village have or use personal vehicles, and that residents with cars would need to have an access decal to enter the proposed unmanned gate on Delaware Avenue. The Penick Village team stated that the intention is for employees and visitors to continue using the main entrance, located at North Ridge Street and East Rhode Island Avenue.
- Construction Access/Traffic: Concerns related to construction traffic and access along Delaware Avenue were discussed. It was explained that, at this time, no construction documents have been approved, and future construction access and circulation will be determined at the time of site plan approval, following town and state regulations. The project team discussed that the existing residential buildings within Shibui Gardens would be demolished, and plans would need to be approved by the town to proceed. It was explained that construction traffic during demolition would likely need to access the property from Delaware Avenue, as there are currently no access points within the current Penick Village Development to the adjacent Shibui parcels.
- Views from Adjacent Properties: Concerns related to views from adjacent properties along Delaware Avenue were discussed. Neighbors asked the development team about how the existing 'look' along Delaware Avenue would be impacted and what they would be viewing in the future. It was explained that the current plan is conceptual in nature and that at the time of PDP and site plan approval, town standards for building setbacks, building heights, and landscaping, including street trees, buffers, screening, and parking lot landscaping, would be followed as required for approval.
- Stormwater Management: Questions regarding the location of stormwater management devices, as depicted on the conceptual development plan, and the placement of outfalls were also addressed. The development team explained that these locations are conceptual in nature and that at this time, the size, location, and treatment (wet/dry) are yet to be determined. It was explained that the design of such devices would be determined at the time of site plan approval and would need to comply with local and state standards and regulations, as well as be reviewed and approved by the town engineer.
- What properties are subject to the CDP area? – Using the aerial map and adjoining property owner map, it was explained that the Penick Village area designated in the CDP would expand the area of the property to include the existing Shibui Gardens apartments. The 15 additional parcels zoned RM-1 in Shibui Gardens would be incorporated into the Penick Village CDP.
- What will happen to the house located at 540 East Delaware Avenue that Penick Village owns? - It was explained that this property is not included in the CDP application and PD

zoning and that the property would remain zoned RS-1, and there were no plans to include this property within the Penick Village campus. It was further explained that if any additional properties were to be incorporated into the Penick Village campus in the future, the same approval process would be required to do so.



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Paul Saathoff

These notes reflect the author's interpretation of the events during the referenced meeting. Any additions or modifications required should be submitted to the author in writing.

Photos of the Neighborhood meeting setup:







# RLUAC

Fort Bragg Regional Land Use Advisory Commission

## **SOUTHERN PINES COURTESY REVIEW**

**Project:** PD-02-25 (Penick Village)

**Location:** South side of Ridge St. between E. Maine Ave. and E. Delaware Ave.

**PIN#:** 858100680081 et. al.

July 10, 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 designated as Important to Protect in the Fort Bragg Compatible Use Rating system due to its location within a designated High Quality Waters drainage area (Mill Creek HQW Management Area).

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 encourages the Town of Southern Pines and the owner / developer to take such measures as are feasible to limit the impact of stormwater runoff from the future development of the site on McDeeds Creek (a tributary of Mill Creek) and the Mill Creek High Quality Waters Management Area. Maintaining the integrity of important environmental assets contributes to the overall compatibility of our region with Fort

Bragg's environmental protection mission, which goes hand-in-hand with its military training and operational missions. Beyond the potential environmental impact of the proposed development, the nature of the use proposed for the site does not present any compatibility concerns with regard to military training or operations.

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

# DR. J.H. CARTER III & ASSOCIATES, INC.

Environmental Consultants  
P.O. Box 891 • Southern Pines, N.C. 28388  
(910) 695-1043 • Fax (910) 695-3317

**16 June 2025**

Mr. Bob Koontz  
140 Applecross Road  
Pinehurst, NC 28374

Dear Mr. Koontz:

On 6 June 2025, a biologist from Dr. J. H. Carter III & Associates, Inc. (JCA) conducted a red-cockaded woodpecker (*Dryobates borealis*=*Picoides borealis*) (RCW) survey of the previously developed Shibui apartment complex located on the east side of East Delaware Ave in Southern Pines, Moore County, North Carolina (NC). The apartment site contains 14 parcels with a 7.80-acre foot print including abandoned apartment buildings, paved roads and areas of landscaped grass and small wooded areas as illustrated on the attached figure.

The wooded areas had a sparse to moderately dense overstory of longleaf (*Pinus palustris*) and loblolly (*P. taeda*) pines and southern red oak (*Quercus falcata*), a moderately dense midstory of red cedar (*Juniperus virginiana*), tree of heaven (*Ailanthus altissima*), flowering dogwood (*Bethamedia florida*) and southern red oak and a sparse ground cover of broomsedge (*Andropogon virginicus*).

No RCW cavity trees were found on the property. The apartment complex is within the one-half mile radius foraging partition for abandoned SOPI Cluster 20. The nearest known RCW cavity tree (#16217) contains an inactive start and is located approximately 265 feet (ft.) southeast of the parcel in SOPI 20.

The RCW Recovery Plan (United States Fish and Wildlife Service (USFWS) 2003) defines a cluster as the aggregation of cavity trees used and defended by a group of RCWs plus a 200-ft. buffer of contiguous forest. The Recovery Plan also outlines the minimum acreage, distribution and stocking levels of foraging habitat required to conserve a family group of RCWs. Foraging habitat is defined as stands of pine or pine-hardwood more than 30 years old, located within one-half mile of, and contiguous to, an active or managed RCW cluster. Landowners within RCW habitat have a responsibility to minimize the removal of RCW

foraging habitat (pine trees  $\geq 10$  inches in diameter at breast height (dbh)) and must notify the USFWS Raleigh Area Field Office prior to such removals.

Property development within a cluster and associated foraging habitat is potentially harmful to RCWs, may violate the Endangered Species Act and must be authorized by the USFWS. Removing pine trees within the cluster contributes to habitat fragmentation making RCWs more vulnerable to predation and more susceptible to having other species take over their cavities.

Based on the results of this survey there are no RCW-related restrictions on re-developing this site. Please note that the USFWS is recommending minimizing the removal of pine trees  $\geq 8$  inches in dbh to the extent practicable.

*The USFWS will require additional information prior to issuing a response/concurrence to this letter.* To obtain that concurrence submit this letter along with the attached cover page (completed) and a site plan to the USFWS Raleigh Area Field Office in North Carolina. The letter and associated materials can be sent to [Raleigh@fws.gov](mailto:Raleigh@fws.gov). A copy of this letter along with a letter from the USFWS may be required when you request a building permit from your local Planning and Zoning office.

The RCW survey results are valid for a period of **one year** from the date of this letter. If a RCW constructs a cavity in a pine tree on the aforementioned lot within the one-year time frame, this letter **does not** allow disturbance (within 50 ft.) or removal of the cavity tree. You **must** get additional approval from the USFWS for removal or disturbance of a RCW cavity tree.

Please feel free to call if you have any questions or comments.

Sincerely,  
  
William Mullin  
Wetland & Wildlife Biologist

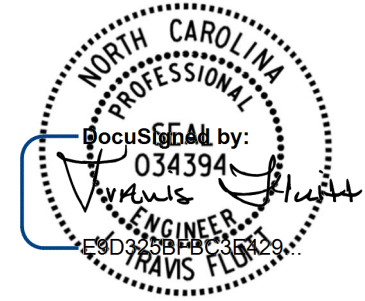


Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Red-cockaded Woodpecker Cavity Map

June 16, 2025

James Michel, P.E.  
Town of Southern Pines  
500 E Rhode Island Ave  
Southern Pines, NC 28387



6/16/2025

**RE: Penick Village, Southern Pines, NC - Traffic Design Analysis**

Kimley-Horn has prepared this traffic design analysis (TDA) for the proposed redevelopment and expansion of Penick Village located on the south side of N Ridge St in Southern Pines, NC. Penick Village is currently a 268-unit senior adult community with a variety of unit types including: independent living garden cottages, duplexes, and apartments as well as assisted living, memory care, and skilled nursing units. The development is currently accessed via three gated driveways on N Ridge Street across from E Maine Avenue, E Rhode Island Avenue, and New Jersey Avenue.

The development is proposing to take over the existing 42 apartment units on S Shibui Avenue and will redevelop portions of the existing site to add 164 units for a total of 474 units. The development is proposed to be accessed via the three existing connections to N Ridge Street and the extension of Fraser Lane out to E Delaware Avenue in the approximate location of S Shibui Avenue.

## Trip Generation and Assignment

Traffic for this project was generated using data from the 11<sup>th</sup> Edition of the ITE *Trip Generation Manual*. Based on the existing mix of unit types, trips for the existing and proposed Penick Village development were generated as continuing care retirement community (ITE land use code 255). The definition of the continuing care retirement community land use from the *Trip Generation Manual* is attached. The 42 existing apartments were generated as low-rise multifamily housing (ITE LUC 220). The estimated trip generation of the existing land uses is summarized in [Table 1](#) below.

Table 1 ITE Trip Generation (Vehicles) – Existing Land Uses							
Land Use	Size	Daily		AM Peak Hour		PM Peak Hour	
		In	Out	In	Out	In	Out
(LUC 220) Low-Rise Multifamily Housing	42 units	173	173	9	27	25	14
(LUC 255) Continuing Care Retirement Community	268 units	402	402	36	20	35	55
<b>Total Existing Trips</b>		<b>575</b>	<b>575</b>	<b>45</b>	<b>47</b>	<b>60</b>	<b>69</b>

[Table 1](#) shows that the existing land uses generate approximately 1,150 daily trips, 92 AM peak hour trips, and 129 PM peak hour trips. The trip generation potential of the proposed development is summarized in [Table 2](#).

Table 2 ITE Trip Generation (Vehicles) – Proposed Development							
Land Use	Size	Daily		AM Peak Hour		PM Peak Hour	
		In	Out	In	Out	In	Out
(LUC 255) Continuing Care Retirement Community	474 units	636	636	54	29	46	71
<i>Existing Land Uses</i>		575	575	45	47	60	69
<b>Difference (Proposed vs. Existing)</b>		<b>61</b>	<b>61</b>	<b>9</b>	<b>-18</b>	<b>-14</b>	<b>2</b>

Table 2 shows that the proposed development is expected to generate 1,272 daily trips, 83 AM peak hour trips, and 117 PM peak hour trips. This represents an estimated increase of approximately 122 new daily trips but a net reduction of 9 AM peak hour trips and 12 PM peak hour trips. In reality it may be unrealistic to expect a reduction in overall site trips with this redevelopment; however, the conclusion to be drawn from this analysis is that the project is not anticipated to result in a significant change in traffic volumes in this part of Southern Pines.

It is anticipated that the majority of site traffic currently uses and will continue to use the existing driveways on N Ridge Street to get to/from downtown Southern Pines or continuing to Morganton Road to access the commercial developments west of US 1. It is not anticipated that a significant portion of the traffic will utilize the connection to E Delaware Ave as aside from more direct access to US 1 there are not many destinations to the east and northeast.

### Street Network

N Ridge Street and E Delaware Avenue are two-lane undivided roadways consistent with the street grid network in this section of Southern Pines. There is curb and gutter along the existing site frontage of N Ridge Street, but there are sections of N Ridge Street in the vicinity of the site with ditch sections. There is curb and gutter on the east side of E Delaware Avenue but none on the west side of the street including the frontage of the existing apartment site. There are no reported daily traffic volumes on either N Ridge Street or E Delaware Avenue adjacent to the site, but volumes are expected to be low given the limited amount of development along both roadways.

There are no proposed changes to the adjacent street network with the proposed redevelopment. Based on the very low volume of projected site traffic and the nature of the existing roadways, no capacity issues are expected due to the proposed redevelopment.

### Site Access and Circulation

Penick Village is currently served by three gated driveways on N Ridge St: the western driveway serves the site via connection through Penick Woods Lane and Fraser Lane, the middle driveway with corresponding guardhouse serves as the main access to the site, and the eastern driveway connects down to the southeast of the site via Van Dusen Way. While there will be some realignment of the street network internal to the site, no changes are proposed to these driveways as part of this redevelopment. With the proposed plan, a fourth driveway will be constructed via the extension of Fraser Lane out to E

Delaware Avenue to replace S Shibui Avenue. This access will provide cross connection between the eastern and western portions of the site across. The E New Jersey Avenue connection will be realigned to the east to connect the Shibui Avenue portion of the site with the rest of the development. Internal circulation patterns are not expected to interfere with traffic flow on N Ridge St or E Delaware Ave.

There are no existing bicycle, pedestrian, or transit facilities on any of the adjacent roadways. However, there is currently pedestrian connectivity and walking trails within the site for resident use, and further development of internal pedestrian connectivity will be included with this redevelopment.

## Safety

While sight distance does not appear to be an issue at any of the existing driveways, there may be some concern at the intersection of E Delaware Avenue/Youngs Road at N Ridge Street. The intersection of eastbound N Ridge Street and northbound E Delaware Avenue is slightly offset from the main intersection. While both approaches have stop control where they intersect, there is no stop sign at E Delaware Avenue/Youngs Road, which could pose a safety hazard. It is recommended that consideration be given to adding a stop bar and stop sign closer to the edge of the curve on E Delaware Avenue/Youngs Road or moving the existing stop sign on eastbound N Ridge Street to this location so that vehicles coming from either eastbound N Ridge Street or northbound E Delaware Avenue stop before entering the intersection.

## Conclusions

Based on this review and the low projected trip volume, site traffic is not expected to have a significant impact on the existing transportation network. It is advised to consider placing a stop bar and stop sign at the merge point of the eastbound approach of N Ridge Street at E Delaware Avenue/Youngs Road. No other improvements to the existing street network or transportation infrastructure are recommended with this proposed redevelopment.

Please let me know if you have any questions or require any further information.

Sincerely,  
KIMLEY-HORN AND ASSOCIATES, INC.



Travis Fluitt, P.E.  
Project Manager

**Land Use: 255**  
**Continuing Care Retirement Community**

A continuing care retirement community (CCRC) is a land use that provides multiple elements of senior adult living. A CCRC enables a resident to transition in place from independent living to increased care as the medical needs of the resident change. Housing options may include various combinations of senior adult housing (both single-family and multifamily), congregate care, assisted living, and nursing home. The community may also contain special services such as medical, dining, recreational, communal transportation, and some limited, supporting retail facilities. A CCRC is usually a self-contained village. Senior adult housing—single-family (Land Use 251), senior adult housing—multifamily (Land Use 252), congregate care facility (Land Use 253), assisted living (Land Use 254), and nursing home (Land Use 620) are related uses.

**Table 1**

**ITE Trip Generation (Vehicles) - Existing Land Uses**

Land Use	Intensity	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
<u>220</u> Multifamily Housing (Low-Rise)	42 d.u.	346	173	173	36	9	27	39	25	14
<u>255</u> Continuing Care Retirement Community	268 units	804	402	402	56	36	20	90	35	55
<b>Total Existing Trips</b>		<b>1,150</b>	<b>575</b>	<b>575</b>	<b>92</b>	<b>45</b>	<b>47</b>	<b>129</b>	<b>60</b>	<b>69</b>

**Table 2**

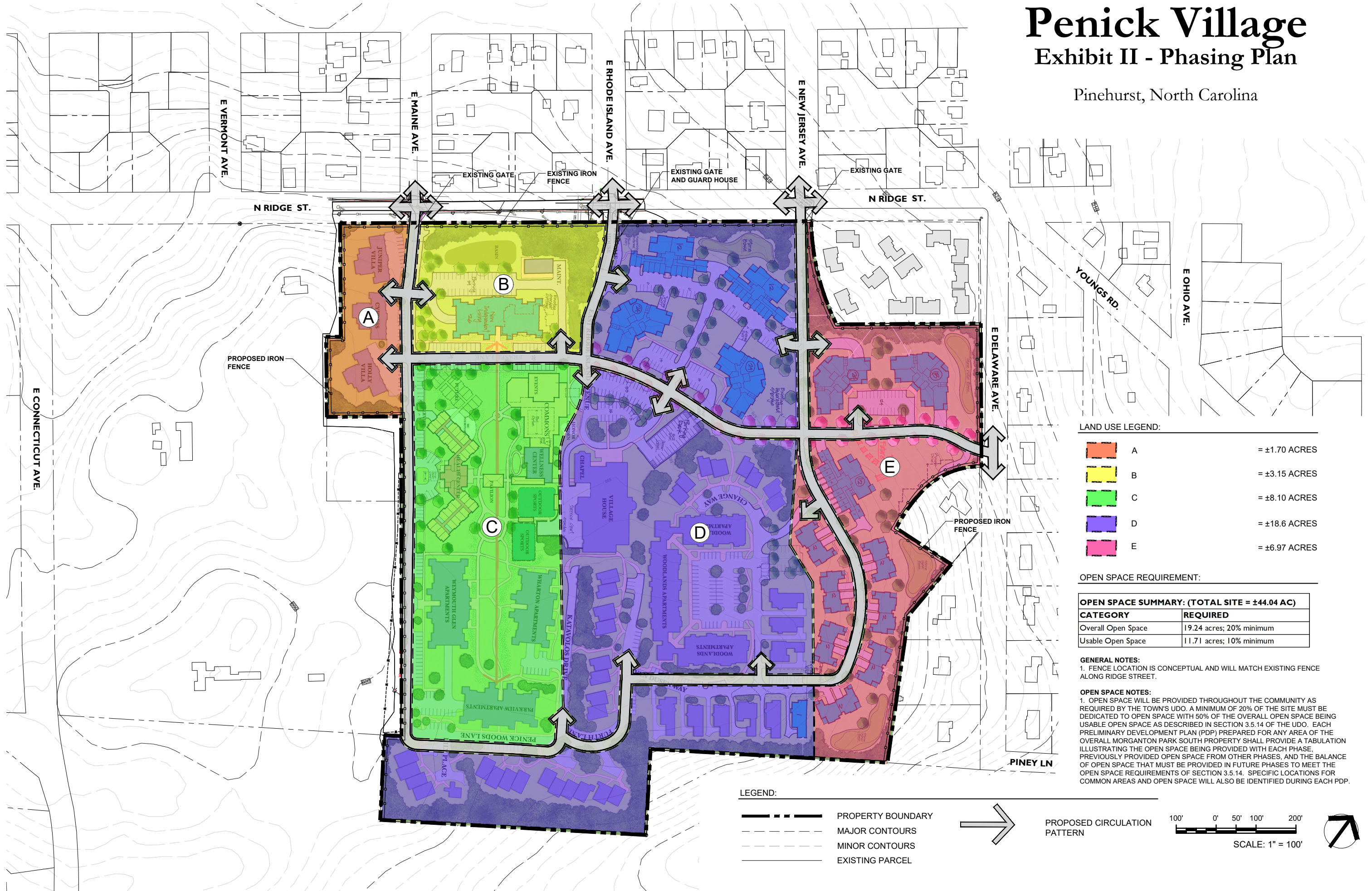
**ITE Trip Generation (Vehicles) - Proposed Development**

Land Use	Intensity	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
255 Continuing Care Retirement Community	474 units	1,272	636	636	83	54	29	117	46	71
<i>Existing Land Uses</i>		<b>1,150</b>	<b>575</b>	<b>575</b>	<b>92</b>	<b>45</b>	<b>47</b>	<b>129</b>	<b>60</b>	<b>69</b>
<b>Difference (Proposed vs. Existing)</b>		<b>122</b>	<b>61</b>	<b>61</b>	<b>-9</b>	<b>9</b>	<b>-18</b>	<b>-12</b>	<b>-14</b>	<b>2</b>

# Penick Village

## Exhibit II - Phasing Plan

Pinehurst, North Carolina



**LAND USE LEGEND:**

<span style="color: orange;">■</span>	A	= ±1.70 ACRES
<span style="color: yellow;">■</span>	B	= ±3.15 ACRES
<span style="color: green;">■</span>	C	= ±8.10 ACRES
<span style="color: blue;">■</span>	D	= ±18.6 ACRES
<span style="color: pink;">■</span>	E	= ±6.97 ACRES

**OPEN SPACE REQUIREMENT:**

OPEN SPACE SUMMARY: (TOTAL SITE = ±44.04 AC)	
CATEGORY	REQUIRED
Overall Open Space	19.24 acres; 20% minimum
Usable Open Space	11.71 acres; 10% minimum

**GENERAL NOTES:**  
 1. FENCE LOCATION IS CONCEPTUAL AND WILL MATCH EXISTING FENCE ALONG RIDGE STREET.

**OPEN SPACE NOTES:**  
 1. OPEN SPACE WILL BE PROVIDED THROUGHOUT THE COMMUNITY AS REQUIRED BY THE TOWN'S UDO. A MINIMUM OF 20% OF THE SITE MUST BE DEDICATED TO OPEN SPACE WITH 50% OF THE OVERALL OPEN SPACE BEING USABLE OPEN SPACE AS DESCRIBED IN SECTION 3.5.14 OF THE UDO. EACH PRELIMINARY DEVELOPMENT PLAN (PDP) PREPARED FOR ANY AREA OF THE OVERALL MORGANTON PARK SOUTH PROPERTY SHALL PROVIDE A TABULATION ILLUSTRATING THE OPEN SPACE BEING PROVIDED WITH EACH PHASE, PREVIOUSLY PROVIDED OPEN SPACE FROM OTHER PHASES, AND THE BALANCE OF OPEN SPACE THAT MUST BE PROVIDED IN FUTURE PHASES TO MEET THE OPEN SPACE REQUIREMENTS OF SECTION 3.5.14. SPECIFIC LOCATIONS FOR COMMON AREAS AND OPEN SPACE WILL ALSO BE IDENTIFIED DURING EACH PDP.

**LEGEND:**

- PROPERTY BOUNDARY
- MAJOR CONTOURS
- MINOR CONTOURS
- EXISTING PARCEL

PROPOSED CIRCULATION PATTERN

SCALE: 1" = 100'

September 5, 2025

Mason Cole Mattox  
 Planner II  
 The Town of Southern Pines  
 801 SE Service Road  
 Southern Pines, NC 28387

RE: Penick Village  
 Council Comments

Dear Mr. Mattox,

During the Town Council Public hearing on August 12, 2025, for the Penick Village Conceptual Development Plan (CDP), the Town Council asked that several questions be addressed based on the public comments during the hearing. On August 13, 2025, you provided me with an email containing a list of the questions posed by the town Council. Below are our responses to those questions, along with our recommendations on items to include in a revised CDP narrative. The questions from your email are followed by a response shown in blue.

- Clarity on height – 70ft/number of stories
  - We propose that the height be reduced to 55’ and measured to the eave as described in the current CDP application. Additionally, no building will have more than four stories of occupied units. After the meeting, it was determined that the current buildings within the development have an eave that is slightly over 53’ in height. In addition, a building setback of 40’ for buildings in excess of 35’ would be added to the properties that adjoin Delaware Avenue and lots not owned by Penick Village or JA Greer that back up to the property. The previously agreed upon 30’ building setback would still apply for all buildings at or below 35’ in height. An exhibit showing this additional setback for taller buildings is attached.
- Green [open] space exemption / buffering / setbacks
  - If 40’ width [for open spaces] is required, what would the percentage be?
    - The percentage of open space proposed without these smaller spaces would be XXX%, still above the required 20% open space requirement. It is the intent to maintain a smaller standard, and the applicant would propose spaces of 20’ that contain landscape elements or features, including benches, seating areas, gathering spaces, trails, sidewalks, or landscaping, which may be counted toward open space requirements.
  - (If the reduction were not granted for 10’ wide areas to be counted as open space, what is the approximate open space calculation of the CDP?)
    - The 20% will still be accommodated.

- Architectural process – reduce brick (Requesting more information on building materials)
  - We have included photographs and elevations of the existing buildings along with the previously approved Architectural Compliance Permit, which granted the changes we have requested. All new or renovated buildings would remain in the same character as the existing buildings on the property.
- Housing Diversity Not 100% sure what this means.
  - The project will have varied diversity between independent living cottages, duplexes, and condominiums, assisted living condominiums, and skilled nursing rooms. All of these units will be part of the continuing care community, allowing residents to age in place.
- [Town] Engineer to address stormwater
  - Site issues related to the current stormwater continue to be addressed. Engineering studies on the existing facilities have been conducted, and necessary repairs have been made. All work has been coordinated with the Town Engineer and deemed satisfactory. Stormwater will continue to be addressed in accordance with all applicable state and Town of Southern Pines regulatory requirements. Any future development will adhere to state and local regulations and be approved through the appropriate governing body.
- Sedimentation plan, underground storm water?
  - Sedimentation issues related to the current stormwater continue to be addressed. Engineering studies on the existing facilities have been conducted, and necessary repairs have been made. All work has been coordinated with the Town Engineer and deemed satisfactory. Stormwater will continue to be addressed in accordance with all applicable state and Town of Southern Pines regulatory requirements. Any future development will adhere to state and local regulations and be approved through the appropriate governing body.
- Emergency vehicle access
  - We have spoken with the Fire Marshal. It is the Town’s requirement that all gates for the development have a siren-activated gate. The gates will remain for the safety and comfort of the residents. Penick Village is actively investigating an option to allow emergency management vehicles to enter the gates with a single click of their radio, in lieu of using the YELP feature. However, regardless of the radio feature being added, the Fire Marshal will require that the YELP feature be retained.
- p.106 number of people increasing by 72% with acreage increasing by 25%
  - Yes, that is correct. Based on the current zoning of the existing properties, densities could increase significantly. The RM-1 zoning for the current Shibui Gardens properties would permit more than double the number of residential units currently on the property. Additionally, there are no density limits within the FRR district. The proposed total increase could occur on the existing Penick Village FRR-zoned properties. There is ample land on the existing campus to accommodate this growth without the addition of the Shibui Gardens property, and the FRR zoning would permit this level of development. With this application,

- the applicant agrees to limit future density to that prescribed in the CDP for both the FRR (current property) and RM-1 (Shibui Gardens) zoned properties.
- (I believe this refers to the fact that Penick will be nearly doubling in capacity once fully built-out, even though only 25% more land is being added. It may be worth addressing more explicitly that this density would be spread across the entire campus, and not only concentrated in Shibui Gardens, and how the new PD site can accommodate for the quantity of people.
    - See response above.
  - Construction traffic and phasing
    - Construction traffic will continue to access all gates during construction. Regardless of where the access is, someone will be impacted by the construction traffic during the project's future development. Current public streets along Delaware Avenue are equipped to handle construction traffic in both surfacing and roadway width. As a result of the discussion regarding workers' parking along Ridge Road, Penick has been able to work with the contractor to relocate the construction parking off Ridge Road. They would pledge to make a good-faith effort to duplicate this process on any future projects for Ridge Road and Delaware Avenue.

Please review the responses and let me know if you have any questions related to the responses.

Sincerely,  
V3 Southeast, P.C.



Robert Koontz, PLA  
Pinehurst Area Leader



# Planning Staff Report

**To:** Reagan Parsons, Town Manager

**From:** Mason Mattox, Planner II

**Date:** November 06, 2025

**Item:** **RD-02-25: South Carlisle Street Right-of-Way Dedication;** Request to dedicate 3.03-acres of Right-of-Way to the Town of Southern Pines

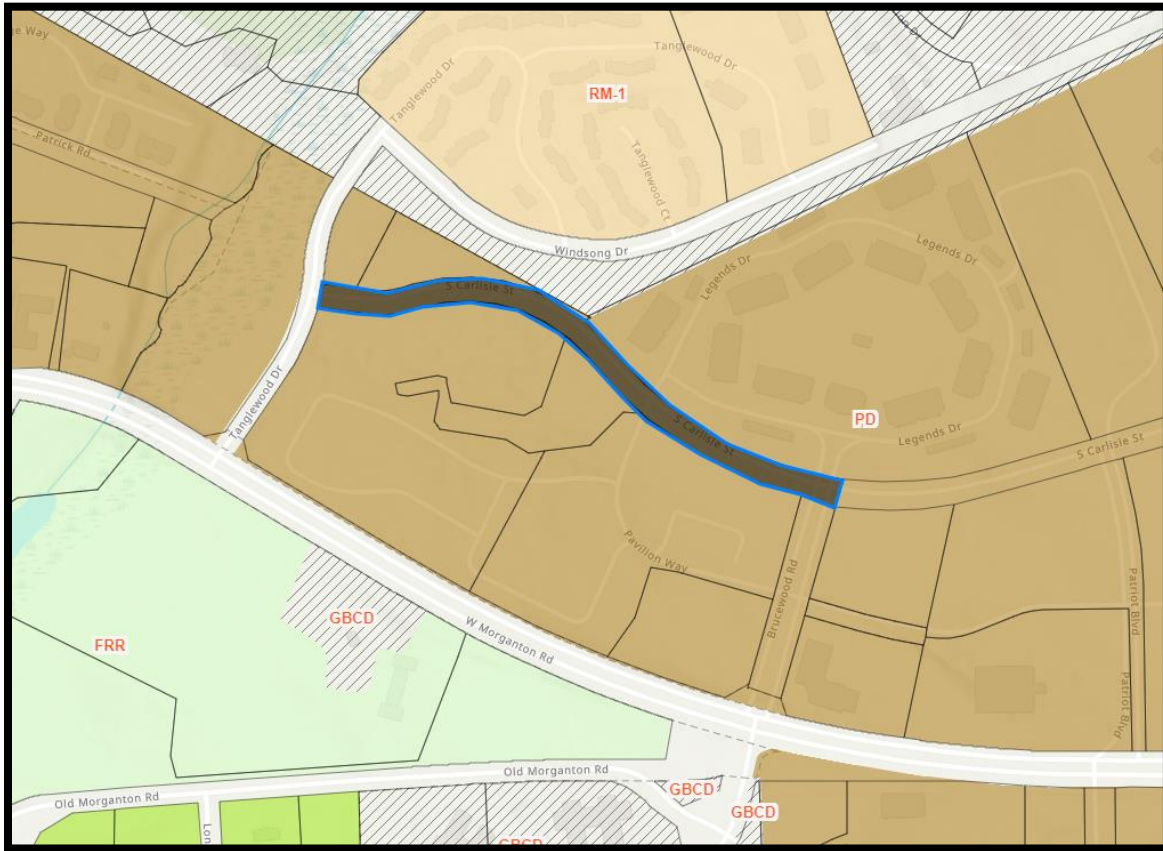
## I. EXECUTIVE SUMMARY

Legal property owner RHIC – Morganton Park North, LLC, has submitted a Petition for Acceptance (Attachment 1) for a portion of South Carlisle Street, approximately 3.03-acres, to the Town of Southern Pines. Pursuant to §100.21 of the Code of Ordinances of the Town of Southern Pines, in order for a street in the Town of Southern Pines to be offered for dedication to the public, the street must be shown on a plat and submitted to the Town for approval.

The Town Engineer and Planning Director have inspected and approved construction of all applicable portions of the South Carlisle Street extension, including street surfaces, curbs, sidewalks, and landscaping.

A plat entitled “Minor Subdivision for DHIC – Morganton Park North, LLC, Lot 3 – 18.15 Acres, Lot 3A – 0.78 Acres, Lot 3B – 5.26 Acres, and Right-of-Way for South Carlisle Street” showing the area of South Carlisle Street to be dedicated, is attached to this report (Attachment 2). Staff have also prepared a resolution for accepting the offer of dedication for the Town Council’s consideration (Attachment 3).

**Figure 1: Zoning Map with Approx. Portion of South Carlisle Street (in blue)**



**Figure 2: Aerial Photo of Air Tool Drive (Taken May 30, 2025)**



## II. ATTACHMENTS

1. Petition for Acceptance
2. Minor Subdivision Plan
3. Draft Resolution Accepting Offer of Dedication

## III. TOWN COUNCIL ACTION

In accordance with GS §160D-806, the Town Council must approve by Resolution any offer of dedication that is within its subdivision-regulation jurisdiction. The Town Council shall vote on whether the offer of dedication complies with Town Code of Ordinances §100.20-100.27. The Town Council may choose one of the following motions or any alternative they wish.

**I move to:**

1. **Approve the Resolution Accepting Offer of Dedication RD-02-25 for the acceptance of a portion of South Carlisle Street;**
2. Deny the Resolution Accepting Offer of Dedication RD-02-25 for a portion of South Carlisle Street; or
3. take some other action.

**DHIC – Morganton Park North, LLC**  
a Delaware limited liability company

**Morganton Park North Master Association,  
Inc.**, a North Carolina nonprofit corporation

“Petitioners”

**PETITION FOR ACCEPTANCE OF  
S CARLISLE ST EXTENSION INTO  
THE TOWN OF SOUTHERN PINES’  
STREET MAINTENANCE  
PROGRAM**

THE TOWN OF SOUTHERN PINES  
a North Carolina municipal corporation

The “Town”

**DHIC – Morganton Park North, LLC**, a Delaware limited liability company (“DHIC”) has constructed S Carlisle St Extension (the “Extension”) over land that is either: (i) owned in fee title by **Morganton Park North Master Association, Inc.**, a North Carolina nonprofit corporation (“Association” and, collectively with DHIC, the “Petitioners”), or (ii) subject to easement agreements in favor of Petitioners giving Petitioners the right to construct the Extension and dedicate such Extension to the Town. All of the parties that own fee title to the land comprising the newly constructed Extension have executed that certain Minor Subdivision for **DHIC – Morganton Park North, LLC** recorded **April 23, 2025**, in Plat Cabinet/Book **20**, Slide/Page **748** of the Moore County Register of Deeds which is attached hereto as Exhibit A (the “Plat”). DHIC has constructed the Extension in connection with a new residential development adjacent to the Extension. Petitioners have recorded the Plat showing the location of the Extension as a public right of way to connect Tanglewood Dr to Brucewood Rd. Pursuant to the Town of Southern Pines Unified Development Ordinance (UDO) Section 4.11.14(A) the recording of a plat with streets or rights of way listed as public shall constitute an offer of dedication of such streets or rights of way. In furtherance thereof, Petitioners herewith confirm the offer of dedication of the Extension pursuant to the Plat which is attached hereto as Exhibit A. Petitioners herewith petition the Town to accept the dedication of the Extension.

In support of the petition and pursuant to Section 100.20-27 of the Town's Code of Ordinances, Petitioners represent to the Town the following:

1. That Petitioners own or have easements on the portions of land over which the Extension exists, and the completed Extension is, pursuant to the Plat and herewith, being offered for dedication to the Town, and as such, Petitioners have the legal right to offer this Petition;
2. That the Extension as shown on the Plat has been constructed by DHIC to the Town's construction standards and the Town's Public Works Department has confirmed same; and
3. That there are no liens of any nature against any of the rights of way or streets comprising the Extension, except for those that will be paid off and released as part of the dedication and acceptance of the Extension.


WHEREFORE, Petitioners respectfully request the Town to (1) accept the Extension within the public right of way as shown on the Plat and (2) upon such acceptance, to thereafter maintain the streets comprising the Extension.

This the 6th day of November, 2025.

**PETITIONERS:**

**DHIC – MORGANTON PARK NORTH, LLC,**  
a Delaware limited liability company

By: DHI Communities II, LLC,  
a Delaware limited liability company,  
Its: Sole member

By: 

Name: Charles F. Persons

Title: Vice President

**MORGANTON PARK NORTH MASTER ASSOCIATION, INC.,**  
a North Carolina nonprofit corporation

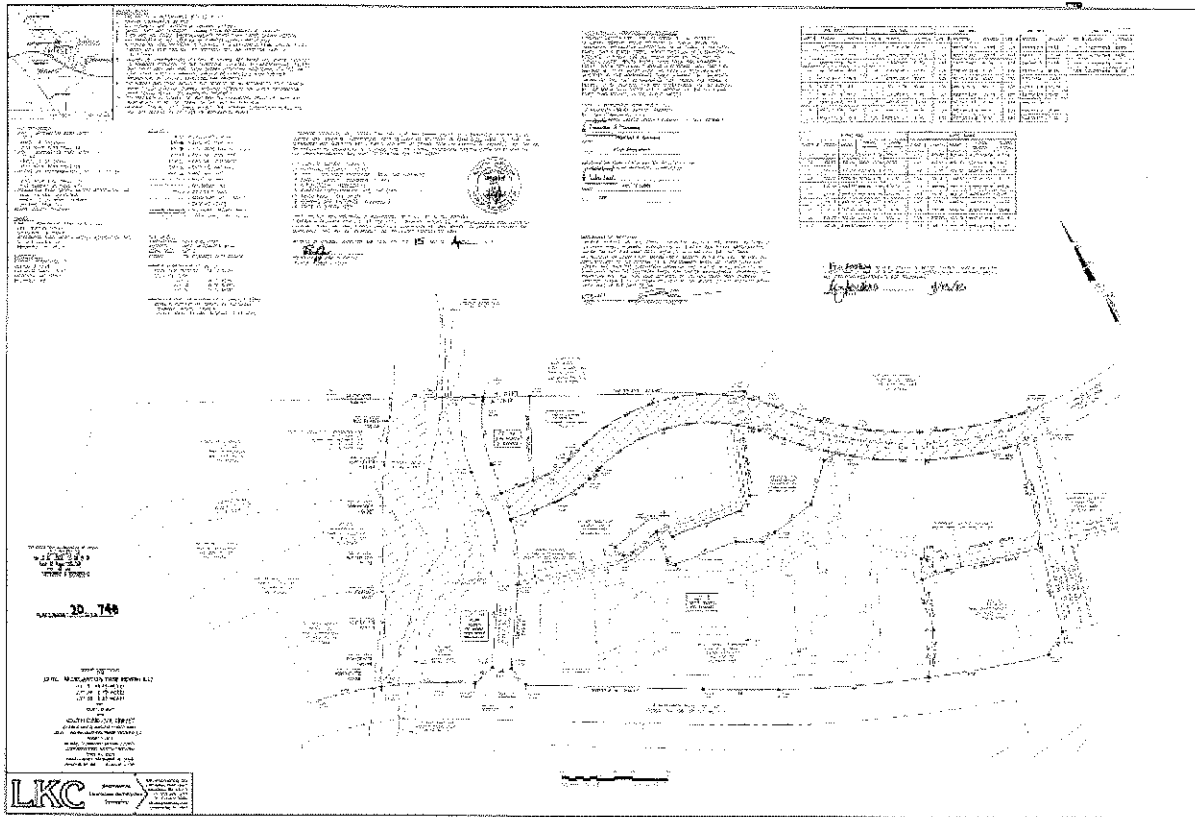
By: 

Name: Laurie Templeton

Title: CFO

# EXHIBIT A

## The Plat





**A RESOLUTION BY THE TOWN OF SOUTHERN PINES TOWN COUNCIL  
OFFICIALLY ACCEPTING OFFER OF DEDICATION TO THE PUBLIC FOR A  
PORTION OF SOUTH CARLISLE STREET  
RD-02-25**

**WHEREAS**, the Town of Southern Pines has subdivision regulation jurisdiction over the land on which this segment of South Carlisle Street is located, specifically the portion between Tanglewood Drive and Brucewood Drive, which is now proposed for acceptance into the Town’s maintained street system; and

**WHEREAS**, the remaining sections of Carlisle Street, beyond Brucewood Drive, have already been accepted into the Town’s maintained street system; and

**WHEREAS**, pursuant to §100.21 of the Code of Ordinances of the Town of Southern Pines, North Carolina, a plat entitled “Minor Subdivision for DHIC – Morganton Park North, LLC, Lot 3 – 18.15 Acres, Lot 3A – 0.78 Acres, Lot 3B – 5.26 Acres, and Right-of-Way for South Carlisle Street” and recorded in Plat Cabinet 20, Page 748 depicts the Right-of-Way of a newly constructed portion of South Carlisle Street (Exhibit A); and

**WHEREAS**, the aforementioned plat depicts the accurate location of street boundary lines, ownership of adjacent properties and adjacent and intersecting streets; and

**WHEREAS**, DHIC – Morganton Park North LLC, has constructed road infrastructure improvements to the described newly constructed portion of South Carlisle Street to provide access to Lots 3, and 3A as shown on the aforementioned plat as well as to connect to Tanglewood Drive; and

**WHEREAS**, North Carolina General Statutes §160A-296 and §160D-806 allows any city—as defined in North Carolina General Statutes §160A-1—council to accept by resolution any offer of dedication made to the public of lands for streets when the lands are located within its subdivision-regulation jurisdiction; and

**WHEREAS**, the construction of all required portions of South Carlisle Street, including street surfaces, curbs, sidewalks, street lights and landscaping, is complete pursuant to Town Code of Ordinances §100.20-100.27 and the Town Engineer and Planning Director have inspected and approved construction.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Southern Pines that the Town of Southern Pines hereby accepts for ownership, operation and maintenance the South Carlisle Street right of way as depicted on Plat Cabinet 20, Page 748 as shown on Exhibit A attached hereto.

Adopted this 6<sup>th</sup> day of November 2025.

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Taylor Clement, Mayor

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Elizabeth Robertson, Town Clerk

