

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

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

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

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

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

PRELIMINARY FORUM:

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

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

Chair Walden opened the preliminary forum.

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

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

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

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

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

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

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

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

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

Chair Walden closed the preliminary forum.

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

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PUBLIC HEARING:

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

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

Chair Walden opened the public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Member Garner asked if that included the roof.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Bornhorst responded they would be apartments.

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

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

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

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

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

Chair Walden closed the public hearing.

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

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

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PUBLIC HEARING:

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

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

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

Chair Walden opened the public hearing.

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

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

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

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

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

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

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

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

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

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

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

Mr. Fairley responded 1,050 SF per unit.

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

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

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

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

Chair Walden closed the public hearing.

Kim Wade made a motion, seconded by Monica Brickey that after reviewing the proposed map amendments to the Town of Southern Pines Zoning Map and after considering the criteria for approval of map amendments found in UDO §2.17.9, the proposed amendments are consistent with the 2040 Comprehensive Plan for the reasons set forth in Attachment 1 of staff report Z-04-25.

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

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PUBLIC HEARING:

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

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

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

Chair Walden opened the public hearing.

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

Chair Walden closed the public hearing.

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

UNFINISHED BUSINESS:

No unfinished business was discussed.

NEW BUSINESS:

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

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

The meeting adjourned at 8:40 PM.

Respectfully submitted:

Cindy Williams  
Secretary to the Planning Board

An audio recording of the meeting is available upon request.