

MINUTES
Planning Board Regular Meeting
E.S. Douglass Community Center, 1185 W. Pennsylvania Avenue
Thursday, August 21, 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, Andrew Speck and Jason Scribner were present.

Jason Scribner made a motion, which was seconded by Andrew Speck, to approve the Minutes of the July 2025 regular meeting. The motion carried.

PUBLIC HEARINGS:

OA-03-25: Proposed UDO Text Amendments

The Town of Southern Pines Planning Department is proposing to amend UDO §2.18.3 related to the process for amending existing Planned Development (PD) - Conceptual Development Plans (CDP) to no longer require the signature of every landowner within the PD unless the proposed amendment constitutes a down-zoning under North Carolina law. The proposed amendment will require that all landowners be notified of a Neighborhood Meeting prior to submittal of the proposed amendment.

The second proposed amendment is to UDO Exhibit 3-1 to reflect a 30' Minimum Rear Setback in the Rural Estate (RE) zoning district. Exhibit 3-1 mistakenly lists 15' for the Minimum Rear Setback.

The third amendment is to UDO §8.11 to clarify that a landowner and/or applicant is welcome to attend meetings of the Technical Review Committee (TRC) because these meetings are open to the public.

Chair Walden opened the public hearing.

Planning Director BJ Grieve explained the three proposed text amendments. He stated that Planning staff did not have a recommendation regarding the amendment regarding the CDP process as it is more of a policy change.

Joel Carner, 465 E. Delaware Avenue, expressed support for the CDP text amendment and to opening TRC meetings to the public.

James Hindmarsh, 215 Carmine Road, expressed support for the text amendments.

Chair Walden closed the public hearing.

Jason Scribner made a motion, seconded by Jennifer Garner, 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-03-25 and therefore, to recommend approval of OA-03-25 to the Town Council. The motion carried by a vote of 5-0.

Z-05-25: Request to Rezone One Parcel on Clark Street from RM-2 (Residential Multi-Family) to RM-1CD (Residential Multi-Family Conditional Zoning District)

Trevor Hanson of V3 Southeast P.C., authorized agent for Legacy Home Construction, Inc., submitted a request to rezone a ± 1.48 -acre parcel from RM-2 to RM-1CD to allow for the development of 16 townhome units. Pursuant to the Moore County tax record, the subject parcel is identified as PIN 858219617079 (PARID 00032727) and owned by Legacy Home Construction, Inc.

MAPP-04-25: Major Subdivision Preliminary Plat for 16 Single-Family Townhomes

Trevor Hanson of V3 Southeast P.C., authorized agent for Legacy Home Construction, Inc., submitted a Major Subdivision Preliminary Plat application to subdivide a ± 1.48 acres currently zoned RM-2 into 16 townhome lots. Pursuant to the Moore County tax record, the subject parcel is identified as PIN 858219617079 (PARID 00032727) and owned by Legacy Home Construction, Inc.

Chair Walden opened the public hearing and the preliminary forum.

Planner James Broadwell stated that the density had doubled from the previous plan but many more trees are being retained and the applicant has committed to architecture that is more consistent with Southern Pines. Overall, the project is more consistent with the Comprehensive Plan in that it calls for preserving a large number of trees and locating high-density development in close proximity to downtown, especially on a redevelopment site. In addition, the townhomes will be conveyed separately, which will provide missing middle housing.

The lots to the north and south will have slightly different setbacks due to the design of the units and units 5 - 11 will have attached garages. The applicant has submitted two site plan options for units 1-4 and 12-16 – one with surface parking only and the other with detached garages instead of surface parking – and staff had no issues with either plan. There will be a 20' landscape buffer along the eastern property boundary. One of the proposed conditions is that surface parking and detached garages may encroach up to 15' into the buffer. Stormwater management will be designed using a combination of rain gardens, depressions, bioswales, underground cisterns and/or retention ponds. The property is located in a High-Quality Watershed but was granted a Watershed Protection Permit with approval of the previous Major Subdivision Preliminary Plat (file #MAPP-02-24).

There are existing trees throughout the site, especially along the perimeter and there is a condition that any trees that do not interfere with the driveway, building footprints or utilities shall be preserved.

Mr. Broadwell stated that the applicant had no issues with the proposed conditions and staff recommended approval of the project.

Devin McFarland of V3, representing the applicant, stated that if they had stuck with the previously approved site plan, they would have had to either increase the cost or reduce the quality of the housing, so with this new updated site plan, they're able to provide more attainable missing middle for the community, and reduce the environmental impact, preserving a lot more trees with this new redesigned site.

Mr. McFarland provided the list of the proposed conditions set forth in the application.

Mr. Broadwell distributed letters received from neighboring property owners to the Board.

Johnny Sanderson, 125 Midlothian Drive, stated that the project was not consistent with the neighborhood and expressed concerns regarding traffic safety and the condition of Clark Street in that area.

Barry Stroud, 250 Artillery Road, stated that he does not think the project is consistent with the surrounding RS-1 properties. He is definitely apposed due to significant stormwater runoff, maintenance of the existing culverts, the change to the character of their quiet neighborhood, and the connection from Clark to Midlothian will increase traffic and potentially speeding vehicles. He is opposed to the deviations from the setbacks. Eliminate the road from Clark Street to Midlothian Drive. He inquired about the purpose of the road from Clark Street to Midlothian Drive.

Trevor Hansen of V3, responded that the cut through was for emergency access. The applicant wants to provide a missing middle housing option. Current zoning allows townhomes.

We did explore another option to just lock the lot it out with single family homes, but then in that sort of scenario, we would have had driveways that would have connected out to Midlothian.

You know, the current zoning does allow for town homes, so we still think it's consistent with the overall comprehensive plan, and we just think that this was a balance of saving trees on site and providing missing middle housing options, which is what the comprehensive plan calls

Mr. Stroud commented that missing middle housing is intended to be affordable housing.

Town Attorney McCarley stated that price point is not a legitimate consideration for land use.

Luke Leineweber, 301 Midlothian Drive, stated that there was no advantage to having a cut through from Clark Street to Midlothian Drive and a reduction in the setbacks will set a terrible precedent.

Nettie Calfee, 207 Midlothian Drive, stated that it is going to be very unsafe due to the very steep hill on Midlothian Drive and will be a blind spot for residents pulling out of the development.

Keith Brennan, 240 Midlothian Drive, expressed concerns regarding traffic safety and stormwater issues.

Mark Kemple, 405 Midlothian Drive, stated that flooding and increased traffic were concerns.

Alison Kemple, 405 Midlothian Drive, stated that the confluence of water at the bottom of Midlothian Drive and Artillery Road from a normal rain. [photo to be entered into the record]

Joel Carner, 465 E. Delaware Avenue, stated that middle housing is consistent with the Comp Plan. He asked if the cut through road will be accessible to the public or will it be gated.

Trevor responded that it will most likely not be gated but it will be a private drive.

Mr. Carner asked if bicycles, pedestrians, etc. outside of the development will be available to members of the public.

Trevor responded that the common space will be for the residents of the development.

Mr. Carner asked if buried utilities could be a condition.

Planning Director BJ Grieve responded that the developer will be required to bury the utility lines.

Chair Walden closed the public hearing and the preliminary forum.

Trevor Hansen stated the requested setback reductions were in an effort to retain existing vegetation. There is a significant number of existing trees on the project site. There are not as many trees on the northern end of the site so they are encroaching closer to that boundary, but there is a significant amount of existing vegetation within the right of way of Midlothian Drive. Many of the setback reductions they requested relate more to the setbacks that are interior to the development.

Chair Walden reopened the public hearing.

Mr. Leineweber stated that the plan did not specify which trees will be retained.

Mr. Kemple asked if the fire access could be modified.

Mr. Broadwell responded that 150' is a fire code requirement.

Mr. Sanderson stated that a 40' setback is not consistent with the surrounding neighborhood.

Steve Dailey, 162 Boiling Springs Way, stated that if the new plan includes coming from Clark Street to Midlothian Drive, he urged the Board to consider the fact that the original plan may have been good and this plan was not.

Chair Walden closed the public hearing.

Board discussion ensued.

Chair Walden reopened the public hearing.

Jennifer Bray, 220 Artillery Road, stated that several new houses have been built on Clark Street that have not sold. Three new townhomes at the end of Clark Street and Yadkin Road are still for sale. Whether there are 8 or 16 townhomes that still does not address the issue of flooding that is always occurring due to runoff from the new builds on Clark Street.

Chair Walden closed the public hearing.

Kim Wade made a motion, seconded by Jason Scribner, that after reviewing the proposed Conditional Zoning District and after considering the criteria for approval of zoning map amendments found in UDO §2.17.9 and/or the 2040 Comprehensive Plan, the requested zoning is not a reasonable request for the following reasons:

- a. safety;
- b. traffic;
- c. stormwater;
- d. access to Midlothian Drive;
- e. increased density; and
- f. density is not in character and consistent with the neighborhood

and therefore, to recommend denial of Z-05-25 to the Town Council. The motion carried by a vote of 5-0.

Mr. Broadwell stated that the proposed Major Subdivision Preliminary Plat was contingent upon approval of the rezoning and therefore, the Preliminary Forum would not be held as the proposed subdivision was not compliant with the current zoning.

MAPP-03-25: Major Subdivision Preliminary Plat for Seven (7) Single-Family Residential Lots

Colin Webster of The Ascot Corporation, authorized agent, submitted a Major Subdivision Preliminary Plat application to subdivide 4.46 acres currently zoned RS-2 into seven (7) single-family residential lots ranging in size from 22,774 to 29,447 square feet. Pursuant to the Moore County tax record, the subject parcel is identified as PIN 858000651316 (PARID 00055181) and is owned by The Waugh Group LLC and J. Edward Rhodes.

Chair Walden opened the preliminary forum.

Planner James Broadwell distributed a letter received from a concerned neighbor regarding stormwater to the Board and provided an overview of the application. He stated that the plan was to subdivide the parcel into seven (7) lots with the exception of the northern portion, which will be recombined with a neighboring parcel. Town water is available to the site and individual septic systems would be installed.

Mr. Broadwell said the Comprehensive Plan calls for preserving natural character and minimizing tree loss wherever possible. The 30' front setback is a public facing space so it is a reasonable public benefit to retain those trees and recommended a condition to Council that all of those trees, minus those that need to be removed for driveways and utilities, be retained. This does correspond with what the applicant has on the plat, which is the 20' limited cut buffer, but because the setback is 30' and we have had similar projects staff finds it reasonable and proportional to retain the trees in the entire setback area. The applicant has not yet explicitly agreed to that condition.

The second proposed condition is regarding the red-cockaded woodpecker. Staff received a letter from RLUAC in response to a request for agency comments stating that the site is well within a couple of known clusters and highly recommended a habitat study.

Mr. Broadwell stated that overall, staff recommended approval of the application as it will be generally consistent with the criteria for a Major Subdivision if the two conditions are addressed.

Member Scribner asked Mr. Broadwell asked with regard to preserving trees, how close the property line is to the edge of the pavement given the significant drainage area.

Mr. Broadwell estimated the property line to be 10 to 15 feet from the pavement.

Eric Givens of The Ascot Corporation and Grosvenor Land Development stated that a portion of the parcel on the north side of the property is supposed to be conveyed to Lot 242. He stated that they are going to obtain a red-cockaded woodpecker study and they are waiting for the soils report regarding the septic. They are willing to accommodate the 30' setback as long as they have room between the 30' setback and the front of the homes to install the septic and if the

Town considers septic to be a utility, that should not be an issue. Mr. Givens said they will be glad to keep as many trees as possible along the property.

Member Garner asked for more information regarding the drywells.

James Hindmarsh responded that he did not have the engineering plans and Mr. Givens said they would be located on the high side of the lot.

Derek Markey, 445 E. Hedgelawn Way, raised concerns regarding drainage and the proximity of septic systems to the property lines.

Adria Simpson, 1812 E. Indiana Avenue, expressed concerns regarding speeding vehicles and recommended speed bumps.

Member Scribner asked the applicant if they would be keeping more trees than the existing lots have.

Mr. Hindmarsh responded yes.

Chair Walden closed the preliminary forum.

Member Garner asked if anyone knew why this 4+ acre parcel was never developed.

Ed Rhodes stated that he was involved with Sandhurst South for the past 47 years. It was developed in sections and the developer subdivided as lots were sold.

Member Scribner asked Mr. Broadwell if a traffic study had been performed.

Mr. Broadwell responded the Engineering staff or NCDOT did not have concerns.

Jason Scribner made a motion, seconded by Jennifer Garner to adopt the following for transmission to the Town Council as a result of the August 21, 2025 preliminary forum on application MAPP-03-25:

The information presented at the forum indicated that the following issue may be considered in applying the criteria for a Major Subdivision Preliminary Plat to application MAPP-03-25:

1. There is a concern regarding traffic on Indiana Avenue and the danger of adding so many driveway access points and also the speed at which people drive along that portion of Indiana Avenue.

The motion carried by a vote of 5-0.

UNFINISHED BUSINESS:

Town Attorney Mac MacCarley presented a draft of the Planning Board Rules of Procedure, explaining its purpose and content.

A brief discussion ensued.

Andrew Speck made a motion, seconded by Jason Scribner, to adopt the Rules of Procedure. The motion carried by a vote of 5-0.

NEW BUSINESS:

Mr. Grieve stated that a Planned Development – Preliminary Development Plan was on the September 2025 meeting agenda.

Andrew Speck made a motion, which was seconded by Jason Scribner, 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.