



AGENDA

Planning Board

Thursday, July 23, 2026: 6:00 PM

Douglass Community Center: 1185 W. Pennsylvania Ave

CALL TO ORDER

APPROVAL OF MINUTES

- 1. June 18, 2026 Regular Meeting**

PUBLIC HEARING

- 1. Z-03-26 Request to Rezone 2.85 Acres on Old US Hwy 1 from General Business (GB) to General Business Conditional District (GB-CD) to Allow the Development of a Three-Story, Mixed Use Building**

UNFINISHED BUSINESS

NEW BUSINESS

ADJOURNMENT

Planning Staff Report

To: Planning Board

From: Gene Ruiz, Planner II

Date: July 23, 2026

Item: Application #Z-03-26 Conditional Zoning District for 1039 Old US Hwy I from GB to NB-CD.

I. EXECUTIVE SUMMARY

Rhetson Capital, LLC has submitted a request to rezone five contiguous parcels (Parcel IDs: 20050325, 00056305, 00056306, 00055811, and 20030332) from General Business (GB) to Neighborhood Business Conditional Zoning District (NB-CD) to facilitate the redevelopment of an underutilized commercial property within the Pinedene corridor. The proposed redevelopment consists of a three-story mixed-use building featuring ground-floor retail and commercial space with a maximum of ten (10) upper-story multifamily residential dwelling units.

The property was previously approved through the Town's Technical Review Committee (TRC) for a by-right mixed-use development under the existing General Business (GB) zoning that included Tourist Home accommodations. Since acquiring the property, Rhetson Capital, LLC has revised the development program by replacing the previously approved by-right Tourist Home component with long-term multifamily residential units. Because multifamily residential dwellings are not permitted within the General Business (GB) District, the applicant is requesting rezoning to the Neighborhood Business Conditional Zoning District (NB-CD), which permits upper-story residential uses while maintaining neighborhood-oriented commercial activity.

Through the proposed Conditional Zoning District, the applicant has voluntarily limited the development to a specific mixed-use project and has established site-specific conditions governing permitted land uses, building design, parking, landscaping, open space, architectural standards, and pedestrian-oriented development. The conditions further restrict the first floor to commercial uses only, preserve the commercial character of the corridor, and ensure compatibility with surrounding General Business properties while advancing the Town's vision for high-quality mixed-use redevelopment.

Staff finds that the proposed Conditional Zoning District is consistent with the Southern Pines 2040 Comprehensive Plan, including the property's designation as an Area to Transform on the General Framework Map, a Mixed-Use Area on the Conservation and Development Map, and a Complete Community within the Character District Map. The proposal supports the Comprehensive Plan by encouraging reinvestment within the Pinedene corridor, promoting a more walkable mixed-use environment, expanding long-term housing opportunities, and strengthening the economic vitality of an established commercial corridor.

Based on the findings of fact and approval criteria contained in UDO §2.18, together with the proposed site-specific conditions, Staff finds that the requested rezoning is reasonable, consistent with the Comprehensive Plan, and in the public interest. Staff recommends approval of the requested Neighborhood Business Conditional Zoning District (NB-CD) and the associated conditions of approval.

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II. PROJECT INFORMATION

A. Physical Address

(Parcel IDs: 20050325, 00056305, 00056306, 00055811, and 20030332)

B. Property Owner and Applicant

Rhetson Capital, LLC
2075 Juniper Lake Road
West End, NC 27376

C. Authorized Agent:

Skyler George
Rhetson Capital, LLC
2075 Juniper Lake Road
West End, NC 27376

D. Existing Zoning

The subject property is currently zoned GB (General Business).

Character District Applicable:

- Pinedene (Design Guide for the Southern Pines Complete Community)

Figure 1. Drone Aerial



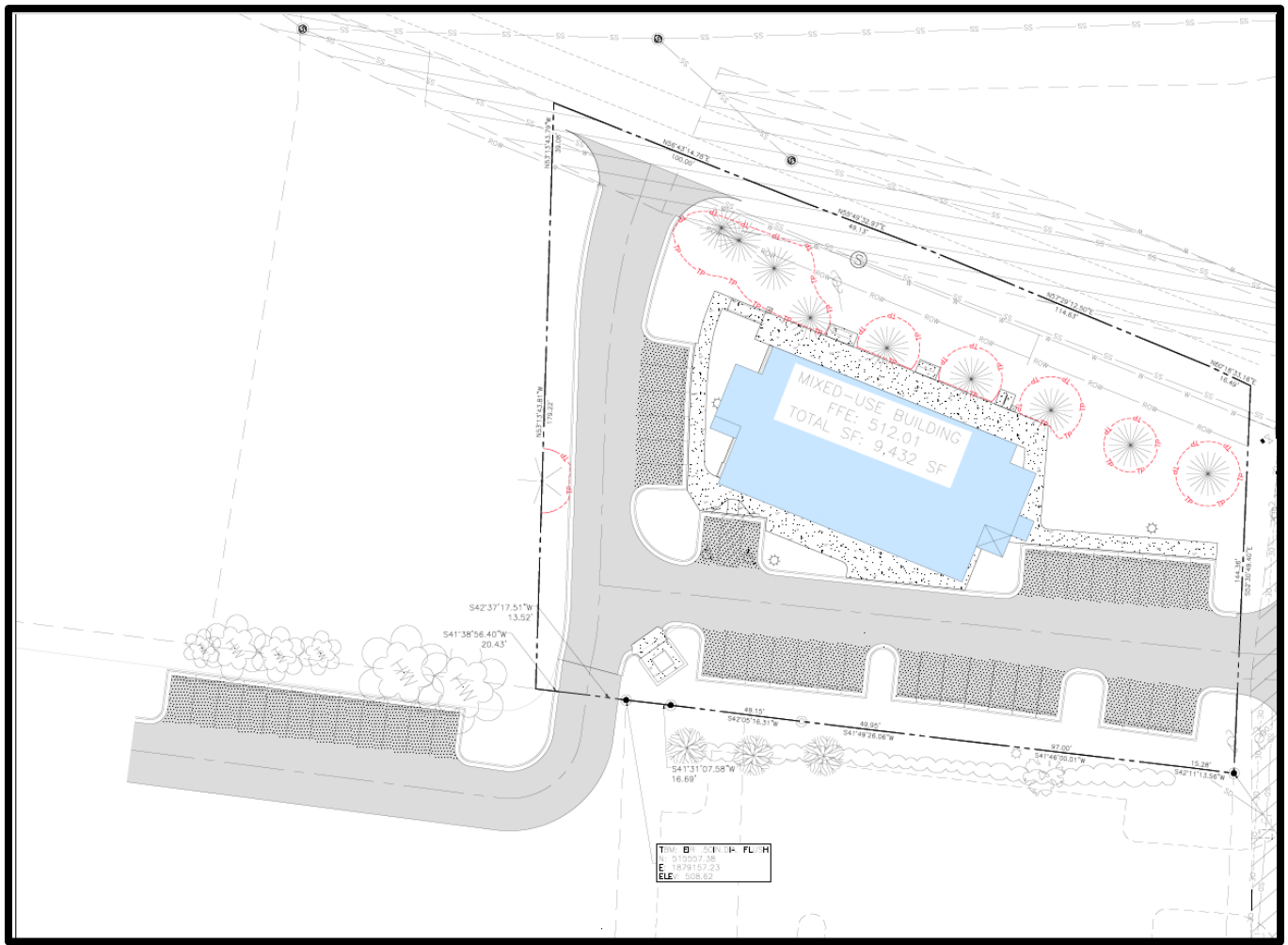
Figure 2. Aerial Vicinity Map (Subject Property Outlined in Yellow).



Figure 3. Zoning Vicinity Map (Subject Property Outlined in Yellow).



Figure 4. Proposed Development – Site Plan



E. Proposed Conditions with Staff Recommendations

The applicant's originally proposed conditions are included in Attachment 4 (Narrative dated July 10, 2026). Following staff review and consideration of comments received from the Technical Review Committee (TRC), reviewing agencies, and planning staff, the applicant voluntarily revised the proposed conditions. With the applicant's concurrence, staff reformatted and clarified the proposed conditions to improve consistency with the Town's conditional zoning format and to provide greater clarity for administration and enforcement without altering the applicant's intended development proposal.

The revised conditions presented below constitute the applicant's voluntary proposed conditions and reflect revisions made by the applicant in response to comments received during the review process. At the time of publication of this staff report, Condition No. 6 remains subject to further refinement. Based on comments and recommendations received during the July 14, 2026, TRC meeting, the applicant is evaluating revisions to the conceptual site plan, including the removal of the twelve (12) parking spaces located on the south side of the site and the potential reconfiguration of the front parking area to accommodate up to four (4) additional parking spaces, resulting in a total of thirty-eight (38) front parking spaces. Due to the timing of the TRC recommendations and the staff report deadline, there has not been sufficient time to complete the necessary engineering and site plan revisions for inclusion in this report. Staff anticipates that these refinements will be completed prior to the Town Council public hearing, and any revised conditions or supporting plans will be incorporated into the final staff report, as appropriate.

The revised conditions presented herein are also incorporated into the Planning Board Resolution to Adopt a Written Recommendation for Zoning Map Amendment Application for a Conditional Zoning District (Z-03-26). Should the applicant voluntarily revise any of the proposed conditions prior to the Planning Board meeting, the resolution will be updated accordingly to ensure consistency with the conditions under consideration by the Planning Board.

Condition 1. Land Uses.

Land uses within the development shall be limited to those permitted in the Neighborhood Business (NB) District in accordance with Exhibit 3-15 of the Unified Development Ordinance (UDO). To preserve the traditional mixed-use character of downtown Southern Pines, the first floor of the building shall be limited exclusively to permitted retail and commercial uses authorized within the NB District. Residential dwelling units shall not be permitted on the first floor under any circumstances. Multifamily residential uses, where permitted, shall be limited to the upper floors of the building.

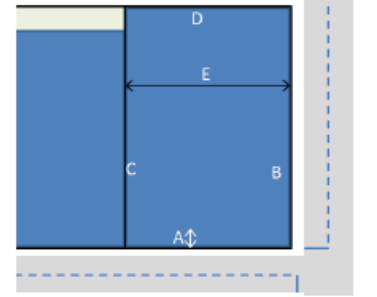
Condition 2. Residential Units

The development shall be limited to a maximum of ten (10) residential dwelling units. All residential dwelling units shall be located on the second and third floors of the building. No residential dwelling units shall be permitted on the first floor or in excess of the maximum number of units authorized by this Conditional Zoning District.

Condition 3. Development Standards.

Development of the property shall generally comply with the dimensional and design standards of the General Business (GB) District, as set forth in UDO Exhibit 3-9, to maintain compatibility with the surrounding commercially zoned properties, except as otherwise modified by this Conditional Zoning District. The maximum building height shall not exceed forty-five (45) feet. Minimum front, side (interior and exterior), and rear setbacks, as well as minimum lot width and minimum lot size, shall be consistent with the General Business (GB) District and shall have no minimum requirement.

Exhibit 3-9: Summary of GB Development Standards

Design Element	Principal Structure Standards	Section Cross-Reference	Setback Illustration
Maximum Height	45'	4.2.1	
Minimum Front Setback from Right-of-Way (dimension A)	No minimum	4.2.2	
Minimum Side Setback, Exterior from Right-of-Way (dimension B)	No minimum	4.2.2	
Minimum Side Setback, Interior (dimension C)	No minimum	4.2.2	
Minimum Rear Setback (dimension D)	No minimum	4.2.2	
Minimum Lot Width (dimension E)	No minimum	4.2.3	
Minimum Lot Size	No minimum	4.2.3	
Minimum Lot Area per Dwelling Unit	3,600 sq.ft.	4.2.3	

Condition 4. Glazing.

The street-facing façade of the first floor shall incorporate a minimum of thirty percent (30%) transparent glazing to promote an active, pedestrian-oriented streetscape consistent with the character of the surrounding commercial corridor and the vision of the Pinedene Character District. The street-facing façades of the upper floors shall each incorporate a minimum of fifteen percent (15%) transparent glazing.

Condition 5. Building Design.

The exterior architecture, building materials, and site design shall comply with the applicable building design standards of UDO Section 4.10.4 and shall be designed to be compatible in scale, massing, and character with the surrounding commercial area while supporting the vision and design objectives of the applicable Character District as set forth in the Town of Southern Pines 2040 Comprehensive Plan and the Pinedene Design Guide. The development shall comply with all applicable Architectural Compliance Permit requirements and obtain Architectural Compliance approval in accordance with UDO Section 2.26 prior to the issuance of any building permits. Building sides facing public streets shall incorporate parapets, mansard or false mansard roofs, or pitched shingled or standing-seam metal roofs with a minimum roof pitch of 6:12. In addition, the development shall be designed to support the vision and design objectives of the Pinedene Character District by incorporating high-quality architectural materials, pedestrian-oriented building design, and streetscape elements that reinforce the character envisioned in the Southern Pines 2040 Comprehensive Plan and the Pinedene Design Guide.

Condition 6. Parking.

Off-street parking shall be provided in accordance with UDO §4.5 (Off-Street Parking and Loading) and Exhibit 4-6 (Minimum Off-Street Parking Requirements), except as modified through this Conditional Zoning approval pursuant to UDO §4.5.2 (Applicability). Parking shall be designed to function as a shared parking facility serving both the residential and commercial components of the mixed-use development.

Prior to Town Council consideration, the applicant shall submit a Site Plan identifying the final parking layout. The revised plan shall reflect the recommendations of the Technical Review Committee (TRC), including coordination of parking with fire apparatus access, stormwater management, utility placement, tree preservation, landscaping, sidewalks, and other required site improvements, while minimizing unnecessary impervious surface.

Although the development will operate under a shared parking arrangement, the property owner shall designate and maintain a sufficient number of parking spaces reserved exclusively for the residents of the multifamily dwelling units to ensure adequate residential parking is available. The location and number of these reserved spaces shall be identified on the final site plan or through a parking management plan approved as part of the development review process. The remaining parking spaces may be shared between the residential and commercial uses. The owner shall be responsible for administering, maintaining, and enforcing the parking management plan.

Condition 7. Landscaping.

Open space and landscaping shall be provided in accordance with UDO Sections 4.3 and 4.9 and shall be installed substantially consistent with the approved site plan. Existing mature trees located along the street frontage and elsewhere on the site shall be preserved to the greatest extent practicable and incorporated into the required open space network whenever feasible. Tree Protection Areas and Undisturbed Buffers shall remain in their natural or undisturbed state, except as otherwise permitted by the UDO, and shall be protected prior to any land disturbance. Removal of existing trees shall be limited to those necessary to accommodate approved site improvements, utilities, or public infrastructure, or where trees are determined by the Town Arborist to be unhealthy, hazardous, or invasive. Where preservation-type open space is insufficient to satisfy the required open space, the remaining obligation may be met through Usable Open Space and/or Planted Buffers in accordance with UDO Section 4.9.

Condition 8. Lighting

That all exterior lighting shall be designed to prevent light trespass onto adjacent properties and rights-of-way and shall comply with the regulations and standards set forth in UDO section 4.8.

II. STAFF REVIEW

Application Review Dates

1. Pre-Application with the Technical Review Committee: **May 10, 2026**
2. Additional Internal Technical Review Committee Review: **July 13, 2026**
3. Application Submitted: **June 8, 2026**
4. Application Deemed Complete: **June 15, 2026**

June 26, 2026 Planning Board Public Hearing Notice

- Publication: **March 04 & March 11, 2026**
- Mail: **July 7, 2026**
- Signage: **June 26, 2026**
- Internet: **June 25, 2026**

I. Process and Criteria for Review

When reviewing an application for rezoning, the hearing bodies (Planning Board and Town Council) shall consider the criteria as set forth in UDO §2.17.9. Furthermore, additional standards are expected of a Conditional Zoning District—a reclassification of property subject to specific conditions that ensure compatibility of the use with the use and enjoyment of neighboring properties—such as the one being proposed by the applicant. Conditional zoning is voluntary. Additionally, UDO §2.17.11(G) notes that “in approving a petition for the reclassification of property to a Conditional Zoning district, the petitioner, Planning Board and the Council may propose specific conditions to approval of the petition, but only those conditions approved by the Council and consented to by the petitioner in writing may be incorporated into the Conditional Zoning district.”

2. Consistency with UDO §2.17.9, Zoning Map Amendment Criteria.

Each criterion is listed below in **bold**, followed by underlined staff comments.

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

General Framework Map Designation: Area to Transform. Areas to Transform provide opportunities to re-imagine Southern Pines’ future, and introduce new, energized activity areas that provide key locations for new employment centers, shopping centers, entertainment areas, and upper story or adjacent residential units in appropriate locations. In the context of redevelopment, these areas require more deliberate planning and phasing to keep them viable over longer periods of change. However, once completed, redeveloped areas have the potential to serve as new and reinvigorated activity centers for the whole of Southern Pines. Staff finds that the proposed Conditional Zoning District is consistent with the Town of Southern Pines 2040 Comprehensive Plan. The subject property is designated as an "Area to Transform" on the General Framework Map, where redevelopment is encouraged to introduce new employment opportunities, commercial activity, and appropriately integrated residential uses. The proposed mixed-use development advances this vision by redeveloping an underutilized commercial site with ground-floor commercial space and upper-story residential units, creating a more active, more walkable, and economically vibrant corridor. Staff further finds that the proposed conditions of approval ensure the development will be compatible with the surrounding

commercial area while supporting the long-term redevelopment objectives envisioned by the Comprehensive Plan.

Conservation and Development Map Designation: Mixed-Use Area. This category describes land offering the opportunity to serve broader economic, entertainment, and housing needs in the community. Land uses and buildings on small blocks encourage active public spaces between buildings. Public spaces should be sized and designed to be gathering places for mixed-use areas and their surrounding neighborhoods. Residential units or office space may be found above or next to storefronts. Homes in and surrounding the center of development may offer several choices to live and experience the mixed-use area — including, but not limited to, “missing middle” home choices such as single dwelling homes on small lots, townhouses, duplexes, triplexes, or quadplexes — and accessory dwelling units.

A larger mixed-use area may include one or more mixed-density residential neighborhoods with it, which provide additional nearby home choices and encourage active living with a comprehensive and interconnected network of walkable streets.

Mixed-use areas should be the predominant land use type and development form in the different activity centers identified on the Conservation and Development Map. Specific size, program, or design requirements for the four activity center categories are provided on pages 40 through 43 of the document. In some cases, the mixed-use development form, pattern, and intensity described for this category may extend outward from a mixed-use area along one or more transportation corridors. A mixed-use corridor leading to a mixed-use area, or linking two or more areas depicted on the Conservation and Development Map together should be considered a desirable condition in the community. Staff finds that the proposed Conditional Zoning District is consistent with the Mixed-Use Area designation of the Southern Pines 2040 Comprehensive Plan's Conservation and Development Map. The proposal redevelops an underutilized commercial property with a mixed-use building consisting of ground-floor commercial space and upper-story residential units, supporting the Plan's vision for vibrant activity centers that integrate employment, commercial services, and housing. The development promotes a more pedestrian-oriented environment while reinforcing the long-term objective of creating interconnected, walkable mixed-use corridors and activity centers that serve the broader community.

Character District Map Designation: Complete Community.

Complete communities represent large, vacant parcels of land aimed at becoming self-sustaining communities in the landscape. Generally speaking, a complete community includes a mixed-use area that may serve broad economic, entertainment, employment, shopping, or civic needs of the community. A discernible center or corridor in the activity centers includes a main street, park, square, or plaza. Anchor businesses for the activity center front on the center or corridor. Secondary buildings also front on the center or corridor and are pulled close to the street with wide sidewalks in front. Small-scale, compact businesses radiate from the activity center or corridor and include public gathering places for the community in multiple locations.

One or more neighborhoods connected to the activity center include a mixture of home types and residential densities in the same area. The design and scale of complete

communities encourage active living via a complete and connected network of streets, sidewalks, parks, and greenways. The communities also include civic uses, including, but not limited to, schools, churches, fire stations, or community centers. Staff finds that the proposed Conditional Zoning District is consistent with the Complete Community Character District designation of the Southern Pines 2040 Comprehensive Plan. The proposed mixed-use development supports the Plan's vision by introducing ground-floor commercial uses with upper-story residential units, creating a more active and more walkable environment along the corridor. The redevelopment of this underutilized property advances the Complete Community concept by encouraging a compatible mix of commercial and residential uses, strengthening the activity corridor, and contributing to the long-term vision of a connected, vibrant, and pedestrian-oriented district.

- (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 produce 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.

Staff finds that the proposed Conditional Zoning District will not result in adverse impacts on neighboring lands. The subject property is surrounded primarily by General Business (GB) zoning and has historically functioned as part of an established commercial corridor. The site was previously approved for a by-right mixed-use development with Tourist Home accommodations as a permitted use under the existing GB zoning. The proposed rezoning replaces the approved Tourist Home component with a maximum of ten (10) long-term multifamily residential units above ground-floor commercial space, resulting in a comparable intensity of development while maintaining the site's commercial character. Furthermore, the proposed conditional zoning incorporates development standards and design controls that promote compatibility with adjacent properties. Staff finds that the introduction of a limited number of upper-story residential units within an otherwise commercial mixed-use development is consistent with the surrounding land use pattern and will not substantially or adversely affect neighboring properties.

- (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.

Staff finds that while the property is suitable for development under its existing General Business (GB) zoning, the proposed Neighborhood Business Conditional Zoning District (NB-CD) provides a more appropriate regulatory framework to accommodate the applicant's proposed mixed-use development. The primary purpose of the rezoning is to permit upper-story multifamily residential units, as multifamily dwellings are not permitted

by-right within the General Business (GB) District. Aside from the inclusion of multifamily residential use, the proposed land use mix remains substantially similar to the uses permitted within the GB District and retains the property's commercial function through ground-floor retail and commercial uses. The property was previously approved for a by-right mixed-use development with ground-floor commercial space and Tourist Home accommodations under the existing GB zoning. The proposed rezoning replaces the Tourist Home component with a maximum of ten (10) long-term residential dwelling units, resulting in a development that is more consistent with the Southern Pines 2040 Comprehensive Plan's vision for mixed-use redevelopment. The proposal supports the General Framework Map designation of Area to Transform, the Conservation and Development Map designation of Mixed-Use Area, and the Character District designation of Complete Community by encouraging an integrated mix of commercial and residential uses within an established commercial corridor. Furthermore, the proposed conditional zoning incorporates site-specific development standards and architectural design requirements that maintain compatibility with the surrounding General Business properties. Staff therefore finds that the proposed rezoning represents a more suitable use of the property than its current zoning by implementing the long-term goals of the Comprehensive Plan while preserving the character and function of the surrounding commercial area.

- (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.

Staff finds that the proposed Conditional Zoning District bears a substantial relationship to the public health, safety, and general welfare by advancing the long-term redevelopment goals of the Southern Pines 2040 Comprehensive Plan. The proposal redevelops an underutilized commercial property within the Pinedene corridor into a mixed-use development consisting of ground-floor commercial uses and a maximum of ten (10) upper-story residential dwelling units. The primary purpose of the rezoning is to permit multifamily residential use, which is not allowed within the existing General Business (GB) District. Aside from the addition of upper-story residential units, the proposed land use pattern remains substantially consistent with the commercial uses permitted in the GB District and maintains the property's function as part of the surrounding commercial corridor. The proposal replaces a previously approved by-right tourist home component with long-term residential housing, supporting a more stable residential presence while maintaining commercial activity at the street level. Through site-specific development standards, architectural design requirements, landscaping, open space preservation, and pedestrian-oriented building design, the Conditional Zoning District promotes orderly growth, enhances compatibility with surrounding development, and supports the Comprehensive Plan's vision for the Area to Transform, Mixed-Use Area, and Complete Community designations. Staff therefore finds that the proposed rezoning serves a legitimate public purpose by encouraging high-quality mixed-use redevelopment, expanding local housing opportunities, and reinforcing the long-term economic vitality and

walkability of the Pinedene corridor, while also providing a reasonable benefit to the property owner.

- (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.

Staff finds that the proposed Conditional Zoning District advances several important public policies embodied in the Southern Pines 2040 Comprehensive Plan. The proposal promotes mixed-use redevelopment by integrating ground-floor commercial uses with upper-story residential units within an established commercial corridor, consistent with the Plan's vision for the Pinedene area. The rezoning also supports economic development by facilitating the reinvestment and redevelopment of an underutilized property while maintaining commercial activity along the corridor. Although multifamily residential use is not permitted within the existing General Business (GB) District, the proposed Neighborhood Business Conditional Zoning District provides the appropriate regulatory framework to accommodate a limited number of long-term residential dwelling units above commercial space, thereby expanding local housing opportunities in a manner consistent with the Comprehensive Plan's Area to Transform, Mixed-Use Area, and Complete Community designations. Furthermore, the site-specific development conditions requiring enhanced architectural design, landscaping, open space preservation, and pedestrian-oriented building design ensure that the redevelopment contributes to the long-term vitality, walkability, and character of the Pinedene corridor. Accordingly, Staff finds that the proposed rezoning advances the Town's adopted public policies supporting economic development, mixed-use development, housing choice, and high-quality redevelopment.

- (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.

Staff finds that the size, shape, and characteristics of the subject property support the proposed Conditional Zoning District. The tract is located within an established commercial corridor surrounded primarily by General Business (GB) zoning and is identified by the Southern Pines 2040 Comprehensive Plan as an Area to Transform, Mixed-Use Area, and Complete Community. While the property is capable of development under its existing GB zoning, the proposed rezoning is necessary to permit upper-story multifamily residential units, which are not allowed within the GB District. The proposal retains the site's commercial function while introducing a limited residential component that is consistent with the Town's long-term vision for mixed-use redevelopment. Unlike the previously approved by-right mixed-use development under the existing GB zoning, the applicant revised the site plan to provide additional off-street parking to accommodate both the ground-floor commercial uses and the ten (10) long-

term residential dwelling units. However, comments from the Town's Technical Review Committee have resulted in the elimination of some additional parking that created access concerns for the Fire Marshall. Furthermore, the proposal includes designated commercial parking spaces to minimize potential conflicts between residential and commercial users. Staff finds that these modifications, together with the site's location, surrounding commercial context, and the adopted site-specific development conditions, constitute sufficient characteristics to justify the proposed rezoning and support a more appropriate and functional redevelopment of the property.

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

Staff is not aware of any additional factors under North Carolina law or the Town's Unified Development Ordinance that would weigh for or against the proposed Conditional Zoning District beyond those addressed in the preceding findings. Staff finds that the proposed rezoning has been thoroughly evaluated for consistency with the Southern Pines 2040 Comprehensive Plan, the applicable Character District guidance, and the Conditional Zoning review criteria established by the Unified Development Ordinance. The site-specific conditions of approval further ensure that the development will be compatible with the surrounding commercial area while advancing the Town's long-term planning objectives for the Pinedene corridor. Accordingly, Staff finds no other relevant factors that would preclude approval of the requested rezoning.

- (H) **Applicant Representations.** Except for rezoning requests submitted in accordance with the provisions herein for conditional zoning districts, the Hearing Body shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible ranges of uses permitted in the requested classification. Rather, the Hearing Body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.

Staff finds that this criterion supports the proposed rezoning because the request is for a Conditional Zoning District. Accordingly, the Hearing Body may consider the applicant's proposed conditions, conceptual development plan, and site plan as part of the legislative review. Through the proposed conditions of approval, the applicant has voluntarily limited the development to a specific mixed-use project consisting of ground-floor commercial uses and a maximum of ten (10) upper-story residential dwelling units. The applicant has further restricted the permitted land uses to those authorized within the Neighborhood Business (NB) District that are specifically identified in the conditional zoning application, rather than the full range of uses otherwise permitted in the NB District. Rhetson Capital, LLC has designed the proposal in consideration of the surrounding commercial area and the goals of the Southern Pines 2040 Comprehensive Plan, including the promotion of walkable mixed-use development, reinvestment within the Pinedene corridor, and the expansion of long-term housing opportunities. Staff finds that the proposed conditions provide a high degree of certainty regarding the future development of the property and

ensure that the rezoning remains compatible with adjacent properties while implementing the Town's adopted planning objectives.

3. Agency Comments

Planning staff distributed the rezoning application for review to the following Agencies and Departments on **May 10, 2026 and July 14, 2026:**

The Town of Southern Pines:

- Engineering and Public Works Department
- Utilities Department
- Fire Department
- Parks and Recreation Department

Outside Agencies:

- The Regional Land Use Advisory Commission (RLUAC)
- The United States Fish and Wildlife Services (USFWS)
- The Moore County Economic Development Partnership (MCEDP)
- The North Carolina Department of Transportation (NCDOT)

The proposed conditional rezoning was initially reviewed by the Town of Southern Pines Technical Review Committee (TRC) during the pre-application process on May 12, 2025. At that time, the TRC did not identify any issues or concerns that would preclude the requested rezoning. The application was subsequently reviewed by the TRC on July 14, 2026, following submission of the formal rezoning request. During this second review, the TRC identified several technical considerations for further refinement during the subsequent site plan review process. While these items did not warrant denial of the rezoning request, they were intended to improve the final site layout and ensure continued compliance with applicable development standards.

TRC discussion focused primarily on the conceptual site layout and the interaction between the proposed parking configuration, fire access, stormwater management, utility placement, and preservation of existing site features. Under the current parking requirements of UDO §4.5 (Off-Street Parking and Loading), the site plan includes additional parking intended solely to satisfy the Town's minimum parking standards. During the review, staff recognized that the combination of required parking, potential fire apparatus turnaround improvements, stormwater infrastructure, and utility placement could increase the overall impervious surface area and influence opportunities for tree preservation, landscaping, open space, sidewalks, and other required site improvements.

Given the nature of the proposed residential and commercial uses and different peak demand times, staff supports a shared parking approach. The applicant has indicated a preference to eliminate the 12 additional parking spaces at the south end of the site if a reduction can be approved as part of a Conditional Rezoning, thereby allowing for a more efficient site layout while maintaining adequate parking for the proposed mixed-use development. Staff and the applicant are continuing to refine the conceptual site plan and anticipate presenting an updated layout to the Town Council that reflects these recommendations.

Following preparation of the Planning Board staff report, the Southern Pines Fire Department requested additional clarification regarding the conceptual site layout. Specifically, Fire Department staff noted that the current site plan does not identify the proposed fire service line, Fire Department Connection (FDC), or the potential location of a hammerhead or similar turnaround for fire apparatus. Because the proposed development will be a fully sprinklered mixed-use building, the final location of these facilities may influence the overall site design, including tree preservation, landscaping, sidewalks, parking layout, and other site improvements. While the Fire Department did not identify any concerns with the proposed rezoning itself, staff will continue coordinating with the applicant and Fire Department to ensure these elements are appropriately incorporated during site plan review or, where feasible, reflected on the revised conceptual site plan prior to Town Council consideration.

Staff also received comments from Duke Energy, the Regional Land Use Advisory Commission (RLUAC), and the U.S. Fish and Wildlife Service (USFWS). None of these agencies identified concerns that would preclude approval of the requested rezoning.

As of the date of this report, comments have not been received from the Moore County Economic Development Partnership (MCEDP) or the North Carolina Department of Transportation (NCDOT). Any additional agency comments received prior to the Town Council public hearing will be incorporated into the final staff report and addressed as appropriate.

4. Staff Recommendation

Planning staff recommends that the Planning Board recommend approval of the request to rezone the subject property from General Business (GB) to Neighborhood Business Conditional District (NB-CD), subject to the voluntarily proposed conditions submitted by the applicant.

As part of this Conditional Zoning request, staff supports modifying the off-street parking requirements pursuant to UDO §4.5.2 (Applicability) by eliminating the twelve (12) parking spaces currently shown on the south side of the Conceptual Development Plan. Staff finds that the proposed parking supply is appropriate for the mixed-use development because the residential and commercial uses have complementary peak parking demands and will operate under a shared parking arrangement. In addition, the property owner will designate and manage an appropriate number of parking spaces reserved for residential tenants to ensure adequate parking remains available for the multifamily component while allowing the remaining spaces to be shared by commercial customers and visitors.

Staff further finds that reducing the parking requirement will eliminate unnecessary impervious surface and provide greater flexibility to accommodate fire apparatus access, stormwater management infrastructure, utility placement, tree preservation, landscaping, sidewalks, and other required site improvements identified during the Technical Review Committee (TRC) review. The proposed reduction supports the Town's goals of encouraging high-quality site design while maintaining adequate parking for the anticipated operational needs of the development.

Staff finds that the application, as conditioned, is consistent with the review criteria of UDO §2.17.9 and advances the goals and policies of the Southern Pines 2040 Comprehensive Plan by promoting infill redevelopment, expanding housing opportunities, encouraging mixed-use development, preserving existing site features where practicable, reducing unnecessary impervious surface, and supporting a more walkable commercial corridor. Based on the analysis contained in this report, staff recommends forwarding a favorable recommendation to the Town Council.

This recommendation is further supported by the applicant's commitment to revise the site plan prior to Town Council consideration to incorporate the final parking layout and other refinements identified through the Technical Review Committee process, resulting in a development that more effectively balances parking demand, public safety, environmental stewardship, and high-quality site design.

III. ATTACHMENTS

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

1. Application
2. Deed
3. Adjacent Properties
4. Narrative as of 7-10-26
5. Correspondence email confirmation of Conditions
6. Site layout

Additional documents related to this application including, but not limited to: the full Traffic Impact Analysis (TIA), 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 by public information request.

IV. PLANNING BOARD ACTION

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

To assist the Planning Board in performing this task, the following draft motions are provided.

* * *

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

1. **The proposed rezoning is reasonable, in the public interest, and consistent with the criteria set forth in the UDO. The application is also consistent with the 2040 Comprehensive Plan for reasons set forth in Attachment One to the staff report.**
 2. The proposed amendment to the Town of Southern Pines Zoning Map is reasonable, in the public interest, and generally consistent with the criteria set forth in the Town of Southern Pines Unified Development Ordinance §2.17.9. The application is also generally consistent with the 2040 Comprehensive Plan for reasons set forth in Attachment A to the staff report. However, the following inconsistencies within the proposed conditions and/or site plan are present and prevent the application from fully complying with the rezoning criteria under UDO §2.17.9 and/or the 2040 Comprehensive Plan:
 - a.
- OR-
3. The requested rezoning is inconsistent with the 2040 Comprehensive Plan and is not a reasonable request for the reasons set forth in the Planning Board resolution that is attached to the Planning department Staff Report:
 - a.

And, therefore, I move to:

1. **Recommend approval of Z-03-26 to the Town Council with the conditions as submitted by the applicant for the NB-CD Conditional Zoning District.**
- OR-
2. Recommend approve approval of Z-03-26 to the Town Council, subject to a revised conditions list and/or site plan that addresses the issues identified by the planning board and listed in Attachment One.
-
- OR-
3. Recommend denial of Z-03-26 to the Town Council for the following reasons:
-



**PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR ZONING MAP AMENDMENT APPLICATION
FOR A CONDITIONAL ZONING DISTRICT
Z-03-26**

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

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

WHEREAS, the Planning Board has reviewed the proposed zoning map amendment—which includes the written staff report and application materials showing the proposed district boundaries, and has conducted a public hearing on July 23, 2026, to listen to public comments, ask questions of the Town’s planning staff, and consider zoning map amendment application #Z-03-26.

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the proposed amendment to the Town of Southern Pines Zoning Map is reasonable, in the public interest, and consistent with the criteria set forth in the Town of Southern Pines Unified Development Ordinance §2.17.9. The Planning Board recommends that the Town Council approve the zoning map amendment request for the subject parcel, identified as PIN 857112952702, 857100951433, 857100950255, 857100951647, 857112952756 (Parcel IDs: 20050325, 00056305, 00056306, 00055811, and 20030332), totaling 2.85 acres, which rezones the property from General Business (GB) to Neighborhood Business Conditional Zoning District (NB-CD) with the following conditions, to which the applicant has consented:

1. Land Uses.

Land uses within the development shall be limited to those permitted in the Neighborhood Business (NB) District in accordance with Exhibit 3-15 of the Unified Development Ordinance (UDO). To preserve the traditional mixed-use character of downtown Southern Pines, the first floor of the building shall be limited exclusively to permitted retail and commercial uses authorized within the NB District. Residential dwelling units shall not be permitted on the first floor under any circumstances. Multifamily residential uses, where permitted, shall be limited to the upper floors of the building.

2. Residential Units

The development shall be limited to a maximum of ten (10) residential dwelling units. All residential dwelling units shall be located on the second and third floors of the building. No residential dwelling units shall be permitted on the first floor or in excess of the maximum number of units authorized by this Conditional Zoning District.

3. Development Standards.

Development of the property shall generally comply with the dimensional and design standards of the General Business (GB) District, as set forth in UDO Exhibit 3-9, to maintain compatibility with the surrounding commercially zoned properties, except as otherwise modified by this Conditional Zoning District. The maximum building height shall not exceed forty-five (45) feet. Minimum front, side (interior and exterior), and rear setbacks, as well as minimum lot width and minimum lot size, shall be consistent with the General Business (GB) District and shall have no minimum requirement.

4. Glazing.

The street-facing façade of the first floor shall incorporate a minimum of thirty percent (30%) transparent glazing to promote an active, pedestrian-oriented streetscape consistent with the character of the surrounding commercial corridor and the vision of the Pinedene Character District. The street-facing façades of the upper floors shall each incorporate a minimum of fifteen percent (15%) transparent glazing.

5. Building Design.

The exterior architecture, building materials, and site design shall comply with the applicable building design standards of UDO Section 4.10.4 and shall be designed to be compatible in scale, massing, and character with the surrounding commercial area while supporting the vision and design objectives of the applicable Character District as set forth in the Town of Southern Pines 2040 Comprehensive Plan and the Pinedene Design Guide. The development shall comply with all applicable Architectural Compliance Permit requirements and obtain Architectural Compliance approval in accordance with UDO Section 2.26 prior to the issuance of any building permits. Building sides facing public streets shall incorporate parapets, mansard or false mansard roofs, or pitched shingled or standing-seam metal roofs with a minimum roof pitch of 6:12. In addition, the development shall be designed to support the vision and design objectives of the Pinedene Character District by incorporating high-quality architectural materials, pedestrian-oriented building design, and streetscape elements that reinforce the character envisioned in the Southern Pines 2040 Comprehensive Plan and the Pinedene Design Guide

6. Parking.

Off-street parking shall be provided in accordance with UDO §4.5 (Off-Street Parking and Loading) and Exhibit 4-6 (Minimum Off-Street Parking Requirements), except as modified through this Conditional Zoning approval pursuant to UDO §4.5.2 (Applicability). Parking shall be designed to function as a shared parking facility serving both the residential and commercial components of the mixed-use development.

Prior to Town Council consideration, the applicant shall submit a Site Plan identifying the final parking layout. The revised plan shall reflect the recommendations of the Technical Review Committee (TRC), including coordination of parking with fire apparatus access, stormwater management, utility placement, tree preservation, landscaping, sidewalks, and other required site improvements, while minimizing unnecessary impervious surface.

Although the development will operate under a shared parking arrangement, the property owner shall designate and maintain a sufficient number of parking spaces reserved exclusively for the residents of the multifamily dwelling units to ensure adequate residential parking is available. The location and number of these reserved spaces shall be identified on the final site plan or through a parking management plan approved as part of the development review process. The remaining parking spaces may be shared between the residential and commercial uses. The owner shall be responsible for administering, maintaining, and enforcing the parking management plan.

7. Landscaping.

Open space and landscaping shall be provided in accordance with UDO Sections 4.3 and 4.9 and shall be installed substantially consistent with the approved site plan. Existing mature trees located along the street frontage and elsewhere on the site shall be preserved to the greatest extent practicable and incorporated into the required open space network whenever feasible. Tree Protection Areas and Undisturbed Buffers shall remain in their natural or undisturbed state, except as otherwise permitted by the UDO, and shall be protected prior to any land disturbance. Removal of existing trees shall be limited to those necessary to accommodate approved site improvements, utilities, or public infrastructure, or where trees are determined by the Town Arborist to be unhealthy, hazardous, or invasive. Where preservation-type open space is insufficient to satisfy the required open space, the remaining obligation may be met through Usable Open Space and/or Planted Buffers in accordance with UDO Section 4.9.

8. Lighting

That all exterior lighting shall be designed to prevent light trespass onto adjacent properties and rights-of-way and shall comply with the regulations and standards set forth in UDO section 4.8.

ADOPTED this the 23rd day of July, 2026.

Matthew Walden, Chair

ATTEST:

Cindy Williams
Secretary to the Planning Board

REQUIRED APPLICATION MATERIALS:

- ✓ **Application fee** in the amount of **\$1,840.00**
SCAM ALERT! Please disregard any email correspondence requesting payment of application fees not received from noreply@smartgovcommunity.com generated by the SmartGov online portal!
- ✓ **Completed Application** for a Conditional Zoning District, signed by the applicant. Please make sure that all information is provided and correct
- ✓ **Deed(s)** to provide proof of ownership and legal property boundaries
- ✓ **Appointment of Agent**, if applicable, signed by the property owner(s). This gives someone the authority to represent the property owner during the rezoning process.
- ✓ **List of Adjacent Property Owners**: Please list all properties that are within two hundred (200) feet of the outermost boundaries of the subject property, not counting streets, railroads or other transportation corridors. Attach additional pages if needed. No fewer than ten (10) property owners shall be notified by mail.
- ✓ **Survey or Metes and Bounds Description** of the subject property or properties
- ✓ **Narrative**, describing how the zoning amendment meets criteria listed in Unified Development Ordinance (UDO) §2.17.9 Criteria for Zoning Map Amendments (see Attachment A).
- ✓ **List of Conditions** being offered by the applicant to ensure consistency of the proposed zoning amendment with the 2040 Comprehensive Plan (see Attachment B).
- ✓ **Electronic copy (PDF) of all application materials** submitted to plan@southernpines.net.

REVIEW PROCESS:

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



Conditional Zoning District Application

Fee: \$1,840.00

Date Received: _____

Case No.: Z-____-____

Project Information:

Street Address: 1039 Old US HWY 1

PIN: 857112952702 Parcel ID: 20030332; 00055811; 00056306;
00056305; 20050325

Site Size: 2.85 acres

Current Zoning: GB

Applicant:

Name(s): Rhetson Capitol LLC.

Email: Sgeorge@rhetson.com Phone: (910) 544-9046

Mailing Address: 2075 Juniper Lake Rd. West End, NC 27376

Authorized Agent, if different from Applicant:

Name(s): _____

Email: _____ Phone: _____

Mailing Address: _____

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

Name(s): _____

Email: _____ Phone: _____

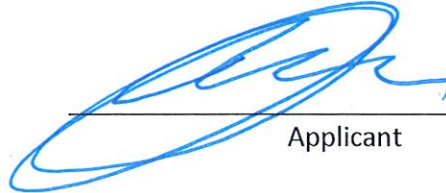
Mailing Address: _____

12.4.25

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

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

Date: 5/12/2026


Applicant

note: all PIN #'s:
857100951433, 857 100950 255,
857100951647, 857112952702,
857 11 295 2756

PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES
801 SE Service Road, Southern Pines, NC 28387
plan@southernpines.net (910) 692-4003 www.southernpines.net

ATTACHMENT A

Criteria for Zoning Map Amendments (adapted from UDO §2.17.9)

When the Planning Board and Town Council review a Conditional Zoning District application, they are guided by criteria that are found in §2.17.9 of the UDO. As the applicant, you should provide evidence in the form of a written narrative and additional application documentation (such as, for example, a Traffic Design Analysis) for each criterion in support of your request. For example, if you state that the proposed Conditional Zoning District will have no adverse impact on neighboring lands, you should explain why in writing and possibly include pictures. If you are offering a condition of approval to correct a likely negative impact (see Attachment B), you should explain that in your written narrative. You may use text, pictures, maps, diagrams and any other method that may support your position. 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 Planning Board and Town Council will 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.
- (C) **Suitability as Presently Zoned.** The Planning Board and Town Council will consider the suitability or unsuitability of the Tract for its use as presently zoned.
- (D) **Health, Safety, and Welfare.** The new zoning 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 Planning Board and Town Council will consider the size, shape, and characteristics of the Tract in relation to the affected neighboring lands. 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 the rezoning application under state law.
- (H) **Applicant Representations.** For Conditional Zoning Districts only, the Planning Board and Town Council may consider any conditions of approval offered by the applicant. (See Attachment B for more on conditions of approval.)

ATTACHMENT B

A Conditional Zoning District is a way for an applicant who is requesting a zoning map amendment to offer very specific conditions of approval that ensure that future development under the new zoning will be consistent with the Comprehensive Plan and/or the character of the neighborhood. The conditions of approval become part of the zoning of the property.

The best way to illustrate how a Conditional Zoning District is used is with an **example**:

Mrs. Jane Doe owns a home in a residential neighborhood that is presently zoned RS-1 Residential Single-Family. The character of the neighborhood is a mix of homes and a few small businesses. The small businesses are located in former residential homes and are designed and operated in a manner that don't harm the livability of the area. In fact, many residents and business owners in the area enjoy the mix of land uses and the special "feel" of the neighborhood. Mrs. Doe wishes to convert her existing home to a small specialty food store with some retail and some online sales. She believes the character of the neighborhood is good for her small business and intends to design and operate the business in a manner that protects and enhances the "feel" of the neighborhood.

The problem Mrs. Doe faces is that the current RS-1 Residential Single-Family zoning does not allow a specialty food store. A traditional zoning map amendment could be requested to change the zoning of the property to NB Neighborhood Business where this type of business would be allowed. However, this would also permit many other land uses (such as a bank, employment agency or vape shop) that are not consistent with the character of the neighborhood. Furthermore, if the property is rezoned to NB and redeveloped under the design standards for commercial development in the UDO, it would substantially alter the character of the neighborhood. Therefore, a traditional zoning map amendment request is likely to be denied by the town.

Mrs. Doe decides instead to request a rezoning to NB – Neighborhood Business, but as a **Conditional Zoning District**. She thoughtfully makes a list of voluntary conditions that, if approved, will become part of the zoning. The conditions address specifics of land use, site design and operation of the business in order to protect and enhance the "feel" of the neighborhood. Conditions offered by Mrs. Doe include:

1. That the only land use allowed is Specialty Food Store (LBCS 2153).
2. That the exterior architecture of the existing home will not be altered. That any future renovations shall retain the same appearance.
3. That future hours of operation shall be limited to Monday-Friday 9:00 am to 6:00 pm and Saturdays from 11:00 to 5:00.
4. That no more than 50% of sales may be generated from onsite retail sales.
5. That signage will be limited to one monument sign no more than 4' tall and no more than 6ft² in size in the location depicted on the attached site plan.
6. That no outdoor display of goods for sale be allowed.
7. That site access will utilize the existing residential gravel driveway and gravel parking will be located behind the home. Due to restricted onsite retail sales (Condition #4 above), parking will be limited to 4 spaces, a deviation from the 8 required by the UDO.

8. That existing trees in the front, side and rear yards will be retained. Additional landscaping meeting the town's screening requirements will be planted within 15' of the side and rear property lines.

9. That no additional site lighting will be added.

Mrs. Doe decides to host a neighborhood meeting to speak to her neighbors about the planned rezoning and find out if there are any concerns. One neighbor is concerned about commercial parking behind the home and its close proximity to his backyard. Mrs. Doe understands this concern and adds a Condition #10:

10. That a view-obscuring wooden fence no less than 6' in height be built along the east property line as depicted on the site plan.

Mrs. Doe creates a simple site plan to illustrate conditions listed above that involve the location of something on the property. For example, Mrs. Doe's illustration shows the location of the existing house, the driveway, the new parking area with four spaces, existing trees that will be retained and areas to be landscaped with screening. The site plan also shows the location of the proposed monument sign and the fence along the neighbor's property line. She then completes the rest of the application for a Conditional Zoning District, including all of the required materials and responses to each of the criteria in Attachment A, and submits it to the Planning Department for processing.

Please review the town's [2040 Comprehensive Plan](#) and consider what elements of both land use and development design would help to make your request consistent with the Comprehensive Plan and would ensure consistency with the character of the neighborhood. Planning staff are available to discuss this issue and help you find the resources you need to prepare your conditions and Conditional Zoning District application.

For Registration Register of Deeds

William Britton

Moore County, NC

Electronically Recorded

February 3, 2026 4:02:29 PM

Book: 6486 Page: 192 - 197 #Pages: 6

Fee: \$26.00 NC Rev Stamp: \$2,200.00

Instrument# 2026001588

Prepared by:

Robert M. Friesen, Esq.

Robbins May & Rich LLP

120 Applecross Road, Pinehurst, NC 28374

No Title Exam By Drafting Attorney

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$2,200.00

Parcel Identifier Nos: 20030332; 00055811; 00056306; 00056305; 20050325 Verified by _____ County on the _____ day of _____, 20____

By: _____

Brief description for the Index: Bell Avenue Tracts and SW Broad Street

THIS DEED entered into as of this the 15 day of January, 2026, by and between**Grantor****Grantee**

**T & S Developers LLC, a North Carolina
limited liability company**
55 Woodenbridge Lane
Pinehurst, NC 28374

**Rhetson Capital, LLC, a North Carolina
limited liability company**
2075 Juniper Lake Road
West End, NC 27376

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land located in Moore County, North Carolina and more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein by reference.

Page 1 of 6

submitted electronically by "Midtown Property Law"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Moore County Register of Deeds.

Subject and together with utility easements, other easements and restrictive covenants that are enforceable against or a benefit to the property, if any, and to the lien for ad valorem property taxes for the current year to be prorated at closing.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 5226, Page 449 and Book 5907 at Page 428, Moore County Registry, North Carolina.

All or a portion of the property herein conveyed ____ includes or X does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And Grantor covenants with Grantee that Grantor is seized of the Property in fee simple, has the right to convey the Property in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions noted herein.

[Signature Page to Follow]

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

T & S Developers LLC, a North Carolina limited liability company

By:  (SEAL)
 Printed Name: Sarah Ellman
 Title: Manager

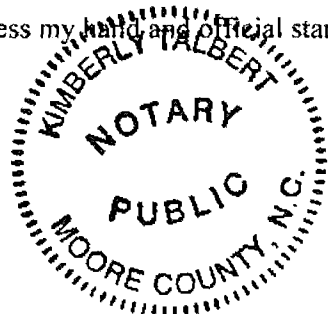
STATE OF NC
 COUNTY OF moore

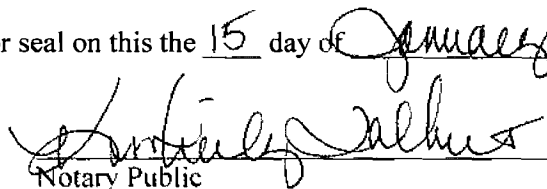
I certify that the following person personally appeared before me this day and acknowledged to me that the following person voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Name	Capacity
Sarah Ellman	

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

Witness my hand and official stamp or seal on this the 15 day of January, 2026.




 Notary Public

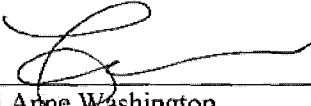
Print notary name: Kimberly Talbert
 (notary name must be exactly as on notary seal)

My commission expires: 3/11/29

[affix notary seal above, which must be fully legible]

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

T & S Developers LLC, a North Carolina limited liability company

By:  (SEAL)
 Printed Name: Toni Anne Washington
 Title: Manager

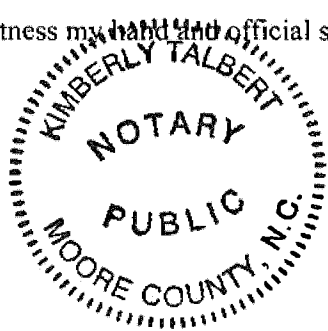
STATE OF NC
 COUNTY OF MOORE

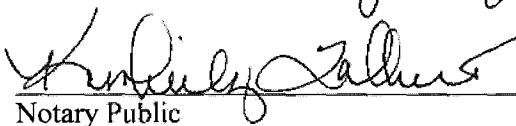
I certify that the following person personally appeared before me this day and acknowledged to me that the following person voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Name	Capacity
Toni Anne Washington	

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

Witness my hand and official stamp or seal on this the 15 day of January, 2026.




 Notary Public

Print notary name: Kimberly Talbert
 (notary name must be exactly as on notary seal)

My commission expires: 3/11/29

[affix notary seal above, which must be fully legible]

"Exhibit A"

Tract 1:

The Southeastern portion of Highland Avenue as shown on a plat entitled "Minor Subdivision for Cornell's Radio Service, Inc." which plat is recorded in the office of the Register of Deeds of Moore County, North Carolina in Plat Cabinet 11, Slide 531, and being the full 50 foot width of said street being 25 feet on each side of a center line running from the intersection of said centerline and the northwestern line of the right of way of S. Broad Street Ext N 51-15 W approximately 270 feet to the extension of the western boundary line of the tract owned by Highway I Management LLC and described in Book 4257, Page 1, Moore County Registry, as shown on the plat referenced above, less and except the portion thereof conveyed in instrument recorded in Book 4435, Page 220, Moore County Registry.

Tract 2:

Being all of Lots 6, 7, 15, 16, 17, 18, 19, and 20, including approximately 88,386 square feet, as shown on that plat recorded in the Office of the Register of Deeds for Moore County, North Carolina in Plat Cabinet 18, Slide 301.

Tract 3:

BEING in Southern Pines, Sandhill Township, Moore County, North Carolina, and situated on the Southeast side of the old U.S. 1 (Southwest Broad Street), on the Northeast side of the Black land, and on the Southwest side of the Taylor land, and more particularly described as follows:

BEGINNING at a concrete monument 49.1 feet from and normal to the center line of old U.S. 1 (Southwest Broad Street), the same being an the Taylor line of Lot 9 of the J N Powell and M N Sugg division and in the right-of-way boundary of Old U.S. 1, thence S 56° 07' 6" E 142. 51 feet with the Taylor line to a concrete monument, the same being common with the Taylor land (Lot 9) and in the line of Lot 11 of the J N Powell and M N Sugg division, thence S 41° 40.0' W 49.95 feet with Lot 11 to an iron pipe, the same being common with the Black land (Lot 7) and Lots 11 and 14 of the J N Powell and M N Sugg division; thence N 55° 11.4' W 155.20 feet with the Black line to an iron pipe, 49.1 feet from and normal to the center line of old US 1 (Southwest Broad Street), the same being in the Black line of Lot 7 of the J N Powell and M N Sugg division and in the right-of-way boundary of old US 1 Southwest Broad Street), thence N 55° 11.4' W. 38.70 feet with the Black line to a point, the same being common with the Black land (Lot 7); thence N 56° 00.9' E. 50.01 feet with old U.S 1 (Southwest Broad Street) to a point, the same being common with the Taylor land (Lot 9 of the J N Powell and M N. Sugg division), thence S 56° 07.6' E 39.29 feet with the Taylor line to the BEGINNING, containing 0.21 acre, more or less, as computed by the Double Meridian Distance Method. Being the same property as surveyed December 29, 1977, by Charles D Ward, Registered Surveyor, NC L-1416, and being Lot 8 of the J N Powell and M N Sugg division, and more particularly shown on an 11" x 17" drawing titled "Plat of Roby E. Taylor Property" and is conveyed subject to the right-of-way boundary of old U S. 1 (Southwest Broad Street).

"Exhibit A" cont'd**Tract 4:**

Lying and being in Sandhill Township in or near the Town of Southern Pines, Moore County, North Carolina, and being shown and designated as building Lots 9 and 10 of the J N Powell and M N Sugg property as shown on a map titled "Map of J N Powell and M. N Sugg Property, Southern Pines, North Carolina", which map Is duly recorded in the Office of the Register of Deeds for Moore County, North Carolina, in Book of Maps 2, page 21, to which map reference is hereby made and more particularly described by metes and bounds as follows: Beginning at the intersection of the Westerly line of Bell Avenue and the Southerly line of U.S. Highway 1 as shown on the aforesaid map, running thence with the Westerly line of Bell Avenue S 52-30 E 149.5 feet to a concrete monument, thence S 41-46 W. 97 feet to a concrete monument; thence N 5-05 W 181.8 feet to a point in the Southerly line of U.S. Highway 1, as shown on the aforesaid map; thence with the Southerly line of said U.S. Highway 1, as shown on the aforesaid map, 114.8 feet to the place or point of beginning, subject, however, to a right-of-way easement running 50 feet from the centerline of US Highway 1 and a portion thereof running along and across the Northerly portion of the aforesaid tract, said right-of-way easement claimed by the North Carolina State Highway and Public Works Commission.

AND BEING the same property conveyed to Roby E Taylor by deed of Travelers Oil Company dated December 30, 1960, and recorded in Book 242, page 564, Moore County Registry.

These being the same parcels conveyed by Roby E Taylor and wife, Alma V Taylor, by deed dated April 12, 1993, and recorded in Book 905, page 428, Moore County Registry.

Tract 5:

That fifteen foot strip of Bell Avenue adjoining that portion of property described in Book 2137, Page 113, Moore County Registry, abandoned by ordinance adopted by Town Council of Southern Pines, N.C., October 16, 1979 recorded in Ordinance Book 2, Page 1, Moore County Registry.

Southern Pines Mixed Use Adjacent Property owners

20190132 : SOUTH POINTE VENTURES, LLC - PO BOX 1195, Southern Pines

00054724: STYERS, HUGH KIRK - 1660 RIVERVIEW DRIVE, Little River

20210004: PILSON, MILTON & KAREN - 3336 UNION CHURCH RD, Carthage

00054173: SMITH, MARK A & CHERYL M - 500 S VALLEY RD, Southern Pines

00048196: SNELL, PETER R & - 3401 PROVIDENCE PLANTATION LANE, Charlotte

00051257: WILD LOTUS, LLC - 195 BELL AVENUE, Southern Pines

20040360: GARG FAMILY, LLLP - 34 TAYSIDE TRACK, Missouri City

20240379: KNUTSON, CARL E JR - 2102 BUSINESS CENTER DR, STE 130, Irvine

00049516: G & H PROPERTIES - 110 MILL RD, Southern Pines

00051072: EVERYTHING PINES, LLC- 180 E CONNECTICUT AVE, Southern Pines

00055814: FIDELITY BANK, THE – PO BOX 8, Fuquay Varina

Conditional Zoning District Application Proposed Rezoning: NB-MR – Neighborhood Business-Multifamily Residential (Conditional)

Applicant: Rhetson Capital LLC

Parcel IDs: 20050325, 00056305, 00056306, 00055811, 20030332

Rhetson Capital LLC is the owner of five contiguous parcels of property located in the Town of Southern Pines, identified by Parcel IDs 20050325, 00056305, 00056306, 00055811, and 20030332. These five parcels are currently zoned GB – General Business. The surrounding area is characterized by established retail and commercial uses that serve both residents and visitors to the community. The area makes it well-suited for a development that brings people closer to the goods and services they use every day.

Rhetson Capital LLC wishes to construct a new three-story mixed-use building on the parcels mentioned above. The first floor will contain retail and commercial space, complementing and reinforcing the existing commercial character of the surrounding area. The second and third floors will contain ten (10) two bedroom multifamily residential dwelling units. Rhetson Capital LLC believes that introducing upper-floor apartment-style living above street-level retail and office will enhance the vitality of the corridor, activate the streetscape, and provide a housing type that the area presently lacks.

The challenge Rhetson Capital LLC faces is that while the five parcels are zoned GB – General Business, the introduction of residential units on the upper floors requires specific conditions to ensure the development is designed and operated in a manner consistent with the character of the area. In particular, the applicant wishes to make clear that the residential component shall not trigger multifamily setback or development standards, and that the commercial character of the ground floor shall be permanent and protected. A traditional rezoning would not provide those assurances. Therefore, Rhetson Capital LLC requests a rezoning of Parcel IDs 20050325, 00056305, 00056306, 00055811, and 20030332 to NB-MR – Neighborhood Business – Multifamily Residential as a Conditional Zoning District.

Rhetson Capital LLC has carefully considered the surrounding area and the goals of the Town of Southern Pines 2040 Comprehensive Plan, including its support for walkable, mixed-use development and the diversification of housing options. The following voluntary conditions are offered and, if approved, shall become part of the zoning of the combined parcel:

Permitted Land Uses

That the permitted land uses on the first floor shall be limited exclusively to retail and/or commercial uses consistent with and complementary to the downtown character of Southern Pines and authorized in the NB district per Exhibit 3-15 of the UDO. No residential dwelling units shall be located on the first floor under any circumstances.

Residential Units

That the second and third floors of this building shall contain ten (10) two-bedroom residential dwelling units.

Development Standards

That all development standards applicable to the combined parcel, including but not limited to setbacks, lot coverage, and building placement, shall conform to the NB – Neighborhood Business zoning district standards as set forth in the Southern Pines Unified Development Ordinance (UDO), with the exception of the modifications listed below. The residential units located on the second and third floors are an accessory component of a primary mixed-use commercial development and are not a standalone multifamily development.

a. That building height standards outlined in UDO Exhibit 4-1 will be modified to allow maximum building height of forty-five (45) feet.

Glazing

That the street-facing facade of the first floor shall incorporate a minimum of 30% glazing to promote an active, pedestrian-friendly streetscape consistent with the surrounding commercial corridor, and the upper floors will incorporate at least 15% glazing.

Building Design

That the exterior architecture and materials of the building shall comply with the Town's current building design requirements as set forth in the UDO section 4.10.4, and shall be compatible in scale, massing, and character with the surrounding commercial area and the applicable Character District guidance contained in the Town of Southern Pines 2040 Comprehensive Plan. The applicant acknowledges that new development is expected to meet current adopted standards regardless of the age of surrounding structures. The applicant will comply with all guidelines set forth in UDO section 2.26 to obtain an Architectural Compliance Permit for this project.

Parking

That on-site parking shall be provided in accordance with the NB – Neighborhood Business parking standards of the UDO, calculated on the basis of the ground-floor commercial square footage and the ten (10) two-bedroom residential units on the upper floors, as shown on the site plan attached to this application. In order to address the operational distinction between commercial and residential parking needs, the applicant commits to installing clearly visible signage designating dedicated parking spaces for the commercial businesses located on the first floor. Said signage ensures that commercial customers and tenants have consistent and identifiable access to parking without conflict from residential tenants occupying the upper floors.

Landscaping

That landscaping shall be installed and maintained along all street-facing frontages and within any required buffer areas in conformance with the Landscaping and Open Space Standards of UDO Sections 4.3 and 4.9 as shown on the attached site plan. Furthermore, the applicant commits to making every reasonable effort to preserve the mature trees located along the front portion of the combined parcel wherever feasible during site design and construction. Retaining these existing trees is a priority of the applicant, as they contribute to the established character of the area, provide an immediate landscape buffer, and enhance the overall appearance and streetscape of the development.

Lighting

That all exterior lighting shall be designed to prevent light trespass onto adjacent properties and rights-of-way and shall comply with the regulations and standards set forth in UDO section 4.8.

From: [Skyler George](#)
To: [Gene Ruiz](#); [Joe Greer](#)
Cc: [BJ Grieve](#); [James Broadwell](#)
Subject: Re: Z-03-26 Staff Report Draft
Date: Tuesday, July 14, 2026 9:33:28 AM

Gene,

We're good with this.

Thanks,

Skyler George
Project Manager

Rhetson Companies, Inc.
2075 Juniper Lake Road
West End, NC 27376

910-944-0881 (Office)
910-757-3711 (Direct)

From: Gene Ruiz <GRuiz@southernpines.net>
Date: Tuesday, July 14, 2026 at 9:16 AM
To: Skyler George <sgeorge@rhetson.com>; Joe Greer <jgreer@rhetson.com>
Cc: BJ Grieve <BJGrieve@southernpines.net>; James Broadwell <JBroadwell@southernpines.net>
Subject: Z-03-26 Staff Report Draft

Good morning, Gentlemen,

Attached is the draft staff report for **Z-03-26** for your review.

Please pay particular attention to the proposed development standards and conditional zoning language. In preparing the draft report, I referenced the previously approved General Business (GB) development standards where appropriate to maintain consistency with the previously approved site design and to avoid creating unintended changes to the development standards.

I also reformatted and clarified the proposed zoning conditions you submitted so they align with the Town's conditional zoning format and are written as clearly and enforceably as possible. These edits are intended solely to improve clarity and administration of the conditions and are **not** intended to change the substance or intent of your proposal.

Please review the revised language carefully. If you agree with the revisions, I would appreciate your confirmation so I can incorporate the finalized conditions into the staff report. If you prefer your original wording, or if there are any revisions you would like to make, please let me know. The proposed conditions remain yours, and I am happy to use your preferred language so long as it accurately reflects your request.

If you are comfortable with the revisions, please submit an updated narrative incorporating the revised condition language. If not, simply let me know what changes you would like to see, and I will make the necessary revisions before finalizing the report.

I typically do not circulate draft report language at this stage; however, because we are approaching our internal deadline for Planning Director review, I wanted to provide you with an opportunity to review the proposed wording before the report is finalized.

If possible, I would appreciate receiving your feedback or approval today, as the report is scheduled to be submitted for internal review tomorrow morning. This will allow sufficient time to make any necessary revisions before the packet is finalized.

Thank you, and please let me know if you have any questions.

Gene R. Ruiz, CZO

Planner II

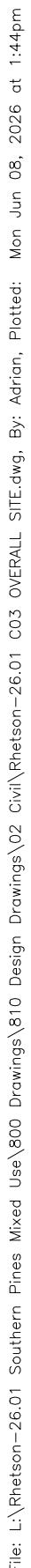
Planning Department

Town of Southern Pines

300 SW Broad St., Southern Pines, NC 28387

(910) 692-4003 Ext: 7235





NOTES:

1. ALL GENERAL NOTES, ABBREVIATIONS, SYMBOLS, AND OTHER INFORMATION INDICATED ON SHEET C-01 SHALL APPLY TO THIS PLAN.
2. THE PURPOSE OF THE PLAN IS FOR INFORMATIONAL PURPOSES ONLY. THOUGH THIS PLAN IS FROM AN ACTUAL FIELD SURVEY IT IS NOT AND SHOULD NOT BE CONSIDERED A RECORDABLE DOCUMENT.
3. ALL ELEVATIONS SHOWN ARE IN REFERENCE TO THE BENCHMARK AND MUST BE VERIFIED BY THE GENERAL CONTRACTOR WITH THE SURVEYOR OF RECORD PRIOR TO BEGINNING CONSTRUCTION. BENCHMARKS ARE AN EIP LOCATED AT THE SOUTHWEST PROPERTY CORNER OF THE SITE NEAR BELL AVE. WITH AN ELEVATION OF 508.49' AND A EIR LOCATED AT THE INNER PROPERTY CORNER WITH AN ELEVATION OF 508.62'.
4. LOCATIONS OF EXISTING UTILITY LINES HAVE BEEN TAKEN FROM UTILITY RECORDS SUPPLEMENTED BY FIELD INSPECTIONS AND SHOULD INDICATE IN GENERAL THE TYPE OF UNDERGROUND FACILITIES NOW IN SERVICE. HOWEVER, LOCATIONS SHOWN ARE NOT GUARANTEED AND ANY FURTHER DEVELOPERS OR CONTRACTORS SHOULD NOT ONLY MAKE SUBSURFACE INVESTIGATIONS BUT SHOULD ALSO ALLOW FOR CONTINGENCIES WHICH MIGHT ARISE BY REASON OF ENCOUNTERING UNRECORDED LINES OR LINES BEING IN DIFFERENT LOCATIONS THAN INDICATED ON THIS PLAT.
5. THE VERTICAL DATUM FOR THIS SURVEY IS BASED ON NAVD 88. THE HORIZONTAL DATUM FOR THIS SURVEY IS BASED ON NAD 83.
6. ALL DISTANCES ARE HORIZONTAL GROUND. AREA BY COORDINATE COMPUTATION.
7. SURVEY INFORMATION FOR THE PARCELS (BOUNDARY & TOPO) PROVIDED BY THE SURVEYOR OF RECORD, STEPHEN R. SHEFFIELD & ASSOCIATES, P.A., L-1365, PO BOX 4331 PINEHURST, NC 28374, TEL. 910-255-0420.
8. SURVEY INFORMATION FOR S BROAD ST PROVIDED BY THE SURVEYOR OF RECORD, LKC ENGINEERING PLLC, JEFFREY L. GREEN, PLS, L-3972, 140 AQUASHED CT., ABERDEEN, NC 28315, TEL. 910-420-1437.

