

**MINUTES**  
**Town of Southern Pines Planning Board Virtual Meeting**  
**February 18, 2021 at 6:00 PM**

The regular meeting of the Town of Southern Pines Planning Board was held virtually on Thursday, February 18, 2021, at 6:00 PM.

Board members present: Chairman Gary Carroll, Vice Chairperson Diane Westbrook, Cooper Carter, Lemuel Dowdy, Andy Bleggi and Benjamin Greene.

Board member absent: Kim Wade.

Town staff present: B.J. Grieve, Suzy Russell and Cindy Williams.

Chairman Carroll called the meeting to order at 6:00 PM.

**APPROVAL OF MINUTES:**

Diane Westbrook made a **motion**, which was seconded by Andy Bleggi, to approve the Minutes of the December 17, 2020 regular meeting with the noted corrections. **The motion carried unanimously.**

**PUBLIC HEARING:**

**PD-01-21: Planned Development District - Conceptual Development Plan for a distilled spirits manufacturing facility and associated offices, retail sales and supplies, restaurant, cocktail bar and outdoor event stage; 175 Yadkin Road; Petitioner: Brad Halling and Jessica Halling d/b/a Rickhouse Properties, LLC by Neal Smith Engineering, Inc., Authorized Agent**

Mr. Bryan Welborn of Neal Smith Engineering, Inc., on behalf of Brad and Jessica Halling, has submitted a Planned Development District – Conceptual Development Plan application pursuant to §2.18.4 of the Town of Southern Pines Unified Development Ordinance (UDO) for a distilled spirits manufacturing facility and associated offices, retail sales and supplies, a restaurant, cocktail bar and outdoor event stage. The 15.04 acre parcel is located on the north side of Yadkin Road between Trimble Plant Road and US Highway 1. The property is currently zoned Industrial (I) and is identified as PIN: 858200642631 (PARID: 00036849). Per the Moore County tax records, the property owner is listed as Rickhouse Properties, LLC.

Chairman Carroll confirmed that there were no conflicts of interest among the members of the Board.

Diane Westbrook made a **motion**, which was seconded by Andy Bleggi, to open the public hearing. **The motion carried unanimously.**

STAFF PRESENTATION – Suzy Russell:

Ms. Russell addressed the Board and stated that the applicants were requesting to rezone the property from Industrial (I) to Planned Development (PD) in order to develop a distilled spirits plant and supporting uses on four (4) acres of the 15.04 acre site located at the corner of US Highway 1 and Yadkin Road.

Ms. Russell stated that the applicants planned to request a reduction in the number of parking spaces and would submit the specific number of spaces with their Preliminary Development Plan application. The applicants also requested a deviation from the height standards to build to a maximum height of 50 feet for the ridge of the distillation column only. This is the maximum height allowed in the Industrial zoning district.

The applicants have submitted a phasing plan that consists of four (4) phases of development over a total of 120 months. Phase 1 will include production, blending, bottling, delivery/pickup and storage, a cocktail bar, kitchen, restaurant, retail, office, and private tasting/dining space, bathrooms, terraces and the infrastructure.

Ms. Russell stated that the applicants had submitted a sign plan showing four (4) sign locations but she recommended that the applicants withdraw that page from the application and address signage as part of their Preliminary Development Plan application.

The site is part of the Brownfields Program and that the applicants would inform the Board of the status of that process.

US Fish & Wildlife Service has stated that a small portion of the project area falls within an active red-cockaded woodpecker foraging partition and that a survey would be needed before any pine trees are removed. They also recommended that the wetlands be delineated if it has been over five years since the last delineation due to potential changes over time.

Lemuel Dowdy inquired about the request for an increase in building height.

Ms. Russell responded that the applicants were asking for zoning to fit their project and one of the requests was a 50 ft. height, which is the maximum height allowed in the Industrial zoning district.

Chairman Carroll asked if there was anything that the Board should be concerned about with rezoning the property to PD in the event this project does not materialize.

Ms. Russell responded that if the property was zoned PD that would not prohibit someone from developing something else on the parcel.

Mr. Grieve stated that a PD does not have a list of permitted uses like other conventional zoning districts. Once a Planned Development is approved, if the property is not developed as set forth in the Conceptual Development Plan, the next developer would have to go back through the Conceptual Development Plan/Preliminary Development Plan process.

Chairman Carroll responded that was something the Board should consider when recommending approval of a rezoning.

Ms. Russell stated that the PD is basically for a mixed-use development but the existing wetlands may limit the types of development on the property.

Mr. Grieve stated that a rezoning to PD is accompanied by a Conceptual Development Plan. This Conceptual Development Plan is for a whiskey distillery. If the project did not move forward then the CDP for a whiskey distillery would remain and a new developer could move forward with a PDP for a whiskey distillery. If a different use was proposed, a new CDP would have to be presented for approval.

APPLICANT PRESENTATION – Neal Smith:

Mr. Smith addressed the Board and stated that most of what the applicants want to do is permitted in Industrial zoning but the event stage is not permitted. A small restaurant would have been allowed but the restaurant may grow beyond what would be permitted in Industrial zoning so the applicants felt it was better to request a rezoning to PD.

The spirits are in storage for years so the owners want to open the restaurant, bar and retail to generate some income during that time. Planning staff estimated that approximately 180 parking spaces will be required but they had calculated only 132 spaces. This is meant to be more group oriented so there will not be a lot of guests showing up at different times. A group might come to the restaurant, take a tour and then maybe go out on the back terrace so there will not be a lot of people in the restaurant, a lot of people taking a tour of the distillery and a separate group outside. The rickhouses will be for long-term storage so no one will really go into those buildings and the distillery will not require a lot of employees. A parking study is required if a reduction in the number of parking spaces is requested. They will submit a parking study of other similar operations with their Preliminary Development Plan application that will hopefully justify the requested number of spaces.

They are requesting a height of 50 ft. for the distilling tower, which is permitted in the Industrial zoning district but it requires approval in the PD.

The sign locations that were included in the application were the neighborhood meeting signs and not proposed signs for the project. They will either apply for signage separately or they will address signage as part of the Preliminary Development Plan application.

They would prefer to not do a wetlands delineation. They will do what they have to do with regard to the red-cockaded woodpecker habitat but development will be in the flat area of the property where there are no trees. They are staying away from the wetlands completely. They do not want to add months to the project trying to get a wetlands map when they are not even going to be in that area.

APPLICANT PRESENTATION –Brad and Jessica Halling:

Brad and Jessica Halling introduced themselves to the Board.

Ms. Halling provided an overview of their business model and the branding of their products. The real distinction between the current Industrial zoning and this construct is the ability to have a small restaurant and that, in addition to the stage, is not allowed as an accessory use. The distillery itself is a light industrial use. They wanted to add a restaurant feature and an entertainment feature because those amenities are consistent with a higher end brand that they want to create and they feel that those features are also consistent with the community. The older community may not be as comfortable at the breweries where there is nothing to eat. They really want the golf community and people of all ages to feel comfortable and they also feel that there is a safety aspect to being able to eat something when you are doing a tasting of spirits. They are requesting what is permitted within the existing zoning plus the entertainment feature of the stage that they might use for music or professional development, such as guest speakers, and the restaurant.

Ms. Halling provided an overview of the main building which will consist of approximately 15,500 SF and was designed by architect Tag Galyean. They are requesting a red roof for the building as it has special meaning to the military community.

Ms. Halling stated that there is some groundwater contamination due to a Proctor Silex spill in the 1970's and it is believed that the groundwater contamination is in the area of the proposed rickhouses. They have been accepted into the Brownfields program and their preliminary meetings were incredibly favorable. The Brownfields project manager for their sites stated "regardless of what we find there are simple solutions." The determination as part of the Brownfields program will be to either do nothing or they will be directed to do some kind of vapor intrusion mitigation, most likely just in those storage buildings, but they are going to test the entire site for safety to determine where any vapor barriers need to be applied to any of those buildings. If they deem that there is anything unsafe they will put a land use restriction in the agreement with them.

Cooper Carter asked where the rickhouses would be located if they could not be built in the proposed location.

Mr. Halling said they were told that regardless of what is found they could build the rickhouses in the same location. There would be some mitigation expense of building a barrier but they could still be in the same place, just at a greater cost.

Ms. Halling said they have contacted NCDEQ who has been testing the Proctor Silex site with an environmental firm for 20 years and they are super familiar with the site. They showed them a slightly different version of the plans before they even bought the property and the NCDEQ has a fund from the Proctor Silex bankruptcy that can be used for the purposes of remediation of that spill. NCDEQ was so excited and thought this site was such a perfect use for revitalization that that agency is paying for all of the testing out of the bankruptcy. She and Mr. Halling paid a \$30,000 application for an accelerated Brownfields process – it is either a two year process if you pay \$6,000 or expedited if you pay \$30,000. They paid from their personal funds for the accelerated but all of the work is being done by NCDEQ. The Brownsfields team and NCDEQ

represented to them that if the Board had any questions about their process or the likelihood of approval for revitalization of this particular property they would be happy to speak with them.

Lemuel Dowdy made a **motion**, which was seconded by Diane Westbrook, to the close the public hearing. **The motion carried unanimously.**

**ACTION OF THE PLANNING BOARD:**

Lemuel Dowdy made a **motion**, which was seconded by Diane Westbrook, that after considering Criteria A for a zoning map amendment found in UDO §2.17.9, the requested Conceptual Development Plan is found to be consistent with the Comprehensive Long Range Plan and the Planning Board adopts the Resolution that is included as Attachment “A” in the staff memorandum for PD-01-21. **The motion carried unanimously.**

Lemuel Dowdy made a **motion**, which was seconded by Diane Westbrook, that after considering Criteria B - H, as applicable, for a zoning map amendment found in UDO §2.17.9, Conceptual Development Plan PD-01-21 is found to comply with the criteria for a Planned Development Conceptual Development Plan as submitted, and therefore moved to recommended approval of PD-01-21 with the following conditions:

1. that a 50 ft. height allowance be provided for the distillery tower; and
2. that this approval does not include parking space requirement details that will be provided at PDP submission.

**The motion carried unanimously.**

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

Mr. Grieve stated that there is one item on the March agenda.

Diane Westbrook made a **motion**, which was seconded by Lemuel Dowdy, to adjourn the meeting. **The motion carried unanimously.**

The meeting adjourned at 8:23 PM.

Respectfully submitted:

Cindy Williams  
Secretary to the Planning Board