



**VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF SEPTEMBER 8, 2020
ASSEMBLY HALL
395 MAGNOLIA RD.
PINEHURST, NORTH CAROLINA
4:30 PM**

1. Call to Order.

2. Reports:

Manager

Council

3. Motion to Approve Consent Agenda.

All items listed below are considered routine or have been discussed at length in previous meetings and will be enacted by one motion. No separate discussion will be held unless requested by a member of the Village Council.

A. Public Safety Reports

July Fire Report

July Police Report

B. Approval of Village Council Meeting Minutes.

August 7, 2020 Special Meeting

August 7, 2020 Closed Session

August 11, 2020 Special Meeting

August 11, 2020 Closed Session

August 11, 2020 Regular Meeting

August 11, 2020 Work Session

August 11, 2020 Closed Session

End of Consent Agenda.

4. Present Resolution to Molly Rowell Honoring Her Service as the Beautification Committee Chair.

5. Discuss and Consider Action on the Preliminary Plat for the Floyd Way Major Subdivision.

6. Discuss and Consider a Request for a Special Intensity Allocation for Huntley Design Build Office Project

7. Discuss Public Nuisance Ordinance.

8. Motion to Recess Regular Meeting and Enter Public Hearing.

9. Public Hearing No. 1

The purpose of the public hearing is to invite public comment on a proposed economic incentive agreement between the Village of Pinehurst and an organization that will place future facilities in the Village of Pinehurst. Those facilities involve capital investments of twenty-five million dollars, and the

retention or creation of fifty jobs. The agreement includes ten (10) years of grants which will be calculated as ninety percent of the total property taxes paid above and beyond the current ad valorem tax value, provided the organization meets the requirements of the agreement as to job creation. The incentive agreement grants will be paid from any fund sources of the Village of Pinehurst which are not otherwise restricted.

10. Motion to Adjourn Public Hearing and Re-Enter Regular Meeting.
11. Discuss and Consider Economic Incentive Agreement.
12. Other Business.
13. Comments from Attendees.
14. Motion to Adjourn.

Vision: The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions.

Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.

Values: Service, Initiative, Teamwork, and Improvement.



**COUNCIL
ADDITIONAL AGENDA DETAILS:**

ATTACHMENTS:

Description

- ▣ 2020 Key Partner & Collaborator List



Council Member to Report	Partners & Collaborators
John Strickland	Moore County Transportation Committee
	Neighborhood Advisory Committee
	Pinehurst Resort
Judy Davis	Tri-Cities Work Group (Pinehurst, So. Pines, Aberdeen)
	FirstHealth
	Moore County
Lydia Boesch	Convention and Visitors Bureau
	Bicycle and Pedestrian Advisory Committee
Kevin Drum	Triangle J. COG
	Partners in Progress
	NCDOT/TARPO
Jane Hogeman	Beautification Committee
	Moore County Schools
	Pinehurst Business Partners



**PUBLIC SAFETY REPORTS
ADDITIONAL AGENDA DETAILS:**

July Fire Report
July Police Report

FROM:
Beth Dunn

CC:
Jeff Sanborn

DATE OF MEMO:
9/1/2020

MEMO DETAILS:
Attached are the July, 2020 Public Safety reports.

ATTACHMENTS:

Description

- 📎 Fire Report - July, 2020
- 📎 Police Report - July, 2020



HISTORY, CHARM, AND SOUTHERN HOSPITALITY

SUMMARY FOR THE MONTH OF JULY 2020

SUMMARY OF INCIDENT CALLS

TYPE OF INCIDENT	NUMBER THIS MONTH	NUMBER FYTD	NUMBER THIS MONTH LAST YEAR	NUMBER FYTD LAST YEAR	PERCENTAGE YTD
Fire	4	4	11	11	-64%
Overpressure Rupture, Explosion, Overheat - no fire	0	0	0	0	0%
Rescue & EMS Incidents	19	19	43	43	-56%
Hazardous Conditions - no fire	11	11	11	11	0%
Service Call	19	19	40	40	-53%
Good Intent Call	22	22	29	29	-24%
False Alarm & False Call	33	33	44	44	-25%
Severe Weather & Natural Disaster	1	1	5	5	-80%
Special Incident Type	0	0	0	0	0%
TOTAL INCIDENTS	109	109	183	183	-40%

SUMMARY OF INSPECTION

TYPE OF INSPECTIONS	NUMBER THIS MONTH	NUMBER FYTD	NUMBER THIS MONTH LAST YEAR	NUMBER FYTD LAST YEAR	PERCENTAGE YTD
Residential	11	11	20	20	-45%
Residential New Systems	0	0	0	0	0%
Residential Fire Sprinkler	2	2	0	0	200%
Commercial	27	27	15	15	80%
Plan Review/Site Inspections	17	17	2	2	750%
Reinspection	30	30	30	30	0%
Occupancy Certificates	0	0	0	0	0%
TOTAL INSPECTIONS	87	87	67	67	30%
Violations Found:	24	24	38	38	-37%
YTD Violations to be Corrected:		24		38	
YTD Violations Corrected:		1		1	
Correction Percentage:		4%		3%	

August 7, 2020

J. Carlton Cole, Fire Chief

FIRE DEPARTMENT

395 Magnolia Road • Pinehurst, NC 28374 • Telephone (910) 295-5575 • Fax (910) 295-4861 • www.vopnc.org



PINEHURST FIRE DEPARTMENT

By The Numbers - July 2020



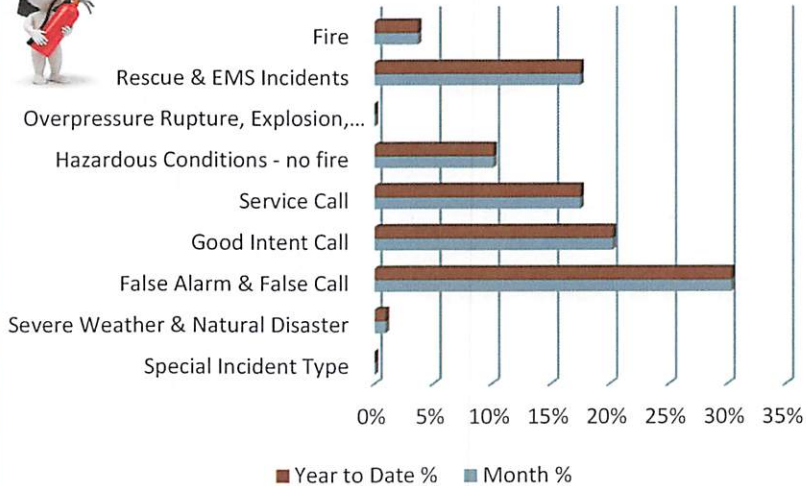
Month

Calls for Service **109**
 % Overlapping Incidents **6.48%**
 Busiest Day of Week **THURS**
 Busiest Hour of Day **8 pm**
 # of Times Staff Recalled **1**

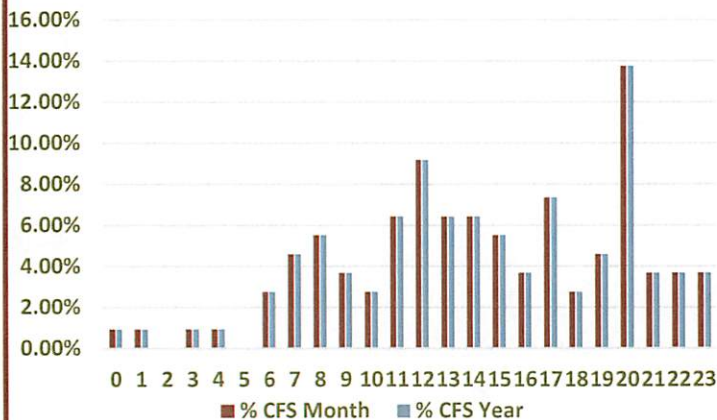
Year

Calls for Service **109**
 % Overlapping Incidents **6.48%**
 Busiest day of Week **THURS**
 Busiest Hour of Day **8 pm**
 # of Times Staff Recalled **1**

% of Calls for Service (CFS)



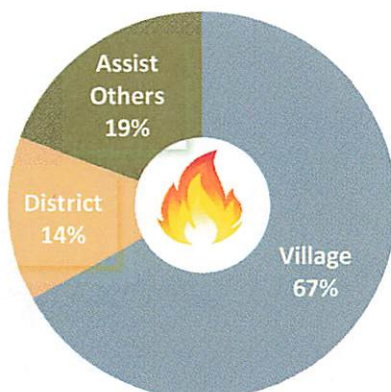
% CFS BY HOUR OF DAY



5 Year Comparison Through this Month of Year



LOCATION OF CFS FOR FY20



Inspections Completed this

MONTH **87**
 YEAR **87**

Code Violations Found this

MONTH **24**
 YEAR **24**

Percentage of Violations

Corrected YTD **4%**



Days Since Last Lost Time Accident in FD **169**

YTD Training Hours

IN HOUSE **292**
 OUTSIDE **180**



Public Awareness Contacts

MONTH **2,002**
 YTD **2,002**



Police Department Monthly Report to Council July 2020

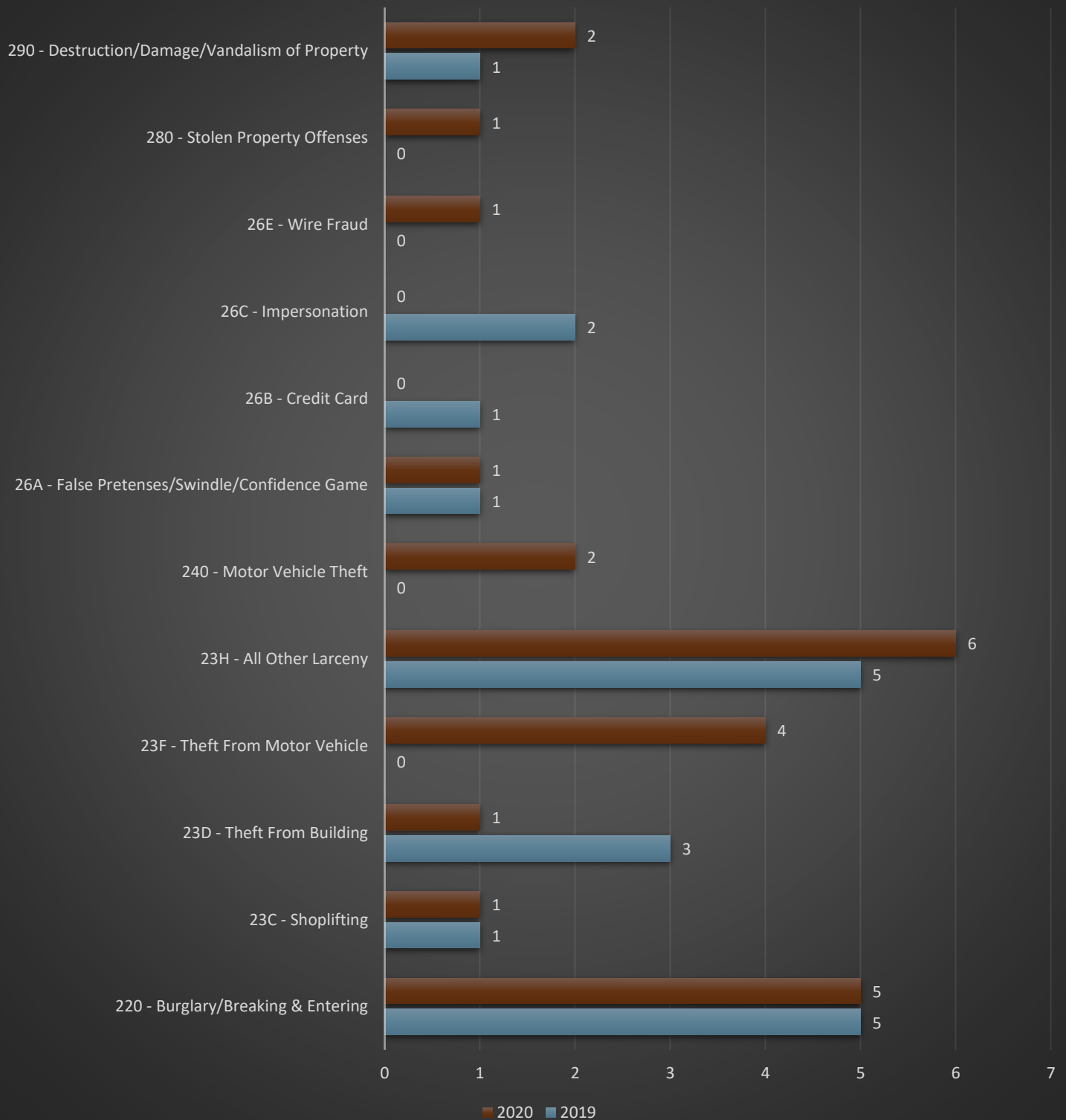


Prepared by
Deputy Chief Glen Webb

8/19/2020

Monthly Report July 1 through 31, 2020 (With Previous Year / Same Month Range)

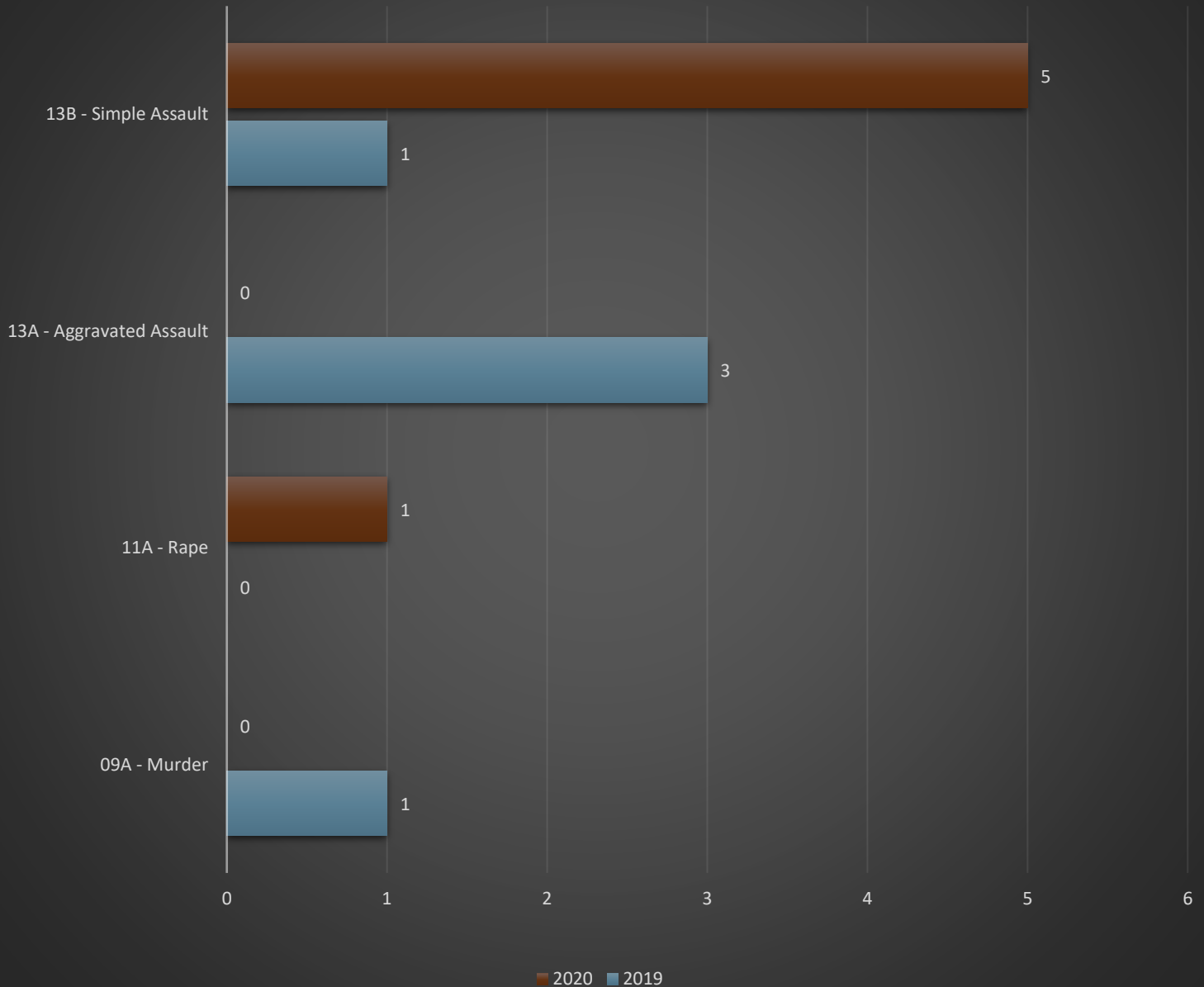
Crimes Against Property July 1-31, 2020



July 2020 Total Crimes Against Property: 24

July 2019 Total Crimes Against Property: 19

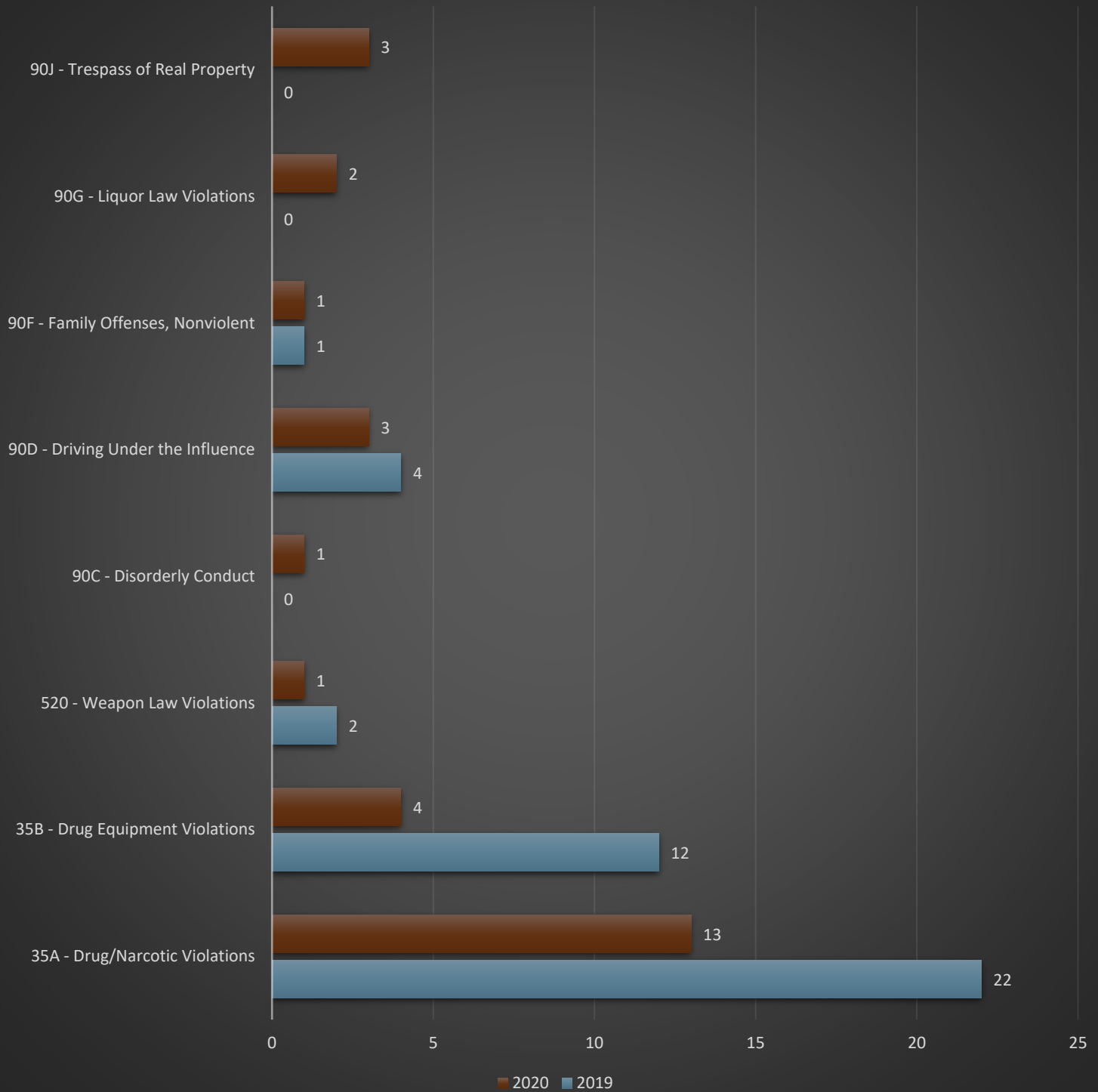
Crimes Against Persons July 1-31, 2020



July 2020 Total Crimes Against Persons: 6

July 2019 Total Crimes Against Persons: 5

Crimes Against Society July 1-31, 2020

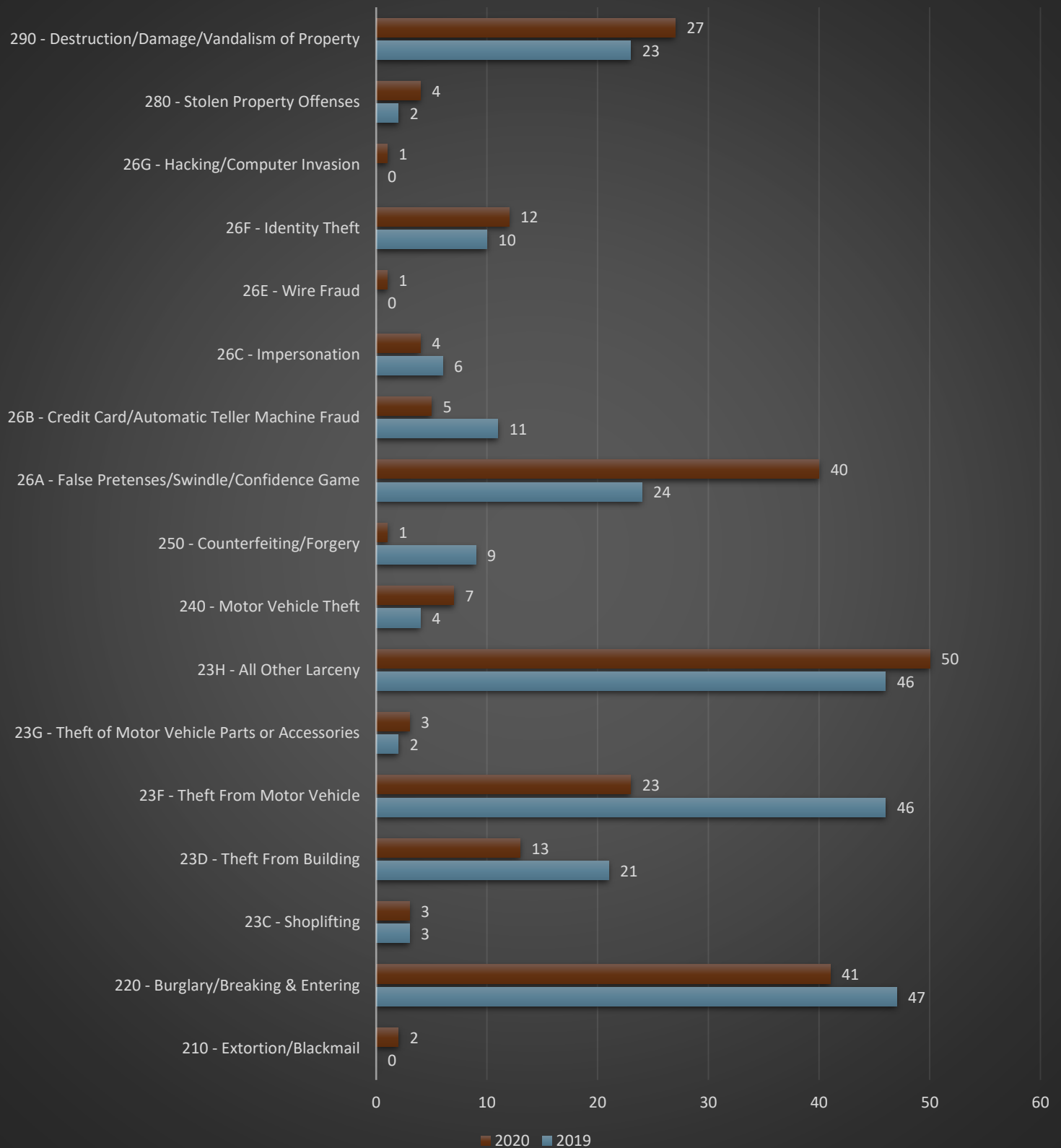


July 2020 Total Crimes Against Society: 28

July 2019 Total Crimes Against Society: 41

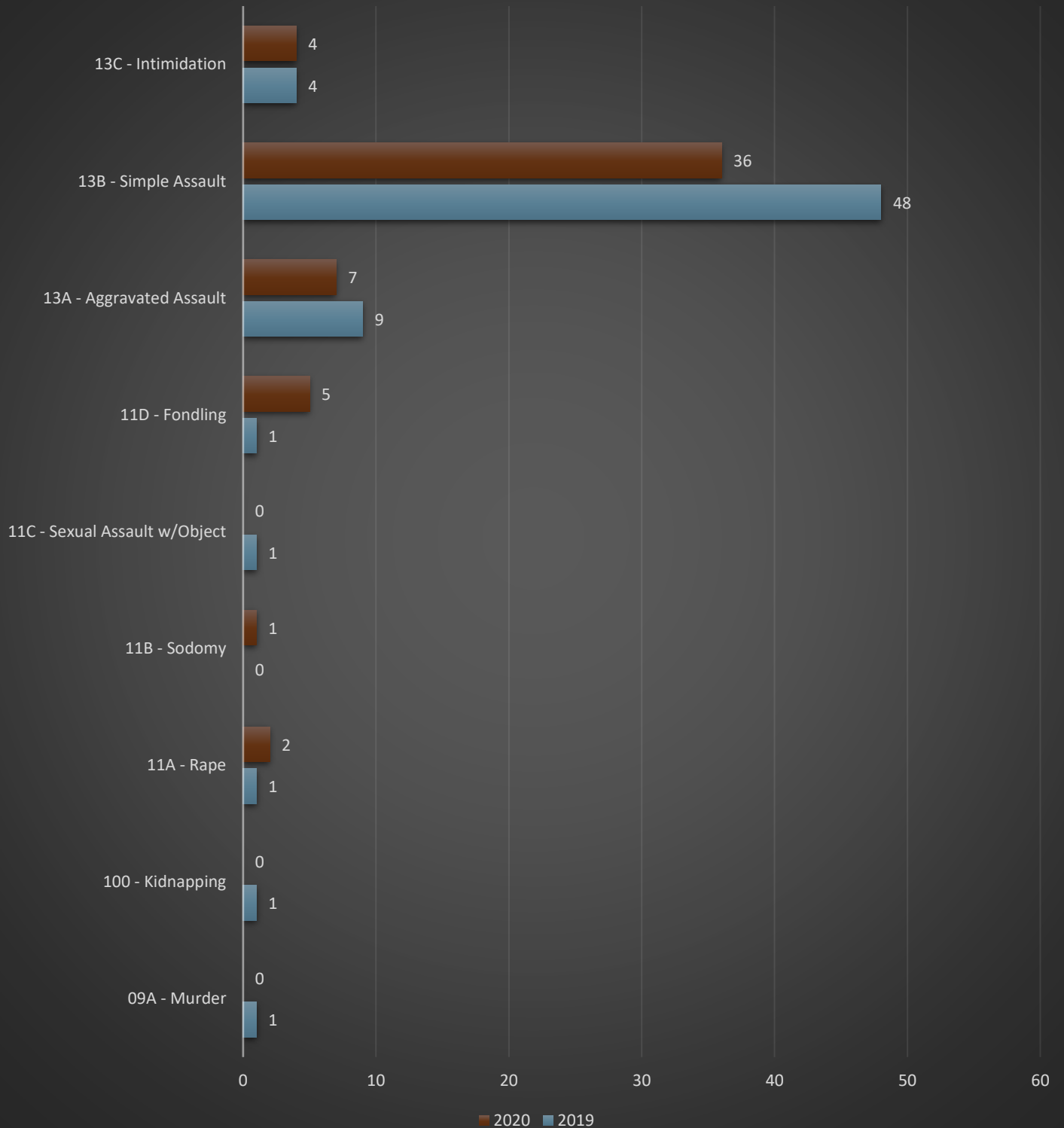
Rolling 12 Month Crimes Reported, August 1, 2019- July 31, 2020
(With Previous Year 12 Month Total)

Crimes Against Property Aug 1, 2019 - July 31, 2020



Rolling 12 Month Total Crimes Against Property 2020: 235
Rolling 12 Month Total Crimes Against Property 2019: 254

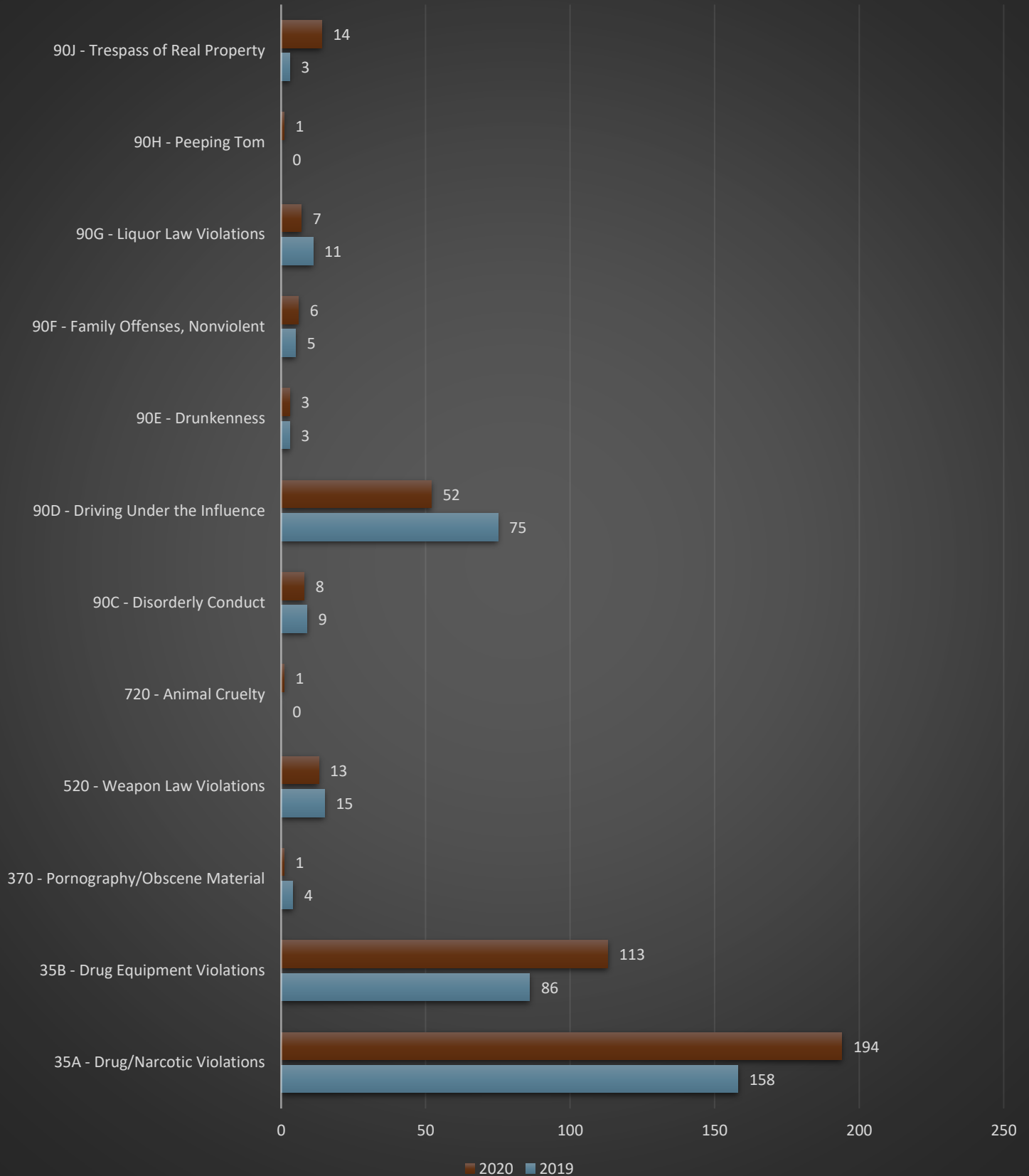
Crimes Against Persons August 1, 2019 - July 31, 2019



Rolling 12 Month 2020 Total Crimes Against Persons: 55

Rolling 12 Month 2019 Total Crimes Against Persons: 66

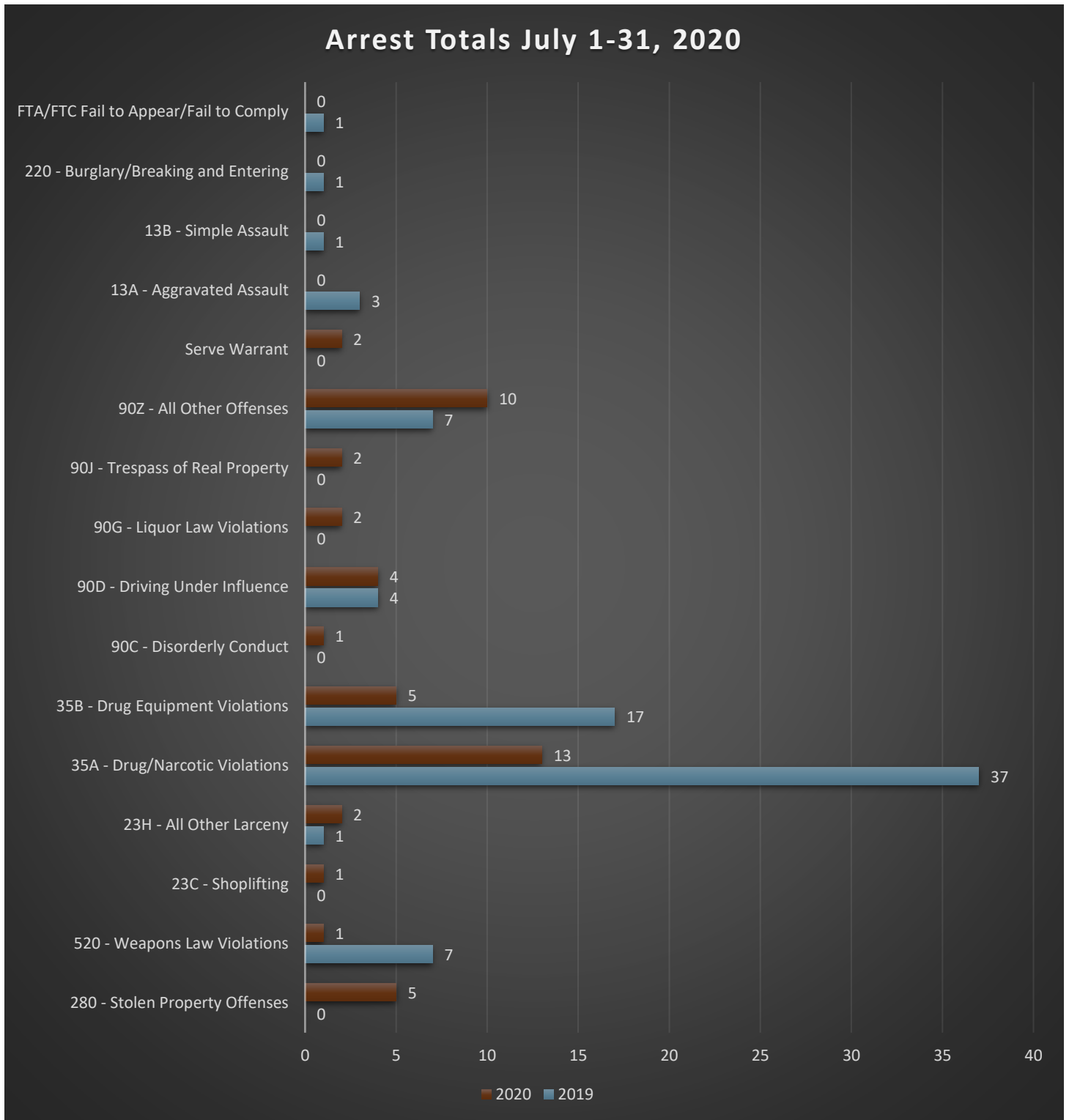
Crimes Against Society Aug 1, 2019 - July 31, 2020



Rolling 12 Month Total Crimes Against Society 2020: 413

Rolling 12 Month Total Crimes Against Society 2019: 369

Arrest Totals July 1 - 31, 2020 (With Previous Year / Same Month Range)

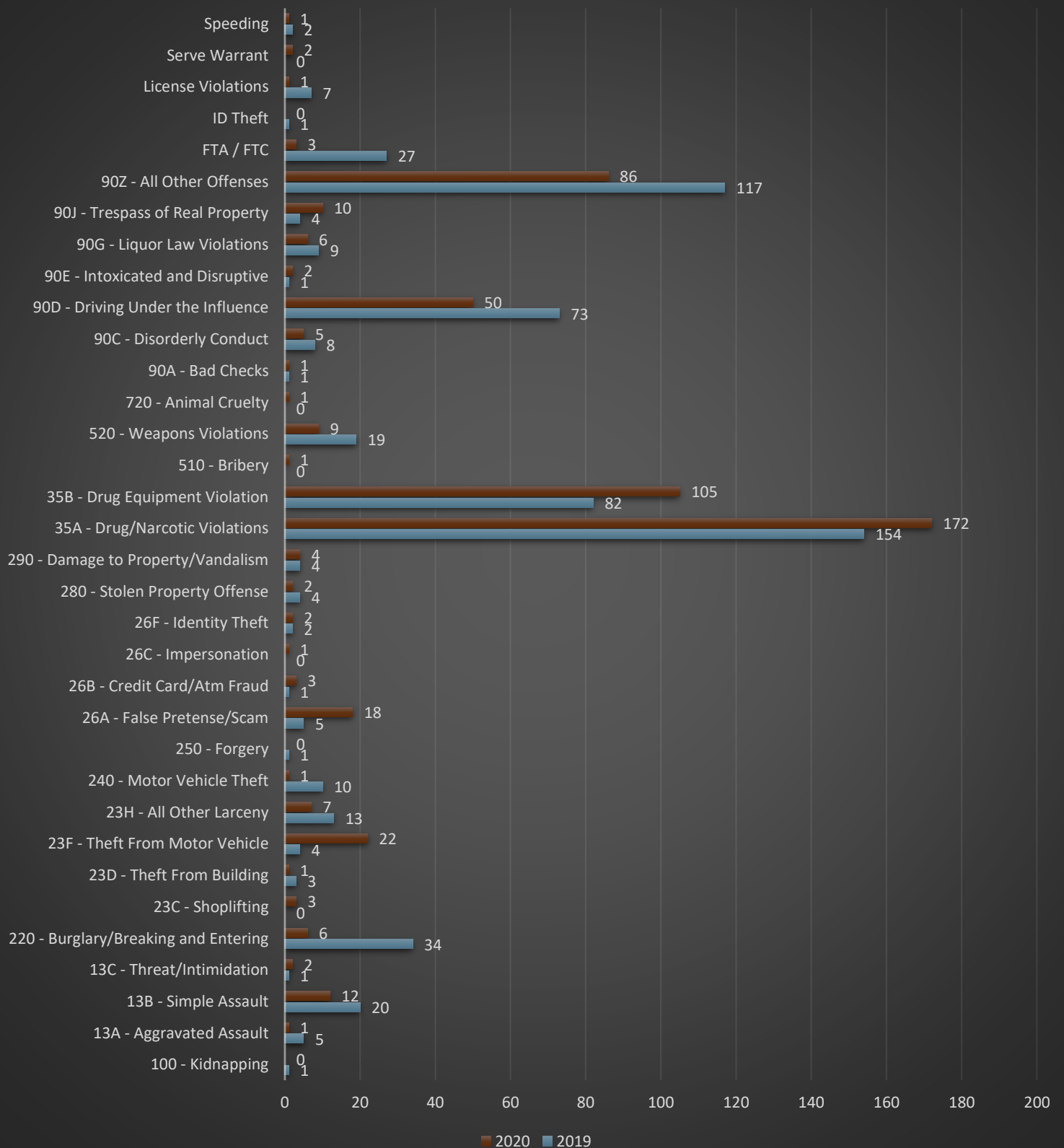


June 2020 Total Arrests: 48

June 2019 Total Arrests: 79

Rolling 12 Month Arrest Totals: July 1, 2019-June 30, 2020
(With Previous Year Same 12 Month Range):

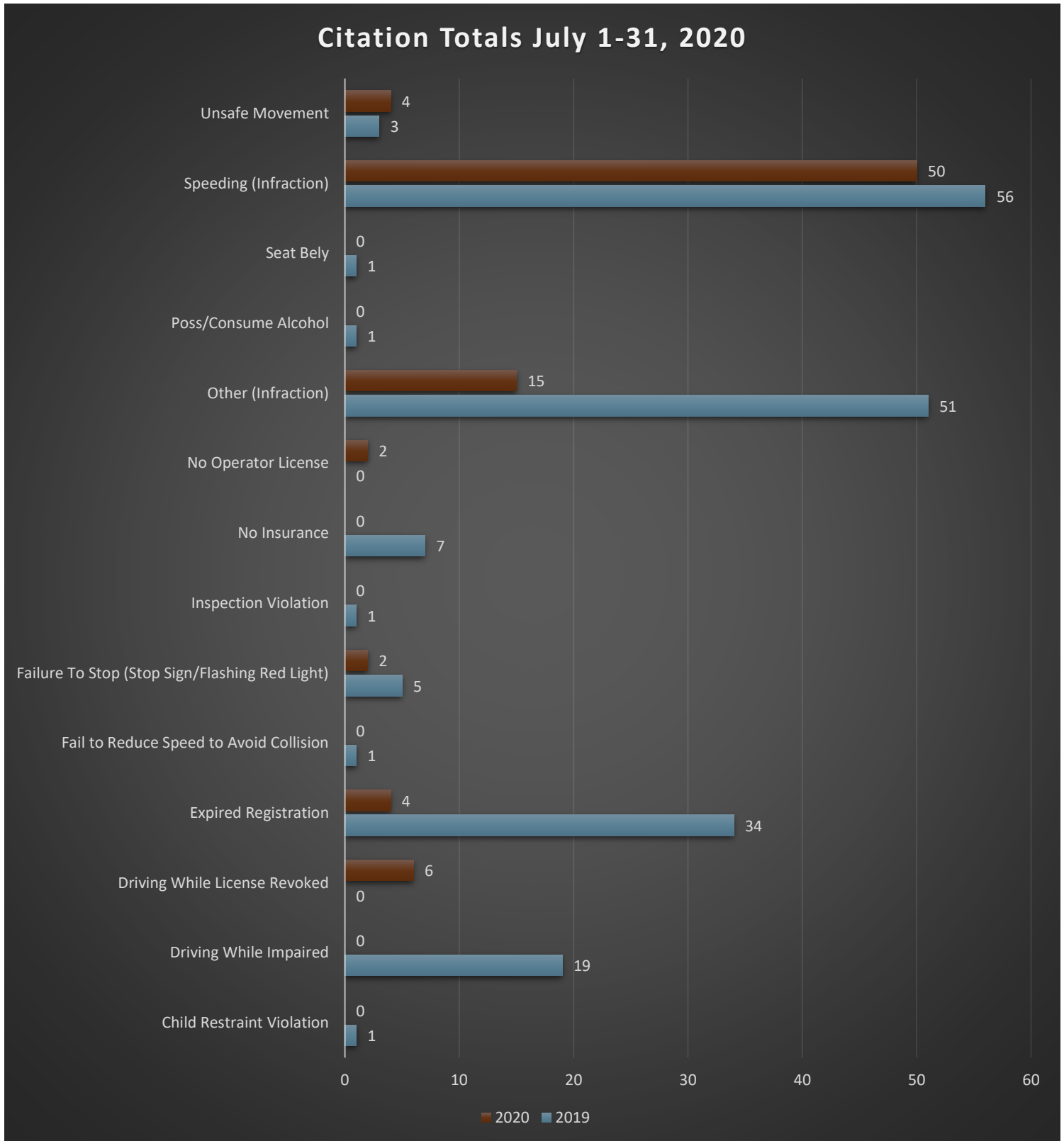
Arrest Totals Aug 1, 2019 - July 31, 2020



Rolling 12 Month Arrest Totals 2020: 540

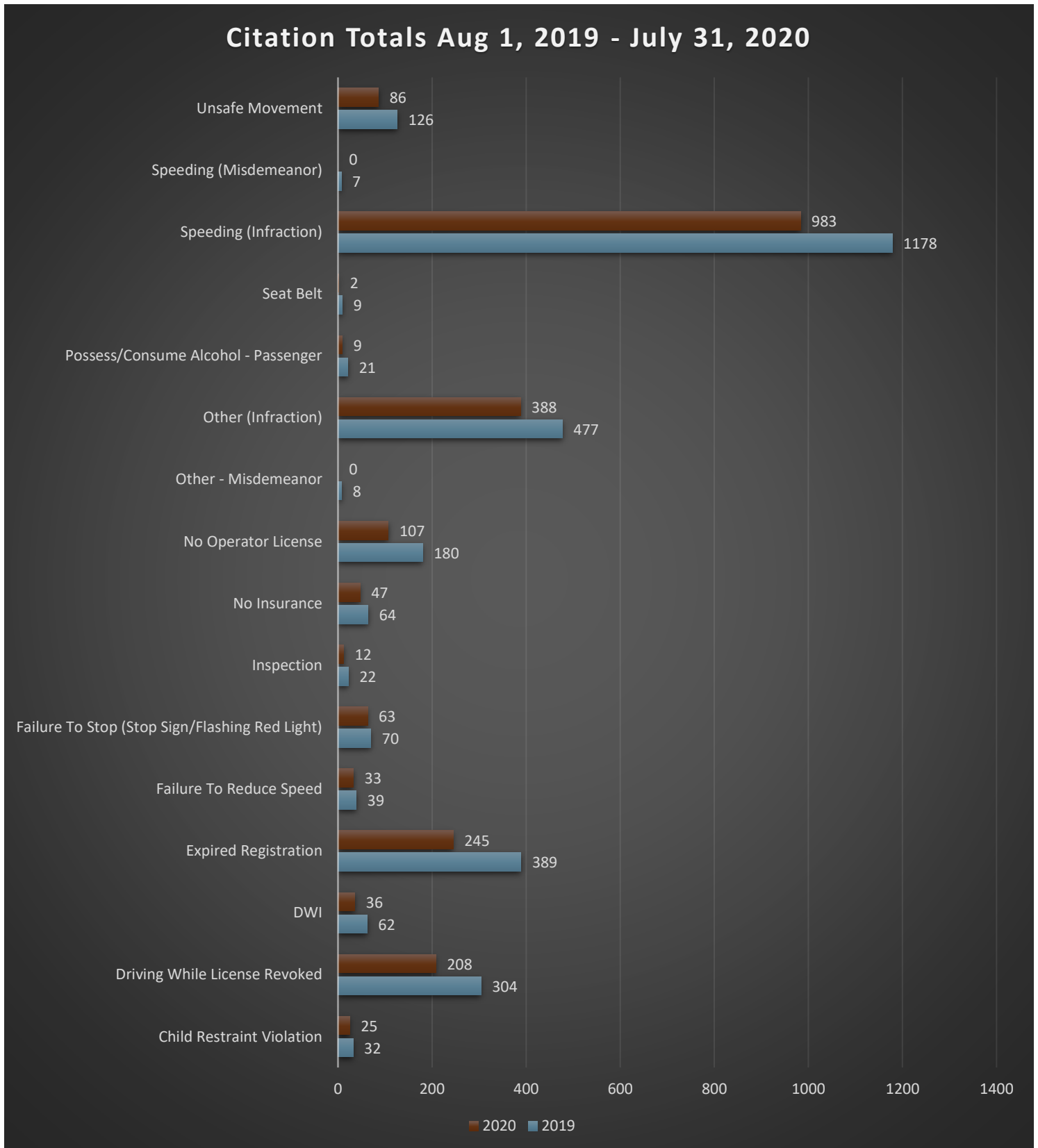
Rolling 12 Month Arrest Totals 2019: 613

Citation Totals July 1-31, 2020 (With Previous Year / Same Month Range)



June 2020 Total Citations: 83
June 2019 Total Citations: 180

Rolling 12 Month Citation Totals: July 1, 2019- June 30, 2020
(With Previous Year Same 12 Month Range):



Rolling 12 Month 2020 Total Citations: 2244
Rolling 12 Month 2019 Total Citations: 2988



**APPROVAL OF VILLAGE COUNCIL MEETING MINUTES.
ADDITIONAL AGENDA DETAILS:**

August 7, 2020 Special Meeting
August 7, 2020 Closed Session
August 11, 2020 Special Meeting
August 11, 2020 Closed Session
August 11, 2020 Regular Meeting
August 11, 2020 Work Session
August 11, 2020 Closed Session

FROM:

Beth Dunn

CC:

Jeff Sanborn

DATE OF MEMO:

9/1/2020

MEMO DETAILS:

Attached are the draft minutes from the August 7th special meeting and closed session and the August 11th special meeting, regular meeting, work session, and closed sessions.

ATTACHMENTS:

Description

- ☐ August 7, 2020 Special Meeting
- ☐ August 11, 2020 Special Meeting
- ☐ August 11, 2020 Regular Meeting
- ☐ August 11, 2020 Work Session



**VILLAGE COUNCIL
MINUTES FOR SPECIAL MEETING OF AUGUST 7, 2020
COUNCIL CONFERENCE ROOM
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA**

IMMEDIATELY FOLLOWING THE REGULAR MEETING

The Pinehurst Village Council held a special meeting at 9:30 a.m., Friday, August 7, 2020, in the Council Conference Room in Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Mr. John C. Strickland, Mayor
Ms. Judy Davis, Mayor Pro Tem
Ms. Lydia Boesch, Treasurer
Mr. Kevin Drum, Councilmember
Ms. Jane Hogeman, Councilmember
Mr. Jeffrey Sanborn, Village Manager
Ms. Beth Dunn, Village Clerk

And approximately 1 attendees, including 1 staff.

1. Call to Order.

Mayor John Strickland, called the Council special meeting to order.

2. Motion to Recess Special Meeting and Enter Closed Session.

Upon a motion by Councilmember Drum, seconded by Councilmember Hogeman, Council unanimously approved to recess the special meeting and enter a closed session pursuant to NCGS §143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations., by a vote of 5-0.

3. Closed Session.

Council held a closed session pursuant to NCGS §143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations.

4. Motion to Adjourn the Closed Session and Re-enter Special Meeting.

Upon a motion by Councilmember Boesch, seconded by Mayor Pro Tem Davis, Council unanimously approved to adjourn the closed session and re-enter the special meeting, by a vote of 5-0.

5. Motion to Adjourn

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Drum, Council unanimously approved to adjourn the special meeting, by a vote of 5-0, at 11:30 a.m.

Respectfully Submitted,

Beth Dunn,
Village Clerk

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DRAFT



**VILLAGE COUNCIL
MINUTES FOR SPECIAL MEETING OF AUGUST 11, 2020
FIRE STATION TRAINING ROOM
405 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA**

IMMEDIATELY FOLLOWING THE REGULAR MEETING

The Pinehurst Village Council held a special meeting at 2:00 p.m., Tuesday, August 11, 2020, in the Training Room of the Pinehurst Fire Station, 405 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Mr. John C. Strickland, Mayor
Ms. Judy Davis, Mayor Pro Tem
Ms. Lydia Boesch, Treasurer
Mr. Kevin Drum, Councilmember
Ms. Jane Hogeman, Councilmember
Mr. Jeffrey Sanborn, Village Manager
Ms. Beth Dunn, Village Clerk

And approximately 1 attendees, including 1 staff.

1. Call to Order.

Mayor John Strickland, called the Council special meeting to order.

2. Motion to Recess Special Meeting and Enter Closed Session.

Upon a motion by Councilmember Boesch, seconded by Councilmember Drum, Council unanimously approved to recess the special meeting and enter a closed session pursuant to NCGS §143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations., by a vote of 5-0.

3. Closed Session.

Council held a closed session pursuant to NCGS §143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations.

4. Motion to Adjourn the Closed Session and Re-enter Special Meeting.

Upon a motion by Councilmember Drum, seconded by Councilmember Hogeman, Council unanimously approved to adjourn the closed session and re-enter the special meeting, by a vote of 5-0.

5. Motion to Adjourn

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Boesch, Council unanimously approved to adjourn the special meeting, by a vote of 5-0, at 4:10 p.m.

Respectfully Submitted,

Beth Dunn,
Village Clerk

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DRAFT



**VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF AUGUST 11, 2020
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

The Pinehurst Village Council held a Regular Meeting at 4:30 p.m., Tuesday, August 11, 2020 in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Mr. John C. Strickland, Mayor
Ms. Judy Davis, Mayor Pro Tem
Mr. Kevin Drum, Councilmember
Ms. Lydia Boesch, Councilmember
Ms. Jane Hogeman, Councilmember
Mr. Jeffrey M. Sanborn, Village Manager
Ms. Beth Dunn, Village Clerk

And approximately 54 attendees, and 9 staff members.

1. Call to Order.

Mayor Strickland, called the Village Council meeting to order.

2. Reports:

Village Council

- Mayor Strickland stated that First Health continues to operate successfully and encouraged the public to continue to practice social distancing.
- Councilmember Hogeman stated the Beautification Committee met on August 3rd and have assigned area zones to committee members, at the suggestion of Councilmember Boesch.

3. Motion to Approve Consent Agenda.

All items listed below are considered routine or have been discussed at length in previous meetings and will be enacted by one motion. No separate discussion will be held unless requested by a member of the Village Council.

- Resolution to Honor Beautification Committee Chair.
- Approval of Village Council Meeting Minutes.
 - July 28, 2020 Regular Meeting
 - July 28, 2020 Work Session
 - July 28, 2020 Closed Session
- Budget Amendments Report.

End of Consent Agenda.

Upon a motion by Councilmember Drum, seconded by Mayor Pro Tem Davis, Council unanimously approved the Consent agenda, by a vote of 5-0.

4. Motion to Recess Regular Meeting and Enter into a Public Hearing.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Boesch, Council unanimously approved to recess the regular meeting and enter into a public hearing, by a vote of 5-0.

5. Public Hearing No. 1

Darryn Burich, Planning and Inspections Director, explained the purpose of the public hearing is to consider a request by DGH Management, LLC for a Major Subdivision Review for an 11 lot single family subdivision. This property is identified as Moore County Parcel ID# 00052077 and is located at Floyd Way, an unimproved road that intersects with Diamondhead Drive South and Starlit Lane. Current zoning on the property is R-20, medium density residential district with no changes proposed. Mr. Burich reviewed the process for approving a major subdivision.

Mr. Burich explained that the applicant has indicated an intention to request annexation from the Village and that a Homeowners Association (HOA) will be formed and will be responsible for the maintenance of required improvements. This property is not in a floodplain or wetland and will not have any impact on cockaded woodpeckers. The property is in the Watershed II Protection District (WS-II), which limits density to one (1) dwelling per unit acre. Mr. Burich reviewed the current and previous land use plans and zoning maps for this property, which all indicated residential development.

Mr. Burich stated that the Technical Review Committee (TRC) has reviewed the proposed development and deemed it to be compliant at this stage and meets the dimensional requirements and standards of the Pinehurst Development Ordinance (PDO). Mr. Burich explained that on July 9, 2020 the Planning and Zoning (P&Z) Board recommended approval with conditions. However, staff recommends approval of this subdivision with no other conditions at this time, as the applicant has already resolved the P&Z Board recommended conditions or staff feels the conditions go above the PDO requirements. Mr. Burich explained Village Council can either approve, reject, or conditionally approve the preliminary plat. If Council approves the plat with conditions they are limited to the configuration of lots and streets, arrangement of utility networks, location of dedicated land and rights-of ways, payment of fees in lieu of dedications, and location of required improvements.

Councilmember Hogeman explained that, under the Village's current PDO, at this stage we only require a concept plan and the engineering work has yet to be completed for the project. Jeff Sanborn, Village Manager, stated the reason the PDO is structured that way is because the detailed engineering and design work is very expensive, this allows an applicant to get a reasonable expectation of moving forward with a project before investing heavily in all of the design work.

Kevin Lindsey, Engineer with Crawford Design Services, explained the changes made to the plat per the recommendations of the P&Z Board. Mayor Strickland asked why the road didn't exit at Starlit Lane and down to Diamondhead Drive to make a much safer intersection. Clark Campbell, applicant's attorney, explained that you can't re-develop a platted residential lot. Mr. Lindsey noted that the proposed exit has visibility and meets the NCDOT site distance requirements. Mr. Lindsey stated that they will have 2 dry ponds to assist with storm water and they plan to install a swell to assist the property owners to the north.

Councilmember Drum asked about the proposed homeowners association (HOA) for this subdivision. Mr. Campbell explained the HOA would maintain only the common areas, which is a small area, as most common areas will be left natural. He also explained the roads would be built to Village standards and dedicated to the Village upon annexation. Mayor Strickland asked what they would do if the Village of Pinehurst didn't approve the request for annexation and accept the roads, would the HOA maintain the roads. Mr. Lindsey explained they would be built to North Carolina Department of Transportation (NCDOT) standards and they would then dedicate the roads to the NCDOT. Mayor Pro Tem Davis asked what the developer's timetable is. Mr. Campbell stated that they will move as quickly as they could pending all the approvals in the process, which would still take some time.

Public Comments:

- Sue Hilton, 745 Diamondhead Drive South, stated she has lived in Pinehurst for 12 years and has watched all the development in the area. She has concerns based on the houses the same developer built on Starlit Lane. She would like the construction traffic to be required to go down Linden Road and she would like to save some of the trees instead of clear cutting the property.
- Joan Barrett, 3 Weldon Court, expressed concerns over stormwater. She would like to hold this development and future developments to a higher standard when the end result is into Lake Pinehurst. She stated she is concerned with traffic in the area and with the new Beach Club opening at the lake.

- Bob Daane, 665 Diamondhead Drive, stated if you polled all residents on Diamondhead Drive no one would want this development. He proposed the project be rejected off of the questions raised around the drainage and easement issues. He noted the property in question is in the ETJ, not even in corporate limits and all the water in that area will flow to that intersection of the entrance. On the hill to the north there is a sign that says caution blind driveway ahead, as it is a dangerous intersection.
- Joe Mills, 1 Weldon Court, stated his primary concern is the additional traffic with the opening of the Marina. Believes this will impact the privacy and wonderful nature of the community around the lake.
- Kathy Kennedy, 780 Diamondhead Drive, stated she has been a resident for almost 20 years. She has always felt it was very dangerous coming in and out of her driveway and if the new development happens this will increase the danger. She doesn't believe that every effort has been made to control the speeds in the neighborhood.
- Scott Baird, 16 Starlit Lane, explained the drainage issues he has in his backyard which was developed by the same developer, Ron Jackson, for this proposed subdivision. After he purchased the property he became aware of the drainage issues and Mr. Jackson didn't help him with the issues, nor his other neighbor's homes which he built.
- Jim Groeger, 6 Starlit Lane, asked how can this project of this magnitude that has been in the planning stage for 3 years still have so many unanswered questions. He asked when the property was zoned R-20 and if the project was stoppable.
- Kay Wildt, 4 Blair Court, stated that generally the needs of the residents and the needs developers are not the same. The need of the residents should outweigh the needs of developer. In the future look for ways to make the process more understandable for the community. She stated she would like to see real true enforcement with teeth and more stringent ordinances for developments.
- Richard Brown, 629 Diamondhead Drive, stated that development has exploded in that area. The construction trucks are speeding and can't handle the turns. He stated they asked the Planning and Zoning Board to recommend not allowing construction vehicles to come down Lake Hills and Diamondhead for this project. Mr. Brown asked Council to restrict these construction vehicles in the area, as there are too many pedestrians to have this type of traffic all the time.
- Kaleb Springer, 10 Starlit Lane, stated there are no storm water control measures on either side of Starlit Lane. He referenced the FY 21 SOP and one focus area is to manage stormwater and explained this is the perfect opportunity to partner with the builder to correct these issues in the area. Also, a challenge in the SOP is managing the quality of development and the quality of development is in question with this project.
- Cary Kerciheyam, 14 Starlit Lane, although there is a certification stating there are no Red Cockaded Woodpeckers in the area he took a picture and a video of one in his backyard, which backs up to the property. He sent these photos to the US Fish and Wildlife to confirm the species and they agreed it certainly looks like one by the traits. He noted that the mailboxes would need to be moved, as they are on Starlit Lane. He stated that at the Planning and Zoning Board meeting, Clark Campbell, the developer's attorney, stated that they would fix the existing storm water problems on Starlit Lane. Mr. Kerciheyam stated that he doesn't believe a 20 foot swell behind their homes will fix the stormwater problems.
- Colleen Dolgan, 715 Diamondhead Drive South, stated she has been a homeowner in Pinehurst since 2002 and lived on the lake since 2008. She stated there is a Bald Eagle in the area and she doesn't want to see it rehomed. She feels badly for the neighbors on Starlit whose homes flood. They have had to install french drains and a swell in their own yard. She is concerned for pedestrian safety with all of the traffic on Diamondhead.
- Dennis Dolgan, 715 Diamondhead Drive South, forced to put in a french drain to alleviate flooding threats in his home. Already increasing traffic with the Beach Club opening. Stated that buses are biggest speed offender in the area. Stated he can't imagine another road in Pinehurst that is more dangerous than Diamondhead and it is an accident waiting to happen.
- Joel Smith, 8 Starlit Lane, the power line company have to come thru this yard to access lines on this property as there was no other access. Thanked Council for coming out to look at the property. Stated this proposed development is not in the town limits it is only in the ETJ and will not be subject to paying Village taxes. Asked Council to reject the subdivision.
- Danette Ray, 4 Starlit Lane, stated she has lived in the community for 26 years. She stated that she has Red Cockaded Woodpeckers in the woods behind her home, which backs up to the proposed development, and believes a determination needs to be made before approving on this development. Mr. McLeod told her there were natural springs on lots 14 and 16 of Starlit Lane and that's why the County had once owned those lots and they were never supposed to be developed.
- Lynn Horton, 9 Starlit Lane, stated she lives at the top of the hill and sees what has happened to homes below her. Asked Council to please be mindful of the mission and to please reject this proposal.

Mr. Lindsey stated they have proposed solutions to help with stormwater and noted that the developer didn't build Starlit Lane. He explained that when it was developed the required design standards were not as high and noted that is a separate issue as to what is being looked at today. He stated that he would propose sidewalks in that area to address pedestrian safety concerns on the road. Mr. Campbell noted today is about plat approval, site plans and considerations will come in due course.

6. Public Hearing No. 2

Darryn Burich, Planning and Inspections Director, stated the purpose of the public hearing is to receive public comments regarding establishment of an Annexation Agreement between the Village of Pinehurst and the Town of Carthage. The previous agreement expired in 2019. Mr. Burich explained that Village staff and the Town of Carthage have updated some of the terms of the original agreement as well as expanded the protection area a new annexation agreement ordinance. The annexation protection area has been expanded to the west generally following the Litter River to Beulah Hill Church Road and then running north and south back to each municipality's respective corporate limits following the centerline of existing right-of-ways. Expanding the protection area helps in allowing broader ability to effectively land use plan in those areas. Mr. Burich explained the proposed agreement will expire in ten (10) years and may be terminated on either side by repealing the annexation ordinance and providing a five (5) year advance written notice. The Town of Carthage is scheduled to take action on the annexation agreement at their August 17th meeting.

Public Comments:

- There were no public comments.

7. Motion to Adjourn Public Hearing and Re-Enter Regular Meeting.

Upon a motion by Mayor Pro Tem Davis seconded by Councilmember Drum, Council unanimously approved to adjourn the public hearing and re-enter the regular meeting, by a vote of 5-0.

8. Discuss and Consider action on the Preliminary Plat for the Floyd Way Major Subdivision.

Council and staff discussed some of the issues brought up in the public hearing such as storm water problems, natural springs, clear cutting, Red Cockaded Woodpeckers (RCW), and access to Floyd Way from the new driveway. Council agreed they would like clarification on these issues before making a decision. They agreed to discuss again at the next regular Council meeting on September 8, 2020 at 4:30 p.m.

Upon a motion by Councilmember Boesch, seconded by Councilmember Hogeman, Council unanimously agreed to continue the discussion of the Floyd Way Major Subdivision Plat to the next regular Council meeting on September 8, 2020, by a vote of 5-0.

9. Discuss and Consider an Annexation Agreement Between the Village of Pinehurst and the Town of Carthage.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Boesch, Council unanimously approved ordinance 20-10 approving an annexation agreement between the Village of Pinehurst and the Town of Carthage for the mutual boundary line between these two municipalities, by a vote of 5-0.

10. Consider a Request from Retiring Police Chief Earl Phipps to Purchase his Service Sidearm.

Angie Kantor, Human Resources Director, stated staff have received a request from Police Chief Earl Phipps to purchase his service side arm and be awarded his badge upon his retirement. North Carolina General Statutes authorizes the Village Council to award, upon request, a retiring law enforcement officer their service side arm and badge at a price determined by the governing body. The Village's Service Awards and Retirement Recognitions policy sets the price for the side arm and badge for an officer with less than 10 years of service at \$300. If Council approves this request by motion, the sale would be completed upon Chief Phipps' retirement and presentation of proper licenses and permits for such a weapon.

Upon a motion by Councilmember Drum, seconded by Mayor Pro Tem Davis, Council unanimously approved the request for retiring Police Chief, Earl Phipps, to purchase his service revolver and be awarded his badge upon retirement, by a vote of 5-0.

11. Update on the Status of the FY 2020 Strategic Operating Plan

Lauren Craig, Organizational Performance Director, provided Council with an update on the status of implementing the fiscal year (FY) 2020 Strategic Operating Plan (SOP). Ms. Craig explained that the FY 2020 SOP included 8 Initiative Action Plans (IAPs) and of those only one, the Planning and Inspections Process Improvements, wasn't completed and will carryforward to FY 2021. The 8 IAPs included metrics to track how effective the Village is at accomplishing targeted results and as of June 30, 2020, the Village achieved targeted results for 7, or 88%, of the 8 IAPs.

12. Discuss and Consider a Budget Amendment Appropriating Funds from FY 2020 to FY 2021.

Brooke Hunter, Financial Services Director, explained the Village had several projects underway at June 30, 2020 that need to be carried over to the next fiscal year (FY). Per North Carolina General Statutes, the appropriations for these projects lapse at the close of the FY and the funds are added to the Village's fund balance. Mr. Hunter noted that in order for these projects to be completed, funds must be reappropriated in the current FY.

Ms. Hunter explained the items being reappropriated include projects for which funds were donated and were not spent in the previous year. These would include the Police, Fire, Streets & Grounds, Recreation, and Greenway Wildlife Habitat donations. Also, other items would include projects funded in the previous fiscal year that were not started and/or completed by June 30th. Ms. Hunter reviewed a summary of the items included in the reappropriation amendment, which totaled \$1,057,473.

Upon a motion by Councilmember Hogeman, seconded by Mayor Pro Tem Davis, Council unanimously approved ordinance 20-11 re-appropriating funds from the fiscal year 2020 Budget to the fiscal year 2021 Budget, by a vote of 5-0.

13. Discuss and Consider Awarding FY 2021 Resurfacing Contract.

Mike Apke, Public Services Director, stated this item is to discuss and consider awarding the Village's annual road resurfacing contract to Riley Paving, Inc. Mr. Apke explained that 3 contractors submitted unit pricing on an initial list of approximately 4 miles of roads to resurface, identified by a committee, on August 5, 2020. Riley Paving submitted the lowest bid in the amount of \$946,059.12. Mr. Apke explained that the Village's Powell Bill budget for fiscal year (FY) 2021 is \$1.1 million, along with \$163,242 in roll forward funding from FY 2020 that was unable to be spent due to unfavorable weather conditions at the end of June. The total available funding, including the roll forward, is \$1,263,242. Mr. Apke explained the plan is to award an original contract to Riley Paving in the amount of \$946,059.12 and requested that Council authorize the Village Manager to execute change orders to add additional quantities at the original unit pricing with the overall annual amount not to exceed \$1,263,242 in sum total.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Drum, Council authorized the Mayor or his designee to execute a contract with Riley Paving, Inc. for the Fiscal Year 2021 annual road-resurfacing project in the amount of \$946,059.12 and request that the Village Manager is authorized to execute change orders to add additional miles at the original unit pricing with the overall annual amount not to exceed \$1,263,242 in sum total, by a vote of 5-0.

14. Other Business.

No other business was discussed.

15. Comments from Attendees.

There were no comments from attendees.

16. Motion to Adjourn.

Upon a motion by Councilmember Drum, seconded by Councilmember Boesch, Council unanimously approved to adjourn the regular meeting, by a vote of 5-0, at 8:09 p.m.

Respectfully Submitted,

Beth Dunn,
Village Clerk

A videotape of this meeting is located on the Village website: www.vopnc.org

Vision: The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions.

Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.

Values: Service, Initiative, Teamwork, and Improvement



**VILLAGE COUNCIL
MINUTES FOR WORK SESSION OF AUGUST 11, 2020
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA**

IMMEDIATELY FOLLOWING THE REGULAR MEETING

The Pinehurst Village Council held a Work Session at 8:20 p.m., Tuesday, August 11, 2020, in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Mr. John C. Strickland, Mayor
Ms. Judy Davis, Mayor Pro Tem
Ms. Lydia Boesch, Treasurer
Mr. Kevin Drum, Councilmember
Ms. Jane Hogeman, Councilmember
Mr. Jeffrey Sanborn, Village Manager
Ms. Beth Dunn, Village Clerk

And approximately 4 attendees, including 3 staff.

1. Call to Order.

Mayor John Strickland, called the Council work session to order.

2. Discuss Public Nuisance Ordinance

Jeff Sanborn, Village Manager explained due to recent concerns about public disturbances in and around our residential neighborhoods associated with parties and amplified music, staff is suggesting updates to our noise nuisance ordinance language which are intended to create more clear standards and to enhance deterrence and enforceability. Mr. Sanborn explained that the draft language would prohibit sustained noise levels of 40 decibels between the hours of 10:00 p.m. and 7:00 a.m. or 55 decibels at other times that can be measured from any nearby residential property. Mr. Sanborn explained that sustained levels would be defined as a continuous measurement over the threshold for at least 10 seconds, or at least 15 instances of measurements over the threshold in a 60 second period. Mr. Sanborn explained the penalty for a violating the ordinance could be \$100 fine and/or upon conviction guilty of a class 3 misdemeanor. Additional penalties could apply if the person committing the offense is under contract with the legal owner of the property on which the violation occurs, the owner will receive a written warning after the first violation involving a single piece of property during a 24 month period. Mr. Sanborn explained that most of the penalties for code violations in the current Municipal Code is \$50, such as firing a gun in city limits. Council discussed various levels of penalties that could be imposed for the noise ordinance violation and the comparison to other codes violations within the Municipal Code. Natalie Hawkins, Assistant Village Manager, explained that the US Constitution prohibits civil penalties that are grossly disproportionate to the corresponding offense. She also noted that the guidance from the School of Government is that as long as the penalty is not exceptionally large compared to other civil penalties imposed by the government then the penalty would be acceptable. Councilmember Hogeman shared ideas she had in regards to the noise ordinance and proposed penalties. Staff will continue to work on the draft language for the ordinance and Council will discuss further at the next Council work session on September 8, 2020.

3. Other Work Session Business.

- Mayor Strickland stated they had a follow up with the National Park Service and the study on Pinehurst will take 3 years.

4. Potential Future Work Session Agenda Items.

- ETC has finished the Library survey, they received 410 completed surveys. Council and staff discussed potential dates to hold a separate meeting to receive the results and a presentation from the library consultants.

5. Motion to Recess Work Session and Enter Closed Session.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Boesch, Council unanimously approved to recess the work session and enter a closed session pursuant to NCGS §143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations., by a vote of 5-0.

6. Closed Session.

Council held a closed session pursuant to NCGS §143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations.

7. Motion to Recess the Closed Session and Re-enter Work Session.

Upon a motion by Mayor Strickland, seconded by Councilmember Boesch, Council unanimously to adjourn the closed session and re-enter the work session, by a vote of 5-0.

8. Motion to Adjourn.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Boesch, Council unanimously approved to adjourn the work session, by a vote of 5-0, at 9:55 p.m.

Respectfully Submitted,

Beth Dunn,
Village Clerk

A videotape of this meeting is located on the Village website: www.vopnc.org

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**PRESENT RESOLUTION TO MOLLY ROWELL HONORING HER
SERVICE AS THE BEAUTIFICATION COMMITTEE CHAIR.**

ADDITIONAL AGENDA DETAILS:

FROM:

Beth Dunn

CC:

Jeff Sanborn

DATE OF MEMO:

9/1/2020

MEMO DETAILS:

Council will present Molly Rowell with a resolution honoring her for her service on the Beautification Committee.

ATTACHMENTS:

Description

▣ Resolution 20-28

RESOLUTION 20-28:

A RESOLUTION HONORING THE SERVICE OF MS. MOLLY ROWELL AS THE VILLAGE OF PINEHURST BEAUTIFICATION COMMITTEE CHAIR

WHEREAS, the Village Council of Pinehurst, North Carolina, wishes to acknowledge and express its appreciation to Ms. Molly Rowell for her dedicated service to the citizens of Pinehurst as Chair of the Pinehurst Beautification Committee; and

WHEREAS, Ms. Rowell was appointed as Chair of the Beautification Committee on March 11, 2014 and served continuously and faithfully from that time; and

WHEREAS, Ms. Rowell was instrumental in the efficient operation of the Beautification Committee always conducting the Village's business in a courteous, professional manner; and

WHEREAS, Ms. Rowell was deeply involved in planning and implementing the annual decorating of the Village for Christmas in both the Village Center and the surrounding historic district, a tradition which has brought great pleasure to residents and visitors to Pinehurst alike; and

WHEREAS, Ms. Rowell was instrumental in numerous beautification projects throughout the Village, in conjunction with and in cooperation with various garden clubs, North Carolina Department of Transportation, and the Village of Pinehurst Public Services Department.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of Pinehurst, North Carolina, in a regular meeting assembled this 11th day of August, 2020 as follows:

SECTION 1. That the Village Council hereby expresses on behalf of the citizens of Pinehurst, deep appreciation and gratitude for the gifts of time, ability, and determination given as the Chair of the Beautification Committee.

SECTION 2. That the Village Manager is hereby directed to have a copy of this Resolution presented to Ms. Rowell as a token of our gratitude.

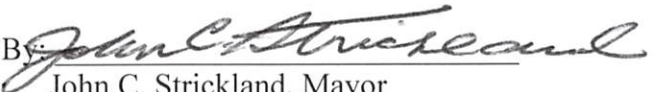
THIS RESOLUTION passed and adopted this 11th day of August, 2020.



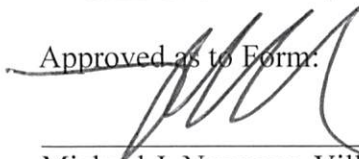
Attest:


Beth Dunn, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: 
John C. Strickland, Mayor

Approved as to Form:


Michael J. Newman, Village Attorney



**DISCUSS AND CONSIDER ACTION ON THE PRELIMINARY PLAT FOR
THE FLOYD WAY MAJOR SUBDIVISION.
ADDITIONAL AGENDA DETAILS:**

FROM:

Alex Cameron, Senior Planner

CC:

Jeff Sanborn, Natalie Hawkins, Darryn Burich & Beth Dunn

DATE OF MEMO:

9/1/2020

MEMO DETAILS:

Council may either decide to approve, approve with conditions or reject the preliminary plat. Council may also choose to discuss further in a subsequent meeting but failure to act on the preliminary plat within 90 days of this meeting shall be deemed approval of the preliminary plat.

If Council approves the plat with conditions, all conditions and the reasons for requiring such shall be stated in the record of approval. Such conditions should be related to the proposal and may include, but are not limited to:

1. The configuration of lots and streets;
2. The arrangement of utility networks on the property;
3. The location of dedicated land and rights-of-way;
4. The payment of fees in lieu of such dedications;
5. The location of required improvements.

If Council rejects the preliminary plat, the reasons therefor shall be stated in the record along with recommendations on how to revise the plat so that it could be approved.

The staff Technical Review Committee (TRC) and the Planning and Zoning Board recommend approval of the preliminary plat with the following conditions:

1. The developer provide for adequate drainage from the adjacent properties to the north in order to mitigate stormwater runoff along the rear of lots 5, 7 & 8 coming from the adjacent residential lots along Starlit Lane.
2. The required street trees be selected from one of the species native to the Sandhills as listed in Appendix F of the Pinehurst Development Ordinance (PDO) in order to ensure the required trees planted in the subdivision are consistent the character of the area.
3. Recommend construction traffic follow Linden Rd. and Burning Tree Rd. to access the site in order to mitigate and address concerns over traffic in the other residential areas during the construction phase of the subdivision.

Action can be made by motion.

ATTACHMENTS:

Description

- ▣ September 8, 2020 Staff Memo to Council
- ▣ July 30, 2020 Staff Memo to Council
- ▣ Planning and Zoning Board Staff Report
- ▣ Planning and Zoning Board Recommendation
- ▣ Draft Planning and Zoning Board Minutes
- ▣ Application
- ▣ Revised Preliminary Plat
- ▣ Floyd Way Site Plan with Wetlands
- ▣ Floyd Way Subdivision Plat with Wetlands
- ▣ Floyd Way Vicinity Map
- ▣ USF&W RCW Letter
- ▣ Hydrant Flow Test



PLANNING AND INSPECTIONS DEPARTMENT COUNCIL STAFF MEMO

To: Mayor Strickland and Village Council
From: Darryn Burich, Director of Planning and Inspections
Cc: Jeff Sanborn, Village Manager and Natalie Dean Hawkins, Assistant Village Manager
Date: September 4, 2020
Subject: Proposed Floyd Way Major Subdivision

This staff memo supplements the Department's staff report and analysis by Senior Planner Alex Cameron dated July 2, 2020 and my July 30th Council staff memo to Council on the proposed preliminary plat. Please see the staff report (included in Novus) for a more detailed description of the proposed preliminary plat.

Background

On August 11th Village Council held a public hearing on the proposed Floyd Way Subdivision. The proposed subdivision contains 11 lots within approximately 11.38 acres located in the Village's Extraterritorial Jurisdiction (ETJ) just off Diamondhead Drive generally located on the Village's south side. The provisions and the Pinehurst Development Ordinance (PDO) apply to both properties within the corporate limits as well as those within its ETJ. The subject property has been zoned for residential use and within the Village's ETJ since the 1980's. The applicant has stated a desire to request annexation of the subject plat area sometime after approval.

The property is currently zoned R-20 which is a medium density single family residential district. The current 2019 Comprehensive Plan Conservation and Growth Map identifies this area as a "suburban neighborhood" which appears to be consistent with previous Comprehensive Plan land use recommendations going back to 2003.

At the August 11th public hearing several residents from the neighborhood, including adjacent property owners, appeared in opposition to the proposed subdivision for a number of reasons including, but not limited to, stormwater, traffic safety, and environmental concerns. During deliberation of the plat, Council attempted to address many of the concerns raised but there remained a number of concerns that Council wished to obtain additional information on or clarification of so action on item was moved to the September 8, 2020 meeting to allow additional research to occur. Below are items that staff made note off with explanation or clarification.

1. **Validity of the RCW letter.** Staff directly contacted both Susan Miller and Caroline Krom of the U.S. Fish and Wildlife Service and confirmed findings from their letter issued for the development in January 2020. They concurred based on the photos submitted to them that there could be red-cockaded woodpeckers present but the area is not identified for habitat or foraging. As proposed, the plat and corresponding application material requirements meet the PDO submission requirements. Additionally, there has been no evidence presented of any Bald Eagle habitat on the site, which the PDO does not establish any regulatory authority over with respect to development activity.
2. **Wetlands and springs presence.** The presence of wetlands have been identified as a potential concern as has the presence of natural springs. Relative to the wetlands, staff consulted the National Wetlands Inventory on the U.S. Fish and Wildlife Service's website to identify if there are any regulated wetlands in the area and determined there may be a small area in the extreme southeastern portion of the plat on the open space lot shown for stormwater management (see map in Novus labeled as "Floyd Way Area Wetlands"). GIS staff then overlaid a pdf of the subdivision on the map and it does somewhat show that the wetland may coincide in this area (see map in Novus labeled as "Floyd Way Site Plan with Wetlands"). The map clearly shows that the vast majority of the subdivision area is not impacted by regulatory wetlands. This particular area with the wetland is also the area where the applicant is proposing the open space stormwater management lot. Presence of this wetland will not generally alter the development pattern as proposed. Section 9.5.1.10 of the PDO requires a 30 foot undisturbed buffer between the edge of the wetland and an area where grading is proposed. Verification will be done at construction drawing and final plat time and staff is recommending a condition to reinforce the PDO's 30 foot undisturbed buffer requirement. No grading will be permitted within the buffer area. The applicant has also provided an updated preliminary plat identified as "Floyd Way Subdivision Plat with Wetlands" and that has been included in Novus. The updated plat appears to show a small cross hatched area labeled as "wetlands as flagged by others" and staff will require documentation at final platting stage which may also require an "as-built" to drawing for verification.
 - a. Springs are not features that are regulated within the PDO nor show up on any maps that staff has researched. Further, homes have been constructed (and are currently being constructed) on or near springs. Springs generally don't preclude construction from occurring on a property but can create challenging soil conditions that may require additional engineering to show that compliance with the building code.
3. **Traffic Safety and Street Design.** A proposed a subdivision of 11 homes will be expected to generate 53 trips per day which is not a significant amount of trips for the broader neighborhood along Diamond Head Drive, which acts a collector street. The proposed subdivision street, as it connects with Diamondhead Drive will also be required to comply with the Engineering Standards and Specifications Manual (ESSM) with respect to sight triangles, intersection sight distance (ISD), and stopping sight distance (SSD) relative to criteria identified in the the American Association of State Highway and Transportation Officials (AASHTO) Greenbook. The Greenbook is the policy guide that covers the functional design of roads and highways. At construction drawing and final platting phase, detailed engineering will be reviewed by the Village for compliance with these standards. The Village Engineer has not noted anything significant about the proposed street layout or location at this time based on the general information provided during the preliminary plat stage.

4. **Street circulation and connectivity.** During the public hearing staff noted resident concerns related to connectivity of the subdivision with respect to access to NC 5. The context of the concern was to require access to the subdivision coming from the east outside of and to not connect to the broader Lake Pinehurst neighborhood to the west. This is not feasible as the applicant does not own or control the lands in between their property and the nearest right of way connection point at Dawkins Street at Harrington Lane (see map in Novus labeled as (Floyd Way Vicinity Map) and is several hundred feet to the east. However, in reviewing the proposed plat relative to the street configuration of the area and the undeveloped status of lands adjacent to the plat, there appear to be opportunities to better configure the subdivision to ensure development in the area is “better coordinated” with surrounding lands and streets.

The proposed subdivision has two dead end streets ending in cul-de-sacs. The cul-de-sac that ends in the north is proposed due to the presence of the developed neighborhood along Starlit Lane which reduces any ability to provide through traffic circulation into that area. The cul-de-sac in the northern area helps to fully develop the lands in that area that would not occur without a street extension.

The proposed eastern cul-de-sac ends approximately 277 feet to the west from the east property line. The lands directly to the east of the subject subdivision are generally undeveloped residentially zoned lands in the ETJ that encompass approximately 15 acres over 6 parcels that eventually connect with Dawkins Street (State Road). Dawkins Street is generally a local street serving Jackson Hamlet residents. Placing a cul-de-sac as proposed would make the lands to the east more difficult to develop and will reduce the ability to extend and coordinate the street circulation pattern to the east toward NC 5.

Section 9.17.1.15 (B) of the PDO states “**Streets shall be designed and located with regard to existing and proposed streets, to the topography for the area, to such natural features as streams and forested areas, to public convenience and safety and to the proposed use of land to be served by such streets. The proposed street layout shall be consistent with good land use planning practices for the type of development proposed, and shall be coordinated with the street system of surrounding areas. All streets shall provide for the continuation or extension of the principal streets in surrounding areas and shall provide for reasonable means of egress for surrounding properties.**”

Staff does not feel the proposed street configuration is compliant with the aforementioned PDO provision because the easternmost street ends in a cul-de-sac and does not provide for continuation or extension of the principal streets in the area nor is it coordinated with the surrounding street because it precludes any future connection to the established street system to the east. The proposed street could be extended to the east to dead end temporarily until it can be coordinated with and extended to Dawkins Street to the east or Ampersand Road to the south that will require future coordination and planning. Permanently dead ending the street as proposed does not enhance or improve the overall traffic circulation pattern for the neighborhood, does not allow for reasonable means of egress for surrounding properties (e.g. Gaines property to the east, Robinson property to the south) and long term does not provide ingress/egress for the broader Lake Pinehurst neighborhood that is already served with a limited number eastern access points to NC 5 at Lake Hills Road, Linden Road, and Pine Tree Road. Creating the permanent eastern cul-de-sac as proposed ensures that traffic generated by this development will always use Diamondhead Drive for access through the neighborhood nor will it ever provide for the potentiality of an additional point of ingress/egress for the neighborhood to the east. As such staff is recommending a condition to require extension of the proposed 60 foot wide street right-of-way to the easternmost property line. At that point it may temporarily end in a cul-de-sac but it will allow for continuation of the development pattern to the east for growth in that area as it occurs.

Additionally, as the proposed subdivision is adjacent to the land locked 6.7 acre Robinson property to the south, staff has some concern over how that property will be able to be developed given the nonofficial street status of Floyd Way where it intersects with Diamondhead Drive. Today Floyd Way functions more like a private driveway for the two existing properties and potentially one for the undeveloped Robinson property. Because the Robinson property could potentially be subdivided in the future, and it would be advisable to avoid adding new residential trips to Floyd Way given its proximity to the proposed new street, staff is recommending a condition that a 60 foot wide road reservation be incorporated west of Lot 11 from the edge of the proposed right of way south to the Robinson property. This should coordinate with the proposed access easement for the other two properties adjacent to the plat on the south and its final location will be reviewed for compliance with the Engineering Standards and Specifications Manual. The road reservation will not require the street to be constructed but would allow for future street construction if that area is ever subdivided.

Guiding Principle Number 4 of the Village's 2019 Comprehensive Plan states **"Provide a safe, reliable and efficient transportation system that promotes and enhances mobility and connectivity between neighborhoods and destinations through a multi-modal network of complete and walkable streets, sidewalks, and paths for vehicles, golf carts, pedestrians, and cyclists."** Specifically the Improve Infill Network Design section states that "Modifying the existing roadway network during infill development can help to reduce the dependence on arterial roadways. This involves reconfiguring the road network to allow motorists and pedestrians more than one way to reach their final destination and disbursing traffic to multiple routes. Removing dead end cul-de-sacs and installing new roads are common tools used with improving infill network design to help alleviate congestion." (page 150, 2019 Pinehurst Comprehensive Plan). Further, the 2019 Comprehensive Plan states that "The Village should look for opportunities to improve infill network designs when reviewing development proposals." This concept is followed through with 2019 Comprehensive Plan Implementation Strategy 4.13 which states "Explore opportunities for transportation network improvements in any new or redevelopment."

Staff feels that the proposed plat does not implement the 2019 Comprehensive Plan's Guiding Principle Number 4 nor Implementation Strategy 4.13 because the plat creates a permanent dead end situation that will not connect to undeveloped areas to the east and will not add additional transportation options into and out of the broader neighborhood.

Review Process

Major Subdivisions are required to receive a public hearing and require review by the Technical Review Committee (TRC), Planning and Zoning Board, and final approval by the Village Council after public hearings. The TRC conducts an initial review of the proposed preliminary plat and reviews for general compliance with the Village's various development standards (PDO, ESSM). After the TRC makes recommendations, which are then incorporated into an updated plat, it is forwarded to the P&Z for review and to formulate a recommendation to the Village Council.

The Planning and Zoning Board conducted a public hearing on July 9th after which the P&Z Board recommended approval of the preliminary plat with conditions/modifications as follows:

1. The lot width at the setback line be shown and dimensioned on the preliminary plat.
2. Mitigate stormwater runoff at the rear of Lots 7 & 8 coming from the adjacent residential lots along Starlit Lane.
3. The required street trees be selected from one of the species native to the Sandhills as listed in Appendix F of the Pinehurst Development Ordinance.
4. Recommend construction traffic to follow Linden Road and Burning Tree Road to access the site.

Item 1 has been addressed and updated on the preliminary plat that Council is reviewing. With respect to trying to comply with Item 2 and the stormwater concern. The preliminary plat has been updated to show creation of a 20 foot wide drainage easement along lots 4,5,7, and 8 in an attempt to meet this concern. If a drainage swale is installed along this easement it will likely result in the removal of any trees in the easement area. A full stormwater plan has not been submitted and/or analyzed at this point in the review process which is typically done during the construction phase and final platting.

Items 3 and 4 can also be handled at final platting and when construction drawings are reviewed by staff later in the permit process.

Please see the attached draft minutes from the July 9, 2020 meeting. During the public hearing several persons from the neighborhood appeared in opposition to the proposed subdivision citing various reasons for their opposition including stormwater runoff, utility easements, existing street, traffic, noise, and the development itself.

Council Review of Major Subdivisions

Per Section 9.17 (C)(3) of the PDO the "Village Council and the Planning and Zoning Board shall evaluate the plat application in accordance with Section 9.17.1.3 through Section 9.17.1.6" of the PDO. Specifically with regard to review and action by the Village Council, Section 9.17.1.5 (F) of the PDO states:

(F) Action by Village Council:

(1) The recommendations of the Planning and Zoning Board and the Technical Review Committee shall then be forwarded to the Village Council for action. Along with the application for preliminary plat the Village Council shall review this information and either approve, conditionally approve, or reject the preliminary plat;

(2) Approval of the preliminary plat shall authorize the applicant to proceed with obtaining construction plan approval from the Village Engineer and obtaining construction permits for the necessary improvements indicated on the preliminary plat in preparation for approval of the final plat pursuant to Section 9.17.1.6.

(3) If the Village Council approves a plat with conditions, the following requirements shall apply:

(a) All conditions, and the reasons for requiring the conditions, shall be stated in the record of approval of the preliminary plat. Such conditions may include, but are not limited to, the following matters:

1. The configuration of lots and streets;
2. The arrangement of utility networks on the property;
3. The location of dedicated land and rights-of-way;
4. The payment of fees in lieu of such dedications;
5. The location of required improvements.

(b) Upon obtaining construction plan approval from the Village Engineer and any necessary construction permits, the applicant is authorized to proceed with construction of the improvements indicated on the preliminary plat, but approval of the final plat is also contingent on satisfying the conditions imposed by the Village Council.

(4) If the Village Council rejects the preliminary plat, then the reasons therefor shall be stated in the record of action on the preliminary plat, along with recommendations for ways to revise the preliminary plat so that it could be approved;

(5) Failure of the Village Council to act on the preliminary plat within ninety (90) days of the first Village Council meeting in which the application is made an agenda item, the plat and recommendations from the Planning and Zoning Board, shall be deemed approval of the preliminary plat, authorizing the applicant to proceed with the approval of the construction plans of the improvements indicated on the preliminary plat in preparation for approval of the final plat pursuant to Section 9.17.1.6.

It should be noted as stated above in Subsection (F)(3) that the Council may require certain conditions be placed on approval of the plat and these conditions should generally relate to bringing the subdivision into compliance with the Village's development standards. If conditions are added, the reasons for requiring said conditions shall be stated into the record approving the preliminary plat.

If the Council rejects the plat, then the reasons therefor shall be stated in the record along with recommendations for ways to revise the plat so that it could be approved when brought back for review.

Staff and TRC Recommendation

The Planning & Zoning Board's recommended conditions in some cases extends beyond bringing the subdivision into compliance with the Village's development standards. In other cases, the applicant has updated their plat to address concerns raised at the Planning and Zoning Board meeting. Staff is also recommending additional conditions based on comments and discussion raised from the Council review of the plat at its August 11th meeting and reviewing the applicable provisions of the PDO.

Planning & Zoning Board's Conditions	Staff's Recommendation
1. The lot width at the setback line be shown and dimensioned on the preliminary plat.	Remove – Updated subdivision plat now includes the lot width at that setback line.
2. Mitigate stormwater runoff at the rear of Lots 7 & 8 coming from the adjacent residential lots along Starlit Lane.	Remove – Updated subdivision plat now includes a stormwater easement.
3. The required street trees be selected from one of the species native to the Sandhills as listed in Appendix F of the Pinehurst Development Ordinance.	Remove – Appendix F includes suggested, but not required species. Subdivision plat meets PDO requirements for street trees and this proposed condition extends beyond the requirements of the PDO.
4. Recommend construction traffic to follow Linden Road and Burning Tree Road to access the site.	Remove – This proposed condition extends beyond the standards of the PDO.
Additional Staff Recommendations	
5. Wetlands be delineated at final platting and construction drawing phase to ensure an undisturbed 30 foot buffer is maintained to the wetland per Section 9.5.1.10.	
6. Extend proposed 60 foot wide street right-of-way to east property line to ensure continuation and coordination of the street system per Section 9.17.1.15 (B) and 2019 Comprehensive Plan Strategy 4.13 identifying the need to explore opportunities for transportation network improvements in any new or redevelopment.	
7. In order to ensure reasonable means of ingress and egress for surrounding properties per Section 9.17.1.15 (B) and in keeping with 2019 Comprehensive Plan Strategy 4.13 regarding exploring transportation network improvements in any new or redevelopment, place a 60 foot wide road reservation west of Lot 11 running south to the Robinson property parcel #00054886 on the plat. Final placement of the road reservation to be compliant with the Village of Pinehurst Engineering Standards and Specifications Manual.	



PLANNING AND INSPECTIONS DEPARTMENT COUNCIL STAFF MEMO

To: Mayor Strickland and Village Council
From: Darryn Burich, Director of Planning and Inspections
Cc: Jeff Sanborn, Village Manager and Natalie Dean Hawkins, Assistant Village Manager
Date: July 30, 2020
Subject: Proposed Floyd Way Major Subdivision

This staff memo supplements the Department's staff report and analysis by Senior Planner Alex Cameron dated July 2, 2020. Please see that staff report (included in Novus) for a more detailed description of the proposed preliminary plat.

Council is being asked to approve an 11 lot single family subdivision of approximately 11.38 acres located in the ETJ just off Diamond Head Drive generally located on the Village's south side. The property is currently zoned R-20 which is a medium density single family residential district. The current 2019 Comprehensive Plan Conservation and Growth Map identifies this area as a "suburban neighborhood" which appears to be consistent with previous Comprehensive Plan land use recommendations going back to 2003.

Subdivisions are regulated by Section 9.17 of the Pinehurst Development Ordinance (PDO). Subdivisions are generally categorized as being "Major" or "Minor" with Major Subdivisions being more than 3 lots created. Information required for preliminary plats is identified in Appendix E of the PDO. As proposed, this 11 lot subdivision is considered a Major Subdivision and follows the approval process laid out in Section 9.17.1.3 of the PDO.

Review Process

Major Subdivisions are required to receive a public hearing and require review by the Technical Review Committee (TRC), Planning and Zoning Board, and final approval by the Village Council after public hearings. The TRC conducts an initial review of the proposed preliminary plat and reviews for general compliance with the Village's various development standards (PDO, ESSM). After the TRC makes recommendations, which are then incorporated into an updated plat, it is forwarded to the P&Z for review and formulate a recommendation to the Village Council.

The Planning and Zoning Board conducted a public hearing on July 9th after which the P&Z Board recommended approval of the preliminary plat with conditions/modifications as follows:

1. The lot width at the setback line be shown and dimensioned on the preliminary plat.
2. Mitigate stormwater runoff at the rear of Lots 7 & 8 coming from the adjacent residential lots along Starlit Lane.
3. The required street trees be selected from one of the species native to the Sandhills as listed in Appendix F of the Pinehurst Development Ordinance.
4. Recommend construction traffic to follow Linden Road and Burning Tree Road to access the site.

Item 1 has been addressed and updated on the preliminary plat that Council is reviewing. With respect to trying to comply with Item 2 and the stormwater concern. The preliminary plat has been updated to show creation of a 20 foot wide drainage easement along lots 4,5,7, and 8 in an attempt to meet this concern. If a drainage swale is installed along this easement it will likely result in the removal of any trees in the easement area. A full stormwater plan has not been submitted and/or analyzed at this point in the review process which is typically done during the construction phase and final platting.

Items 3 and 4 can also be handled at final platting and when construction drawings are reviewed by staff later in the permit process.

Please see the attached draft minutes from the July 9, 2020 meeting. During the public hearing several persons from the neighborhood appeared in opposition to the proposed subdivision citing various reasons for their opposition including stormwater runoff, utility easements, existing street, traffic, noise, and the development itself.

Council Review of Major Subdivisions

Per Section 9.17 (C)(3) of the PDO the “Village Council and the Planning and Zoning Board shall evaluate the plat application in accordance with Section 9.17.1.3 through Section 9.17.1.6” of the PDO. Specifically with regard to review and action by the Village Council, Section 9.17.1.5 (F) of the PDO states:

(F) Action by Village Council:

(1) The recommendations of the Planning and Zoning Board and the Technical Review Committee shall then be forwarded to the Village Council for action. Along with the application for preliminary plat the Village Council shall review this information and either approve, conditionally approve, or reject the preliminary plat;

(2) Approval of the preliminary plat shall authorize the applicant to proceed with obtaining construction plan approval from the Village Engineer and obtaining construction permits for the necessary improvements indicated on the preliminary plat in preparation for approval of the final plat pursuant to Section 9.17.1.6.

(3) If the Village Council approves a plat with conditions, the following requirements shall apply:

- (a) All conditions, and the reasons for requiring the conditions, shall be stated in the record of approval of the preliminary plat. Such conditions may include, but are not limited to, the following matters:
1. The configuration of lots and streets;
 2. The arrangement of utility networks on the property;
 3. The location of dedicated land and rights-of-way;
 4. The payment of fees in lieu of such dedications;
 5. The location of required improvements.

(b) Upon obtaining construction plan approval from the Village Engineer and any necessary construction permits, the applicant is authorized to proceed with construction of the improvements indicated on the preliminary plat, but approval of the final plat is also contingent on satisfying the conditions imposed by the Village Council.

(4) If the Village Council rejects the preliminary plat, then the reasons therefor shall be stated in the record of action on the preliminary plat, along with recommendations for ways to revise the preliminary plat so that it could be approved;

(5) Failure of the Village Council to act on the preliminary plat within ninety (90) days of the first Village Council meeting in which the application is made an agenda item, the plat and recommendations from the Planning and Zoning Board, shall be deemed approval of the preliminary plat, authorizing the applicant to proceed with the approval of the construction plans of the improvements indicated on the preliminary plat in preparation for approval of the final plat pursuant to Section 9.17.1.6.

It should be noted as stated above in Subsection (F)(3) that the Council may require certain conditions be placed on approval of the plat and these conditions must relate to bringing the subdivision into compliance with the Village's development standards. If conditions are added, the reasons for requiring said conditions shall be stated into the record approving the preliminary plat.

If the Council rejects the plat, then the reasons therefor shall be stated in the record along with recommendations for ways to revise the plat so that it could be approved when brought back for review.

Staff and TRC Recommendation

The Planning & Zoning Board's recommended conditions in some cases extend beyond bringing the subdivision into compliance with the Village's development standards. In other cases, the applicant has updated their plat to address concerns raised at the Planning & Zoning Board meeting. Because the updated plat for the major subdivision meets the requirements of the standards in the PDO and the Village's Engineering Standards, staff recommends the Council approve this subdivision with no conditions.

Planning & Zoning Board's Conditions	Staff's Recommendation
1. The lot width at the setback line be shown and dimensioned on the preliminary plat.	Remove – Updated subdivision plat now includes the lot width at the setback line.
2. Mitigate stormwater runoff at the rear of Lots 7 & 8 coming from the adjacent residential lots along Starlit Lane.	Remove – Updated subdivision plat now includes a stormwater easement.
3. The required street trees be selected from one of the species native to the Sandhills as listed in Appendix F of the Pinehurst Development Ordinance.	Remove - Appendix F includes suggested, but not required species. Subdivision plat meets PDO requirements for street trees and this proposed condition extends beyond the requirements of the PDO.
4. Recommend construction traffic to follow Linden Road and Burning Tree Road to access the site.	Remove – This proposed condition extends beyond the standards of the PDO.



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Planning and Zoning Board
From: Alex Cameron, Senior Planner
Cc: Darryn Burich, Director of Planning and Inspections
Kelly Brown, Planning Administrative Specialist and Clerk to the Board
Date: July 2, 2020
Subject: Staff Report for Proposed Floyd Way Major Subdivision

Applicant:	DGH Management, LLC
Owner:	DGH Management, LLC
Property Location:	Floyd Way/Diamondhead Dr. S/Starlit Ln.
Zoning:	R-20 Residential District is established as a district in which the principal use of land is for medium-density residential uses. This district is further intended to discourage any use which would be detrimental to the predominately medium-density residential nature of the areas included within the district.
Land Area	± 11.38 Acres
Current Land Use:	Mostly vacant with one residential dwelling according to Moore County Tax records indicate was built around 1948.
Proposed Land Use:	Medium Density Residential with proposed development of an 11 lot single family residential subdivision.

Background and Analysis

The applicant requests a Major Subdivision approval to allow for an 11 lot single family subdivision located in the Village's extraterritorial jurisdiction (ETJ). In accordance with Section 9.17.1.3 of the Pinehurst Development Ordinance (PDO), all proposed major subdivisions are reviewed by the Planning & Zoning Board and a public hearing is to be held. The Planning & Zoning Board must then submit a recommendation on the proposed major subdivision to the Village Council.

The parent tract of this proposed subdivision is identified as Moore County PID# 00052077 and is located off Floyd Way, an unimproved private road near Lake Pinehurst and Diamondhead Dr. S near Starlit Ln. The subject area is located just outside of the Village's corporate limits and within the Village's ETJ. The proposed subdivision is adjacent to a previously platted and developed single family subdivision by Pinehurst, Inc. in 1973 with lots fronting on Starlit Ln. and Diamondhead Dr. S. The subject property is currently landlocked, however, the developer is proposing access through an adjacent property (via an easement), owned by Pinehurst LLC, that fronts along Diamondhead Dr. S which is currently within the Village's corporate limits.

The proposed subdivision would create 11 new single family lots. The smallest lot is shown to be 21,053 square feet in size which exceeds the minimum lot size requirement of 20,000 square feet in the R-20 zoning district. The largest lot shown is 52,504 square feet in size. The property is located within the WS-II Drowning Creek – Lumber River BW watershed protection area. This limits the proposal to a development intensity of one lot per acre. Due to this more stringent requirement, the applicant is not seeking to develop the subdivision following the open space reduction which would then provide a minimum of 15% open space within the subdivision and would then allow for smaller lot sizes (16,000 square feet) and reduced setbacks. The proposal does however include three areas of open space totaling approximately 90,852 square feet or 2.08 acres which is approximately 18% of the total area of the proposed subdivision. Each lot will meet the dimensional criteria of the R-20 zoning district as shown in the table below.

R20 Zoning District Dimensional Requirements	
Minimum Lot Size	20,000 sq. ft.
Maximum Building Height	35'
Maximum Lot Covered by Impervious Surface	35%
Building Setbacks	
Principal Building Front Setback	40'
Principal Building Side Setback	15'
Principal Building Side Street Setback	20'
Principal Building Rear Setback	30'
Accessory Building Side Setback	10'
Accessory Building Side Street Setback	20'
Accessory Building Rear Setback	10'

A similar subdivision and layout was scheduled to be reviewed by the Planning and Zoning Board at their regular scheduled meeting in November of 2018. Due to changes in development intensity, errors and omissions with the submitted material, the applicant withdrew the item from the agenda and no action was taken. Since then staff has worked with the applicant and their design team to address those items before scheduling this request before the Planning and Zoning Board.

Subdivision Standards

Subdivision layout and design are reviewed for compliance with Section 9.17.1.12 of the PDO. The proposed subdivision has been reviewed by the Technical Review Committee (TRC) and deemed it to be compliant with the standards of review for a Major Subdivision.

The applicant is proposing internal streets with a 50' right of way, 24' street width and a 45' cul-de-sac radius. The approximate total length of all the internal streets is 837 feet. The streets will connect to Diamondhead Dr. S, a Village owned right-of-way, by crossing an adjacent private property currently owned by Pinehurst, LLC. Pinehurst, LLC has granted an easement to the applicant allowing for the placement of the infrastructure on their property. All streets will be required to be constructed in accordance with the Village of Pinehurst Engineering Standards and Specifications Manual (ESSM) as well as meet the requirements for emergency services vehicles.

Street trees will be required at a rate of one large hardwood or pine per 40 linear feet of road frontage minus driveways. The applicant has shown the approximate location of the street trees and are proposing to use a mix of Red "Blaze" Maples and Sugar Maples. Other than the required street trees, there are no other landscaping requirements including planted buffers.

Sidewalks are required to be installed along one side of all new streets and are being shown on the submitted plans. A mail kiosk or cluster mailbox unit is shown at the southwest corner of the subject property to provide a centralized mail service for the proposed lots.

The proposal includes public water and sewer to the lots that will be served by Moore County Public Works. Some individual lots may require the use of individual grinder pumps for sanitary sewer service. The current plan indicates stormwater control measures on-site. The stormwater system will be designed and constructed in accordance with the Village's Engineering Standards and Specifications Manual and may be subject to change to meet those requirements. The applicant indicates that a homeowners association will be formed and will be responsible for maintaining all drainage pipes and structures located outside of the street right of ways.

Other Review Requirements

There is an active red-cockaded woodpecker cluster at the northwest tip of the subject parcel however, a letter provided by the applicant from the United States Fish and Wildlife Service indicates that this proposal will have no negative impact on the habitat. The area in question is also shown as open space as indicated on the submitted material. A Soil and Erosion Control Permit will need to be obtained by the North Carolina Department of Environmental Quality (NCDEQ) prior to any development due to the area of disturbance exceeding one acre.

Adjacent Land Uses and Zoning		
Area	Existing Uses	Zoning
North	Single Family Residential	R10
South	Single Family Residential and Vacant	R20
East	Single Family Residential and Vacant	R5
West	Single Family Residential and Recreation	R10 & RD
Comprehensive Plan Land Use Designation		
Suburban Neighborhood		

(See attached map)

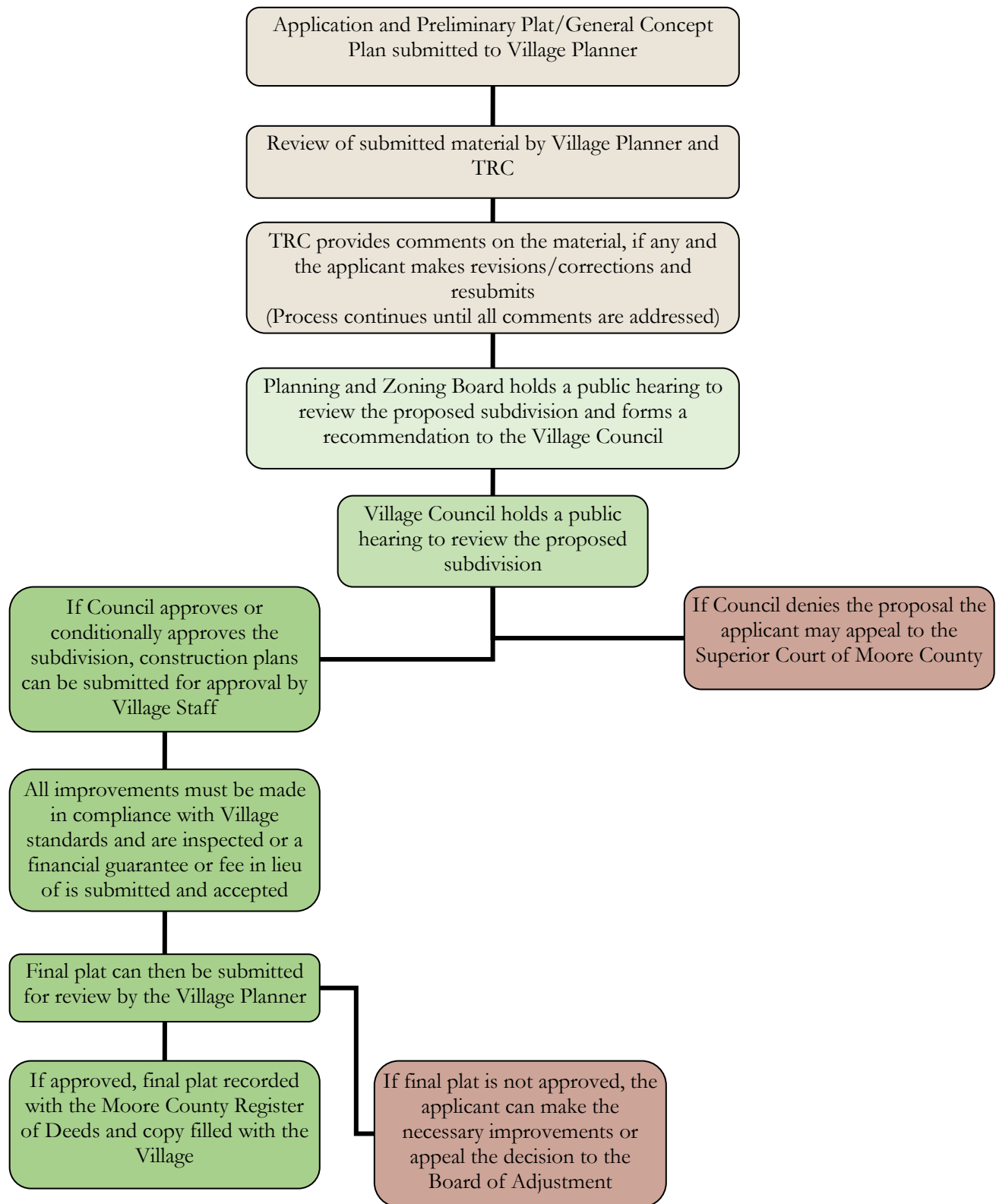
Review Process of Major Subdivisions

The approval of plats for Major Subdivisions is a multi-step process. An application, subdivision plat and other supplementary material is first submitted to the Village Planner. The Planner then distributes the material to the TRC for review. The TRC is made up of staff from the Village's Planning and Inspections Department, Administration Department, Public Services and Engineering Department, Fire Department and Moore County Public Works. If there are any errors, omissions or other items that need to be addressed, the TRC provides comments to the applicant for revisions or clarification. The applicant then makes revisions and corrections to the material and resubmits. This process repeats until all items are addressed and the Village Planner schedules the subdivision for review by the Planning and Zoning Board. Public hearing notices are sent to adjacent property owners, sign(s) notifying the public hearing are posted on the subject property, and a public hearing notice is published in the newspaper.

The Planning and Zoning Board conducts a public hearing and reviews the proposed subdivision. The Planning and Zoning Board reviews the preliminary plat, the recommendations of the TRC (if any), and the requirements of the Ordinance and shall make a recommendation to the Village Council for appropriate action on the preliminary plat. The Planning and Zoning Board may request the applicant to revise the preliminary plat before it is submitted to the Village Council for approval.

Village Council will then conduct a public hearing and review the proposal along with the recommendation of the Planning and Zoning Board. Village Council can then approve, conditionally approve or reject the preliminary plat, along with recommendations for ways to revise the preliminary plat so that it could be approved. The Village Council must take action on the preliminary plat within 90 days of the first Village Council meeting which the application is placed on an agenda. Failure to act within 90 days is deemed an approval of the preliminary plat.

If approved, the applicant can then submit full construction drawings to the TRC for review and approval. Once approved, the applicant can begin to install the necessary improvements. A final plat will not be approved until the applicant has installed all the necessary improvements and such improvements have been inspected and ensured to be compliant or a financial guarantee has been put in place for the remaining items. After approval and recording of the final plat with the Moore County Register of Deeds, building permits may be issued for the individual lots.



Planning and Zoning Board Review and Action

The Village Planner will forward the submitted material on the proposed Major Subdivision along with the recommendation of the TRC to the Planning and Zoning Board. The Planning and Zoning Board shall conduct a public hearing on the proposal and review the material along with the recommendation of the TRC and the requirements of the PDO. The Planning and Zoning Board shall formulate a recommendation to the Village Council for action on the proposed subdivision. The Planning and Zoning Board may request the applicant revise the preliminary plat before it is submitted to Village Council for review.

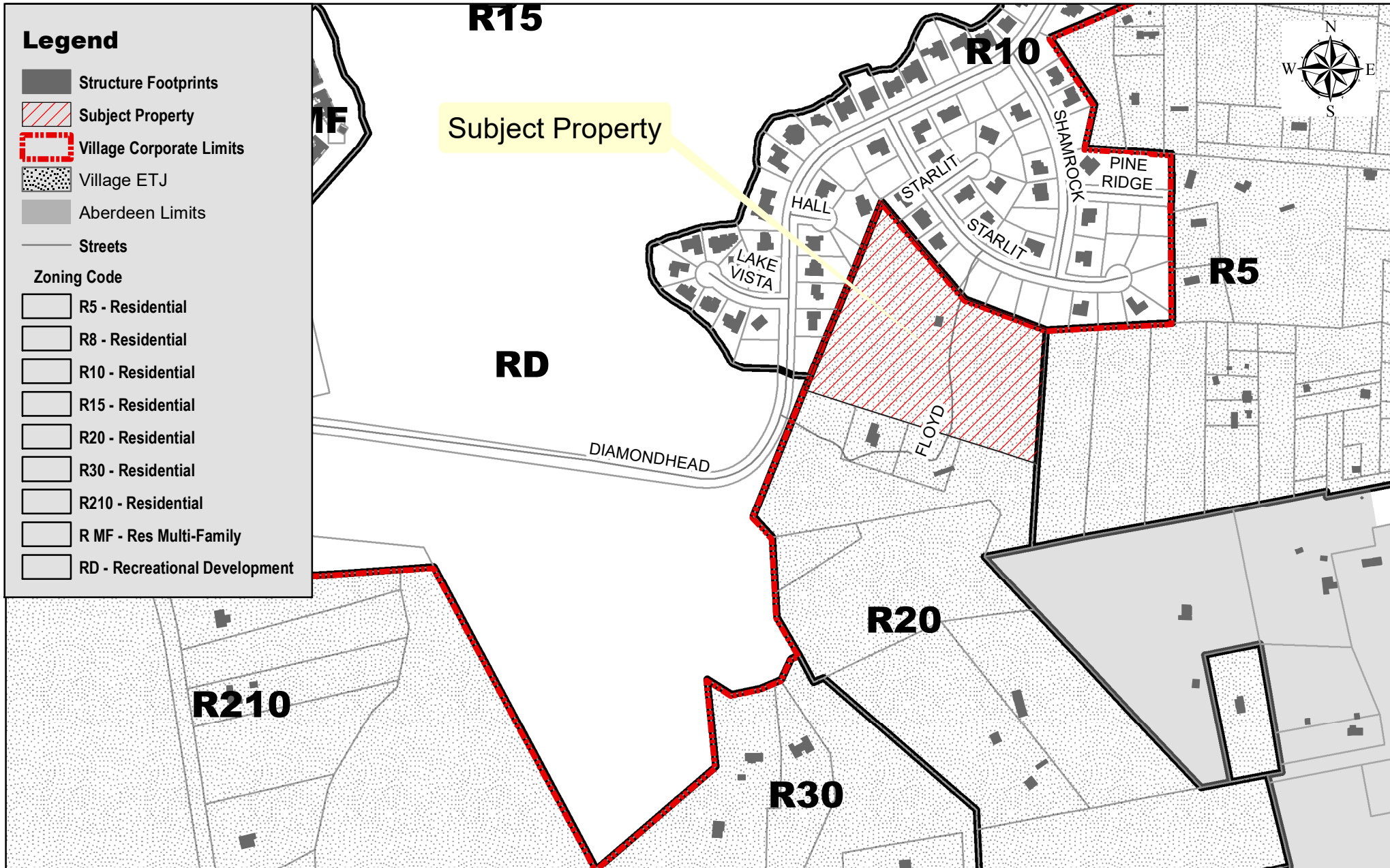
Staff and TRC Recommendation

The TRC has reviewed the proposed Major Subdivision and have deemed it to be compliant at this stage as well as meet all the dimensional requirements and standards in the PDO. Therefore, staff recommends approval of this subdivision with no other conditions at this time.

Attachments:

- Area Zoning Map
- Aerial Map
- Adjacent Property Owner Notification of Public Hearing
- Labels of Adjacent Property Owners Notified
- Map of Adjacent Property Owners Notified

Area Zoning Map

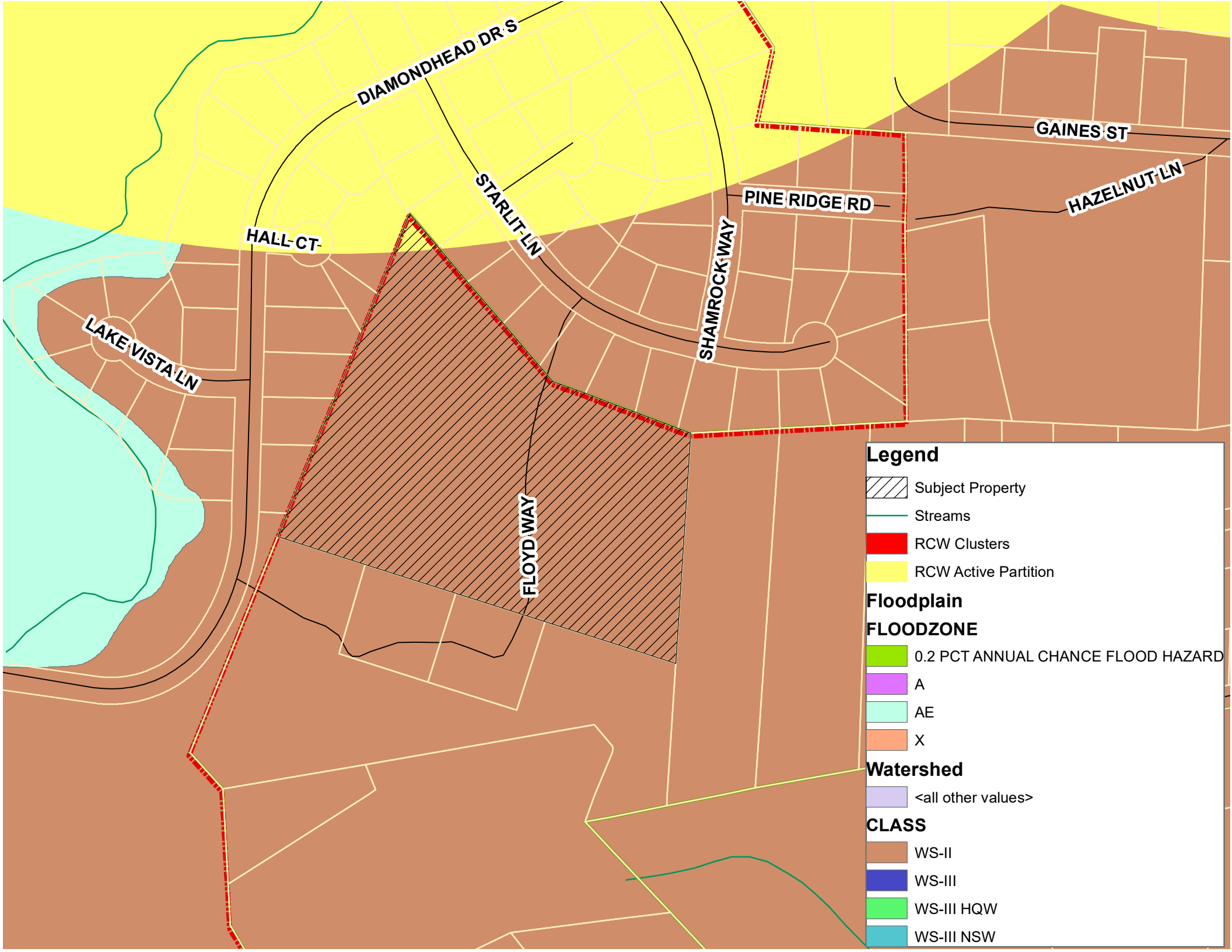


July 9, 2020

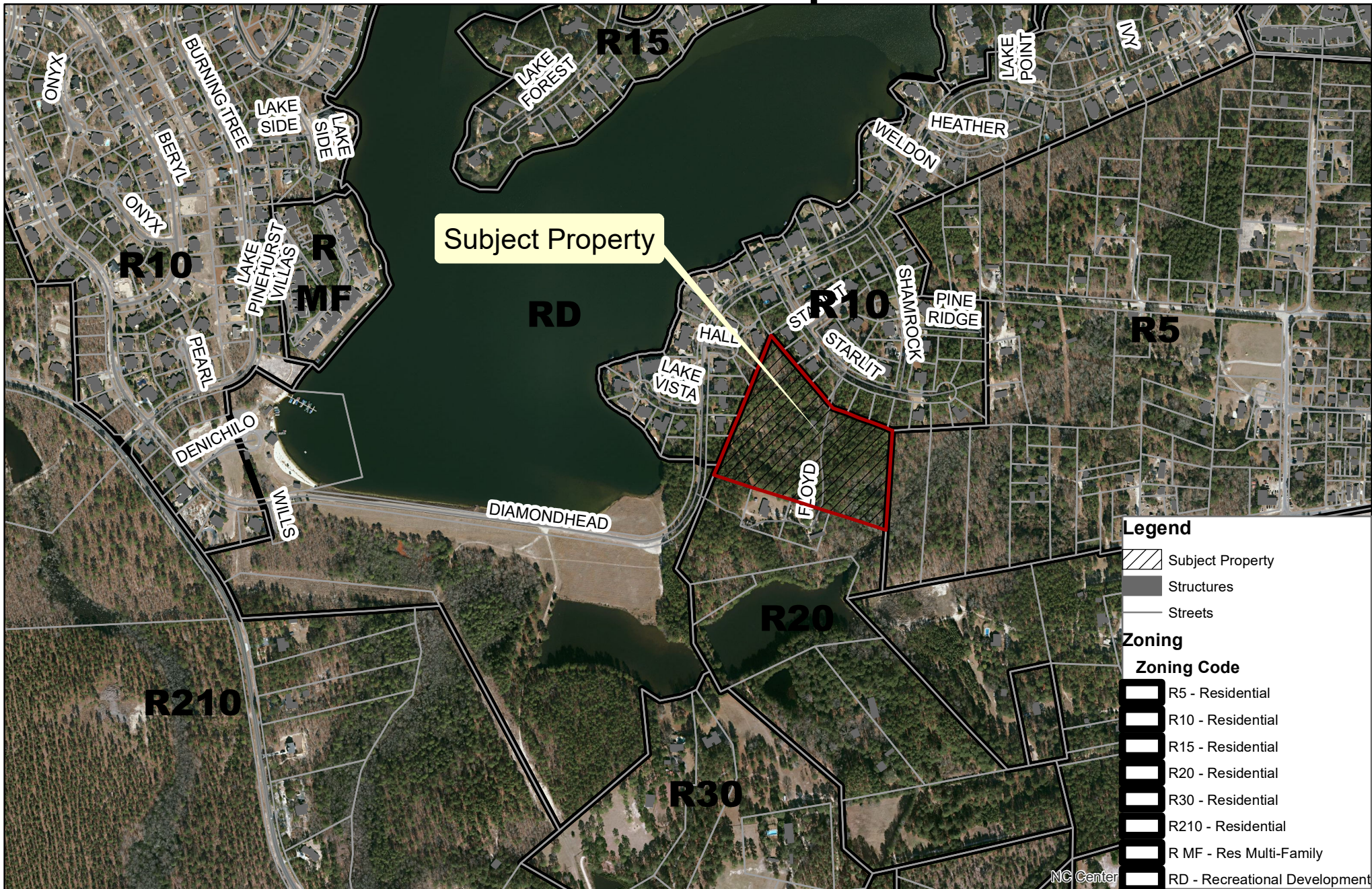
**Planning and Zoning Board
Public Hearing for Major Subdivision Review**



Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein. It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet). P:\Advisory Boards\Planning & Zoning Board\Meeting Files\2020\07-09-2020\Floyd Way Area Zoning Map.mxd 7/2/2020



Aerial Map



0 200 400 800 1,200 1,600 Feet

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July 9, 2020 Planning and Zoning Board Public Hearing for Major Subdivision Review





HISTORY, CHARM, AND SOUTHERN HOSPITALITY

**NOTICE OF PUBLIC HEARING
VILLAGE OF PINEHURST**

Dear Property Owner:

The Village of Pinehurst Planning and Zoning Board will be holding a Public Hearing on:

Thursday, July 9, 2020

4:00 PM

Village Assembly Hall

395 Magnolia Road, Pinehurst, N.C.

Livestreamed at: www.vopnc.org/live

The purpose of the public hearing is to consider a request by DGH Management, LLC for a Major Subdivision Review for an 11 lot single family subdivision. This property is identified as Moore County PID# 00052077 and is located at Floyd Way an unimproved road that intersects with Diamondhead Dr. South and Starlit Ln.

As the owner of said property, or an owner of adjacent property, you are receiving formal notification of this Public Hearing. Information on this request is available for public review at the Planning and Inspections Department, Village Hall, 395 Magnolia Road, Pinehurst, North Carolina, Monday through Friday from 8:30 AM to 5:00 PM **OR** will be available online the week of the meeting at: <https://pinehurst.novusagenda.com/agendapublic/>. For more information, please call (910) 295- 2581.

BISCEQLIE, MICHAEL D & DOROTHY
10 ROBERTS DR #1
MOUNT HOLLY, NJ 08060-4400

DENKER, RICKY CHARLES & SANDRA GAIL
630 DIAMONDHEAD DR
PINEHURST, NC 28374

BROWN, MYRTITH A JR BROWN, SHIRLEY
A
8 SUNSET LANE
JACKSON SPRINGS, NC 27281

GILTZOW, FRED & CAROLYN
680 DIAMONDHEAD DR
PINEHURST, NC 28374

DICKSON, TIMOTHY ANDREW DICKSON,
NANCY LEA
PO BOX 3365
PINEHURST, NC 28374

GAINES, KIRT L & REELS, MARTHA E
956 WARREN AVE APT 5
BROCKTON, MA 02301

QUATELLA, ALEXANDER A & CAROLANNE
E
620 DIAMONDHEAD DR
PINEHURST, NC 28374-9768

RAY, DANETTE L
4 STARLIT LANE
PINEHURST, NC 28374

SPRINGER, KALEB SPRINGER, AMANDA
10 STARLIT LANE
PINEHURST, NC 28374

GROEGER, JAMES
6 STARLIT LN
PINEHURST, NC 28374

POTTER, SHIRLEY E
3 PIN CHERRY LN
PINEHURST, NC 28374-9232

SMITH, JOEL TRUSTEE SMITH, SYLVIA
TRUSTEE
8 STARLIT LANE
PINEHURST, NC 28374

BAIRD, SCOTT BRYAN & BAIRD, BRIDGETT
LASHEA
16 STARLIT LANE
PINEHURST, NC 28374

KERCHEVAL, CARY FRANCIS KERCHEVAL,
BRITTANY ANN
14 STARLIT LANE
PINEHURST, NC 28374

DGH MANAGEMENT, LLC
335 FIELDS DR
ABERDEEN, NC 28315

ROBINSON, LAURA HRS C/O WILLIS C
PICKENS
47 MT ZION CH RD
GARFIELD, GA 30425

RICHESON, DENICE E TRUSTEE
610 DIAMONDHEAD DRIVE SOUTH
PINEHURST, NC 28374

ANTON-VALDEZ, LIZA
304 OTTAWA AVE
HUSBROUCK HEIGHTS, NJ 07604

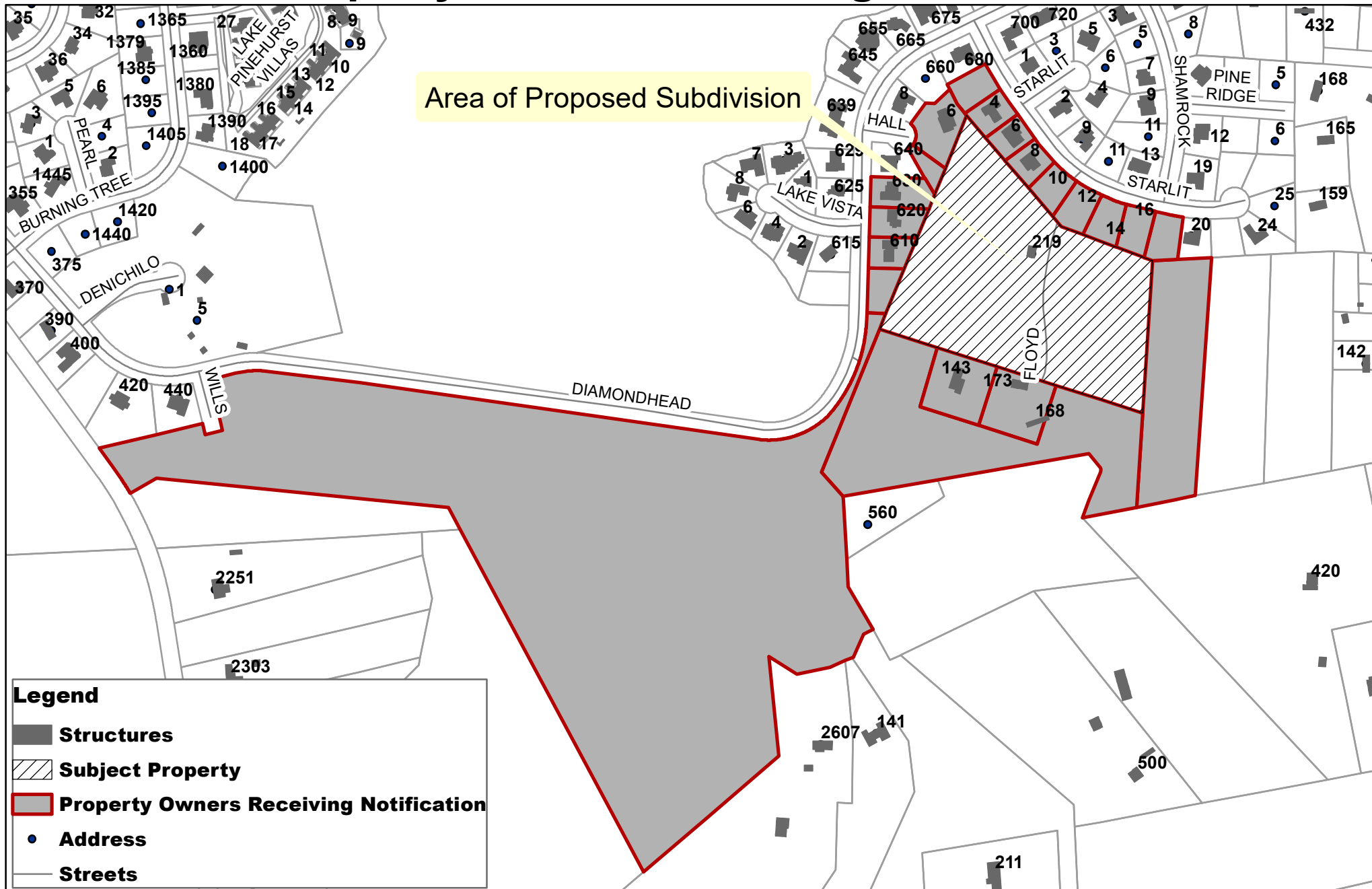
MCLEOD, SHARON THOMPSON
PO BOX 3084
PINEHURST, NC 28374

RYAN, THOMAS W & JEAN E
640 DIAMONDHEAD SR S
PINEHURST, NC 28374

DGH MANAGEMENT, LLC
335 FIELDS DR
ABERDEEN, NC 28315

RESORTS OF PINEHURST ATTN: RICHARD
HIGGINBOTHAM
PO BOX 4000
PINEHURST, NC 28374

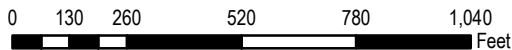
Property Owners Receiving Notification



July 9, 2020

Planning and Zoning Board

Public Hearing for Major Subdivision Review



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Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

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6/24/2020



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

**PLANNING AND ZONING BOARD RECOMMENDATION
ON THE FLOYD WAY PRELIMINARY PLAT
JULY 9, 2020 REGULAR MEETING**

**Floyd Way Major Subdivision
11 Single Family Lots
R20 (Medium Density Residential District)**

Property Location: **Floyd Way/Diamondhead Dr. S/Starlit Ln.**
Parcel ID#’s: **00052077**

The Village of Pinehurst Planning and Zoning Board recommends the following action to Village Council on the proposed preliminary plat:

The proposed subdivision meets the requirements of the Pinehurst Development Ordinance and the Technical Review Committee recommends approval of the preliminary plat.

Therefore, the Village of Pinehurst Planning and Zoning Board recommends **APPROVAL** of the preliminary plat.

With the following conditions and revisions.

- 1) The lot width at the setback line be shown and dimensioned on the preliminary plat.*
- 2) Mitigate stormwater runoff at the rear of lots 7 & 8 coming from the adjacent residential lots along Starlit Ln.*
- 3) The required street trees be selected from one of the species native to the Sandhills as listed in Appendix F of the Pinehurst Development Ordinance.*
- 4) Recommend construction traffic to follow Linden Rd. and Burning Tree Rd. to the site.*

This is the 9th day of July, 2020



Chair of the Planning and Zoning Board



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

Ruling filed with the Village of Pinehurst:

July 10th, 2020
DATE

Kelly Brown

Kelly Brown
Clerk to the Planning and Zoning Board

Cc: Darryn Burich
Alex Cameron
Kelly Brown



**PLANNING AND ZONING BOARD
REGULAR MEETING
THURSDAY, JULY 9, 2020
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:00 PM**

Board Members Present:

Leo Santowasso, Chair
Cyndie Burnett
Phillip Shumaker
Paul Roberts
Joel Shriberg
David Alzamora

Board Members Absent:

Julia Latham
Jeramy Hooper
Sonja Rothstein

Staff Present:

Darryn Burich, Planning and
Inspections Director
Alex Cameron, Senior Planner
Kelly Brown, Administrative Assistant

I. Call to Order

Mr. Santowasso confirmed a quorum was present and called the meeting to order at 4:00 pm.

II. Approval of Minutes

A. June 4, 2020 Regular Meeting Minutes

Mr. Shumaker moved to approve the June 4, 2020 regular meeting minutes. Seconded by Ms. Burnett. Carried unanimously vote of 5-0.

III. Public Hearing

A. Public Hearing No. 1

Ms. Burnett moved to recess the public meeting and enter into Public Hearing No. 1. Seconded by Mr. Shumaker. Carried unanimously by a vote of 5-0

Senior Planner Alex Cameron stated the purpose of the public hearing was to consider a request by DGH Management, LLC for a Major Subdivision Review for an 11 lot single family subdivision. This property is identified as Moore County PID# 00052077 and is located at Floyd Way an unimproved private road that intersects with Diamondhead Dr. South and Starlit Ln. Mr. Cameron provided information on the proposal from the staff report. He stated it does not conflict with the Village of Pinehurst 2019 Comprehensive Plan. He stated no tree survey was submitted. He confirmed a proposed right-of-way easement of approximately 50 feet.

Engineer Kevin Lindsay of Crawford Design Company spoke on behalf of the applicant. Mr. Santowasso stated he would like to see the lot width at the setback line be labeled on the preliminary subdivision map to ensure all lots comply with zoning requirements. Mr. Lindsay stated they could add those to the plat.

Clark Campbell, attorney for the applicant, spoke on the behalf of the application. Mr. Santowasso stated he would like to propose a condition to add sight triangle labels to the road access onto Diamondhead Drive on the preliminary subdivision plat, as there may be conflict with private property owner north of the proposed easement. He stated he would like to require the applicant to

speak with the private property owner about granting the easement, in order to perfect the sight triangle. Mr. Lindsay confirmed with Mr. Campbell that the current plan was to add sight triangles to the final plat. Mr. Lindsay stated vegetation would have to be cut down on private properties in order to establish the sight triangle. He also stated sight triangles are unnecessary for this project as it meets NCDOT requirements for sight distance.

Mr. Santowasso asked about the status of the existing unimproved road, Floyd Way, which is located within the tract proposed for subdivision and is used to access private property. Mr. Lindsay responded that it would be eliminated through the grading and construction process. Mr. Campbell responded there is one recorded easement that benefits one of the property owners. He stated properties owners McLeod, Brown, and Robinson (listed on the proposed preliminary plat) will be granted an easement to travel onto the new proposed road and will be granted access to utilities. He acknowledged that the existing Floyd Way will be gone before final plat is submitted.

Mr. Roberts asked if the McLeod, Brown, and Robinson would have access to their properties during the construction process. Mr. Clark stated they could continue to travel out to Diamondhead Drive by travelling over Pinehurst Resort property, or the developer could grade an easement to the new proposed Floyd Way once the construction entrance is cleared.

Mr. Campbell stated there were no restrictions or conditions on the permanent easement agreement with Pinehurst Resort LLC. He stated the intention is for Floyd Way to become a public road through annexation into the Village of Pinehurst corporate limits.

Upon question by Mr. Santowasso, Mr. Lindsay acknowledged existing power lines will be removed and underground power lines will be installed.

Mr. Santowasso noted the found rebar depicted on the proposed preliminary plat, stating there could be an issue if the property lines overlapped.

Mr. Santowasso stated he would like the fence encroachment between lot 8 and lot 185 on the preliminary plat addressed, as there could be drainage issues. Mr. Lindsay confirmed that the 20-foot easement located on lot 8 and backing up to lot 185 is a drainage easement, not a utility easement.

Upon question by the Board, Mr. Cameron noted that based on submitted hydrant flow tests and ISO calculations, homes built on the proposed lots would have to be under 3600 heated square feet. Mr. Lindsay stated the water lines could be improved to allow for homes larger than 3600 square feet.

Mr. Campbell stated there is enough lot frontage for each driveway in the cul-de-sac to allow for safe ingress and egress.

Mr. Lindsay stated they will be installing dry ponds. He stated each one will have a four-by-four concrete outlet that will go to a concrete pipe and will outlet to the open area woods or storm drain system. He stated the property owners association (POA) would be responsible for maintaining the storm water management systems and the open space.

Mr. Lindsay stated they did not conduct a tree survey. Mr. Campbell stated they could agree to put ribbons around trees that are going to be maintained. Mr. Lindsay stated they would put up silt fence in areas where they need to clear the road. He stated there will be some grading outside of the road area, and will try to take down as few trees as possible at that time. Upon question by Mr.

Shriberg, Mr. Campbell stated he could not answer whether the developer intends to develop and sell lots or develop and build.

Sandra Denker of 630 Diamondhead Drive (lot 171 on the preliminary plat) asked about the power line running across her property and tree removal. Mr. Lindsay stated he was unsure how this would be dealt with; he said typically they would come down and be buried.

Joel Smith of 8 Starlit Lane (lot 181 on the preliminary plat) spoke about power lines, utility easement, and sewage disposal. Mr. Lindsay stated there is a chance that lots 9, 10, and 11 would require a sewage pump.

Bridgett Baird of 16 Starlit Lane (lot 185 on the preliminary plat) spoke about the water drainage issues on her property. Mr. Lindsay stated the proposed 20-foot drainage easement will take water away from Ms. Baird's property. He stated they will make sure that water coming off of 12, 14, and 16 Starlit Lane will be captured in the drainage easement and routed out to the street drainage and into the open space. Mr. Lindsay stated the Village Engineer will make sure these issues are addressed as the applicant submits plans.

Jim Groeger of 6 Starlit Lane spoke about the zoning designation of the tract proposed for subdivision.

Myrt Brown of 8 Sunset Lane and owner of the existing Floyd Way tract spoke about the proposed easement from his property to the new Floyd Way. Mr. Lindsay stated the easement would be a private access easement, occasionally used to access and maintain the storm water control measures in the open space.

Danette Ray of 4 Starlit Lane was concerned about the developer and traffic.

Maureen Brophy of 3 Shamrock Way was concerned about traffic, water runoff, and noise.

Tim Dickson of 6 Hall Court stated he owned property abutting the northern open space. He was concerned about tree removal.

Sue Hilton of 745 Diamondhead Drive was concerned about water runoff, impervious surface, and traffic.

Cary Kercheval of 14 Starlit Lane was concerned about the developer and water runoff. Mr. Lindsay stated the water concentrating from 8, 10, 12, 14, 16 Starlit Lane will be picked up by the drainage easement so water does not back up into those lots. Mr. Campbell stated the developer, Mr. Lindsay, and himself are willing to meet with the Village Engineer and Mr. Santowasso about the water drainage issues on Starlit Lane.

Jim Groeger of 6 Starlit Lane asked how the water from lot 8 would make it into the drainage easement. Mr. Lindsay stated when they get the actual survey they could potentially move the easement.

Amanda Springer of 10 Starlit Lane stated a storm water control box could be installed on their property.

Richard Brown of 629 Diamondhead Drive was concerned about construction traffic on Diamondhead Drive.

Mr. Santowasso acknowledged the Board received public comments from Rich and Diane Flanagan of 615 Diamondhead Drive and Charlotte Cable of 5 Starlit Lane.

Mr. Shriberg moved to close the public hearing and return to the regular meeting. Seconded by Ms. Burnett. Carried unanimously by a vote of 5-0.

Mr. Roberts stated he would prefer to head off the water drainage problem early.

Mr. Alzamora stated the developer has followed the zoning requirements in the development ordinance, but had concern about greenspace.

Upon question by Ms. Burnett, Mr. Cameron stated if the property were annexed into Pinehurst corporate limits, the mailbox kiosk and storm water maintenance areas would still need to be maintained by a homeowners' association. He stated Pinehurst would maintain the right-of-way. Mr. Lindsay stated that if the property were not annexed by Pinehurst, they would ask NCDOT to maintain the street. Ms. Burnett stated she would like to propose a condition that any required plantings be native plantings.

Mr. Shriberg had no comments.

Mr. Shumaker stated he would like to see the water drainage issue addressed. Mr. Lindsay stated he would speak with the Village Engineer and make a site visit to 10 Starlit Lane about their proposal to install a storm water box on their property.

Mr. Shumaker moved that the Planning & Zoning Board recommend approval to the Pinehurst Village Council of the proposed preliminary plat with the following added conditions:

1. The lot width at the setback line be shown and dimensioned on the preliminary plat.
2. Mitigate storm water runoff at the rear of lots 7 & 8 coming from the adjacent residential lots along Starlit Lane.
3. The required street trees be selected from one of the species native to the Sandhills as listed in Appendix F of the Pinehurst Development Ordinance.
4. Recommend construction traffic to follow Linden Road and Burning Tree Road to access the site.

Seconded by Mr. Roberts. Carried unanimously by a vote of 5-0.

Roll Call

Mr. Roberts	Aye
Mr. Alzamora	Aye
Mr. Burnett	Aye
Mr. Shriberg	Aye
Mr. Shumaker	Aye

IV. New Business

A. Draft Changes to PDO to Implement Electronic Permitting

Darryn Burich, Planning & Inspections Director, discussed a potential text amendment to the Pinehurst Development Ordinance to implement required use of the Village's electronic permit system when applying for building and development related permits. No action was taken by the Board.

B. Election of Vice Chairs

In accordance with the adopted Rules of Procedure for the Planning & Zoning Board, two vice chairs were nominated: Ms. Burnett for first vice chair and Ms. Latham for second vice chair. They are subject to the same term limits as the chair.

Mr. Shriberg moved to elect Ms. Burnett and Ms. Latham as vice chairs to the Planning and Zoning Board. Carried unanimously by a vote of 5-0.

V. Next Meeting Date

A. Regular Meeting on August 6, 2020

VI. Motion to Adjourn

A motion was made to adjourn the regular meeting. Carried unanimously by a vote of 5-0 at 7:16 pm.

Respectfully Submitted,

Kelly Brown
Administrative Specialist
Village of Pinehurst

A videotape of this meeting is located on the Village website: www.vopnc.org.

The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions. Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors. Values: Service, Initiative, Teamwork, and Improvement.



Subdivision – Major and Minor

Fee: \$1400 – Minor

Fee: \$4500 – Major

(Revised 09/2019)

☒ Major Subdivision

☐ Minor Subdivision

Subdivision Information

Per Section 9.17.1.1 of the Pinehurst Development Ordinance (PDO), a Minor Subdivision is a subdivision that does not involve any of the following: (a) creation of more than three (3) lots from any one (1) tract of land (as the tract existed on October 23, 1995) whether such lots are created at one time or over a period of ten (10) years, thereafter; and (b) dedication or improvement of any new street other than widening approved existing streets. Minor subdivision applications are reviewed by the Village Planner and approved by the Village Manager. A Major Subdivision is any subdivision other than an Exempt Subdivision or Minor Subdivision. See Section 9.17.1.1 of the PDO for a description of an Exempt Subdivision. Major Subdivisions are approved by the Village Council.

This application must be completed in full and submitted with the associated fee listed in the Village's Fees and Charges Schedule, which can be accessed at www.vopnc.org/Home/ShowDocument?id=10100.

Intake Information

Property Address	
Street Address	219 Floyd Way
City, State, Zip Code	Pinehurst, NC 28374
Parcel ID #	Parcel ID Short:00052077 PIN:855100457732

Owner Information			
Name	DGH MANAGEMENT, LLC	Home Phone #	
Street Address	335 FIELDS DR	Mobile Phone #	
City, State, Zip Code	ABERDEEN, NC 28315	Business Phone #	910-944-7453
Email	homeforyoutoday@hotmail.com		

Licensed Professionals	
(License #s must include all letters and numbers as filed with the NC Licensing Board)	
	Surveyor (Required)
License #	L-3031
Name	Benny L. Brown
Street Address	5318 NC Highway 211, P.O. Box 307
City, State, Zip	West End, NC 27376
Phone #	910-673-1446
Email	brownsurveyors@gmail.com



Subdivision – Major and Minor

Fee: \$1400 – Minor

Fee: \$4500 – Major

(Revised 09/2019)

Applicant			
Name	DeAnna Burgess	Other Phone #	910-944-7453
Email	homeforyoutoday@hotmail.com	Street Address	335 FIELDS DR
Mobile Phone #		City, State, Zip Code	ABERDEEN, NC 28315

General Information

Project Description			
Name of Subdivision			
Existing Use		Proposed Use	
☒ Vacant ☐ Single Family Low Density ☐ Single Family Medium Density ☐ Single Family High Density ☐ Multi-Family Development ☐ Office ☐ Retail ☐ Lodging ☐ Recreational ☐ Institutional ☐ Medical ☐ Industrial ☐ Services		☐ Vacant ☒ Single Family Low Density ☐ Single Family Medium Density ☐ Single Family High Density ☐ Multi-Family Development ☐ Office ☐ Retail ☐ Lodging ☐ Recreational ☐ Institutional ☐ Medical ☐ Industrial ☐ Services	

Project Information

Total Acres of Project Area	11.384	Number of Acres Disturbed	8
Number of Acres of Dedicated Open Space	2.26	Square Footage of Smallest Lot	21,842
Number of Lots - Existing	1	Number of Lots - Proposed	11
Number of Residential Units - Existing	0	Number of Residential Units - Proposed	11
Number of Non- Residential Units - Existing	0	Number of Non- Residential Units - Proposed	0
Impervious Surface % - Existing	<1%	Impervious Surface % - Proposed	17%
Total Number of Phases	1		

**Subdivision – Major and Minor**

Fee: \$1400 – Minor

Fee: \$4500 – Major

(Revised 09/2019)

Special Conditions (If Any)	
--------------------------------	--

Location Information

Zoning District	r-20
Overlay District	☐ Historic Preservation Overlay District ☐ N/A ☐ Pinehurst South Overlay District
Watershed Protection Overlay District	☒ WS-II ☐ WS-III ☐ N/A
Project Requires a Special Intensity Allocation	☒ Yes ☐ No
In a Flood Zone	☐ Yes ☒ No
Site Contains Wetlands	☐ Yes ☒ No
Red Cockaded Woodpecker on Site	☐ Yes ☒ No
Roads	☒ Public ☐ Private
Water Provider	Moore County Public Utilities--Pinehurst
Sewer Provider	Moore County Public Utilities--Pinehurst

Required Documents (See Appendix E of the PDO for Requirements)

☒ General Concept Plan (If Conditional District Rezoning)	☒ Preliminary Plat
☒ Trip Generation Calculations	

Other Agency Permits/Approvals (As Applicable) - Per Section 4.2.6 of PDO

Pending	☐ Erosion Control Plan (State of North Carolina)	☐ Septic Tank/Well Permit (Moore County)
	☐ Driveway Permit – State Roads (NCDOT)	☐ Right of Way Encroachment
	☒ US Fish and Wildlife Approval	☐ Other

Certification

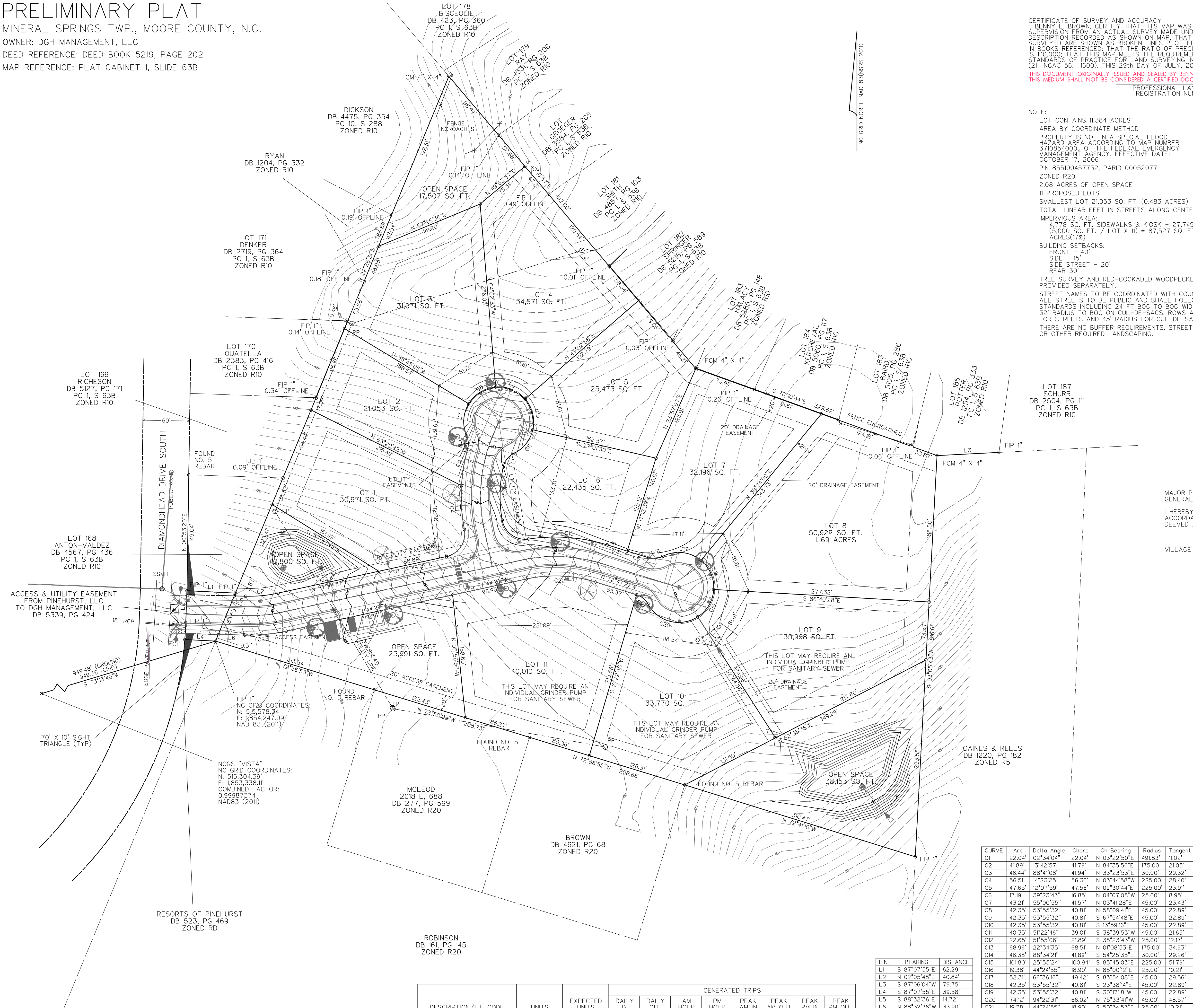
I hereby certify that the information contained in this application is accurate and complete. I also confirm that I have read and understand the requirements that must be met for a Major Subdivision or Minor Subdivision approval.

Applicant Signature:

Date:

2/3/2020

FLOYD WAY SUBDIVISION
PRELIMINARY PLAT
MINERAL SPRINGS TWP., MOORE COUNTY, N.C.
OWNER: DGH MANAGEMENT, LLC
DEED REFERENCE: DEED BOOK 5219, PAGE 202
MAP REFERENCE: PLAT CABINET 1, SLIDE 63B



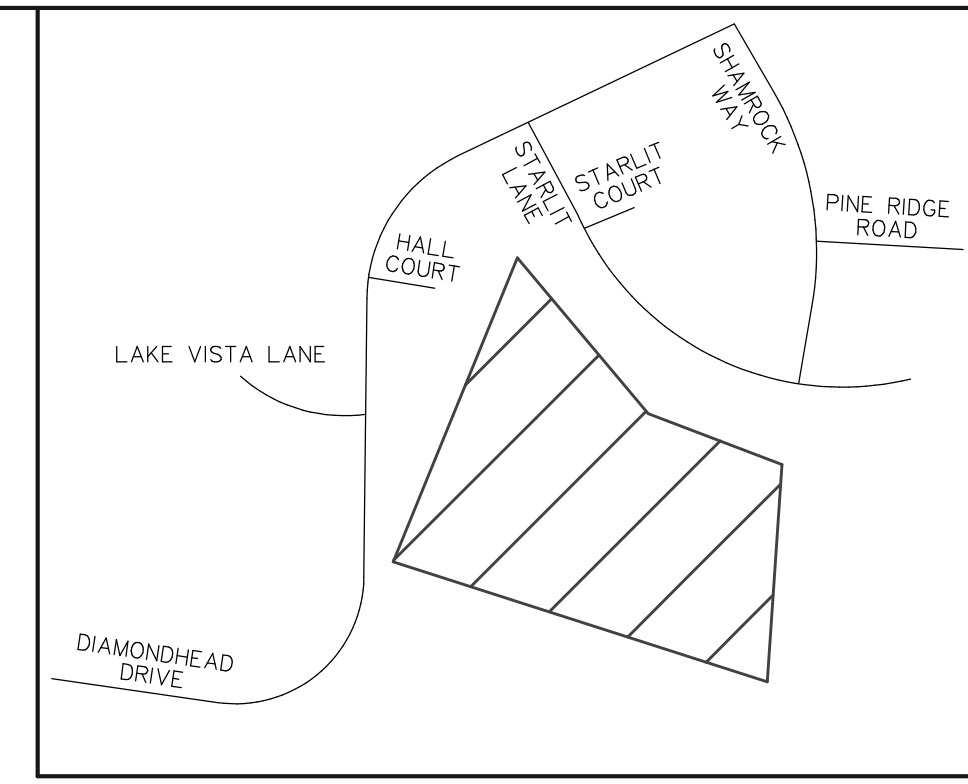
CERTIFICATE OF SURVEY AND ACCURACY
I, BENNY L. BROWN, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, DEED DESCRIPTION RECORDED AS SHOWN ON MAP, THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOKS REFERENCED, THAT THE RATIO OF PRECISION AS CALCULATED IS 10.000; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 36.1600), THIS 29TH DAY OF JULY, 2020.
THIS DOCUMENT ORIGINALLY ISSUED AND SEALED BY BENNY L. BROWN, L-3031, ON 7/29/20. THIS MEDIUM SHALL NOT BE CONSIDERED A CERTIFIED DOCUMENT.

PROFESSIONAL LAND SURVEYOR
REGISTRATION NUMBER L3031

NOTE:
LOT CONTAINS 11.384 ACRES
AREA BY COORDINATE METHOD
PROPERTY IS NOT IN A SPECIAL FLOOD
HAZARD AREA ACCORDING TO MAP NUMBER 3710B54000J OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, EFFECTIVE DATE: OCTOBER 17, 2006
PIN 855100457732, PARID 00052077
ZONED R20
2.08 ACRES OF OPEN SPACE
11 PROPOSED LOTS
SMALLEST LOT 21,053 SQ. FT. (0.483 ACRES)
TOTAL LINEAR FEET IN STREETS ALONG CENTERLINE: 837.78'
IMPERVIOUS AREA:
4,778 SQ. FT. SIDEWALKS & KIOSK + 27,749 SQ. FT. + (5,000 SQ. FT. / LOT X 11) = 87,527 SQ. FT./2.01 ACRES(17%)
BUILDING SETBACKS:
FRONT - 40'
SIDE - 15'
SIDE STREET - 20'
REAR 30'
TREE SURVEY AND RED-CKCKADED WOODPECKER LETTER PROVIDED SEPARATELY.
STREET NAMES TO BE COORDINATED WITH COUNTY 911. ALL STREETS TO BE PUBLIC AND SHALL FOLLOW VOP STANDARDS INCLUDING 24 FT. BOC TO BOC WIDTH AND 32' RADIUS TO BOC ON CUL-DE-SACS, ROWS ARE 50' FOR STREETS AND 45' RADIUS FOR CUL-DE-SACS.
THERE ARE NO BUFFER REQUIREMENTS, STREETSCAPE, OR OTHER REQUIRED LANDSCAPING.

MAJOR PRELIMINARY SUBDIVISION PLAT ASSOCIATED WITH AN APPROVED GENERAL CONCEPT PLAN.
I HEREBY CERTIFY THAT THIS MAJOR PRELIMINARY SUBDIVISION PLAT IS IN ACCORDANCE WITH THE APPROVED GENERAL CONCEPT PLAN AND THEREFORE DEEMED APPROVED.

VILLAGE MANAGER _____ DATE _____



VICINITY MAP NTS

LANDSCAPE REQUIREMENTS:
STREET TREES
TREES REQUIRED: 1 PER 40LF OF FRONTAGE LESS DRIVEWAYS
590LF/40 = 14.75 STREET TREES REQUIRED
TREES PROVIDED: 15 HARDWOOD CANOPY TREES
LESS ANY CREDIT UPON COMPLETION OF TREE SURVEY

- RED MAPLE (8)
- SUGAR MAPLE (7)

CURVE	Arc	Delta Angle	Chord	Ch Bearing	Radius	Tangent
C1	22.04'	02°34'04"	22.04'	N 03°22'50"E	491.83'	11.02'
C2	41.89'	13°42'57"	41.79'	N 84°35'56"E	175.00'	21.05'
C3	46.44'	88°41'08"	41.94'	N 33°23'53"E	30.00'	29.32'
C4	56.51'	14°23'25"	56.36'	N 03°44'58"W	225.00'	28.40'
C5	47.65'	12°07'59"	47.56'	N 09°30'44"E	225.00'	23.91'
C6	17.19'	39°23'43"	16.85'	N 04°07'08"W	25.00'	8.95'
C7	43.21'	55°00'55"	41.57'	N 03°41'28"E	45.00'	23.43'
C8	42.35'	53°55'32"	40.81'	N 58°09'41"E	45.00'	22.89'
C9	42.35'	53°55'32"	40.81'	S 67°54'48"E	45.00'	22.89'
C10	42.35'	53°55'32"	40.81'	S 13°59'46"E	45.00'	22.89'
C11	40.35'	51°22'46"	39.01'	S 38°39'53"W	45.00'	21.65'
C12	22.65'	51°55'06"	21.89'	S 38°23'43"W	25.00'	12.17'
C13	68.96'	22°34'35"	68.51'	N 01°08'53"E	175.00'	34.93'
C14	46.38'	88°34'21"	41.89'	S 54°25'35"E	30.00'	29.26'
C15	101.80'	25°55'24"	100.94'	S 85°45'03"E	225.00'	51.79'
C16	19.38'	44°24'55"	18.90'	N 85°00'12"E	25.00'	10.21'
C17	52.31'	66°36'16"	49.42'	S 83°54'08"E	45.00'	29.56'
C18	42.35'	53°55'32"	40.81'	S 23°38'14"E	45.00'	22.89'
C19	42.35'	53°55'32"	40.81'	S 30°17'18"W	45.00'	22.89'
C20	74.12'	94°22'31"	66.02'	N 75°33'41"W	45.00'	48.57'
C21	19.38'	44°24'55"	18.90'	S 50°34'53"E	25.00'	10.21'
C22	90.01'	29°28'12"	89.02'	N 87°31'27"W	175.00'	46.02'
C23	53.86'	13°42'57"	53.73'	S 84°35'56"W	225.00'	27.06'

LINE	BEARING	DISTANCE
L1	S 87°07'55"E	62.29'
L2	N 02°05'48"E	40.84'
L3	S 87°06'04"W	79.75'
L4	S 87°07'55"E	39.58'
L5	S 88°32'36"E	14.72'
L6	N 88°32'36"W	33.90'
L7	S 72°47'21"E	27.23'
L8	S 72°47'21"E	28.14'

DESCRIPTION/ITE CODE	UNITS	EXPECTED UNITS	GENERATED TRIPS							
			DAILY IN	DAILY OUT	AM HOUR	PM HOUR	PEAK AM IN	PEAK AM OUT	PEAK PM IN	PEAK PM OUT
SINGLE FAMILY HOMES 210	DU	11	53	53	8	11	2	6	7	4

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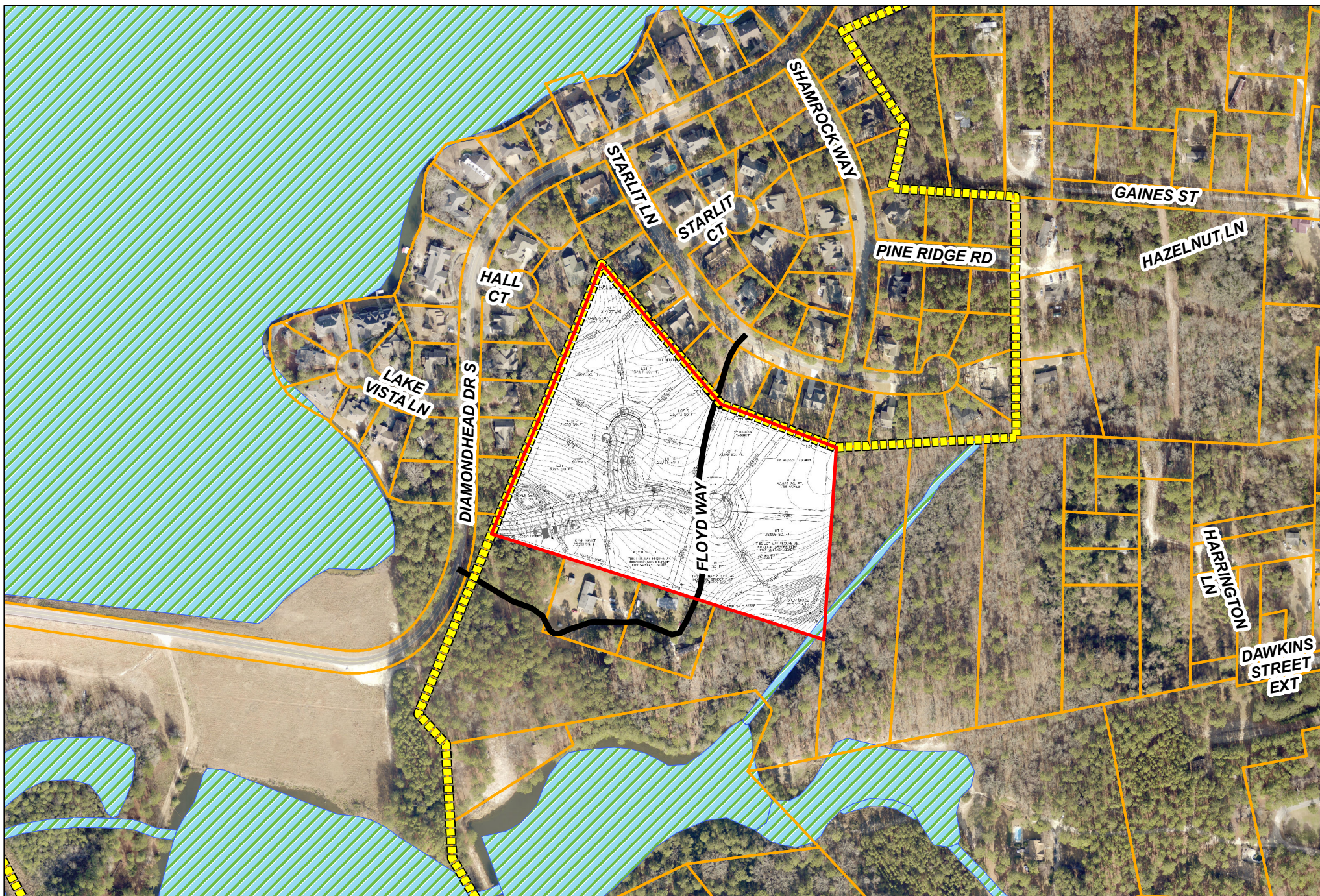
- LEGEND
- FIP FOUND IRON PIPE
 - SIP SET IRON PIPE
 - FCM FOUND CONCRETE MONUMENT
 - SCMS SET COTTON MILL SPINDLE
 - EMN EXISTING MAG NAIL
 - NMN NEW MAG NAIL
 - CP COMPUTED POINT
 - CBL CABLEVISION EQUIPMENT
 - TP TELEPHONE PEDESTAL
 - ET ELECTRICAL TRANSFORMER
 - PP POWER POLE
 - WM WATER METER
 - SCD SEWER CLEANOUT

SURVEY FOR:
QUALITY BUILT HOMES
335 FIELDS DRIVE
ABERDEEN, NC 28315

DATE
11/05/19
FILE NO.
23619
SCALE
1" = 60'

BENNY L. BROWN
Professional Surveyor

5318 NC HWY 211
P.O. BOX 307
WEST END, NC 27376
(910) 673-1446



Proposed Floyd Way Site Plan with Wetlands



Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed.

The maps have been created from information provided by various government and private sources at various levels of accuracy.

The data is provided to you "as is" with no warranty, representation or guaranty

as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein.

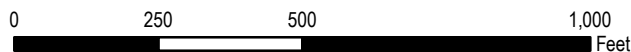
It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner.

Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10.

Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

X:\GISDB_GIS\Floyd_Way_Overlay\Floyd_Way_Site_Plan_8.5x11_Landscape_w_Wetlands.mxd

8/28/2020



FLOYD WAY SUBDIVISION
PRELIMINARY PLAT

MINERAL SPRINGS TWP., MOORE COUNTY, N.C.

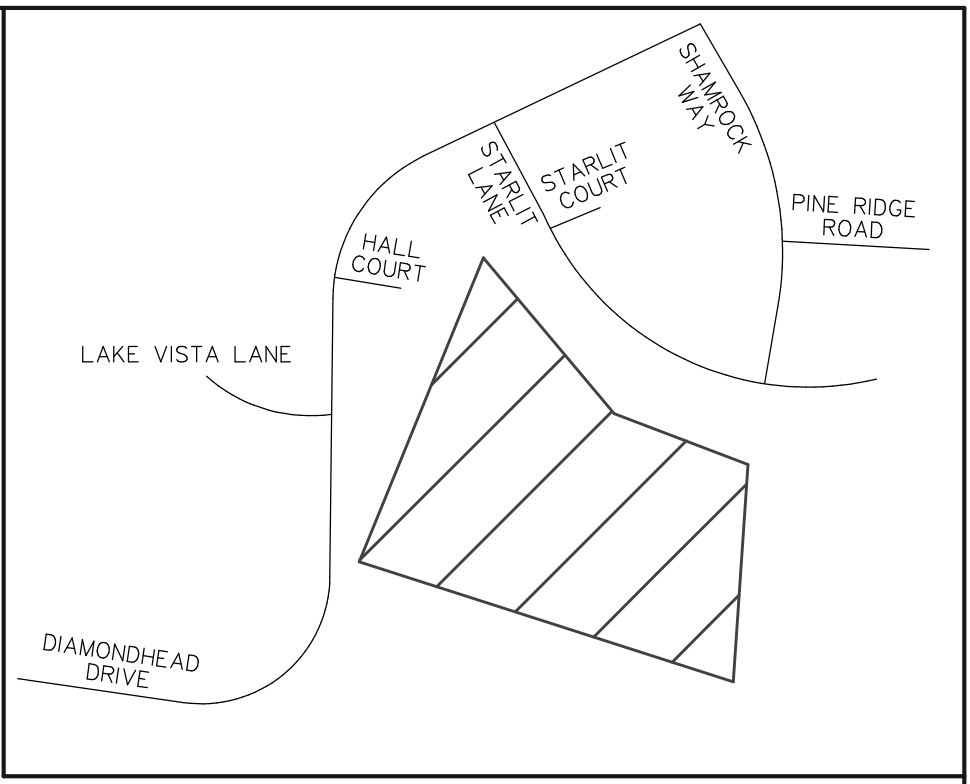
OWNER: DGH MANAGEMENT, LLC

DEED REFERENCE: DEED BOOK 5219, PAGE 202

MAP REFERENCE: PLAT CABINET 1, SLIDE 63B



NOTE:
LOT CONTAINS 11.384 ACRES
AREA BY COORDINATE METHOD
PROPERTY IS NOT IN A SPECIAL FLOOD
HAZARD AREA ACCORDING TO MAP NUMBER
3710854000J OF THE FEDERAL EMERGENCY
MANAGEMENT AGENCY, EFFECTIVE DATE:
OCTOBER 17, 2006
PIN 855100457732, PARID 00052077
ZONED R20
2.08 ACRES OF OPEN SPACE
11 PROPOSED LOTS
SMALLEST LOT 21,053 SQ. FT. (0.483 ACRES)
TOTAL LINEAR FEET IN STREETS ALONG CENTERLINE: 837.78'
IMPERVIOUS AREA:
4,477 SQ. FT. SIDEWALKS & KIOSK + 25,990 SQ. FT. +
(5,000 SQ. FT. / LOT X 11) = 85,467 SQ. FT. = 1.96 AC/11.384
ACRES(17%)
BUILDING SETBACKS:
FRONT - 40'
SIDE - 15'
SIDE STREET - 20'
REAR 30'
TREE SURVEY AND RED-CKOADED WOODPECKER LETTER
PROVIDED SEPARATELY.
STREET NAMES TO BE COORDINATED WITH COUNTY 911.
ALL STREETS TO BE PUBLIC AND SHALL FOLLOW VOP
STANDARDS INCLUDING 24 FT BOC TO BOC WIDTH AND
32' RADIUS TO BOC ON CUL-DE-SACS, ROWS ARE 50'
FOR STREETS AND 45' RADIUS FOR CUL-DE-SACS.
THERE ARE NO BUFFER REQUIREMENTS, STREETScape,
OR OTHER REQUIRED LANDSCAPING.
AS PER APPENDIX B, STATE FIRE CODE, FIRE FLOW
FOR RESIDENTIAL UNITS UNDER 3,600 SF IS 1,000
GPM. AN ENGINEER REPORT WILL BE PROVIDED TO THE
VILLAGE BY A LICENSED PROFESSIONAL PRIOR TO
CONSTRUCTION OF ANY UNITS LARGER THAN 3,599 SF
IN ORDER TO VERIFY THAT FIRE FLOW TO THE
STRUCTURE WILL BE IN COMPLIANCE WITH APPENDIX B.



VICINITY MAP NTS

LANDSCAPE REQUIREMENTS:
STREET TREES
TREES REQUIRED: 1 PER 40LF OF FRONTAGE LESS DRIVEWAYS
590LF/40 = 14.75 STREET TREES REQUIRED
TREES PROVIDED: 15 HARDWOOD CANOPY TREES
LESS ANY CREDIT UPON COMPLETION OF TREE SURVEY

- RED MAPLE (8)
- SUGAR MAPLE (7)

CERTIFICATE OF SURVEY AND ACCURACY
I, BENNY L. BROWN, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY
SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, DEED
DESCRIPTION RECORDED AS SHOWN ON MAP. THAT THE BOUNDARIES NOT
SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND
IN BOOKS REFERENCED: THAT THE RATIO OF PRECISION AS CALCULATED
IS 1:10,000; THAT THIS MAP MEETS THE REQUIREMENTS OF THE
STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA
(21 NCAC 56. 1600). THIS 31st DAY OF AUGUST, 2020

THIS DOCUMENT ORIGINALLY ISSUED AND SEALED BY BENNY L. BROWN, L-3031, ON 8/31/20.
THIS MEDIUM SHALL NOT BE CONSIDERED A CERTIFIED DOCUMENT.

PROFESSIONAL LAND SURVEYOR
REGISTRATION NUMBER L3031

MAJOR PRELIMINARY SUBDIVISION PLAT RECOMMENDED FOR APPROVAL
I HEREBY CERTIFY THAT THIS MAJOR PRELIMINARY SUBDIVISION PLAT
WAS APPROVED BY THE PINEHURST VILLAGE COUNCIL ON THE
DAY OF _____, 20__

VILLAGE MANAGER _____ DATE _____

CURVE	Arc	Delta Angle	Chord	Ch Bearing	Radius	Tangent
C1	22.04'	02°34'04"	22.04'	N 03°22'50"E	491.83'	11.02'
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C23	53.86'	13°42'57"	53.73'	S 84°35'56"W	225.00'	27.06'

LINE	BEARING	DISTANCE
L1	S 87°57'55"E	62.29'
L2	N 02°05'48"E	40.84'
L3	S 87°06'04"W	79.75'
L4	S 87°07'55"E	39.58'
L5	S 88°32'36"E	14.72'
L6	N 88°32'36"W	33.90'
L7	S 72°47'21"E	27.23'
L8	S 72°47'21"E	28.14'

DESCRIPTION/ITE CODE	UNITS	EXPECTED UNITS	GENERATED TRIPS							
			DAILY IN	DAILY OUT	AM HOUR	PM HOUR	PEAK AM IN	PEAK AM OUT	PEAK PM IN	PEAK PM OUT
SINGLE FAMILY HOMES 210	DU	11	53	53	8	11	2	6	7	4

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- LEGEND
- FIP FOUND IRON PIPE
 - SIP SET IRON PIPE
 - FCM FOUND CONCRETE MONUMENT
 - SCMS SET COTTON MILL SPINDLE
 - EMN EXISTING MAG NAIL
 - NMN NEW MAG NAIL
 - CP COMPUTED POINT
 - CBL CABLEVISION EQUIPMENT
 - TP TELEPHONE PEDESTAL
 - ET ELECTRICAL TRANSFORMER
 - PP POWER POLE
 - WM WATER METER
 - SCD SEWER CLEANOUT

SURVEY FOR:
QUALITY BUILT HOMES
335 FIELDS DRIVE
ABERDEEN, NC 28315

DATE
11/05/19

FILE NO.
23619

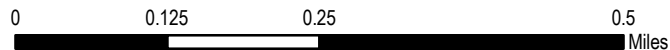
SCALE
1" = 60'

BENNY L. BROWN
Professional Surveyor

5318 NC HWY 211
P.O. BOX 307
WEST END, N.C. 27376
(910) 673-1446



Floyd Way Vicinity Map



Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein. It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet). X:\GISDB_GIS\Floyd_Way_Ovelay\Floyd_Way_Aerial_8_5x11_Landscape_with_Site_Pland.mxd 8/28/2020



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sandhills Sub Office
Post Office Box 119
Southern Pines, N. C. 28388

January 23, 2020

Matthew Wimberly
Forest Land Resource Consultants, PLLC
P.O. Box 7
West End, NC 27376

Re: undeveloped 11.29 acres SE of Lake Pinehurst (LRK: 52077), Pinehurst, Moore County, North Carolina

Dear Mr. Wimberly:

This is in response to your request for an assessment of any potential impacts to red-cockaded woodpeckers (*Dryobates borealis* = *Picoides borealis*) associated with the development of the subject property. The U.S. Fish and Wildlife Service (Service) offers the following comments in support of Section 9 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) (Act) and the Service's Private Lands Guidelines found in Appendix 5 of the Service's Recovery plan for the red-cockaded woodpecker (*Picoides borealis*): second revision (U.S. Fish and Wildlife Service 2003). A site visit was conducted by Matthew L. Wimberly of Forest Land Resource Consultants, PLLC on January 21, 2020.

Based upon the site visit there were no red-cockaded woodpecker (RCW) cavity trees or suitable foraging habitat found on this property. A small portion of this property lies within a half-mile of active red-cockaded woodpecker cluster SOPI 68.

Recovery efforts for this species are underway and may result in groups becoming reestablished in areas currently unoccupied by this species. The cumulative loss of foraging and nesting habitat caused by residential and commercial construction is one of the primary threats to the continued existence of the red-cockaded woodpecker in the Pinehurst/Southern Pines area. Therefore, as plans are made to develop this property, I encourage your client to minimize the removal of mature longleaf pine trees greater than 8 inches in diameter, take measures to prevent damage to the bole and root system of the remaining longleaf pines and to landscape with plant species native to the Sandhills ecosystem.

The results of this finding are valid for a period of 1 year from the date this letter was issued. However, this determination must be reconsidered if the project design is subsequently modified or if new information becomes available. Please use this letter as necessary to inform all potentially affected parties of this finding. If you have any comments or questions, please don't hesitate to contact me at (910) 695-3323 ext 10.

Sincerely,

Susan Ladd Miller
Fish and Wildlife Biologist

HYDRANT FLOW TEST REPORT

LOCATION: Diamondhead S and Hall Ct

DATE: 9/4/2019

TIME: 9:15am

TEST MADE BY: Robbie Baker

REPRESENTATIVE OF: MOORE COUNTY PUBLIC UTILITIES

WITNESS: Chris Fuller

PURPOSE OF TEST: Fire Flow

CONSUMPTION RATE DURING TEST: _____ GPM

IF PUMPS AFFECT TEST, INDICATE PUMPS OPERATING:

FLOW HYDRANT #s	A ¹	A ²	A ³
	3-249		
SIZE NOZZLE:	2 1/2	IN	
PITOT READING:	58	PSI	
TOTAL GPM:	1280	GPM	

RESIDUAL HYDRANT # 3-251

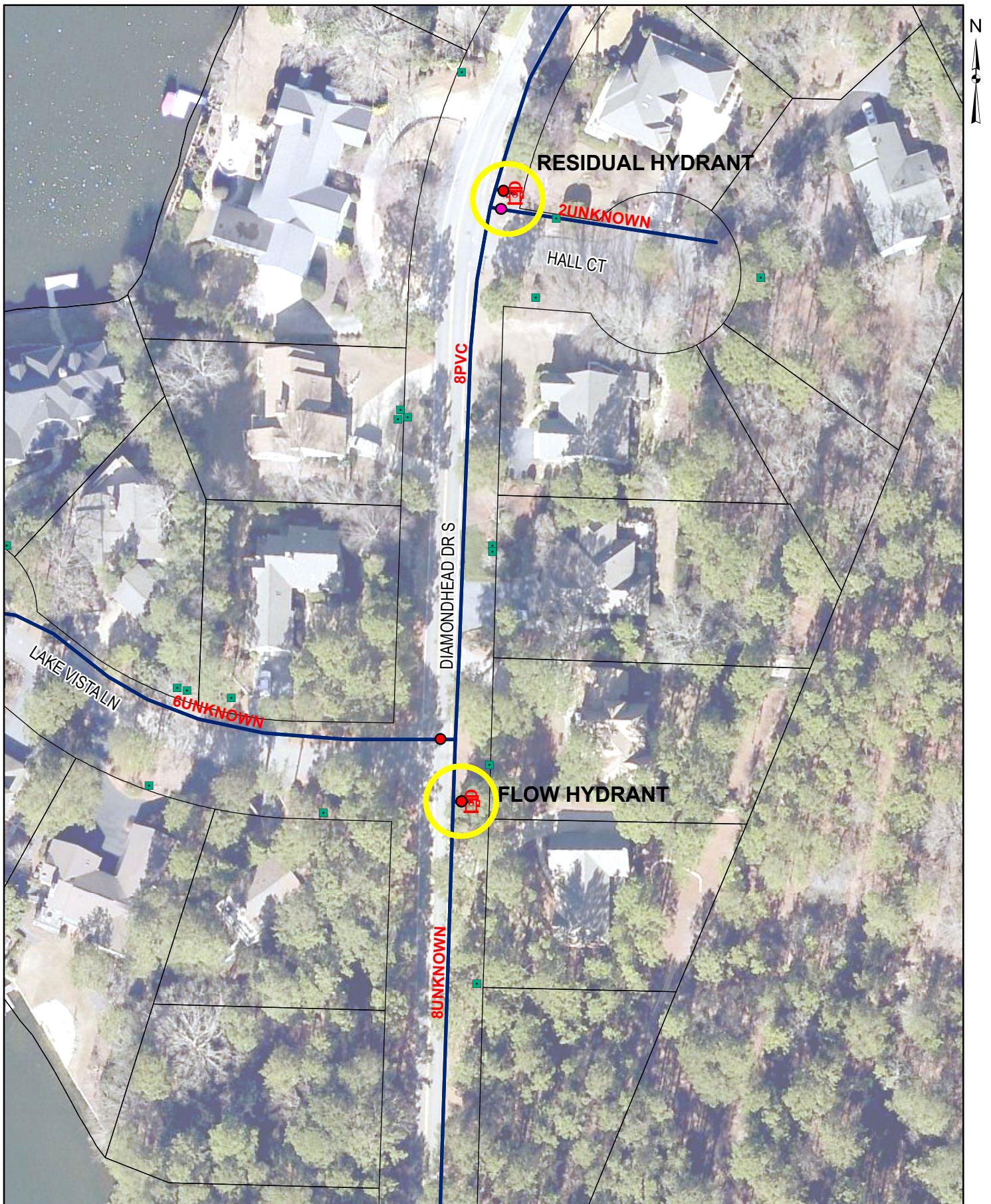
STATIC _B 102 PSI

RESIDUAL _B 82 PSI

PROJECTED RESULTS AT 20 PSI RESIDUAL 2742 GPM

REMARKS: Cannon Park Tank at 30.4', Monticello Tank at 16.7'

All BPS running and Pinehurst wells running.



Moore County Public Utilities

1 inch = 80 feet

Hydrant Flow Test - Diamondhead Dr S

Moore County GIS Disclaimer:
All the information contained on this media is prepared for the inventory of real property found within Moore County. All data is compiled from recorded deeds, plats, and other public records and data. Users of this data are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information. All information contained herein was created for the County's internal use. MOORE COUNTY, ITS OFFICIALS, AGENTS AND EMPLOYEES MAKE NO WARRANTY AS TO THE CORRECTNESS OR ACCURACY OF THE INFORMATION SET FORTH ON THIS MEDIA WHETHER EXPRESS OR IMPLIED, IN FACT OR IN LAW, INCLUDING WITHOUT LIMITATION THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR USE. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-16. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).



**DISCUSS AND CONSIDER A REQUEST FOR A SPECIAL INTENSITY
ALLOCATION FOR HUNTLEY DESIGN BUILD OFFICE PROJECT
ADDITIONAL AGENDA DETAILS:**

FROM:

Darryn Burich & Alex Cameron

CC:

Jeff Sanborn, Natalie Hawkins & Beth Dunn

DATE OF MEMO:

9/1/2020

MEMO DETAILS:

This agenda item is for Council to consider a request for approval of a 1 acre Special Intensity Allocation (SIA) by Huntley Design Build, Inc. to allow for development of a vacant parcel in Trotter Hills for an office building. Site improvements will include a 3,197 heated square foot office building, parking and landscaping.

The proposed development includes approximately .26 acres of impervious area or 26% overall impervious coverage on the 1 acre site.

It is the practice of the Planning and Inspections Department to bring requests for SIAs before Village Council for approval when site plan approval is imminent by the staff Technical Review Committee (TRC).

Attached to this memorandum is a staff memo explaining the SIA request with a summary table of previously issued SIA's within the WS-II Watershed Protection District. Should Council agree to provide the 1 acre allocation, Council can approve by a motion.

ATTACHMENTS:

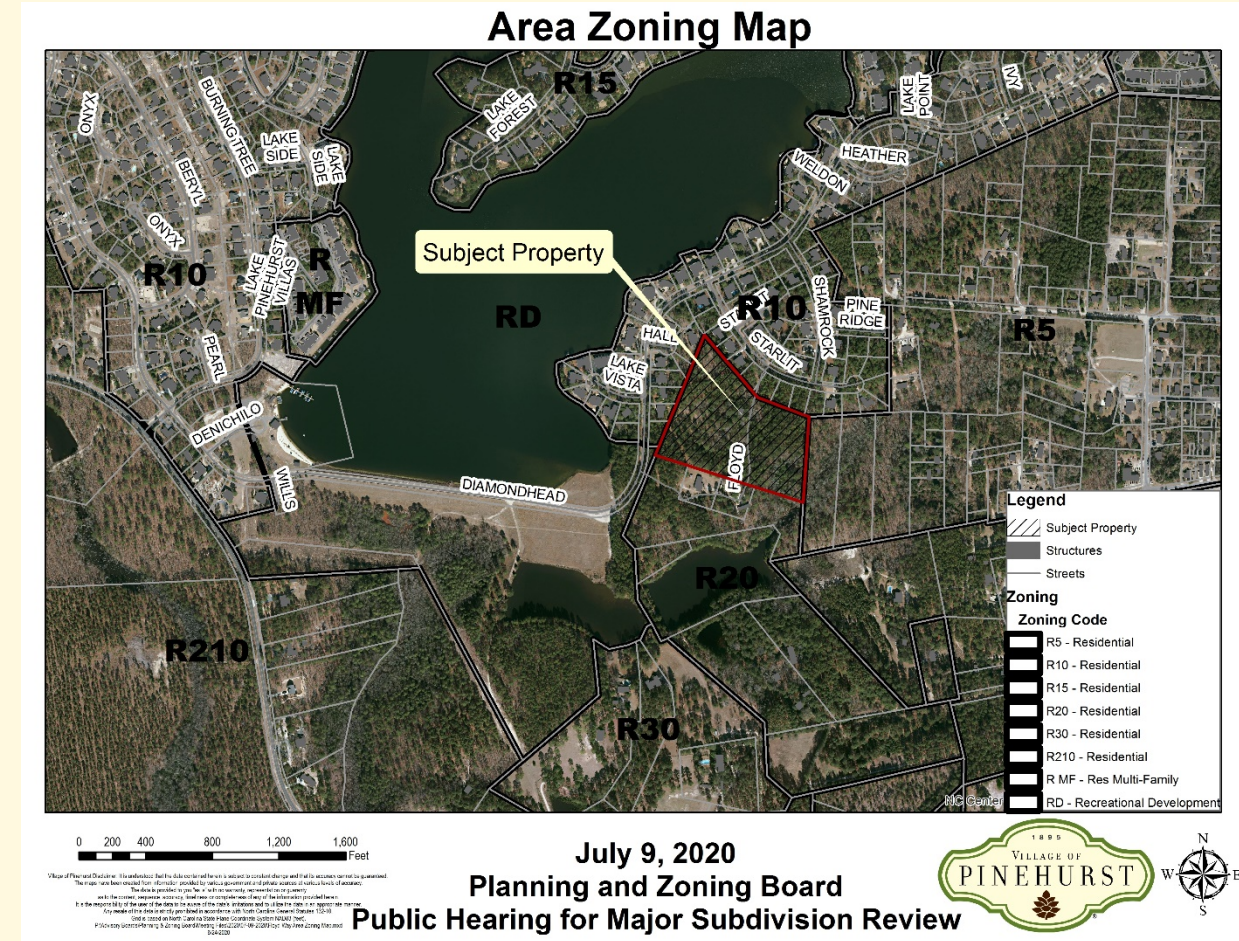
Description

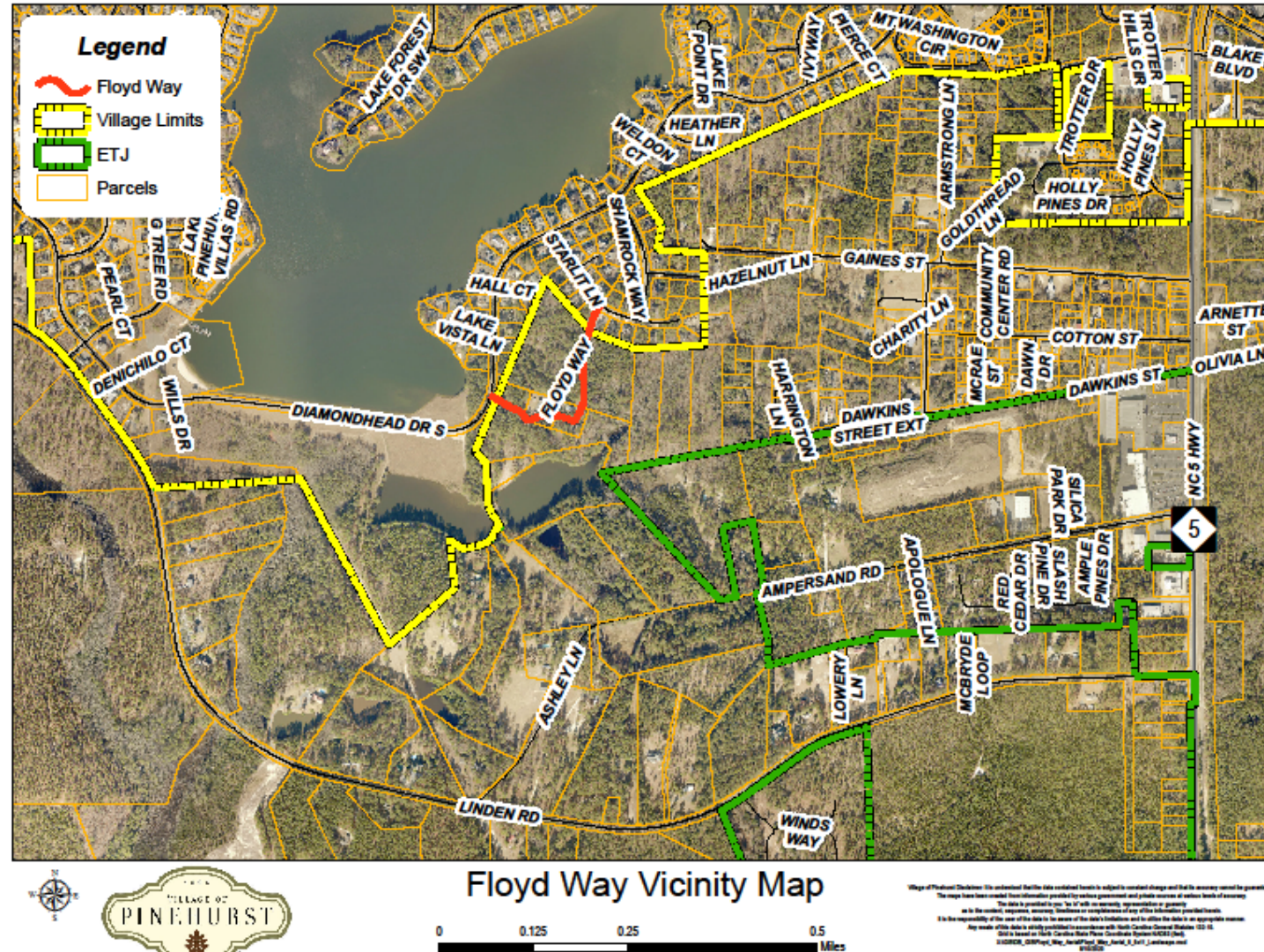
- ☐ Staff Presentation
- ☐ Staff Council Memo
- ☐ Proposed Site Plans
- ☐ Proposed Building Elevations



Public Hearing No. 1

- I. Major Subdivision review for an 11 lot single family subdivision near Floyd Way, Diamonhead Dr. S and Starlit Ln., PID# 00052077 applicant and owner is DGH Management, LLC.
- o Current Zoning and Land Use
 - R-20 (Medium Density Residential District)
 - 1 single family residential lot totaling +/- 11.38 acres
 - o Proposed Zoning and Land Use (No Change)
 - R-20 (Medium Density Residential District)
 - 11 lot single family subdivision with related infrastructure
 - o Council reviews to determine compliance with PDO standards.
 - o The public hearing was duly posted, adjacent owners notified, and hearing published.







Major Subdivision

- Any subdivision creating more than 3 lots and involves the dedication or improvement of any new street(s).
- Applications and material are submitted to the Village Planner and reviewed by the Technical Review Committee (TRC).
- **After TRC comments are addressed** the proposal is reviewed by the Planning and Zoning Board to formulate a recommendation to Village Council. A public hearing is held.
 - **Applicant addressed all TRC conditions so approval was recommended without any conditions.**
- Village Council holds a public hearing and reviews the proposed subdivision and can approve, conditionally approve or reject.

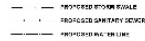


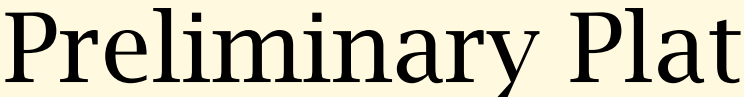


Background

- A similar proposal was scheduled to be reviewed by the Board in November of 2018. Due to required changes in development density, errors, omissions, etc., the applicant withdrew the item from the agenda so they could address those issues.
- No action was taken by the Board.



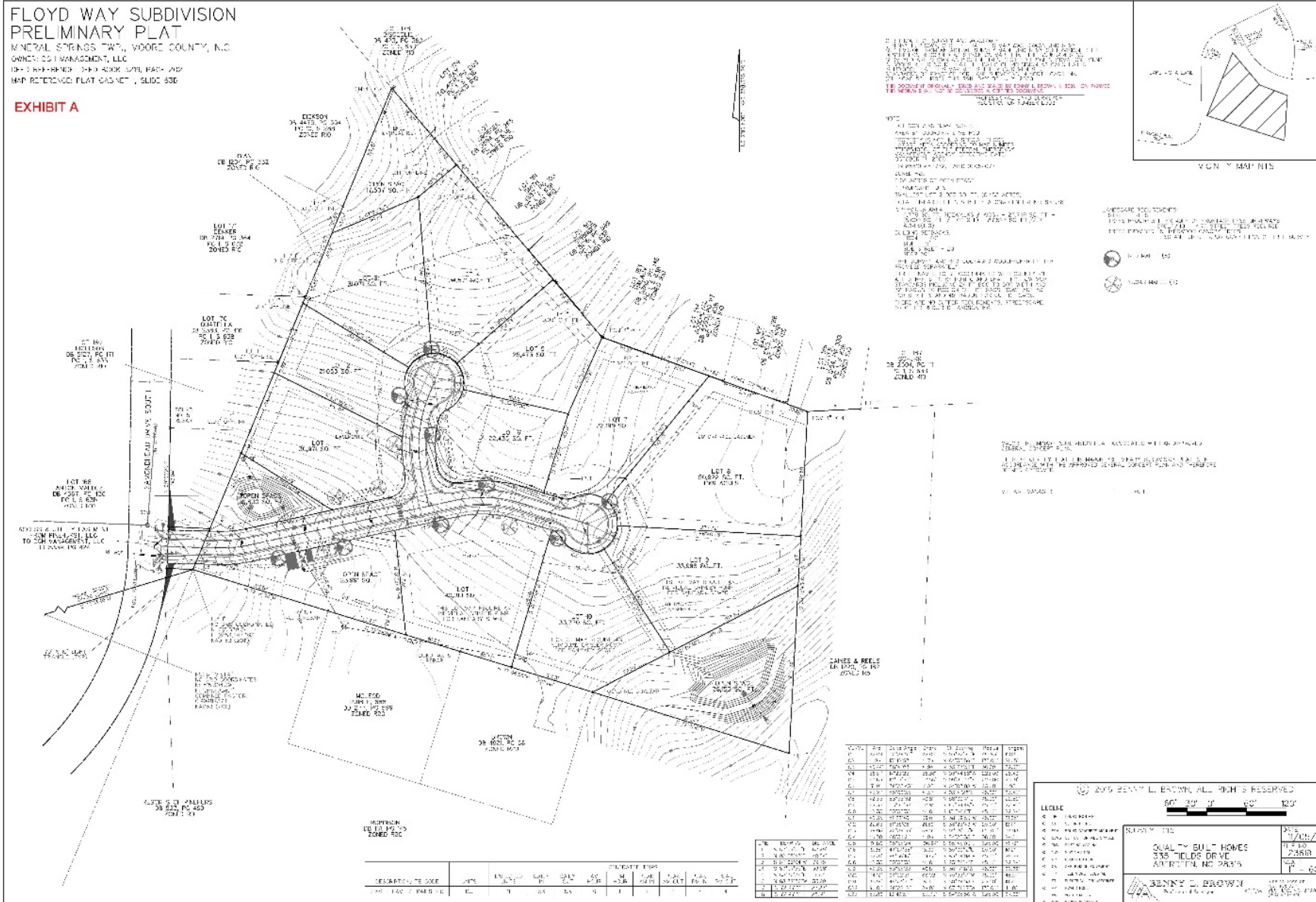






FLOYD WAY SUBDIVISION PRELIMINARY PLAT MINERAL SPRINGS TWP., MOORE COUNTY, N.C. OWNED BY: MANAGEMENT, LLC DEVELOPER: 300-4000 LITTLE ROCK AND MAP REFERRED: PLAT GASNET, SLIDE 636

EXHIBIT A





Project Density and Dimensions

- The R-20 Zoning District allows for a minimum of 20,000 square foot lots which for an area this size would allow for approximately 24 single family lots.
- However, the project is located within the WS-II Drowning Creek – Lumber River BW watershed protection area.
 - This is a zoning overlay which limits single family development to one dwelling unit per acre thus the proposed 11 lots.
- All of the lots will meet the dimensional requirements of the R-20 Zoning District.
- The proposed lots range in size from 21,053 sq. ft. to 52,504 sq. ft.





Adjacent Land Uses and Zoning

- Surrounding properties contain only a couple of zoning designations and land uses mainly consisting of single family residential

Adjacent Land Uses and Zoning		
Area	Existing Uses	Zoning
North	Single Family Residential	R10
South	Single Family Residential and Vacant	R20
East	Single Family Residential and Vacant	R5
West	Single Family Residential and Recreation	R10 & RD
Comprehensive Plan Land Use Designation		
Suburban Neighborhood		





Site Features

- The applicant proposes internal streets with a 50' right of way, with a 24' street width and a 45' cul-de-sac radius.
- The proposed streets connect to Diamondhead Dr. S, a Village owned and maintained road by crossing an adjacent private property owned by Pinehurst, LLC which has granted an easement to the applicant.
- Sidewalks are required along one side of all the proposed streets and are shown on the plans.
- A mail kiosk is shown at the southwest portion of the property to provide mail service for the proposed lots.
- Public water and sewer are to be provided to the lots and will be served by MCPW.
- The current plan indicates stormwater control measures on site including two detention areas. This system will be required to be designed, constructed and inspected in accordance with the Village's ESSM.





Site Features

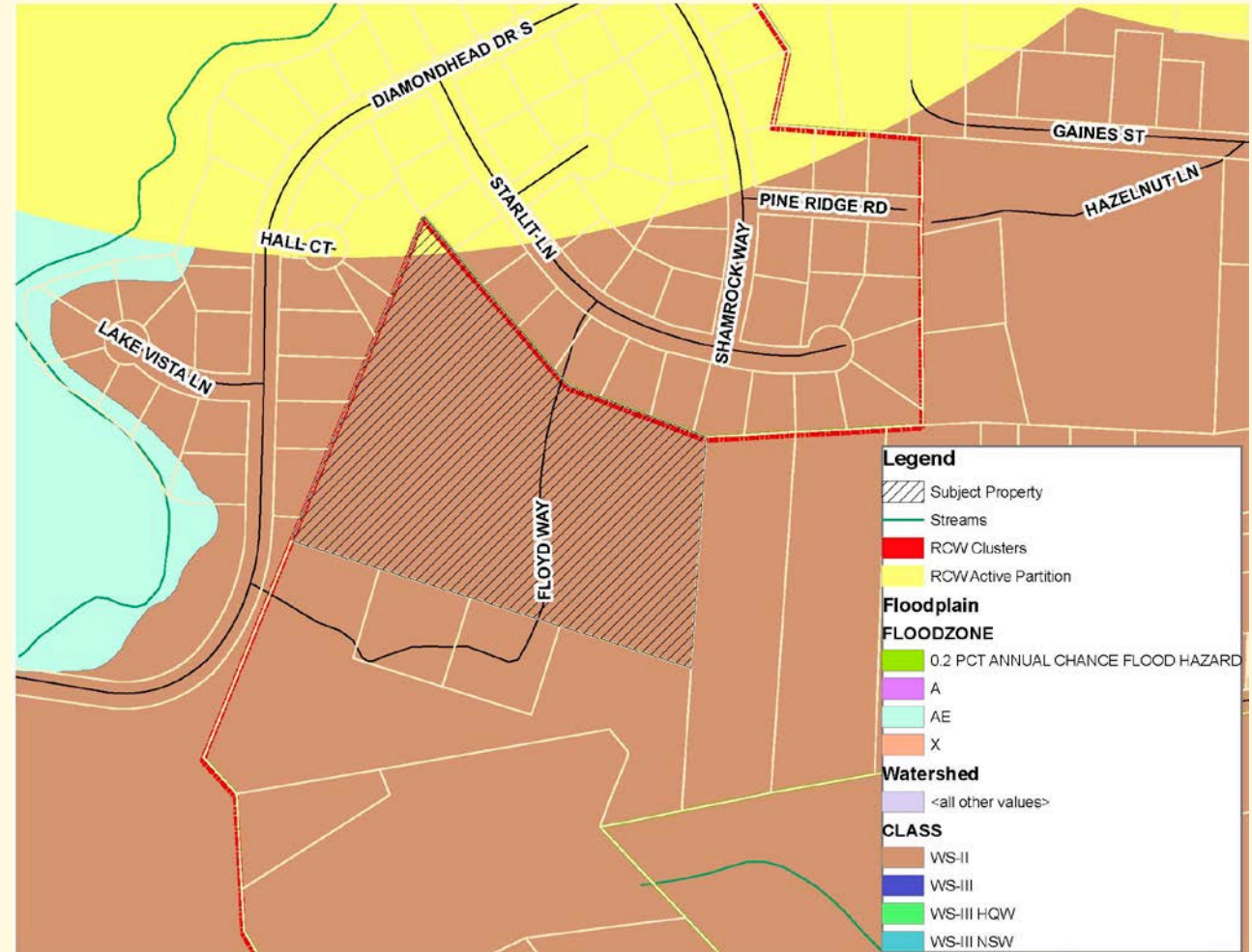
- Applicant has stated an intention to request annexation into the Village's corporate limits.
- The applicant indicates that an HOA will be formed and will be responsible for the maintenance of the required improvements.
- If annexed the Village could then provide solid waste and emergency services as well as take over the ownership and maintenance of the improvements in the right of way after the work has been inspected to ensure compliance with the standards and a warranty period put in place.





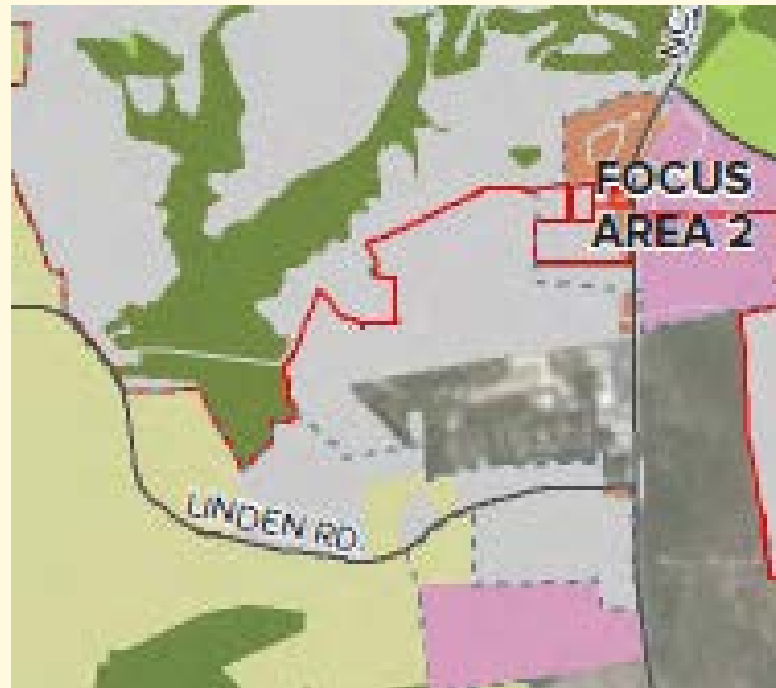
Environmental Impacts

- o No floodplains or wetlands?
- o No impacts for red-cockaded woodpeckers (letter issued from the USFW)
- o Located within the WS-II Watershed Protection District
 - Proposed density does not exceed 1 dwelling unit per acre



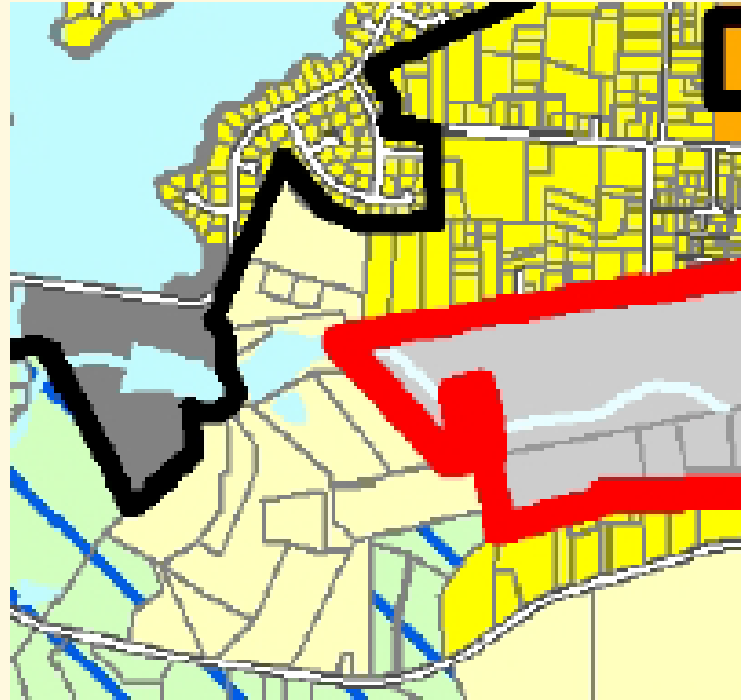


2019 Comprehensive Plan Map (Suburban Neighborhood)





2010 Comprehensive Plan showing moderate res density





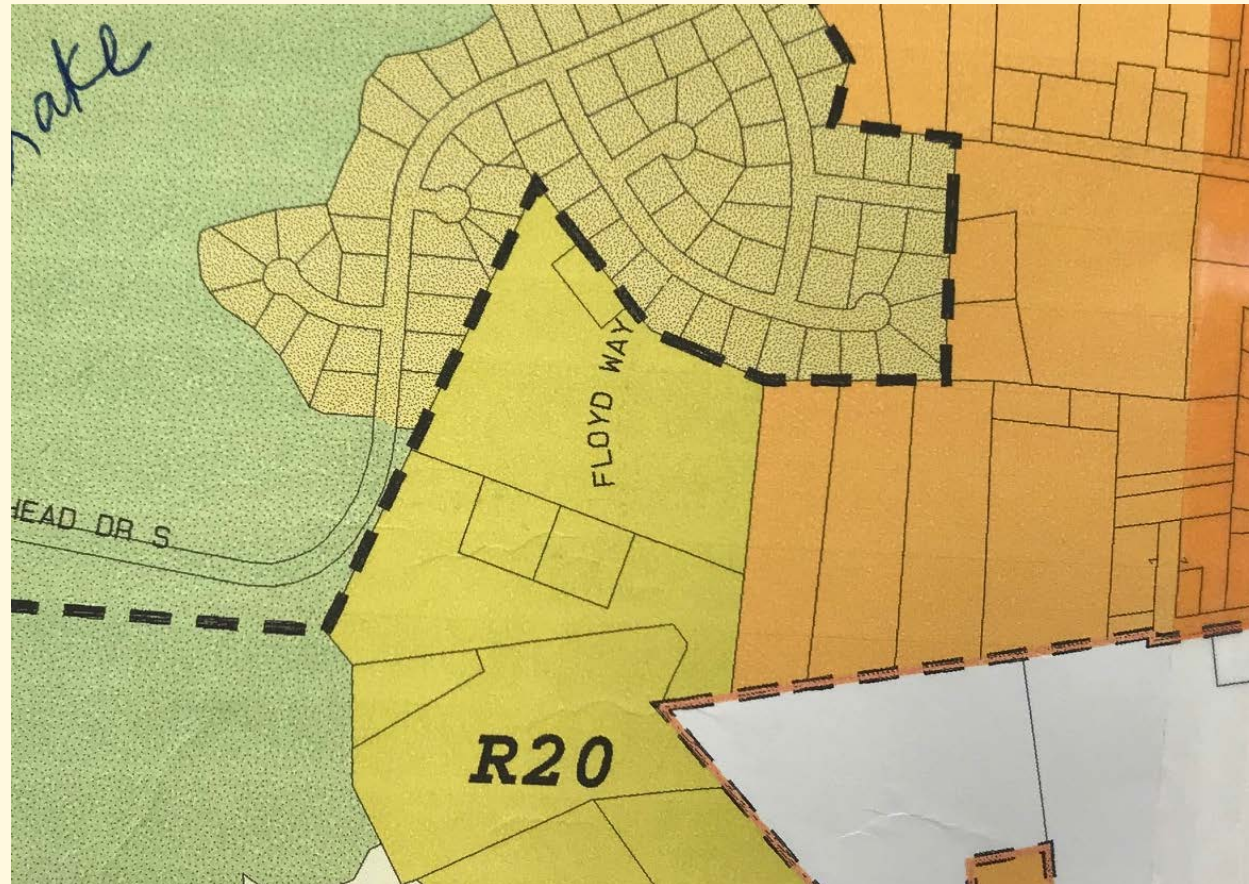
2003 Comp Plan Residential Densities Map showing less than 2 units per acre rec.







1998 Zoning Map



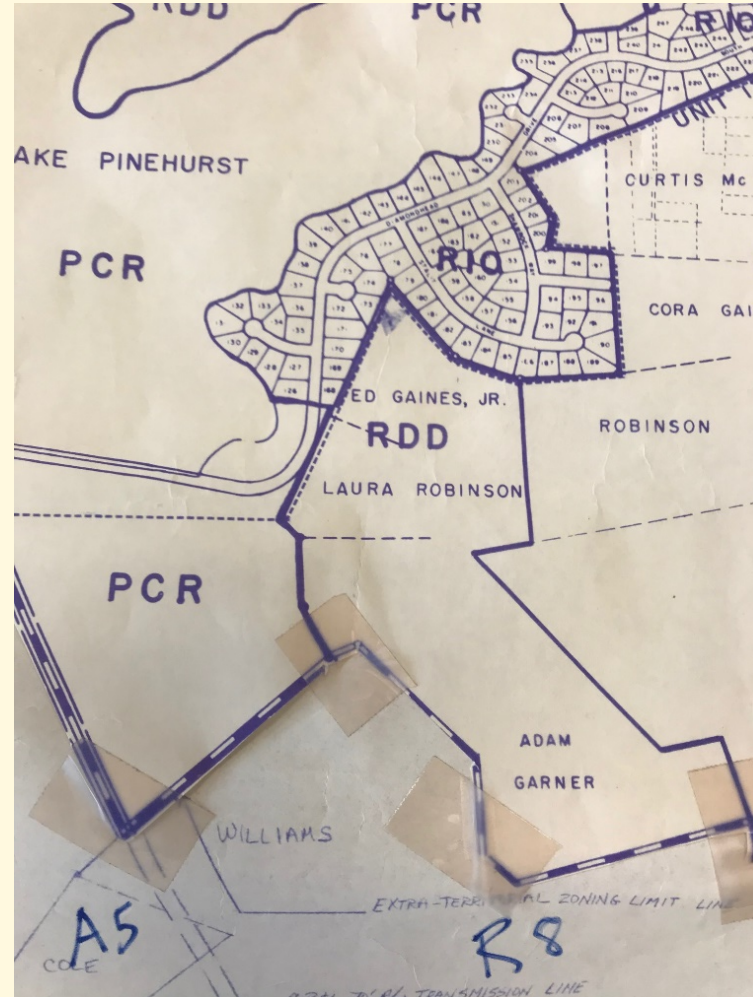


1995 Zoning Map





1985 Zoning Map





Staff & TRC Recommendation

- The TRC has reviewed the proposed Major Subdivision and have deemed it to be compliant at this stage as well as meet all the dimensional requirements and standards in the PDO. Therefore, staff recommends approval of this subdivision with no other conditions at this time.





Planning and Zoning Board Action – July 9th

- Conducted a public hearing and recommended approval with the following conditions:
 1. The lot width at the setback line be shown and dimensioned on the preliminary plat. **(Plat has been updated)**
 2. Mitigate stormwater runoff at the rear of Lots 7 & 8 coming from the adjacent residential lots along Starlit Lane. **(Updated plat includes stormwater easement)**
 3. The required street trees be selected from one of the species native to the Sandhills as listed in Appendix F of the Pinehurst Development Ordinance. **Staff recommends to not require this condition as it extends beyond the requirements of the PDO.**
 4. Recommend construction traffic to follow Linden Road and Burning Tree Road to access the site. **(Staff recommends to not require this condition as it extends beyond the standards of the PDO.)**





Action By Village Council

- Reviews recommendation of the TRC and P&Z and either approve, conditionally approve, or reject the preliminary plat;
- **If the Village Council approves a plat with conditions, the reasons for requiring conditions shall be stated in the record of approval of the preliminary plat. Such conditions may include, but are not limited to:**
 - The configuration of lots and streets;
 - The arrangement of utility networks on the property;
 - The location of dedicated land and rights-of-way;
 - The payment of fees in lieu of such dedications;
 - The location of required improvements.





Action By Village Council cont.

- If the Council rejects the preliminary plat, the reasons therefor shall be stated in the record along with recommendations for ways to revise the preliminary plat so it could be approved.





END





Proposed Conditions

Planning & Zoning Board's Conditions		Staff's Recommendation
1.	The lot width at the setback line be shown and dimensioned on the preliminary plat.	Remove– Updated subdivision plat now includes the lot width at that setback line.
1.	Mitigate stormwater runoff at the rear of Lots 7 & 8 coming from the adjacent residential lots along Starlit Lane.	Remove– Updated subdivision plat now includes a stormwater easement.
1.	The required street trees be selected from one of the species native to the Sandhills as listed in Appendix F of the Pinehurst Development Ordinance.	Remove– Appendix F includes suggested, but not required species. Subdivision plat meets PDO requirements for street trees and this proposed condition extends beyond the requirements of the PDO.
1.	Recommend construction traffic to follow Linden Road and Burning Tree Road to access the site.	Remove– This proposed condition extends beyond the standards of the PDO.
Additional Staff Recommendations		
1.	Wetlands be delineated at final platting and construction drawing phase to ensure an undisturbed 30 foot buffer is maintained to the wetland per Section 9.5.1.10.	
1.	Extend proposed 60 foot wide street right-of-way to east property line to ensure continuation and coordination of the street system per Section 9.17.1.15 (B) and 2019 Comprehensive Plan Strategy 4.13 identifying the need to explore opportunities for transportation network improvements in any new or redevelopment.	
1.	In order to ensure reasonable means of ingress and egress for surrounding properties per Section 9.17.1.15 (B) and in keeping with 2019 Comprehensive Plan Strategy 4.13 regarding exploring transportation network improvements in any new or redevelopment, place a 60 foot wide road reservation west of Lot 11 running south to the Robinson property parcel #00054886 on the plat. Final placement of the road reservation to be compliant with the Village of Pinehurst Engineering Standards and Specifications Manual.	





Floyd Way Area Wetlands



August 19, 2020

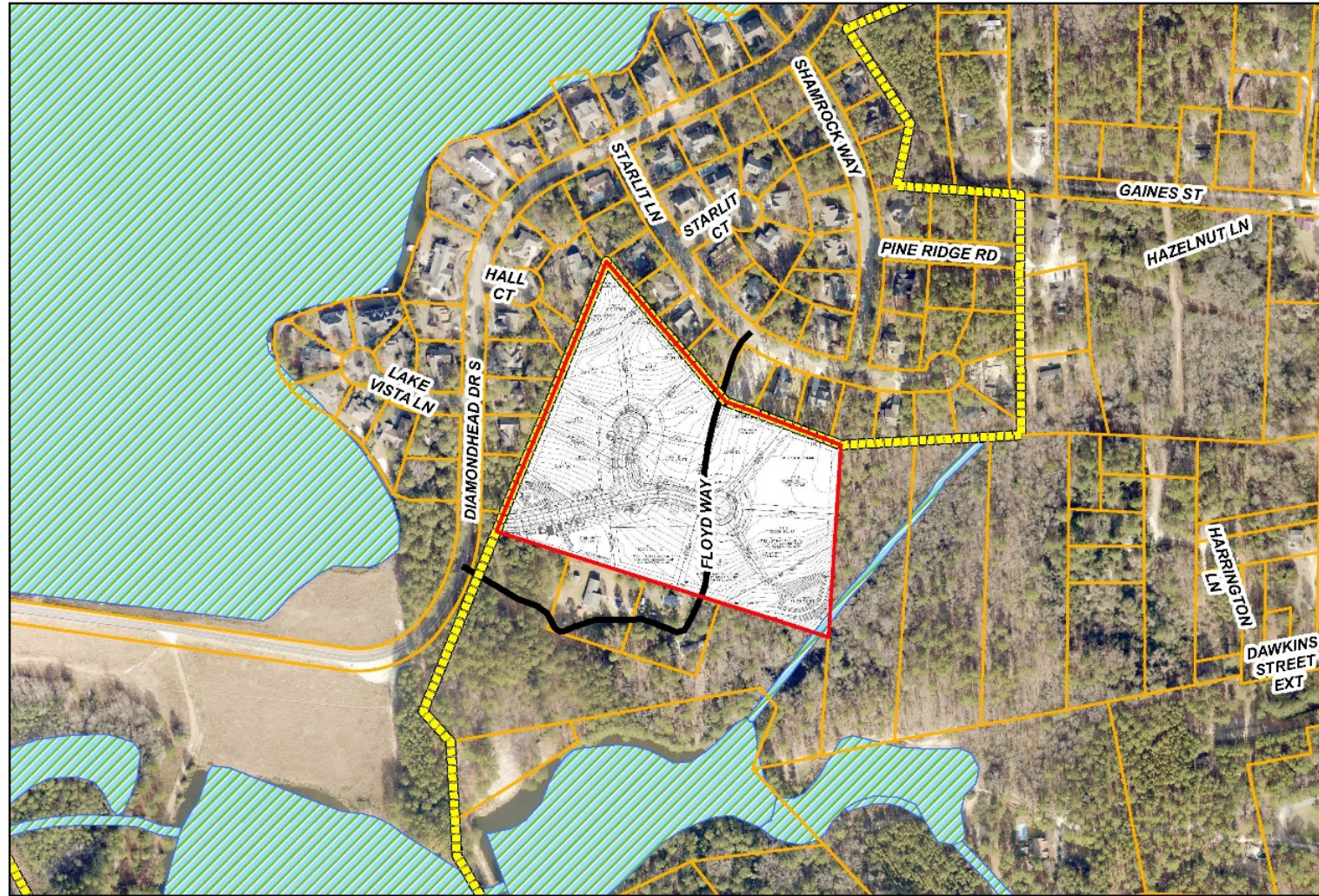
Wetlands

Estuarine and Marine Deepwater	Freshwater Emergent Wetland	Lake
Estuarine and Marine Wetland	Freshwater Forested/Shrub Wetland	Other
	Freshwater Pond	Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper



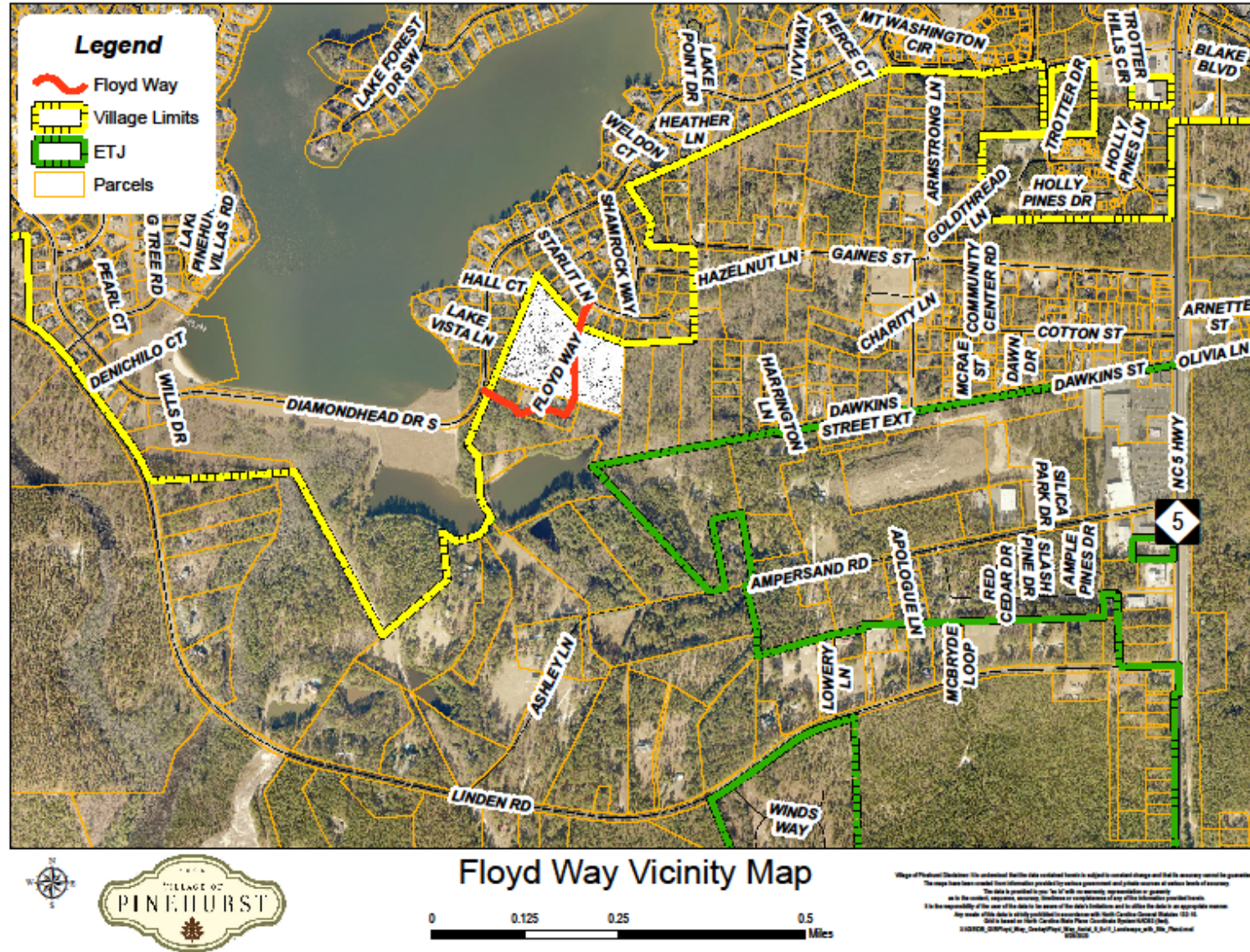


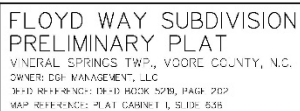
Site plan prepared by the Village of Pinehurst. It is based on the best available information and is not a warranty of accuracy. The Village of Pinehurst is not responsible for any errors or omissions. The Village of Pinehurst is not responsible for any damages or losses resulting from the use of this site plan. The Village of Pinehurst is not responsible for any damages or losses resulting from the use of this site plan. The Village of Pinehurst is not responsible for any damages or losses resulting from the use of this site plan.

Proposed Floyd Way Site Plan with Wetlands

0 250 500 1,000 Feet









Overview Map ☐

Quick Search

Lat: Lon: [Clear](#)

Parcel ID

Owner's Name

Street Name

Address

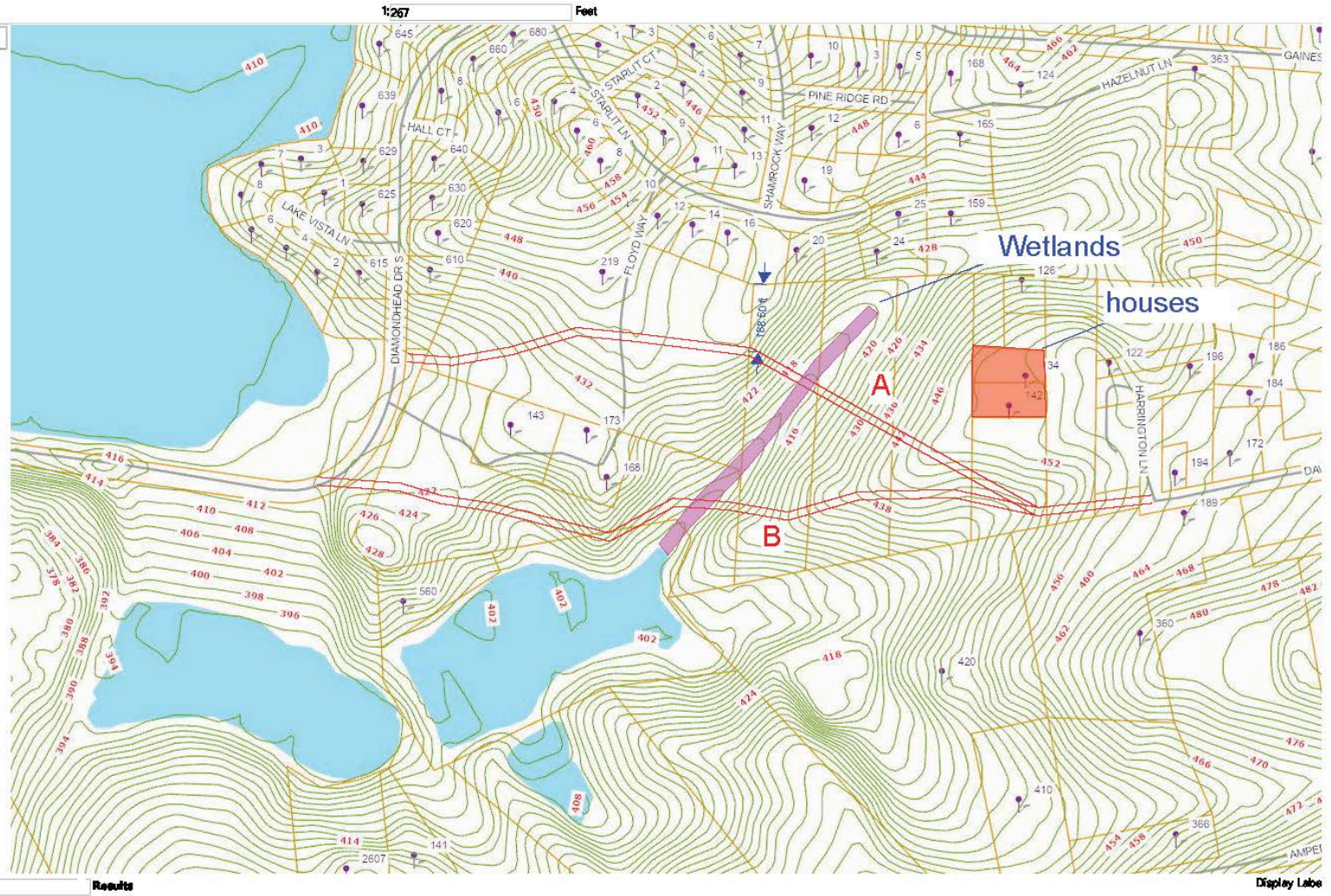
Advanced Search

Search Builder

Coordinate Search

Comparable Search

☐ Excel 2000/2003 **Results**



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Special Intensity Allocation (SIA)

I. DISCUSS AND CONSIDER A REQUEST FOR A SPECIAL INTENSITY ALLOCATION REQUEST HUNTLEY DESIGN BUILD OFFICE PROJECT

Property Owner	Property Location	Moore County PID#	Project Area
Huntley Investments	8 Clark Court	96000374	1.0



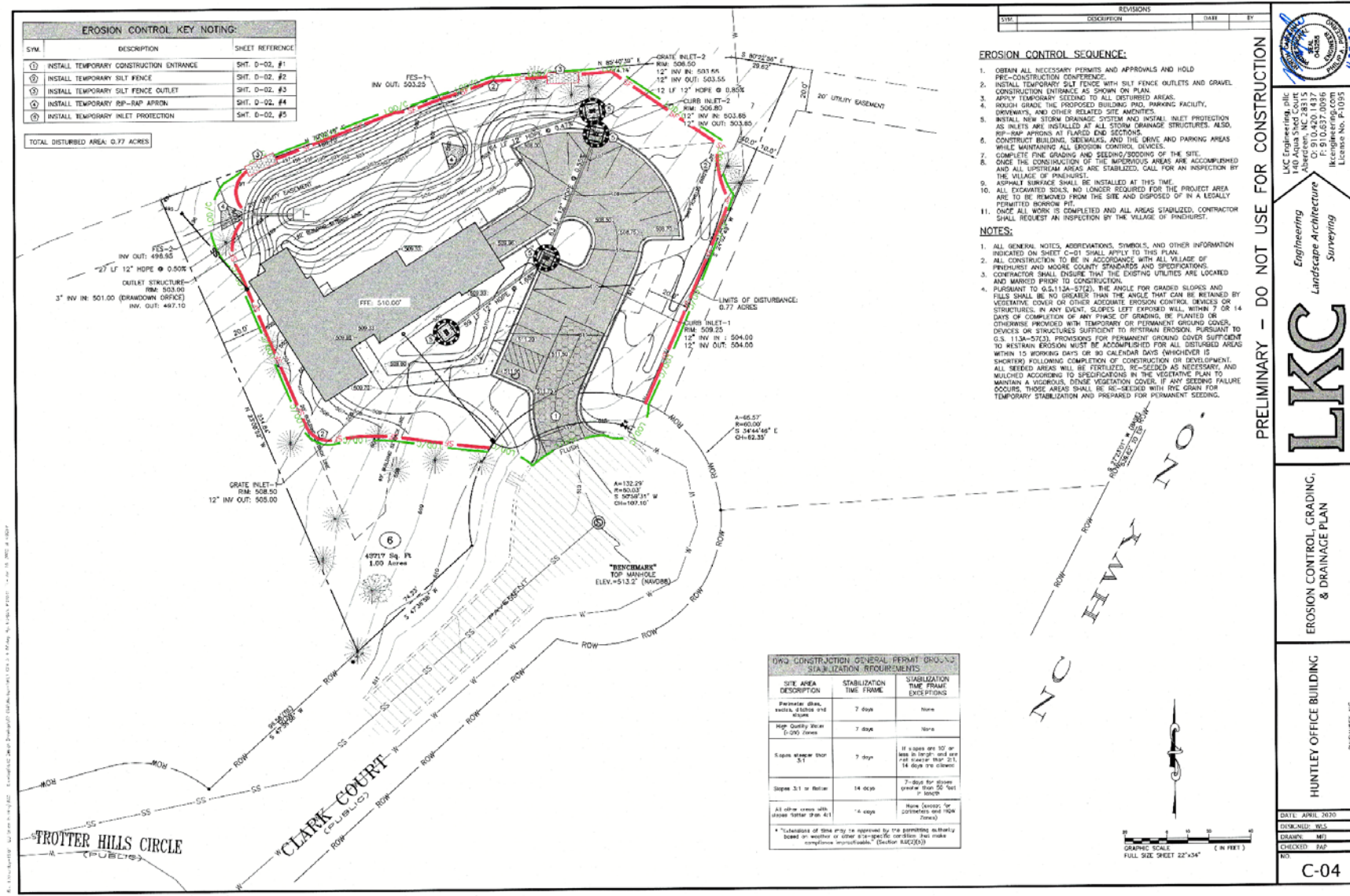


Project Info

Current Zoning	Office & Professional (OP)
Watershed Protection District	WS II Drowning Creek-Lumber River (757.274 acres of intensity allocation left)
Within Corporate Limits	Yes
Existing Use	Vacant Land
Proposed Use	Office building and related surface improvements
Proposed Imperious Area	11,299 square feet or approximately 26%









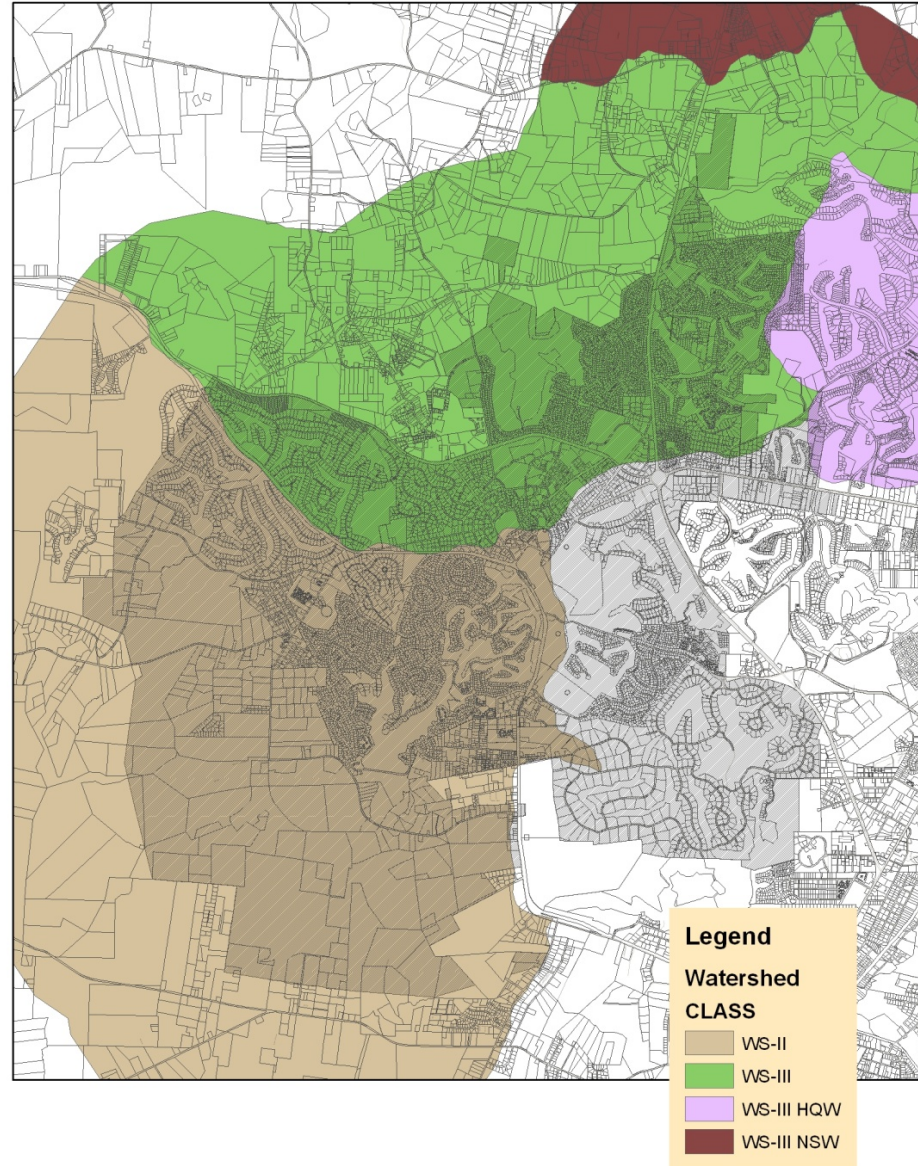
Special Intensity Allocations

- Watershed Protection 8.3.3.1 PDO
- Regulations established to protect water quality
 - o Impervious Area Limitations
 - o Stream and Reservoir Buffers
 - o Restriction of Land Uses and Density within water supply basins.
- 4 Areas Covered in Pinehurst
 - o Drowning Creek-Lumber River WS-II Balance of Watershed
 - o Nicks Creek-Cape Fear WS-III Balance of Watershed
 - o Little River-Intake #2 WS III Balance of Watershed
 - o Little River – Vass WS III Balance of Watershed





Watersheds in the Pinehurst Area





PDO Standards

- Projects must minimize built-upon surface area and incorporate Best Management Practices to minimize water quality impacts.
- Village Council must approve the Special Intensity Allocation in accordance with any adopted policies it has related to the distribution of the Special Intensity Allocation. Resolution 13-13

SECTION 1. It shall be the Policy of the Village of Pinehurst to only allocate Special Intensity Allocations to properties that are located within the corporate limits of Pinehurst or to properties which have an active voluntary annexation petition to the Village of Pinehurst.





Date of Council Action	Project	Area Approved by Council for SIA (Acres)	Balance of WS-II (Acres)
6/21/1993	Creation of WS-II (Drowning Creek)	N/A	198.300
12/16/1996	MOWASA (Moore County Water and Sewer Authority)	0.150	198.150
1/21/1997	Love Grove Freewill Baptist Church	0.060	198.090
2/17/1997	Moore County Landfill	2.580	195.510
6/16/1997	Quail Haven Village	6.700	188.810
7/21/1997	Deep Creek Baptist Church	0.260	188.550
7/21/1997	Pinehurst Resort Parking Lot	0.500	188.050
8/18/1997	Boles Funeral Home	0.690	187.360
3/16/1998	Quail Haven	0.000	187.360
6/15/1998	Quail Haven	0.006	187.354
8/17/1998	Golf Course #1 Restrooms	0.017	187.337
10/26/1998	Congregational Church	0.870	186.467
10/26/1998	Pinehurst Resort Improvements	12.830	173.637
10/26/1998	Pinehurst Resort Golf Learning Center	1.860	171.777
10/26/1998	Moore County Landfill	0.150	171.627
3/15/1999	Congregational Church	0.023	171.604
3/15/1999	Harness Track	2.290	169.314
4/19/1999	Pinehurst Track Restaurant	0.010	169.304
6/21/1999	Quail Haven Village	0.010	169.294
5/30/2000	Pinehurst Resort Green House	0.870	168.424
1/23/2001	The Pinehurst Company	0.020	168.404
1/23/2001	The Pinehurst Company	0.590	167.814
1/23/2001	Bretton Woods Pool Pavillion	0.598	167.216

5/22/2001	Quail Haven Village	0.022	167.194
7/24/2001	Trotter Hills Development	1.560	165.634
10/8/2001	Pinehurst Hardware	0.350	165.284
1/16/2004	Moore County ABC Store	0.377	164.907
8/2/2004	Rudd Office Building	0.340	164.567
12/16/2008	Community One Bank	1.440	163.127
5/5/2011	Village Chapel	1.440	161.687
1/10/2012	Quality Care Pharmacy	1.440	160.247
6/12/2012	Moore County Transfer of WS-II Acreage	+ 621.537	781.784
1/8/2013	Village Green	6.630	775.154
11/18/2013	Terry Riney Office	1.140	774.014
9/8/2015	Sandhills Alliance Church	1.540	772.474
6/28/2016	Kirkpatrick Office Building	1.000	771.474
8/13/2019	La Foret Townhomes	6.950	764.524
8/13/2019	Pinehurst Coin Exchange	1.440	763.084
1/14/2020	Pinehurst Resort Beach Club Improvements	5.81	757.274
9/8/2020	Huntley Design Build Office Building	1.0	756.274





Recommendation

- Approve the SIA for 1.0 acres in WS-II Drowning Creek WS as requested. Leaves 756.274 acres of intensity allocation remaining.





PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Mayor Strickland and Village Council
From: Darryn Burich, Planning & Inspections Director
CC: Natalie Hawkins, Assistant Village Manager
Beth Dunn, Village Clerk
Date: September 4, 2020
Subject: Request for Special Intensity Allocation of 1.0 acres for Huntley Design Build Office project at 8 Clark Court (PID # 96000374).

Background

Council is being asked to approve a Special Intensity Allocation (SIA) of 1.0 acre to allow for development of a commercial office site with approximately 11,299 square feet of impervious area (office and related surface improvements) resulting in a proposed impervious area of 26%. The 1.0 subject property is located in the WS II Drowning Creek – Lumber River Watershed that limits non-residential development to not exceed 12% built upon area without receiving a SIA authorized by Village Council pursuant to Section 8.3.3.5(B) of the Pinehurst Development Ordinance (PDO). The subject property is located in the Trotter Hills office park in the Pinehurst South area.

Section 8.3.3.5(B)(2) of the PDO states that up to ten (10%) percent of the balance of the watershed may be developed for nonresidential and multi-family uses, allowing up to seventy (70%) percent built-upon area on a project by project basis. The Technical Review Committee is currently reviewing the proposed improvements as a Minor Site Plan and this SIA allocation needs to be granted prior to issuing building permits for construction.

Property Owner	Property Location	Moore County PID#	Project Area
Huntley Investments	8 Clark Court	96000374	5.81

Zoning and Proposed Use

Current Zoning	OP-Office Professional
Watershed Protection District	WS II Drowning Creek-Lumber River
Within Corporate Limits	Yes

Existing Use	Vacant Lot
Proposed Use	Commercial office site with related surface improvements.
Proposed Imperious Area	11,299 square feet or approximately 26% (up to 70% permitted)

Project Analysis

The proposed office building project involves a 1.0 acre tract of land with impervious improvements totaling approximately 11,299 square feet or approximately 26%. Total imperious improvements generally include a new one-story office building of 4,048 square feet and a 14 space surface parking lot. The proposed development meets all other PDO requirements.

This SIA would grant relief from the WS-II Watershed Protection District maximum impervious built upon area of twelve percent (12%) identified in Section 8.3.3.5(B)(1) of the PDO, which again is permitted up to 70% impervious coverage for non-residential uses. Per Section 8.3.3.5(B)(2)(a) the total acreage of the tract involved in the request will be counted in the SIA which also includes pervious surfaces, which totals 1.0 acres in this case.

In accordance with Section 8.3.3.5(B)(2) of the PDO, ten percent (10%) of the WS-II Watershed Protection District can be granted a Special Intensity Allocation (SIA). This yields a total area of 819.84 acres eligible to receive a Special Intensity Allocation in the WS-II Watershed Protection District. **The Village has allocated approximately 63 acres since 1993 leaving 757.274 acres of intensity allocation remaining for other future projects.**

The property is located within the corporate limits of the Village of Pinehurst and complies with the Village Council's Watershed Intensity Allocation Policy contained in Resolution 13-13 that states, "It shall be the policy of the Village of Pinehurst to only allocate special intensity allocations to properties that are located within the corporate limits of Pinehurst or to properties which have an active voluntary annexation petition to the Village of Pinehurst."

The table below outlines activity in the WS-II Watershed Protection District since 1996.

Date of Council Action	Project	Area Approved by Council for SIA (Acres)	Balance of WS-II (Acres)
6/21/1993	Creation of WS-II (Drowning Creek)	N/A	198.300
12/16/1996	MOWASA (Moore County Water and Sewer Authority)	0.150	198.150
1/21/1997	Love Grove Freewill Baptist Church	0.060	198.090
2/17/1997	Moore County Landfill	2.580	195.510
6/16/1997	Quail Haven Village	6.700	188.810
7/21/1997	Deep Creek Baptist Church	0.260	188.550
7/21/1997	Pinehurst Resort Parking Lot	0.500	188.050

8/18/1997	Boles Funeral Home	0.690	187.360
3/16/1998	Quail Haven	0.000	187.360
6/15/1998	Quail Haven	0.006	187.354
8/17/1998	Golf Course #1 Restrooms	0.017	187.337
10/26/1998	Congregational Church	0.870	186.467
10/26/1998	Pinehurst Resort Improvements	12.830	173.637
10/26/1998	Pinehurst Resort Golf Learning Center	1.860	171.777
10/26/1998	Moore County Landfill	0.150	171.627
3/15/1999	Congregational Church	0.023	171.604
3/15/1999	Harness Track	2.290	169.314
4/19/1999	Pinehurst Track Restaurant	0.010	169.304
6/21/1999	Quail Haven Village	0.010	169.294
5/30/2000	Pinehurst Resort Green House	0.870	168.424
1/23/2001	The Pinehurst Company	0.020	168.404
1/23/2001	The Pinehurst Company	0.590	167.814
1/23/2001	Bretton Woods Pool Pavillion	0.598	167.216
5/22/2001	Quail Haven Village	0.022	167.194
7/24/2001	Trotter Hills Development	1.560	165.634
10/8/2001	Pinehurst Hardware	0.350	165.284
1/16/2004	Moore County ABC Store	0.377	164.907
8/2/2004	Rudd Office Building	0.340	164.567
12/16/2008	Community One Bank	1.440	163.127
5/5/2011	Village Chapel	1.440	161.687
1/10/2012	Quality Care Pharmacy	1.440	160.247
6/12/2012	Moore County Transfer of WS-II Acreage	+ 621.537	781.784
1/8/2013	Village Green	6.630	775.154
11/18/2013	Terry Riney Office	1.140	774.014
9/8/2015	Sandhills Alliance Church	1.540	772.474
6/28/2016	Kirkpatrick Office Building	1.000	771.474
8/13/2019	La Foret Townhomes	6.950	764.524
8/13/2019	Pinehurst Coin Exchange	1.440	763.084
1/14/2020	Pinehurst Resort Beach Club Improvements	5.81	757.274
9/8/20*	Huntley Office Building	1.0	756.274*

*Tentative until approved by Village Council

Associated Approvals

The proposed project is currently undergoing Minor Site Plan review through the Technical Review Committee as the Huntley Design Build Office project. The PDO requires the use of Best Management Practices (BMP) to minimize water quality impacts and a stormwater pond is being proposed to accommodate runoff.

Staff Recommendation

Village staff recommends approval of the SIA from the WS-II Watershed Protection District of 1.0 acres for the Huntley Design Build Office project as proposed, which Council can approve by motion. Approval of this 1.0 acre SIA as requested would leave approximately 756.274 acres of special intensity allocation remaining in the WS-II Watershed Protection District for other future SIAs.

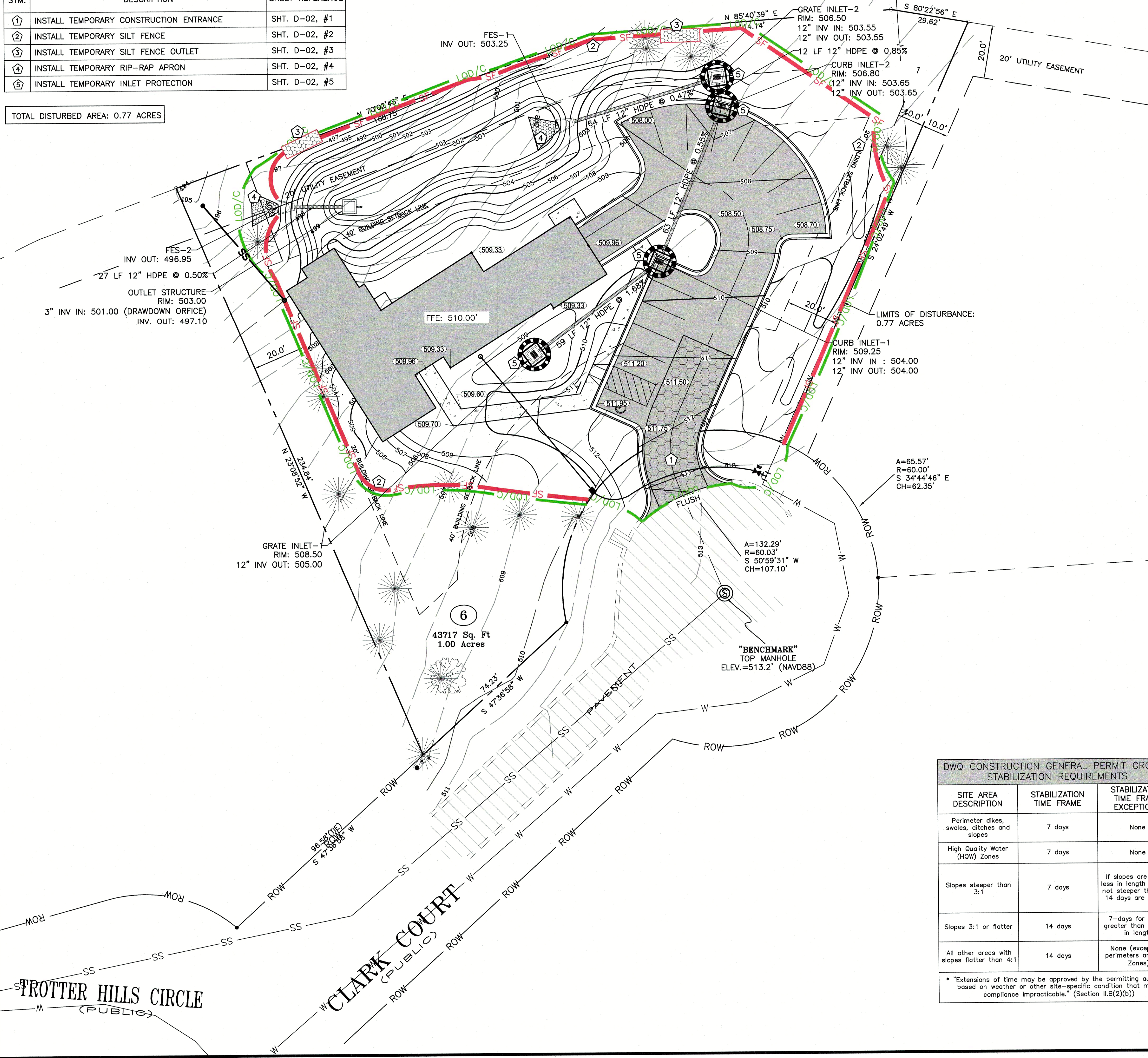
Vicinity Map



File: L:\Huntley-19.01_H09 Office Building\800 - Drawings\B10 Design Drawings\02 Civil\Huntley-19.01 004 G & EC.dwg, By: Morgan, Plotted: Tue Apr 28, 2020 at 4:00pm

EROSION CONTROL KEY NOTING:		
SYM.	DESCRIPTION	SHEET REFERENCE
①	INSTALL TEMPORARY CONSTRUCTION ENTRANCE	SHT. D-02, #1
②	INSTALL TEMPORARY SILT FENCE	SHT. D-02, #2
③	INSTALL TEMPORARY SILT FENCE OUTLET	SHT. D-02, #3
④	INSTALL TEMPORARY RIP-RAP APRON	SHT. D-02, #4
⑤	INSTALL TEMPORARY INLET PROTECTION	SHT. D-02, #5

TOTAL DISTURBED AREA: 0.77 ACRES



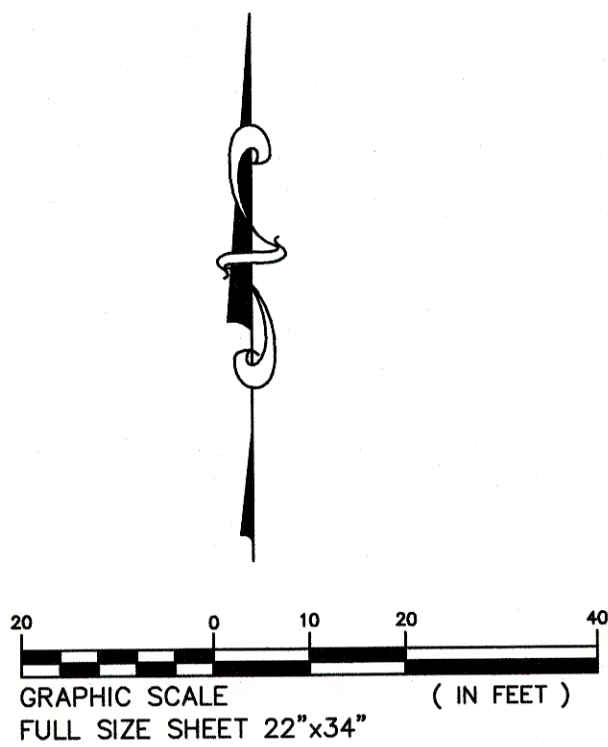
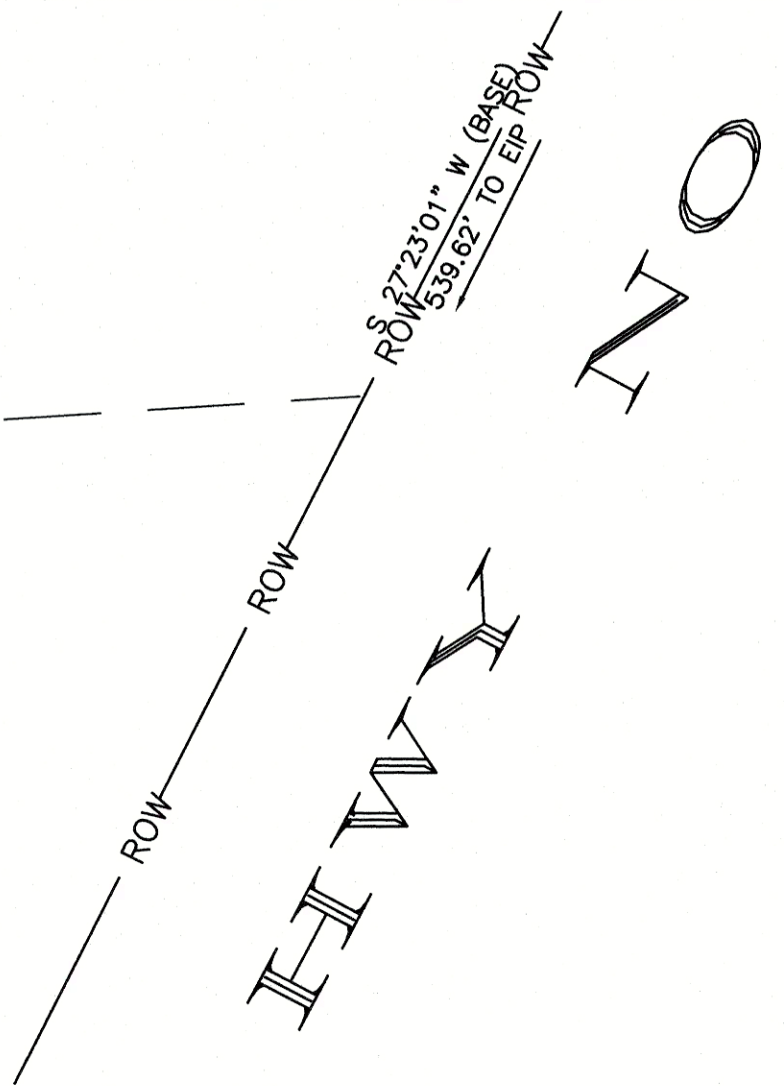
DWQ CONSTRUCTION GENERAL PERMIT GROUND STABILIZATION REQUIREMENTS		
SITE AREA DESCRIPTION	STABILIZATION TIME FRAME	STABILIZATION TIME FRAME EXCEPTIONS
Perimeter dikes, swales, ditches and slopes	7 days	None
High Quality Water (HQW) Zones	7 days	None
Slopes steeper than 3:1	7 days	If slopes are 10' or less in length and are not steeper than 2:1, 14 days are allowed
Slopes 3:1 or flatter	14 days	7-days for slopes greater than 50 feet in length
All other areas with slopes flatter than 4:1	14 days	None (except for perimeters and HQW Zones)
* "Extensions of time may be approved by the permitting authority based on weather or other site-specific condition that make compliance impracticable." (Section II.B(2)(b))		

EROSION CONTROL SEQUENCE:

1. OBTAIN ALL NECESSARY PERMITS AND APPROVALS AND HOLD PRE-CONSTRUCTION CONFERENCE.
2. INSTALL TEMPORARY SILT FENCE WITH SILT FENCE OUTLETS AND GRAVEL CONSTRUCTION ENTRANCE AS SHOWN ON PLAN.
3. APPLY TEMPORARY SEEDING TO ALL DISTURBED AREAS.
4. ROUGH GRADE THE PROPOSED BUILDING PAD, PARKING FACILITY, DRIVEWAYS, AND OTHER RELATED SITE AMENITIES.
5. INSTALL NEW STORM DRAINAGE SYSTEM AND INSTALL INLET PROTECTION AS INLETS ARE INSTALLED AT ALL STORM DRAINAGE STRUCTURES. ALSO, RIP-RAP APRONS AT FLARED END SECTIONS.
6. CONSTRUCT BUILDING, SIDEWALKS, AND THE DRIVE AND PARKING AREAS WHILE MAINTAINING ALL EROSION CONTROL DEVICES.
7. COMPLETE FINE GRADING AND SEEDING/SODDING OF THE SITE.
8. ONCE THE CONSTRUCTION OF THE IMPERVIOUS AREAS ARE ACCOMPLISHED AND ALL UPSTREAM AREAS ARE STABILIZED, CALL FOR AN INSPECTION BY THE VILLAGE OF PINEHURST.
9. ASPHALT SURFACE SHALL BE INSTALLED AT THIS TIME.
10. ALL EXCAVATED SOILS, NO LONGER REQUIRED FOR THE PROJECT AREA ARE TO BE REMOVED FROM THE SITE AND DISPOSED OF IN A LEGALLY PERMITTED BORROW PIT.
11. ONCE ALL WORK IS COMPLETED AND ALL AREAS STABILIZED, CONTRACTOR SHALL REQUEST AN INSPECTION BY THE VILLAGE OF PINEHURST.

NOTES:

1. ALL GENERAL NOTES, ABBREVIATIONS, SYMBOLS, AND OTHER INFORMATION INDICATED ON SHEET C-01 SHALL APPLY TO THIS PLAN.
2. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH ALL VILLAGE OF PINEHURST AND MOORE COUNTY STANDARDS AND SPECIFICATIONS.
3. CONTRACTOR SHALL ENSURE THAT THE EXISTING UTILITIES ARE LOCATED AND MARKED PRIOR TO CONSTRUCTION.
4. PURSUANT TO G.S.113A-57(2), THE ANGLE FOR GRADED SLOPES AND FILLS SHALL BE NO GREATER THAN THE ANGLE THAT CAN BE RETAINED BY VEGETATIVE COVER OR OTHER ADEQUATE EROSION CONTROL DEVICES OR STRUCTURES. IN ANY EVENT, SLOPES LEFT EXPOSED WILL, WITHIN 7 OR 14 DAYS OF COMPLETION OF ANY PHASE OF GRADING, BE PLANTED OR OTHERWISE PROVIDED WITH TEMPORARY OR PERMANENT GROUND COVER, DEVICES OR STRUCTURES SUFFICIENT TO RESTRAIN EROSION. PURSUANT TO G.S. 113A-57(3), PROVISIONS FOR PERMANENT GROUND COVER SUFFICIENT TO RESTRAIN EROSION MUST BE ACCOMPLISHED FOR ALL DISTURBED AREAS WITHIN 15 WORKING DAYS OR 90 CALENDAR DAYS (WHICHEVER IS SHORTER) FOLLOWING COMPLETION OF CONSTRUCTION OR DEVELOPMENT. ALL SEEDING AREAS WILL BE FERTILIZED, RE-SEEDING AS NECESSARY, AND MULCHED ACCORDING TO SPECIFICATIONS IN THE VEGETATIVE PLAN TO MAINTAIN A VIGOROUS, DENSE VEGETATION COVER. IF ANY SEEDING FAILURE OCCURS, THOSE AREAS SHALL BE RE-SEEDING WITH RYE GRAIN FOR TEMPORARY STABILIZATION AND PREPARED FOR PERMANENT SEEDING.



REVISIONS			
SYM.	DESCRIPTION	DATE	BY

PRELIMINARY – DO NOT USE FOR CONSTRUCTION



LKC Engineering, PLLC
140 Aqua Shed Court
Aberdeen, NC 28315
O: 910.420.1437
F: 910.637.0096
lkceengineering.com
License No. P-1095

Engineering
Landscape Architecture
Surveying

LKC

EROSION CONTROL, GRADING,
& DRAINAGE PLAN

HUNTLEY OFFICE BUILDING

PINEHURST, NC

DATE: APRIL, 2020
DESIGNED: WLS
DRAWN: MFJ
CHECKED: PAP
NO.

C-04

UTILITY KEY NOTING:		
SYMBOL	DESCRIPTION	SHEET REFERENCE
	INSTALL 1" DOMESTIC WATER METER SERVICE	SEE SHT. D-04, PW-12
	INSTALL TAPPING SLEEVE AND VALVE ASSEMBLY	SEE SHT. D-04, PW-11
	INSTALL SANITARY SEWER SERVICE AND CLEANOUT	SEE SHT. D-04, SS-5

REVISIONS			
SYM.	DESCRIPTION	DATE	BY

SANITARY SEWER NOTES:

1. SANITARY SEWER MAINS SHALL HAVE A MINIMUM COVER OF 36-INCHES OR AS REQUIRED BY CODE.
2. CONTRACTOR SHALL COORDINATE INSTALLATION OF SANITARY SEWER MAINS & SERVICES WITH MOORE COUNTY PUBLIC UTILITY.
3. ALL SANITARY SEWER MAINS & SERVICES SHALL BE INSTALLED & AIR-TESTED ACCORDING TO MOORE COUNTY PUBLIC UTILITY & STATE SPECIFICATIONS & REQUIREMENTS.
4. CONTRACTOR SHALL MAINTAIN A HORIZONTAL CLEARANCE BETWEEN ALL WATER & SANITARY SEWER MAINS OF AT LEAST 10- FEET.
5. THE MINIMUM VERTICAL CLEARANCE BETWEEN WATER & SANITARY SEWER LINES SHALL BE 18-INCHES UNLESS DUCTILE IRON IS SPECIFIED. THE MINIMUM VERTICAL CLEARANCE BETWEEN SANITARY SEWER & STORM DRAINAGE LINES SHALL BE 24-INCHES UNLESS DUCTILE IRON IS SPECIFIED.
6. CONTRACTOR SHALL NOTIFY MOORE COUNTY PUBLIC UTILITY AND ENGINEER OF RECORD FOURTY-EIGHT (48) HOURS IN ADVANCE PRIOR TO INSTALL SANITARY SEWER MAINS / SERVICES.
7. CONTRACTOR SHALL NOT OBSTRUCT MAINTENANCE OR ACCESS TO UTILITIES LOCATED WITHIN EASEMENTS.

WATER LINE NOTES:

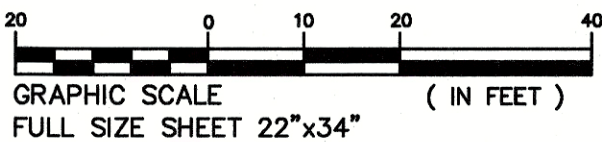
1. WATER MAINS SHALL HAVE A MINIMUM COVER OF 36" OR DIP SHALL BE USED. IF 36" OF COVER CANNOT BE PROVIDED AND DIP IS NOT SHOWN ON THE PLANS, CONSULT WITH THE ENGINEER (PRIOR TO USE OF DIP).
2. CONTRACTOR SHALL COORDINATE INSTALLATION OF WATER MAINS & SERVICES WITH MOORE COUNTY PUBLIC UTILITY.
3. INSTALLATION TESTING OF ALL WATER MAINS & SERVICES SHALL MEET ALL MOORE COUNTY PUBLIC UTILITY STATE SPECIFICATIONS & REQUIREMENTS.
4. WATER MAINS CROSSING OVER, OR UNDER, STORM DRAINS MUST MAINTAIN A VERTICAL SEPARATION OF AT LEAST 18-INCHES. IN ADDITION, IF A WATER MAIN MUST CROSS UNDER A STORM SEWER, IT SHALL BE MADE OF DIP FOR A MINIMUM OF 10 FEET ON BOTH SIDES OF THE CROSSING.
5. CONTRACTOR SHALL NOTIFY MOORE COUNTY PUBLIC UTILITY AND ENGINEER OF RECORD AT LEAST 48 HOURS IN ADVANCE PRIOR TO INSTALLATION OF ALL WATER MAINS AND SERVICES.
6. CONTRACTOR SHALL NOT OBSTRUCT MAINTENANCE OR ACCESS TO UTILITIES LOCATED WITHIN EASEMENTS.

UTILITY NOTE:

CONTRACTOR SHALL ENSURE THAT THE EXISTING UTILITIES ARE LOCATED AND MARKED PRIOR TO INSTALLATION OF NEW UTILITIES.

NOTES:

1. ALL GENERAL NOTES, ABBREVIATIONS, SYMBOLS, AND OTHER INFORMATION INDICATED ON SHEET C-01 SHALL APPLY TO THIS PLAN.
2. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH ALL VILLAGE OF PINEHURST AND MOORE COUNTY STANDARDS AND SPECIFICATIONS.
3. CONTRACTOR SHALL ENSURE THAT THE EXISTING UTILITIES ARE LOCATED AND MARKED PRIOR TO CONSTRUCTION.

PRELIMINARY – DO NOT USE FOR CONSTRUCTION ^{Rev}

Engineering
Landscape Architecture
Surveying

CKL

UTILITY PLAN

HUNTLEY OFFICE BUILDING

PINEHURST, NC

DATE: APRIL, 2020

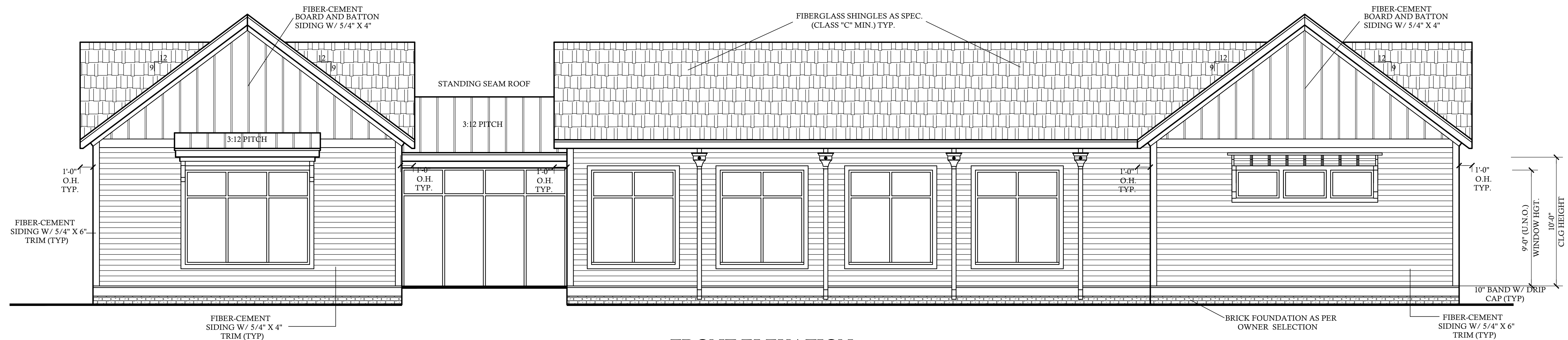
DESIGNED: WLS

DRAWN: MFJ

CHECKED: PAP

C-05

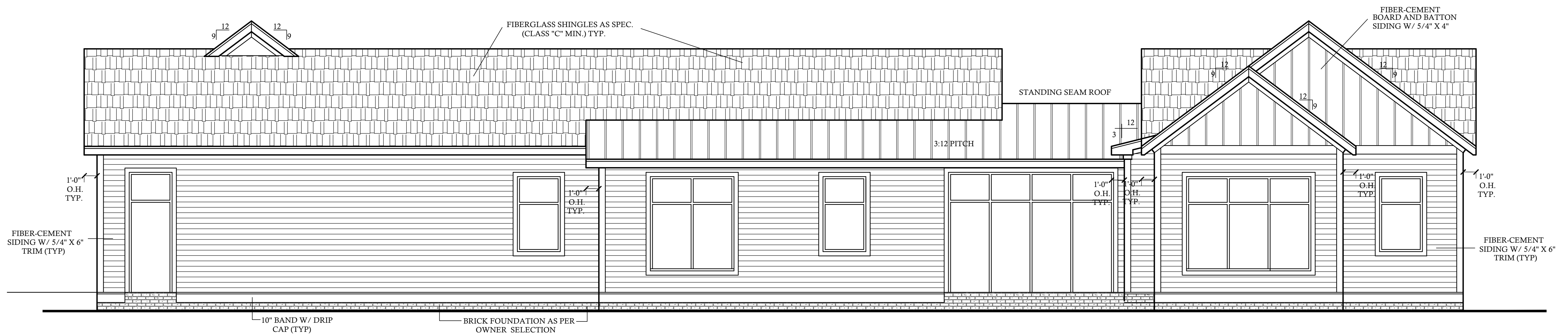
NOTE: PLANS DESIGNED UNDER 2018 NORTH CAROLINA
BUILDING CODE



FRONT ELEVATION

SCALE: 1/4"=1'-0"

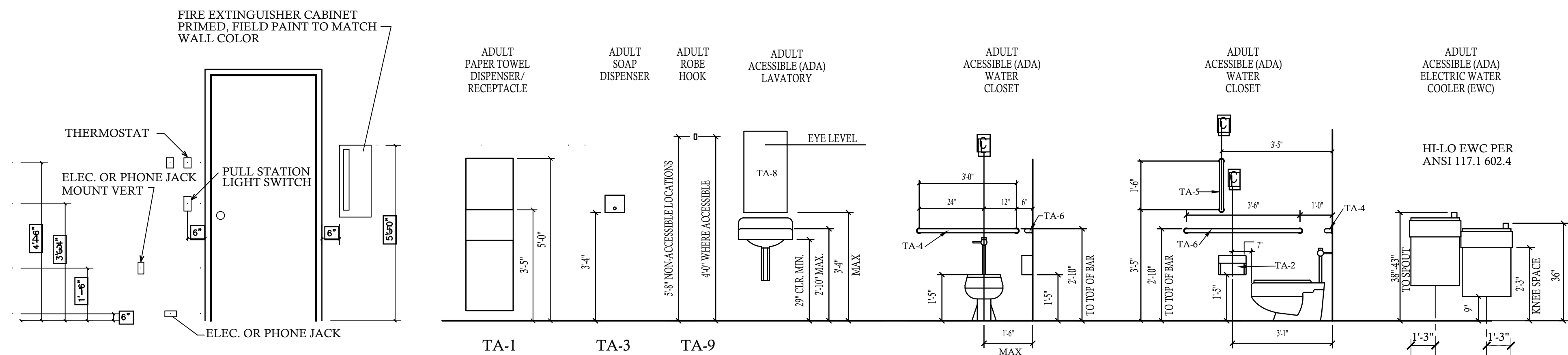
-GRADE LINES ARE ASSUMED.
VERIFY WITH FINAL GRADING PLAN.



REAR ELEVATION

SCALE: 1/8"=1'-0"

-GRADE LINES ARE ASSUMED.
VERIFY WITH FINAL GRADING PLAN.



ADA MOUNTING HEIGHTS

SCALE 1/2"=1'-0"

*PROVIDE REQD' BLOCKING FOR GRAB BARS PER SECTION 604.5.1 OF ANSI A117.1 GC TO VERIFY NO CHANGES HAVE OCCURED TO THE ANSI CODE THAT EFFECT DIAGRAMS SHOWN.

Toilet Accessories Schedule (Accessories to be equal to manufacturer listed)			
Symbol	Accessory	Mounting Ht.	Remarks
TA-1	Paper Towel Dispenser/Receptacle	60" a.f.f. to top of unit	
TA-2	Toilet Tissue Dispenser	19" a.f.f. to centerline (see ADA mounting heights)	
TA-3	Soap Dispenser	40" a.f.f. to b.o. unit	
TA-4	36" Grab Bar	34" a.f.f. to centerline	
TA-5	18" Grab Bar	See ADA Mounting Heights	
TA-6	42" Grab Bar	34" a.f.f. to centerline	
TA-8	Mirror Unit (18"Wx30"H)	40" a.f.f. to b.o. mirror	
TA-9	Robe Hook	48" a.f.f. to centerline	
TA-10	Paper Towel Dispenser	38" a.f.f. to B.O. Unit	
TA-11	36"x31" Grab Bar	See ADA Mounting Heights	

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS PRIOR TO CONSTRUCTION. ANY ERROR OR OMISSIONS SHALL BE REPORTED TO DESIGN TECH, INC. FOR CORRECTIONS OR JUSTIFICATION. CONTRACTOR MUST COMPLY WITH ALL LOCAL BUILDING CODES WHERE DRAWINGS ARE PROVIDED. CONTRACTOR MUST CONSULT WITH LOCAL ENGINEER FOR STRUCTURAL DESIGN. ONCE CONSTRUCTION HAS BEGUN, CONTRACTOR WILL ASSUME ALL RESPONSIBILITY. PLAN HAS BEEN DESIGNED TO COMPLY WITH 2018 NRCR.

REVISIONS:	
DATE:	NAME:

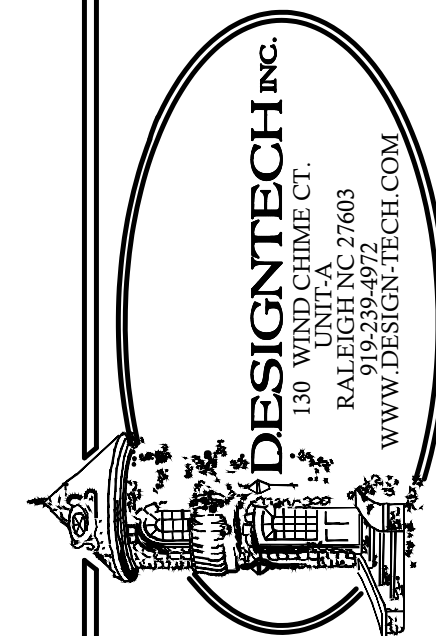
DRAWN BY:

RKR

DATE:

4-16-20

PLAN NO.



HUNTLEY DESIGN BUILD OFFICE

A | I
B | D

FIBERGLASS SHINGLES AS SPEC.
(CLASS "C" MIN.) TYP.

SIDING W/ 5/4" X 4"

1'-0"
O.H.
TYP.

FIBER-CEMENT
SIDING W/ 5/4" X 6"
TRIM (TYP)

10" BAND W/ DRIP
CAP (TYP)

1'-0"
O.H.
TYP.

BRICK FOUNDATION AS PER
OWNER SELECTION

RIGHT SIDE ELEVATION

SCALE: 1/8"=1'-0"

-GRADE LINES ARE ASSUMED.
VERIFY WITH FINAL GRADING PLAN.

FIBER-CEMENT
BOARD AND BATTON
SIDING W/ 5/4" X 4"

FIBERGLASS SHINGLES AS SPEC.
(CLASS "C" MIN.) TYP.

1'-0"
O.H.
TYP.

1'-0"
O.H.
TYP.

1'-0"
O.H.
TYP.

FIBER-CEMENT
SIDING W/ 5/4" X 6"
TRIM (TYP)

10" BAND W/ DRIP
CAP (TYP)

GARAGE DOOR STYLE
SELECTION PER OWNER

BRICK FOUNDATION AS PER
OWNER SELECTION

LEFT SIDE ELEVATION

SCALE: 1/8"=1'-0"

-GRADE LINES ARE ASSUMED.
VERIFY WITH FINAL GRADING PLAN.

NOTE:
SEE ROOF PLAN FOR KNEEWALL
HEIGHTS AND LOCATIONS.

NOTE:
GRADE LINES ARE ASSUMED. VERIFY
WITH FINAL GRADING PLAN.



HUNTLEY DESIGN BUILD OFFICE

3197 HTD. SQ. FT.

LIST OF ABBREVIATIONS

CL.G. : CEILING	ABV. : ABOVE
HGT. : HEIGHT	C.O. : CASSED OPENING
D.O. : DOUBLE OVEN	REFG. : REFRIGERATOR
WD. : WOOD	D.W. : DISHWASHER
CONT.:CONTINUOUS	T.B.D.: TO BE DETERMINED
CONC. : CONCRETE	W.I.C. : WALK IN CLOSET
COL. : COLUMN	W : WASHER
ELLIP. : ELLIPSE	D : DRYER
W/ : WITH	SHWR. : SHOWER
TRANS. : TRANSOM	DN. : DOWN
CANT. : CANTILEVER	K.S. : KNEE SPACE
M.O. : MASONRY OPENING	TYP.: TYPICAL
SS= 5 SHELVES	
1R/1S = 1 ROD AND 1 SHELF	
2R/2S =2 RODS AND 2 SHELVES	
SD= SMOKE DETECTOR	
CMD= CARBON MONOXIDE DETECTOR	

A
BD

SHEET NO.

OF



**DISCUSS PUBLIC NUISANCE ORDINANCE.
ADDITIONAL AGENDA DETAILS:**

FROM:

Jeff Sanborn

DATE OF MEMO:

9/1/2020

MEMO DETAILS:

This agenda item is to continue discussions from the August 11th work session regarding updates to our noise nuisance ordinance language which are intended to create more clear standards and to enhance deterrence and enforceability.

ATTACHMENTS:

Description

- ☐ Updated Draft 9-8-20 - Chapter 92 Municipal Code
- ☐ NCGS 14-4 Violation of local ordinances misdemeanor
- ☐ NCGS 160A-175 Enforcement of Ordinances
- ☐ Summary of VOP Municipal Code Penalties

CHAPTER 92: NUISANCES; ENVIRONMENTAL PROTECTION

Section

Nuisances

92.01 Certain conditions declared nuisances

92.02 Investigation of complaints

92.03 Notice and order to abate

92.04 Abatement by village

Pollutants and Noise Control

92.15 Regulation of emission of pollutants or contaminants

92.16 Regulating unreasonably loud, disturbing sound levels

NUISANCES

§ 92.01 CERTAIN CONDITIONS DECLARED NUISANCES.

The existence of any of the following conditions on any lot, whether improved or not, or other parcel of land within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

(A) Growth of weeds and grass. The uncontrolled growth of noxious weeds or grass, in excess of eight inches, causing or threatening to cause a hazard detrimental to the public health or safety or by the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health;

(B) Accumulations of animal or vegetable matter. Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind, which is or may be dangerous or prejudicial to the public health;

(C) Accumulations of rubbish and the like. Any accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, causing or threatening to cause the accumulation of stagnant water or causing or threatening to cause the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health;

(D) Open storage. The open storage of any abandoned ice box, refrigerator, stove, glass, building material, building rubbish or similar items, which may be unsightly, or may be dangerous or prejudicial to the public health or public safety;

(E) Indoor furniture. Indoor upholstered furniture or upholstered furniture intended for indoor use being stored outdoors causing or threatening to cause a fire hazard, causing or threatening to cause the accumulation of stagnant water or causing or threatening to cause the inhabitation or infestation therein of rats, mice, snakes, vermin or insects of any kind which is or may be dangerous or prejudicial to the public health;

(F) Conditions violating Health Department rules. Any condition detrimental to the public health or public safety, which violates the rules and regulations of the Moore County Health Department;

(G) Combustible items. Any accumulation of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags,

damaged trees, downed or leaning trees or any other combustible materials or objects of a like nature;

(H) Burned or partially burned buildings and structures. Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the Village Building Official can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises;

(I) Damaged structures and resulting debris. The existence of any of the following conditions associated with damaged structures or their resultant debris shall constitute a public nuisance:

(1) Damaged structure in danger of collapsing;

(2) Damaged structure or debris from damaged structures where it can reasonably be determined that there is a likelihood of personal or property injury; or

(3) Any structure, regardless of condition, or any debris from damaged structure, which is located in whole or in part in a public trust area or public land;

(J) Structurally deteriorated, or storm damaged automobile service station canopies or other canopies and signs. Any automobile service station canopy or other canopies, awnings with loose or deteriorated materials or signs with loose, unanchored or missing cladding, or fascia panels prone to progressive collapse, or structurally unsound members damaged by storms, vehicles or deterioration;

(K) Standing water. Any man-made condition which allows for standing water on a property which could breed insects or create offensive odors; and

(L) Miscellaneous. Any other condition that is specified as a nuisance in the village's ordinances and codes.

(1986 Code, § 3-2.1) (Ord. 03-31, passed 06-24-2003) Penalty, see § 10.99

§ 92.02 INVESTIGATION OF COMPLAINTS.

The Village Code Enforcement Officer or his or her designee, upon notice from any person of the existence of any of the conditions described in § 92.01, shall cause to be made, by the appropriate county official or village official, any investigation as may be necessary to determine whether conditions exist as to constitute a public nuisance as declared in § 92.01.

(1986 Code, § 3-2.2) (Ord. 03-31, passed 06-24-2003)

§ 92.03 NOTICE AND ORDER TO ABATE.

(A) Upon a determination that conditions constituting a public nuisance exist, the Village Code Enforcement Officer shall notify, in writing, the owner of the premises in question of the conditions constituting the public nuisance and shall order the prompt abatement thereof within 30 days from the receipt of the written notice. Receipt shall be deemed to occur on the third day after the date of the postmark if the notice is deposited in a United States Post Office.

(B) Abatement of a public nuisance shall consist of taking whatever appropriate steps are reasonably necessary to remove the condition or conditions, which result in the declaration of a public nuisance. Without limitation the Village Code Enforcement Officer, in ordering the abatement of a public nuisance, may require the removal of debris, rubbish, accumulations of animal or vegetable matter, growth of weeds and grass, burned or partially burned buildings and the like, the isolation of the condition to be abated so that access cannot be gained by persons or property which may be injured by the nuisance or other steps which are reasonably necessary to abate the nuisance.

(1986 Code, § 3-2.3) (Ord. 03-31, passed 06-24-2003; Ord. 15-20, passed 11-17-2015) Penalty, see § 10.99

§ 92.04 ABATEMENT BY VILLAGE.

(A) Generally.

(1) If any person, firm or corporation having been ordered to abate a public nuisance, fails, neglects or refuses to abate or remove the condition constituting the nuisance within **30** days from receipt of the order given pursuant to § 92.03, the Village Code Enforcement Officer or his or her designee shall cause the condition to be removed or otherwise remedied by having employees of the village or independent contractors go upon the premises and remove or otherwise abate the nuisance under the supervision of an officer or employee designated by the Village Manager.

(2) Any person who has been ordered to abate a public nuisance may, within the time allowed by this subchapter, request the village in writing to remove the condition, the cost of which shall be paid by the person making the request.

(3) In the event a local contractor cannot be obtained after a reasonable effort, the Village Manager shall be authorized to obtain the services of a contractor outside the immediate local area, and the costs thereof shall be deemed to be reasonable.

(B) Costs. The actual cost incurred by the village in removing or otherwise remedying a public nuisance shall be charged to the owner of the lot or parcel of land; and it shall be the duty of the Finance Officer to mail a statement of the charges to the owner or other person in possession of the premises with instructions that the charges are due and payable within 30 days from the mailing thereof. If the costs charged in accordance with this subchapter are not paid as herein stated, the costs shall become a lien upon the real estate and improvements, if any, on the real estate and shall be collected as unpaid taxes, as provided in G.S. § 160A-193.

(1986 Code, §§ 3-2.4, 3-2.5) (Ord. 03-31, passed 06-24-2003; Ord. 15-20, passed 11-17-2015)

POLLUTANTS AND NOISE CONTROL

§ 92.15 REGULATION OF EMISSION OF POLLUTANTS OR CONTAMINANTS.

(A) Emission or disposal of polluting substances prohibited. Pursuant to authority contained in G.S. § 160A-185 and for the purpose of prescribing regulations governing conditions detrimental to the health, safety and welfare of its citizens, there is hereby

adopted and made applicable within the corporate limits of the village from and after the effective date hereon, the following:

(1) The emission or disposal of substances and effluents that tend to pollute or contaminate land, water or air, rendering or tending to render it injurious to human health or welfare or to animals or plant life or to property, or interfering or tending to interfere with the enjoyment of life or property is prohibited; and

(2) Outdoor burning of any type is prohibited in the corporate limits of the village with the exception of specific permissible open burning as described in the State Administrative Code, Title 15A Chapter 2, Subchapter 2D, Sections 1903 and 1904. For these exceptions, an open burning permit must be obtained from the State Forest Service prior to the commencement of any burning.

(B) Compliance with state statutes. This section shall be consistent with and supplementary to state and federal laws and regulations.

(1986 Code, § 11-1) (Ord. passed 10-20-1980; Ord. 00-05, passed 02-22-2000) Penalty, see § 10.99

§ 92.16 REGULATING UNREASONABLY LOUD, DISTURBING SOUND LEVELS.

(A) Unlawful sound levels. It shall be unlawful for any person, ~~firm or corporation~~ **business entity (including, but not limited to a sole proprietorship, limited partnership, limited liability company and corporation)** to create or assist in creating, **or to permit, continue, or permit the continuance of** any unreasonably loud, disturbing sound levels in the village, taking into consideration volume, duration, frequency, time of day and other characteristics of the sound, unless specifically authorized by the village (see division (C) of this section).

(B) Prohibited activities. The following activities, among others, are hereby declared to be unreasonably loud, disturbing sound levels, but the enumeration shall not be deemed to be exclusive:

(1) The playing of any musical instrument or electronic sound amplification equipment in a manner or with such volume, that a ~~reasonably prudent person would recognize as likely to unreasonably disturb persons on adjacent property or in the vicinity~~ **sustained noise level of 40 dBs or more between the hours of 10:00 p.m. and 7:00 a.m. or 55 dBs or more at other times can be measured from any nearby residential property (sustained is defined as a continuous measurement over the threshold for at least 10 seconds, or at least 15 instances of measurements over the threshold in a 60-second period. When taking measurements, the measuring official will ensure no significant ambient or contributing noise is present, or will measure ambient and contributing noise levels separately when the offending noise is silent so that they can be subtracted);**

(2) The keeping of any animal or bird which makes frequent or long continued sounds, that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity;

(3) The use of any automobile, motorcycle or vehicle so out of repair, so loaded, or in a manner as to create unreasonably loud, disturbing sounds;

(4) The operating of any **non-construction** business **activity in or near** adjacent to any residential area **in the Village** ~~so loud that as to cause unreasonably loud, disturbing sounds~~ **a sustained noise level of 40 dBs or more between the hours of 10:00 p.m. and 7:00 a.m. or 55 dBs or more at other times can be measured from any nearby residential property (sustained is defined as a continuous measurement over the threshold for at least 10 seconds, or at least 15 instances of measurements over the threshold in a 60-second period. When taking measurements, the measuring official will ensure no significant ambient or contributing noise is present, or will measure ambient and contributing noise levels separately when the offending noise is silent so that they can be subtracted);**

(5) The creation of unreasonably loud, disturbing sound levels adjacent to any school, educational facility, church or court during their normal operating hours, or within 150 feet of any hospital, which a reasonably prudent person would recognize as likely to unreasonably interfere with the working of the institutions, provided signs are displayed indicating that the area is a school, educational facility, church, court or hospital;

(6) The erection (including excavation), demolition, alteration or repair of any building in any district other than between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Saturday, excluding holidays. This restriction shall not pertain to the following:

(a) Interior work on an occupied dwelling at any time that does not produce noise that a reasonably prudent person would recognize as likely to unreasonably disturb persons on adjacent property or in the vicinity.

(b) Emergency repairs to dwellings or structures that are needed to protect health or property.

(c) On Sundays and holidays, home maintenance and improvement tasks may be performed by home occupants with or without unpaid/un-contracted assistance, between the hours of 10:00 a.m. and 7:00 p.m. using power and hand tools that are generally available for retail sale from home improvement and hardware stores as long as said work does not produce noise that a reasonably prudent person would recognize as likely to unreasonably disturb persons on adjacent property or in the vicinity.

(d) Upon receipt of prior written approval from the Village Planning and Inspections Department, any construction, demolition, alteration or repair not otherwise allowed by this restriction may be performed. This provision is intended to accommodate work that is in the best interests of the village as a whole, as well as work contracted or paid for by a home occupant that must be done on a Sunday or holiday for valid reasons.

(7) The operation of power equipment including but not limited to lawn and garden maintenance equipment, generators (not including home stand-by power generators in operation during periods of utility power outages and test periods) and landscaping construction and maintenance equipment between the hours of 8:00 p.m. and 7:00 a.m.

(8) The use of any electronic sound amplification equipment for advertising, paging or solicitation purposes, except with an appropriate permit; and

(9) The conduct of, or participation in, any recreational activity in a residential district in the village which creates sound levels **so loud that** ~~a reasonably prudent person would recognize as likely to unreasonably disturb persons~~ **a sustained noise level of 40 dBs or more between the hours of 10:00 p.m. and 7:00 a.m. or 55 dBs or more at other times**

can be measured from any nearby residential property (sustained is defined as a continuous measurement over the threshold for at least 10 seconds, or at least 15 instances of measurements over the threshold in a 60-second period. When taking measurements, the measuring official will ensure no significant ambient or contributing noise is present, or will measure ambient and contributing noise levels separately when the offending noise is silent so that they can be subtracted); ~~on adjacent property or in the vicinity, particularly between the hours of 10:00 p.m. and 7:00 a.m.~~

(C) Approval of exceptions.

(1) Persons wishing to engage in activities other than those involving the erection (including excavation), demolition, alteration or repair of any building prohibited by this section may do so when specific written approval is obtained from the village. Written permission shall not be unreasonably withheld, and may contain appropriate conditions and restrictions designed to minimize the disruptive impact. Written permission for activities significantly for religious or political purposes shall be granted, subject only to reasonable time, place and manner restrictions. Written permission issued under this section may specify that the permission granted will continue for a stated period or until revoked after actual notice. Persons shall not be held in violation of this section when acting in conformity with permitted conditions, but any permission may be revoked if it is determined that the authorized activity has resulted in generation of unreasonably loud, disturbing sound levels, or significant complaints from residents.

(2) In case permission is denied, written permission is provided with conditions unacceptable to the application, or permission is revoked, the applicant shall be entitled to a prompt, informal hearing with the Village Manager or his or her designee, upon submission of a written request. Any person aggrieved by a matter regulated by this section may submit to the Village Manager written comments, including requests for appropriate relief.

(1986 Code, § 11-2) (Ord. 96-02, passed 01-22-1996; Ord. 05-18, passed 06-07-2005; Ord. 05-22, passed 08-23-2005; Ord. 13-46, passed 11-12-2013; Ord. 13-48, passed 12-10-2013; Ord. 15-17, passed 12-08-2015) ~~Penalty, see § 10.99~~

§ 92.17 PENALTIES AND ENFORCEMENT.

(A) All provisions of chapter § 92.16 will be enforced by the Chief of Police and the Police Department's assigned officers.

(B) Any person, firm or corporation violating any of the provisions of § 92.16(B)(1), § 92.16(B)(4) and § 92.16(B)(9), or failing or neglecting or refusing to comply with the same, shall be issued a notice of civil infraction subject to a maximum penalty of **\$100** and/or shall be guilty of a Class 3 misdemeanor and subject to a fine of \$100 or imprisonment not to exceed 30 days. For penalty purposes each violation recorded and subsequently abated on any distinct enforcement officer visit shall constitute a separate offense. *Statutory references: G.S. § 14-4(a) and G.S. § 160A-175.*

(C) In cases where violations of § 92.16(B)(1), § 92.16(B)(4) and § 92.16(B)(9) are committed by a person or persons under contract (rental or otherwise) with the legal owner of the property or with the agent of the legal owner of such property on

which the violation occurs and the legal owner of the property is not present during the offense, the owner will receive a written warning after the first violation involving a single piece of property within a 24 month period. For any subsequent violations involving the same property and owner with 24 months of a previous violation, the property owner is subject to civil penalty under § 92.17 (B), except that violations recorded on distinct calendar days may be considered separate offenses and the maximum civil and criminal fines will be **\$200**. This provision does not prevent additional penalty enforcement against the person or persons under contract. *Statutory references: G.S. § 14-4(a) and G.S. § 160A-175.*

(D) In all other cases under chapter 92, violators are subject to penalty, under § 10.99.

§ 14-4. Violation of local ordinances misdemeanor.

(a) Except as provided in subsection (b), if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00).

(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00). (1871-2, c. 195, s. 2; Code, s. 3820; Rev., s. 3702; C.S., s. 4174; 1969, c. 36, s. 2; 1985, c. 764, s. 2; 1985 (Reg. Sess., 1986), c. 852, s. 17; 1991, c. 415, s. 1; c. 446, s. 1; 1993, c. 538, s. 8; c. 539, s. 9; 1994, Ex. Sess., c. 24, ss. 14(b), 14(c); 1995, c. 509, s. 133.1.)

§ 160A-175. Enforcement of ordinances.

(a) A city shall have power to impose fines and penalties for violation of its ordinances, and may secure injunctions and abatement orders to further insure compliance with its ordinances as provided by this section.

(b) Unless the Council shall otherwise provide, violation of a city ordinance is a misdemeanor or infraction as provided by G.S. 14-4. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4.

(c) An ordinance may provide that violation shall subject the offender to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after he has been cited for violation of the ordinance.

(c1) An ordinance may provide for the recovery of a civil penalty by the city for violation of the fire prevention code of the State Building Code as authorized under G.S. 143-139.

(d) An ordinance may provide that it may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the General Court of Justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the city for equitable relief that there is an adequate remedy at law.

(e) An ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement, and the General Court of Justice shall have jurisdiction to issue such orders. When a violation of such an ordinance occurs the city may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with the ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the city may execute the order of abatement. The city shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

(f) Subject to the express terms of the ordinance, a city ordinance may be enforced by any one, all, or a combination of the remedies authorized and prescribed by this section.

(g) A city ordinance may provide, when appropriate, that each day's continuing violation shall be a separate and distinct offense.

(h) Notwithstanding any authority under this Article or any local act of the General Assembly, no ordinance regulating trees may be enforced on land owned or operated by a

public airport authority. (1971, c. 698, s. 1; 1985, c. 764, s. 35; 1993, c. 329, s. 4; 2013-331, s. 2.)

Summary of Village of Pinehurst Municipal Code Penalty Structure

	Criminal Violation	Fine	And/or	Days Imprisonment
Solid Waste	none	\$50 (civil)		
<i>Solid Waste alternate or in addition (this penalty does structure does not appear to be intentional. It references G.S. 160A-175 only)</i>	<i>Class 3 misdemeanor</i>	<i>\$500</i>		
Motor Vehicle, Parking & Traffic		\$5		
<i>Motor Vehicle, Parking & Traffic if not pay</i>	<i>Misdemeanor</i>	<i>\$50</i>	<i>Or</i>	<i>30 days</i>
Bike/Skateboard/Roller Blade w/o helmet		\$10		
<i>Bike/Skateboard/Roller Blade w/o helmet if not pay</i>	<i>Misdemeanor</i>	<i>\$50</i>	<i>Or</i>	<i>30 days</i>
Golf Carts Use		\$50		
Oversized Vehicle Parking	Class 3 misdemeanor	\$50	Or	30 days
Abandoned, Junk & Nuisance Vehicles	Class 3 misdemeanor	\$50	Or	30 days
Animals	Class 3 misdemeanor	\$50	Or	30 days
Nuisance (other than Pollutants and Noise Control)	Class 3 misdemeanor Plus actual cost of abatement	\$50	Or	30 days
Pollutants and Noise Control	Class 3 misdemeanor	\$50	Or	30 days
Fire Code	Class 3 misdemeanor	\$50	Or	30 days
Fire Code Occupancy Limits		\$100, first offense \$250 second \$500 third	and	30 days, third offense

Certain activities in parks (alcohol, damage, digging, advertising, soliciting, gambling, littering, molesting animals, commercial activities, hitting golf balls, tobacco use)	Class 3 misdemeanor	\$50	Or	30 days
Removal or damaging of street signs		Cost of repair		
Obstructing a street or using skateboard, etc downtown	Misdemeanor	\$50	Or	30 days
Damaging a street without permit	Misdemeanor	\$50	Or	30 days
Picketing	Class 3 misdemeanor	\$50	Or	30 days
Picketing with firearm or other dangerous weapon	Class 3 misdemeanor	\$50	Or	30 days
Peddling on Private Property/Mobile Vendors		\$500	And/or	90 days
Smoking in municipal buildings and vehicles	Class 3 misdemeanor	\$500		
Soliciting in public places	Misdemeanor	\$50		
Unlawful discharge of a weapon				
Alcohol on public streets	Class 3 misdemeanor	\$50	Or	30 days
Unauthorized driveway connections, building code violations,	Class 3 misdemeanor	\$50	Or	30 days



PUBLIC HEARING NO. 1
ADDITIONAL AGENDA DETAILS:

The purpose of the public hearing is to invite public comment on a proposed economic incentive agreement between the Village of Pinehurst and an organization that will place future facilities in the Village of Pinehurst. Those facilities involve capital investments of twenty-five million dollars, and the retention or creation of fifty jobs. The agreement includes ten (10) years of grants which will be calculated as ninety percent of the total property taxes paid above and beyond the current ad valorem tax value, provided the organization meets the requirements of the agreement as to job creation. The incentive agreement grants will be paid from any fund sources of the Village of Pinehurst which are not otherwise restricted.

FROM:

Jeff Sanborn

DATE OF MEMO:

9/8/2020

MEMO DETAILS:

Please see the attached presentation for additional details.

ATTACHMENTS:

Description

- ▣ USGA Economic Development Incentive Presentation



Economic Develop Incentive Agreement
USGA and Village of Pinehurst
Project Woodpecker
Sept 8, 2020

Economic Incentives – North Carolina Legal Framework



- Each county and city is authorized to make appropriations for economic development purposes
- These appropriations must be determined by the governing body of the city or county to increase the population, taxable property, agricultural industries, employment, industrial output, or business prospects of the city or county
- Negotiations may occur in closed session
- A public hearing is required before Village Council approval
- Law requires a formal agreement spelling out the responsibilities of both parties and provisions for clawback of incentive payments in the event of underperformance with regard to the responsibilities of the incentive recipient

USGA Commitments



- Construct facilities that will employ approximately 50 full time employees in the Village of Pinehurst
- Initial direct investment in facilities and site of at least \$25 million
- Occupy facilities by December 31, 2023
- Bring five Men's U.S. Open events to Pinehurst every five to seven years starting in 2024

Village of Pinehurst Commitment



- **Village of Pinehurst incentives are part of a larger incentive program involving the State of North Carolina and Moore County**
- Tax grant incentive repayment of up to 90% of property taxes in each of ten years (the grant period)
- Incentive level to be paid (up to 90%) in any given year of the grant period will depend on the number of full-time employees on the payroll as of the fourth quarter of the previous year
- Annual tax grant incentive payments during the 10 year grant period will not be paid until after property taxes are collected
- Provide no-cost use of Harness Track and Fair Barn grounds for parking during each of five Men's U.S. Open events

Clawback Provision



- The parties agree that 65% of the gross economic benefit of this agreement is attributable to the frequency of Men's U.S. Open events. The other 35% is attributable to the USGA facilities and employment.
- The USGA will return a specified percentage of the total incentive grant payments received if the promised five Men's U.S. Open events do not occur with a maximum interval between them of seven years:
 - If the 2024 U.S. Open is not held: 100% of 65%
 - If the second U.S Open is not held: 100% of 65%
 - If the third U.S Open is not held: 65% of 65%
 - If the fourth U.S. Open is not held: 35% of 65%
 - If the fifth U.S. Open is not held: 10% of 65%



**DISCUSS AND CONSIDER ECONOMIC INCENTIVE AGREEMENT.
ADDITIONAL AGENDA DETAILS:**

FROM:

Jeff Sanborn

DATE OF MEMO:

9/1/2020

MEMO DETAILS:

Council will discuss and consider a proposed economic incentive agreement between the Village of Pinehurst and an organization that will place future facilities in the Village of Pinehurst. Those facilities involve capital investments of twenty-five million dollars, and the retention or creation of fifty jobs. The agreement includes ten (10) years of grants which will be calculated as ninety percent of the total property taxes paid above and beyond the current ad valorem tax value, provided the organization meets the requirements of the agreement as to job creation. The incentive agreement grants will be paid from any fund sources of the Village of Pinehurst which are not otherwise restricted. Council can approve the agreement by motion. Details will be revealed and discussed at the onset of the public hearing.