



PLANNING AND INSPECTIONS DEPARTMENT STAFF MEMO

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 30, 2020
Subject: Potential changes to the PDO

Staff would like to take the opportunity to provide a status update to the Board on potential or upcoming items to change or address with the Pinehurst Development Ordinance (PDO). Specifically, staff would like to discuss the following two topics:

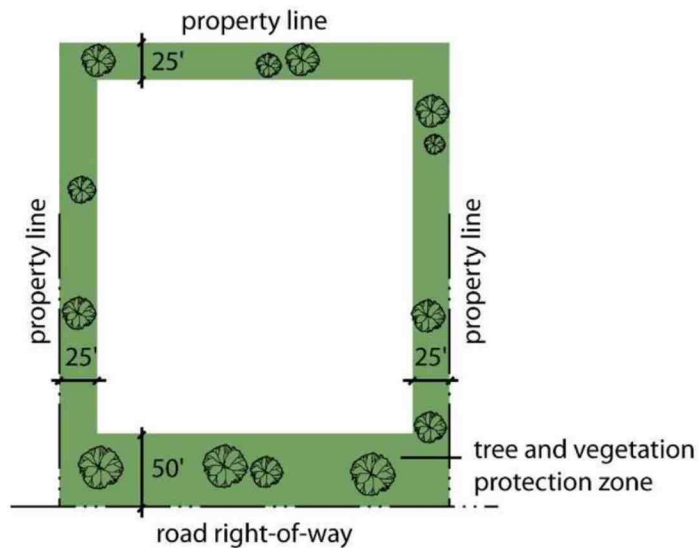
1. Landscaping/tree preservation requirements
2. Golf course setbacks

No action is needed or will be taken by the Board. This is just an opportunity to inform the Board of what items staff is currently undertaking and to allow the Board the opportunity to provide feedback on these topics.

Landscaping/Tree Preservation:

Staff has been working over the past several months to draft a comprehensive update to the PDO for tree preservation and landscaping standards for all types of development in the Village's jurisdiction. This came about as many residents have voiced concern over the lack of landscaping following recent development throughout the Village. Some members of the Board previously worked with staff in a working group to review the current standards and propose new ones. Some of those items were presented to the full Board last August. Over the past year staff has worked diligently to ready a comprehensive overhaul of the landscaping standards in the PDO.

Staff's focus has been to help protect and preserve trees in a "protection area" which is the area generally in the setback and buffer areas for each zoning district with a greater focus along street frontages.



(Protected area diagram)

Staff is also considering changes to required number of plantings for replacement if the required number of trees cannot be preserved. Again a focus is being placed to place such plantings along street frontage, front setback area and side setbacks. This would not prevent removal needed for the placement of buildings, driveways, utilities, etc.

Zoning District	Minimum Lot Size per District	Current PDO Requirement	Potential Number of Trees Per Minimum Lot Size or Area Less than 1 Acre	Current Qualifying Tree	Proposed Retained or Planted
R-5	5,000 SF	4	6	3"	3"
R-8	8,000 SF	4	8	3"	3"
R-10	10,000 SF	4	10	3"	3"
R-15	15,000 SF	8	12	3"	3"
R-20	20,000 SF	8	14	3"	3"
R-30	30,000 SF	8	16	3"	3"
R-210	5 acres	16	40	3"	3"

Golf Course Setbacks:

The Board of Adjustment has heard several cases for variance requests of the golf course setback since 2018. These such requests have accounted for half of the variance requests heard by the Board of Adjustment in that time frame. Many of the subject lots had unusual circumstances where the subject lot bordered adjacent property that was part of the overall golf course property but where golf activity doesn't occur. In other instances the subject property had two property lines that directly abutted golf course property severely impacting the building envelope potentially causing a structure to be built that would not be in keeping with the area. Some of these instances are due in large part to the vacant properties left in the Village's jurisdiction. Because a majority of the lots in Pinehurst are built, the resulting lots mostly have challenging circumstances. Staff fields many calls from property owners or potential buyers of property along the golf course requesting information on the required setbacks. There are still a significant number of vacant lots that border golf course property or property zoned RD that could also present similar situations or circumstances of those that have already been presented before the Board of Adjustment. This influx or increased activity of variance requests has caused Board members and staff to study the situation and try to find a remedy or a legislative fix.

One such way to address this could be to develop a specific definition on how to apply a golf course setback. Much of the golf course property includes areas that are not used for golf activity including a comfort station, cart paths only, wooded or other natural areas not within the field of play, etc. If our ordinance had a clear definition of what should apply to a golf course setback, staff can make clear, concise and objective determinations on if a golf course setback would apply or not.

The PDO currently only defines building setback and golf course:

Building Setback: the minimum distance from the property line to the farthest projection of the exterior face of buildings, walls or any other form of construction (i.e. decks, landings, terraces, porches and patios on grade).

Golf Course: a course with nine (9) or more holes for playing golf, including any accessory driving range, clubhouse, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term shall not include miniature golf courses as a principal or accessory use, nor shall it include driving ranges, which are not accessory to a golf course.

The Village's Historic District Guidelines glossary does however define field of play:

FIELD OF PLAY: The term "Field of Play" shall mean the area within the Recreational Development (RD) zoning district where golf activity occurs. With the exception of buildings, property located within the area known as the "field of play" is excluded from these requirements.

CURRENT SETBACK TABLE

ZONING DISTRICT	LAKEFRONT or GOLF COURSE SETBACK FROM THE PROPERTY LINE	MINIMUM ACCESSORY BUILDING or STRUCTURE SETBACK FROM LAKEFRONT OR GOLF COURSE
R-5	30'	30'
R-8	30'	30'
R-10	30'	30'
R-15	30'	30'
R-20	30'	30'
R-30	60'	30'
R-210	60'	30'
R-MF	30'/60'	30'
VR	30'	30'
VCP	30'	30'
VMU	30'	30'
VC	30'	30'
OP	30'	30'
NC	30'	30'
H	30'	30'
HD	30'	30'
RD	-	30'
PC	60'	30'

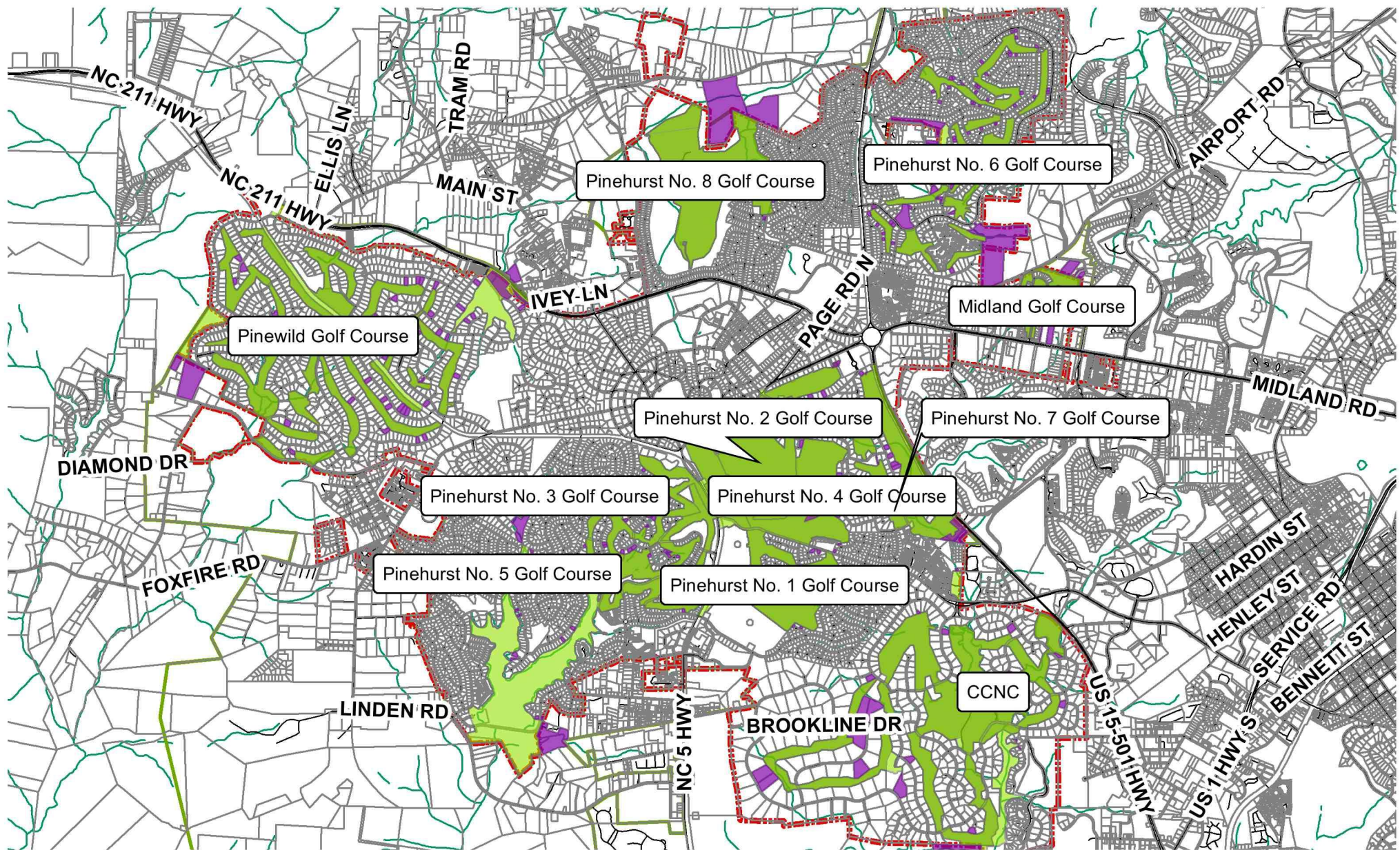
**BOA Variance Cases
2018 - Present**

Meeting Date	Case Request	Location	Action by Board
2018.05.03	Variance for portable A-Frame Sign location of a maximum of 12' from entrance.	38 Chinquapin Rd.	Approved (5-0)
2018.06.07	Variance from the 30' Golf Course Setback from the Property Line to a 15' side setback to allow for the construction of a new single family home.	4 Peachtree Ln.	Approved (5-0)
2018.06.07	Variance from the 30' Golf Course Setback from the Property Line to allow for the construction of a patio and outdoor fireplace in the rear yard.	67 Deerwood Ln.	Approved (5-0)
2018.08.02	Wall Sign maximum allowable area.	300 Magnolia Rd.	Approved (5-0)
2018.09.06	Variance from the 30' Golf Course Setback from the Property Line to allow a constructed patio that currently encroaches +/- 2.8 feet.	95 Oak Hills Rd.	Approved (5-0)
2019.04.04	Variance request from 22 Beasley Drive from the 30' Golf Course setback from the property line.	22 Beasley Dr.	Approved (5-0)
2019.05.02	Variance request from 35' Maximum Building Height to allow for the construction of a new elementary school.	100 Dundee Rd.	Approved (5-0)
2019.06.06	Variance request for Pinehurst Elementary School to increase maximum impervious coverage from 40% to 45%.	100 Dundee Rd.	Approved (5-0)

2019.06.06	Variance request from the 60' Golf Course Setback to allow for the construction of an addition that will encroach approximately 12' into the required setback.	5 Firestone Dr.	Approved (5-0)
2019.07.11	Variance request 4 feet from the front setback and 2 foot 6 inch variance from one side setback from the property line.	65 Cherokee Rd.	Approved (5-0)
2019.07.11	Variance request a 5 foot variance on the 25' rear yard setback.	5 York Place	Approved (5-0)
2019.12.05	Variance request for a 15 foot variance from the 30 foot Golf Course setback.	80 Rockland Ln.	Approved (5-0)
2020.02.06	Variance request for 5 Community Road. The applicant, Resorts of Pinehurst, Inc., is requesting a variance from the 6 square foot maximum wall sign area to allow for a 10 square foot wall sign.	5 Community Rd.	Approved (5-0)
2020.02.06	Variance request for a variance from the 12 square foot maximum wall sign area to allow for a 37.4 square foot wall sign.	238 Page Rd. N	Approved (5-0)
2020.04.30	Variance to encroach approximate 3' 3 ¾" into the 60' Golf Course setback to allow for the addition of a screened-in porch.	1 Inverrary Rd.	Approved (5-0)
2020.05.07 (continued to 5-27)	Variance from the 30' Golf Course setback to allow for a 25' setback for a new single family home.	10 Rockland Ln.	Approved (4-1)

Total # of Variance Cases : 16
Total # of Variance Cases for Golf Course Setbacks: 8
Total % of Variance Cases for Golf Course Setbacks: 50%

Vacant Property Adjacent to RD Zoning and Golf Courses



Legend

- Bordering Vacant Parcels (Appx 225)
- Golf Courses in the Village
- RD Zoned Parcels

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:\Pine\Projects\Golf Course Setback\Golf Course Setback.mxd 7/30/2020

0 1,350 2,700 5,400 8,100 10,800 Feet





**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.