



**VILLAGE COUNCIL
MINUTES FOR REGULAR MEETING OF JULY 27, 2021
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, July 27, 2021 in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following attended:

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

In addition, approximately 27 attendees, including 6 staff and 1 press.

1. Call to Order.

Mayor Strickland called the Village Council meeting to order.

2. Invocation and Pledge of Allegiance.

John Kinyon, Sr. Pastor of Redeemer Church, Southern Pine, NC, offered the invocation and Mayor Strickland led in the Pledge of Allegiance.

3. Reports:

Village Manager – Jeff Sanborn

- Reported he, Carlton Cole, and Derrick Clouston, Village Fire Department, went in front of the panel for accreditation and thanks to a lot of hard work, the panel renewed the Village Fire Department's Accreditation.
- Reminded folks COVID-19 is still out there and we are seeing spikes, which fortunately have not been as deadly. He noted the Village has had two cases this week involving a staff member and a family transmission.

Village Council

- Mayor Strickland echoed Mr. Sanborn's caution about COVID-19 and reminded the community to continue to take precautions. He noted he is proud that Pinehurst is home of American golf and soon to be the 2nd home of USGA and we have really seen an increase in volunteers. He stated the U.S. Kid's golf festivities are occurring the same time as the Council meeting and unfortunately prohibits Council from being there.
- Mayor Pro Tem Davis thanked the representative from USGA for the tremendous coverage on tv of the kid's amateur golf tournaments. She reported that she, Manager Sanborn, and Councilmember Drum, with the Tri City group, went to the airport for a presentation today. She stated it was a very impressive facility and great business to have in our community.
- Councilmember Drum stated he and Mayor Strickland met with NC DOT representatives and had a productive meeting. He stated they also met the new representative for our area and are planning a follow-up meeting with him. He further echoed Mayor Pro Tem Davis's comments about the airport and said he was pleased with their success.

- Councilmember Hogeman had nothing to report.
- Councilmember Boesch reminded the community to use the MYVOP app to help us become aware of any issues and continue to make the Village better.

4. 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.

- Approval of Village Council Meeting Minutes.
 - July 13, 2021 Regular Meeting
 - July 13, 2021 Work Session
 - July 13, 2021 Closed Session

End of Consent Agenda.

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

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

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

6. Public Hearing No. 1 Conditional Zoning – USGA Facilities.

Alex Cameron, Planning Supervisor, stated the purpose of the hearing is to ask Council to consider and approve an Official Zoning Map Amendment for approximately 6.29 acres of Moore County PID# 00025800. This proposed map amendment would zone the property from RD – Recreation Development District, OP – and H – Hotel District to VMU-CD – Village Mixed Use Conditional District. The proposed rezoning and associated General Concept Plan would allow for development of a second headquarter for the United States Golf Association (USGA) which includes two structures totaling approximately 40,500 square feet along with associated site features. The structures will house a welcome center, museum, offices, and a testing center. He stated the property owner is the Resorts of Pinehurst Inc. and the applicant is the USGA with Bob Koontz from Koontz Jones Design. representing.

Mr. Cameron reported the current zoning and land use is Recreation Development District (RD), established as a district in which the primary use of the land is predominantly reserved for privately owned recreation, clubhouses, and support structures, natural or manmade bodies of water, resort complexes and other similar uses. The Hotel District (H) was established as a district in which the principal use of land is for hotels and their associated villas or cottages, intended to provide lodging facilities for visitors while minimizing any adverse impact on neighboring residential areas.

Mr. Cameron stated the Village Mixed Use – Conditional District (VMU-CD) is established as a pedestrian-scaled district which caters to the everyday needs of nearby neighborhoods. This district allows a mixture of primary land uses within the same building and development site and emphasizes accessibility by automobiles, bicycles, and pedestrians.

Mr. Cameron stated a General Concept Plan is required as part of a Conditional District rezoning application and if approved, the plan then becomes a site-specific zoning plan and a condition of the rezoning. Any substantial changes to an approved General Concept Plan as stated in Section 6.2.3 (B) of the Pinehurst Development Ordinance (PDO) shall be reviewed by the Planning and Zoning Board and approved or denied by the Village Council. All other changes to an approved General Concept Plan that are not substantial and do not alter the basic development concept may be approved by the Village Planner.

Mr. Cameron stated the proposed conditional district map amendment would still allow accommodation of all the existing uses on the property as it would only apply the proposed zoning classification to this specific area to allow for the proposed facilities and uses as indicated on the submitted material. Included with this conditional district rezoning request are an application, project narrative, General Concept Plan including a parking and circulation plan and conceptual utilities plan, architectural character elevations and renderings, neighborhood meeting summary, trip generation, parking assessment and a biological assessment for red-cockaded woodpecker impacts from the United States Fish and Wildlife Service.

Mr. Cameron stated the applicant is requesting several conditions to implement the General Concept Plan which table of conditions are included at the end of this memo. Conditions 1-3 relate to adding specific uses that are not currently defined in the PDO or listed in the table of uses within the VMU District. Condition 4 relates to allowing deviations from the minimum/maximum setbacks, which within the VMU district the setbacks have been established to create building frontage along the street. Condition 5 is a request increase in allowable signage by 50% and is limited to signage as depicted on GCP Sheet L 2.0 Exhibits A, B & C. Condition 6 is a request not to install the required sidewalk along the Cherokee Road frontage at this time. Conditions 7A, B, & C relate to parking requirements the most significant request being 7C to not park for the testing center use. Condition 8 is a request to utilize alternative paving materials for the parking lot surface other than asphalt or concrete. Condition 9 relates to permitting the location only of the proposed greenhouse structure depicted on the GCP.

Mr. Cameron reported Staff does not have any significant issues with the conditions as proposed. With respect to the sidewalk condition, the USGA supports installation of a walkway along the Cherokee Road frontage but would like to preserve the mature trees in that area and to potentially allow the sidewalk to meander along the frontage versus installing along the edge of the right-of-way. As such they are willing to provide a financial agreement in lieu of sidewalk construction at this time and work with the Village to construct the sidewalk in the future.

Mr. Cameron stated Condition 7C regarding not parking for the testing center is reasonable given the applicant's explanation that that the employees working in the testing center will have offices in the administrative area for which parking space requirements will be applied. Should the use change of the testing center to permanent offices parking spaces would be required to be installed at that time due to that change in use.

Mr. Cameron noted Condition 8 is being requested to allow use of alternative paving materials for the parking surface for materials such as permeable asphalt or porous pavers or similar materials to create a more sustainable surface and increase the stormwater design from 10 year to 25 year as proposed.

Mr. Cameron stated Staff is recommending approval of the zone change with conditions as recommended by the Planning and Zoning Board. Staff has noted a concern by some wishing to narrow the possibility of a range of uses that could be permitted in a base VMU zoned area. The conditional district does not permit change of uses beyond that which is approved in the General Concept Plan; however, the applicant is willing to narrow the set of approved uses to that which is only being proposed by the USGA. He stated to more narrowly tailor the set of approved uses the following is recommended:

- A. Modify condition # 2 to "Professional Golf Offices" and add a definition such as "limited to professional, administrative, and technical services and activities related to the golf industry".
- B. Modify condition # 3 to add and create Golf Museum/Welcome Center.
- C. Add Condition # 10 the only uses permitted within the district are "Golf Equipment, Research, Development and Testing as identified in Condition # 1; Professional Golf Offices as identified in Condition # 2; a Golf Museum/Welcome Center as identified in Condition 3.

Mr. Cameron stated that Guiding Principle #5: Taking Care of Business in the 2019 Comprehensive Plan states that that the Village should support the golf, tourism and healthcare industries that make up the economic backbone of the community by encouraging entrepreneurship, supporting diverse and innovative businesses, and developing a thriving arts, culture, and entertainment market. It also states that the Village should encourage a variety of shopping, dining, and cultural opportunities for residents and visitors alike. He stated page 176 of the 2019 Comprehensive Plan states that golf and tourism are two of the most important industries in Pinehurst in terms of employment, land use and reputation. It is important to support the Resort and other businesses that cater to these industries to maintain Pinehurst's identity as a premiere golf and hospitality destination.

Mr. Cameron stated there are opportunities to diversify the types of attractions, businesses, and amenities available to golf enthusiasts and in or order to stay attractive to the industry, He noted Pinehurst will need to adapt to meet the needs and desires of players and fans of golf. One of the recommendations in Implementation Strategy 5.11 on page 176 suggests a golf museum could further activate the Village Core and other nodes.

Mr. Cameron stated staff finds the proposal is part of a commitment of Pinehurst Resort to the United States Golf Association (USGA) to bring future USGA championship events to Pinehurst. This request would allow Pinehurst Resort to adapt to meet the changing desires of players and fans of golf and support the industry to help maintain Pinehurst's identity as a premiere golf and hospitality destination. Mr. Cameron provided Council and the public with a brief overview of the eight requested conditions listed as Conditions 1, 2, 3, 4, 5, 6, 7A, 7B & 7C, 8, 9, and 10. There were no council questions, so Mayor Strickland thanked staff for their work and turned the comments over to the applicant.

John May, Attorney, Bob Koontz, Principal with Koontz-Jones Design, and representatives of USGA thanked the Council for their word and expressed their excitement about expanding their facilities to Pinehurst. The design team stressed their vision and design was centered around the character of the community, the pine grove, historical buildings, and walkways and shared a PowerPoint with views from the roundabout, educational garden area, rear, and traffic circle.

Bob Koontz discussed the village mixed use conditional district zoning and compared the existing site to the proposed building location, highlighting the 6.29 acres that the zoning changes would apply to as a switch to VMU-CD. He showed slides of the existing conditions as it relates to topography, utility lines, sewer lines servicing, storm drainage from the Women's Exchange and further noted the proposed building would be right on the current tennis courts and the museum would be where the current employee parking is. He stressed parking was designed to be unobtrusive to the garden views. And will be connected for sharing with the resort.

Tim carpenter, LKC engineering discussed utilities, storm drainage and sewer flows and noted in a recent conversation with Randy Gould, PE of MCPU, it was indicated there was no concern of capacity to serve these new facilities with water and sewer, subject to detail site design review. He stated they want to mitigate the current flooding issues that happen at the railroad trestle.

Bob Koontz, reviewed the building site information, building square footage, setbacks, maximum building height, trip generation study, which recommended no improvements, and no environmental threats. He stated there are a few alterations to the conditions in which they wanted to change the wording.

Mayor Strickland opened the floor to public comments and having none, he asked for a motion to adjourn the Public Hearing in order to re-enter the regular meeting to go ahead and discuss the proposed ordinance as outlined in item 9 of the agenda.

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.

Mayor Strickland asked for a description on what will occur in the testing center and for a description of materials, processes, or pollution problems. USGA representative said it is a function that goes back to the early 1900s. It is about preserving the nature of the game – golf club and golf ball testing for conformance to golf requirements – meeting section regulations on equipment in the Golf Industry. It was noted that manufacturers are required to submit golf balls each year and clubs annually to be tested for size, weight, velocity, symmetry, and full distance a golf ball can travel. No manufacturing happens on the facility, only testing of the products in a clean and safe lab setting, and an ISO certification safe environment. Mayor Strickland asked if the public will be able to view the process and it was stated that there may be some weekly tours of only areas no breaching product confidentiality clauses.

Councilmembers asked the applicant for more clarity on multiple assets of the conditions, including parking facilities, need for additional parking for special events, shared parking with the resort, lighting, storm-water access, signage, pathways, timed event management, waste management's impact on the Women's Exchange building, parking surface materials, screenings, and connectivity to the Village's current and future walkability plans. Bob Koontz stated they are committing to the 5-foot brick walkway the Historical Preservation Commission asked for and will work along with the Village as they complete the Village walkability plan.

Councilmembers, staff, and the Applicant and team reached agreed upon condition wordings and Mayor Strickland asked Council if they wanted to proceed with a motion to approve with the amended conditions as agreed upon. There was a consensus among the Council to proceed with a vote.

Upon a motion by Mayor Pro Tem Davis, seconded by Councilmember Drum, Council unanimously moved to approve ordinance 21-11, USGA Conditional Rezoning and the General Concept Plan, amending the official zoning map for a conditional district

zoning of a portion of a parcel of land currently zoned RD (Recreation Development District) and H (Hotel District) to VMU-CD (Village Mixed Use – Conditional District), with the following additions; Condition 2 - Table of Uses - Add Golf Offices as an allowed use within the VMU-CD. This use is defined as "limited to professional, administrative, research, educational, philanthropic and technical services, activities and special events, each of which is related to the golf industry.; Condition 6 Sidewalk - In lieu of installing a sidewalk along the frontage of Cherokee Road, the applicant (i) will provide a 5' wide sidewalk easement the terms of which shall allow for compliance with the current sidewalk requirements of the PDO and (ii), on or before the date of issuance of the first certificate of occupancy for the USGA Golf House, make a payment to the Village of Pinehurst in the amount of 125% of engineer's estimate of construction costs in lieu of construction of the sidewalk; Condition 11 Stormwater Management - Post-development runoff shall not exceed pre-development runoff for a 25-year storm event; and further moved that the proposed zoning map amendment is consistent with the future land use map and goals outlined in the 2019 Comprehensive Plan as referenced in the memorandum dated July 22, 2021 from Darryn Burich, Planning and Inspection Director and this amendment is considered reasonable and in the best interest of the public as it supports the golf and tourism industry and helps maintain Pinehurst's identity as a premiere golf and hospitality destination, by a vote of 5-0.

Mayor Strickland called for a break from 8:01 to 8:10 p.m.

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

7. Public Hearing No. 2 NCGS 160D Text Amendments.

Alex Cameron stated the purpose of this hearing is to discuss text amendments to the Pinehurst Development Ordinance (PDO) to ensure consistency of the PDO with North Carolina General Statutes Chapter 160D statutory revisions. He stated these proposed amendments would affect the following sections of the PDO Chapters:

- 1 General Provisions
- 3 Decision Making and Administrative Bodies
- 4 Public Hearings, Permits and Approvals
- 5 Variances and Administrative Appeals
- 6 Text Amendments and Rezoning's
- 8 Zoning
- 9 Design Development Standards and Processes
- 10 Definitions.

Mr. Cameron stated in 2019, the North Carolina Legislature adopted Chapter 160D, which was drafted by the North Carolina Bar Association with the intent of accomplishing the following:

1. Consolidate city and county enabling statutes.
2. Provide logical coherent organization to the text.
3. Provide for clarifying amendments and reforms.

Mr. Cameron noted local governments were directed to amend relevant ordinances to achieve consistency with the new statute by July of this year. Effective July 1st the new statute controls regardless of whether or not the amendments are in effect. He said staff has developed the proposed amendments to align the Pinehurst Development Ordinance (PDO) with NCGS 160D.

Mr. Cameron reviewed the summary of changes with Council as outlined in the Summary provided to Council as part of the Council Agenda packet. Mayor Strickland asked what staff felt will be the most difficult to handle in dealing with the changes for which Mr. Cameron stated, vesting rights, because if there is stall in a process after 5 years for example, lawyers can get involved. He stated permit choice is important to pay attention to for staff and we are ahead of the curb on a lot of this already and this just gives us the language.

Councilmember Boesch asked how much time this took staff to do. Mr. Cameron said the cross-referencing has been the most time extensive and so we have been working on it for quite some time. Village Manager Sanborn said the hard part has been just getting it done. Mayor Strickland said maybe we need to work on the Vesting in a work session and with Planning & Zoning and Mr. Cameron agreed and said it could not hurt from an education standpoint, but it will be staff working with the actual processes.

Mr. Cameron stated the Planning and Zoning Board held a public hearing at their regular meeting on July 1st and after the hearing the Planning and Zoning Board unanimously recommended approval of the proposed amendments to Village Council and adopted the statement of consistency with the 2019 Comprehensive Plan, provided to Council. He noted that as these amendments bring the PDO into compliance and provide consistency with the new statute, staff recommends Village Council adopt the proposed text amendments and adopt a statement of consistency with the 2019 Comprehensive Plan. Mr. Cameron stated following this public

hearing, Village Council may take action on the proposed amendments.

Mayor Strickland opened the comments to the public.

Bill Comer, 34 Pomeroy Drive, Pinehurst stated he has spent time reading the changes and looking at the old PDO. He noted management and land use is an important job of the Village and is one of the most important jobs for a municipality. He has concerns that these changes are taking the power from the municipal government and putting it into the hands of the developer such as the vesting. He stated he felt it is also a conflict of interest because it prohibits any member of Council or Board, from voting if there is a financial impact. This could lead to those with the most knowledge being emitted from making decisions. Also, some issues can be held by quasi-judicial or such as a public hearing, but now according to this more is being pushed into the quasi-judicial realm. He just wanted to note that it has made the villages job more difficult when it comes to work on development.

Village Manager Sanborn said the standard is the same, but it just places more specifics now. He stated it sets a higher bar to get over to vote on an issue. Mr. Cameron said it would preclude only one board member not the entire board or council to vote on the issue if there is an issue.

No other public members wished to speak.

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

Upon a motion by Councilmember Boesch, seconded by Councilmember Hogeman, Council unanimously approved to adjourn the public hearing and re-enter the regular meeting by a vote of 5-0.

9. Discuss and Consider Ordinance 21-11 USGA Conditional Rezoning and Concept Plan.

This item was moved to, discussed, considered, and voted on following Agenda Item 6.

10. Discuss and Consider Ordinance 21-12 NCGS Chapter 160D Amendments to the Pinehurst Development Ordinance.

Mayor Strickland asked for any discussion from Council or the Public and hearing none asked Council if there was a motion on the table.

Upon a motion to approve by Mayor Pro Tem Davis, seconded by Councilmember Boesch, Council unanimously approved ordinance 21-12, NCGS Chapter 160-D, amending the Pinehurst Development Ordinance (PDO) with a further movement that the proposed amendments are consistent with the 2019 Comprehensive plan by providing consistency and compliance with NC General Statute Chapter 160-D, by a vote of 5-0.

11. Other Business.

Councilmember Drum provided a letter to Village Manager Sanborn from an organization that gives out a Volunteer of the Year award annually. He suggested the Village may want to consider submitting its volunteer of the year recipient as a nominee. Village Manager Sanborn stated he will check into the organization and opportunity.

12. Comments from Attendees.

- No Comments

13. Motion to Adjourn.

Upon a motion by Councilmember Drum, seconded by Mayor Pro Tem Davis, Council unanimously approved to adjourn the regular meeting by a vote of 5-0 at 8:37 p.m.

Respectfully Submitted,



Kelly Chance,
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