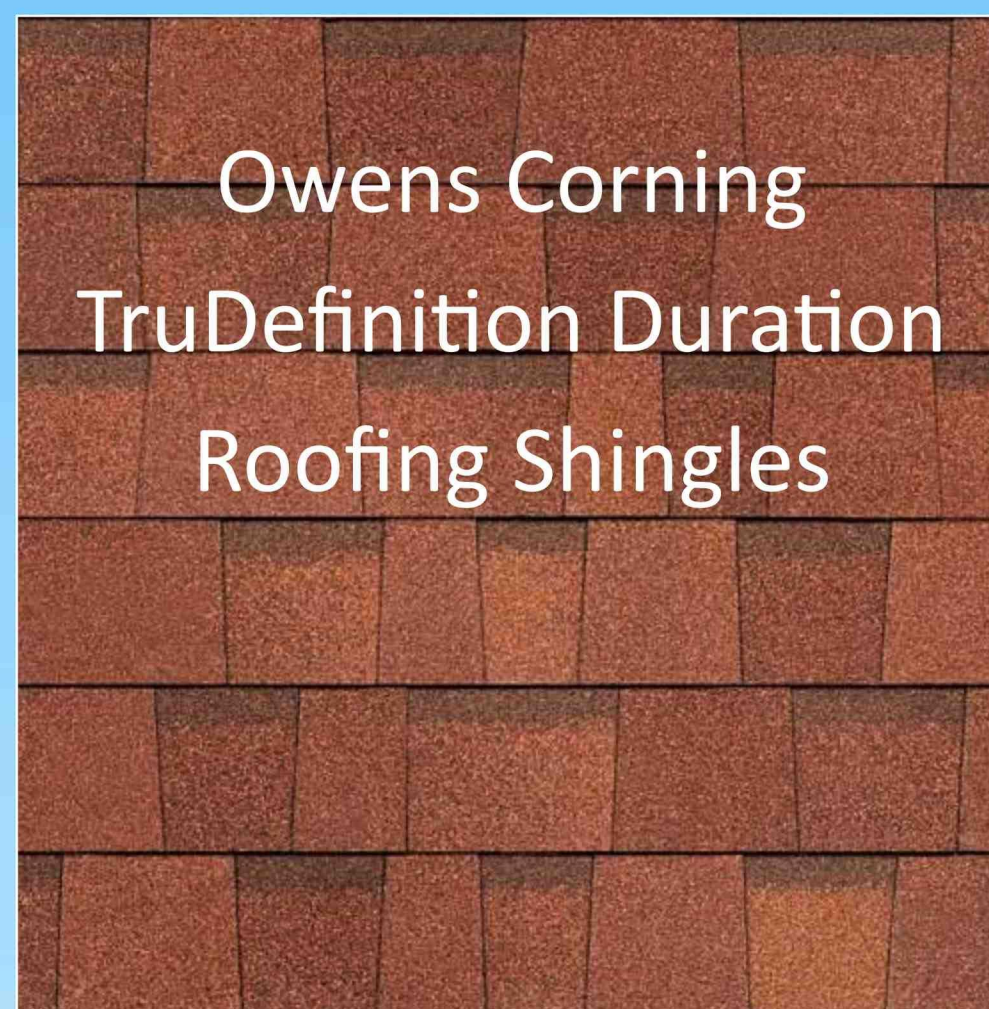




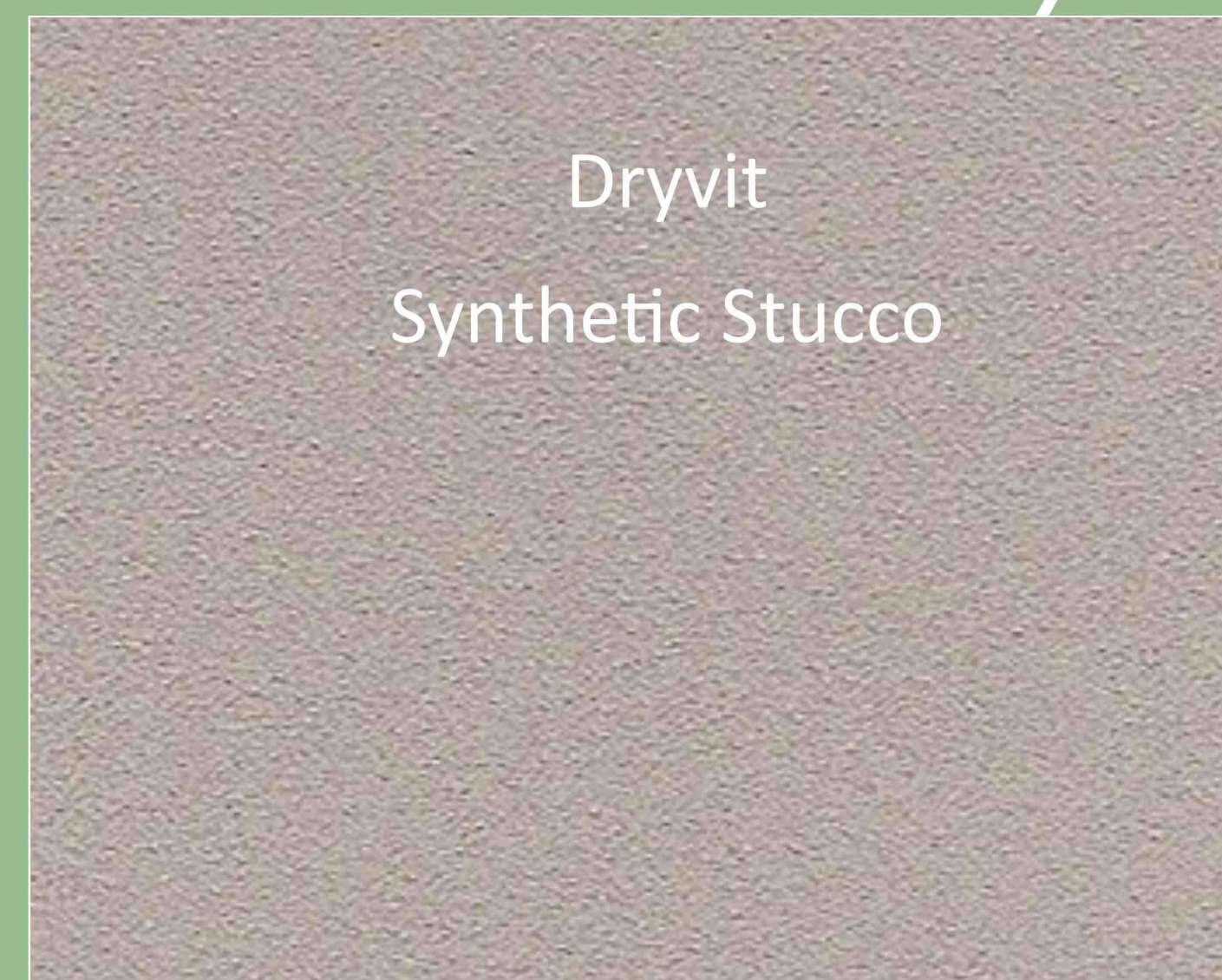


Proposed Tenant
Space



Owens Corning
TruDefinition Duration
Roofing Shingles

Fiber Cement Trim or
equal painted White



Dryvit
Synthetic Stucco



Drop Channel Cedar
Siding



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Planning and Zoning Board
From: Alex Cameron, Senior Planner
Cc: Natalie Hawkins, Assistant Village Manager
Date: May 29, 2019
Subject: Staff Report for the Proposed Conditional District Rezoning of 110 Williams Rd.

Applicant:	John O'Connor with O'Connor Consulting
Owners:	Nancy Gooding and James Wicker Jr.
Property Location:	110 Williams Rd.
Current Zoning:	R-30 (Medium Density Residential) 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.
Proposed Zoning:	NC-CD (Neighborhood Commercial – Conditional District) is established as a district in which the principal use of land is for small scale commercial, retail, office and service uses to serve the surrounding residential districts. This district is further intended to discourage any use which would be detrimental to the predominately low-intensity commercial nature of the areas included within the district.
Current Land Use:	Vacant.
Proposed Land Use:	Business/Office Park.

The applicant requests an official zoning map amendment for a conditional district zoning of one parcel of land currently zoned R-30 Medium Density Residential to NC Neighborhood Commercial – Conditional District. The parcel is currently vacant. The proposed use is a six building commercial and office development.

Included with this conditional district rezoning request are an application for a zoning map amendment, owner authorization form, project narrative, trip generation, neighborhood meeting summary, general concept plan, elevations and material samples, ISO fire flow calculations, response from NCDOT and a biological assessment from USFW for impact on Red-Cockaded Woodpeckers.

Analysis:

The subject property is defined as being Moore County Parcel ID# 00041232 and is approximately 1.84 acres in size. It is currently within the Village's corporate limits and borders Midland Rd. /NC Hwy 2 and Williams Rd., a Village owned unimproved road.

The surrounding properties contain multiple zoning designations and land uses. (See the attached area zoning map)

The property to the west is zoned NC and is the current site of Carolina Eye Associates, a medical clinic.

The properties to the south and east are zoned R-30 and are single family residences.

The properties to the north across Midland Rd. are zoned R-20 and are single family residences.

A neighborhood meeting was required of the applicant prior to submitting the request. Please find the results of that meeting as reported by the applicant attached.

A sidewalk is proposed along the northern boundary of the property along Midland Rd. and will connect with the existing sidewalk on the adjacent property.

Landscape buffers are provided along all sides of the property except the western property boundary where it abuts another commercial use. The applicant is proposing a landscape berm with required plantings in order to achieve a 30% reduction in the required 30' landscape buffer along Midland Rd. A 15' landscape buffer is provided along the Williams Rd. side of the property. The general concept plan also shows a proposed 30% reduction in the required 30' landscape buffer along the southern property line that abuts single family development by providing fencing in conjunction with the required plantings.

This site contains no floodplains and is not located within a watershed protection district. However, there appears that a blue line stream and wetlands may be present on the site. A 30' undisturbed buffer will be required on either side of a "blue line stream" as indicated on the most recent versions of U.S. Geologic Survey 1:24,000 scale topographical map and along the edge of identified wetlands. The applicant and staff are working with the US Army Corps of Engineers and the North Carolina Department of Environmental Quality (NCDEQ) to verify any potential stream or wetland.

The applicant is proposing to improve Williams Rd. for the entire length of property frontage and will have to be constructed to Village standards. The applicant is asking for a condition that will waive the curb and gutter requirement in the Engineering Standards and Specifications Manual (ESSM).

Stormwater management is indicated to be provided on the south west area of the site and will have to meet requirements of NCDEQ and the Village.

Public water and sewer are available and will be provided by Moore County Public Utilities (MCPU). MCPU have reviewed the general concept plan and deemed it be satisfactory.

There may not be adequate fire flow to serve the largest proposed building based on the ISO fire flow calculations and flow test results. Pending a model run to verify, the applicant may have to provide additional fire suppression measures such as install fire sprinklers, fire walls, etc.

The applicant is asking for a condition to limit the uses allowed for this property as follows:

USES		SR	Parking Required (Space/SF)
RESIDENTIAL		NA	
OFFICE/SERVICE			
Banks, Credit Unions, Financial Services	X		1/300
Business Support Services	X		1/300
Medical Clinic	X		1/200
Personal Services	X		1/300
Professional Services	X		1/300
COMMERCIAL/ENTERTAINMENT			
General Retail	X,SR	13	1/300
Restaurant	X,SR	15	1 per 3 seats
CIVIC			
Civic/Cultural Facilities	X		1/300
Religious Institution	X		1 per 3 seats
EDUCATION/INSTITUTION			
Studio – art, dance, martial arts, music	X		1/300
AUTOMOTIVE		NA	
INDUSTRY/WHOLESALE/STORAGE		NA	
AGRICULTURE		NA	
INFRASTRUCTURE		NA	
ACCESSORY USES			
ATM	X		2
Concealed Wireless Telecommunication Facility	X,SR	103	None
Fuel/Propane Tanks	X,SR	114	None
Accessory Buildings	X,SR	108	None
Accessory Structure	X,SR	110	None
TEMPORARY USE			
Temporary Facilities during replacement of existing facilities or until permanent establishment of new facilities	X,SR	201	per principal use in the PDO
Yard Sales	X,SR	205	None

X-Permitted by Right

SR-Special Requirements to be met per the PDO

The applicant is asking for the following conditions:

1. Limit the permitted uses to those shown on the general concept plan and table in the project narrative.
2. A waiver for the requirement of curb and gutter on Williams Rd.

Planning and Zoning Board Action:

After holding a public hearing on the proposed zoning map amendment, the Planning and Zoning Board must adopt a consistency statement describing how the proposed amendment is or is not consistent with the Long Range Comprehensive Plan and may recommend approval or denial of the map amendment to Village Council. If the board recommends approval of the proposed amendment but it is not consistent with the Long Range Comprehensive Plan then the plan is deemed to be amended.

If there are more questions or concerns that need to be addressed, the Planning and Zoning Board can continue the public hearing to a specific date, place and time but a recommendation to Village Council must be made within 30 days of the first scheduled public hearing of this board.

The Planning and Zoning Board can ask to impose more conditions that are not included with proposal but the applicant must consider and agree to any additional or different conditions.

Staff Recommendation and Comprehensive Plan Consistency Statement:

The Planning Staff recommends the Planning and Zoning Board adopt one of the following consistency statements and recommendations to Village Council.

Recommend Approval:

Page 60 of the 2010 Comprehensive Long Range Plan indicates businesses serve the different needs of the community and can have a significant impact on the character of Pinehurst. Page 60 also indicates that the locations of business zones and types of uses allowed in the various business zones be reviewed for consistency with the overall land use vision/community structure for Pinehurst.

This proposal takes into account that this new location of a business area can serve the different needs of the community and this proposal and the proposed uses enhance the overall character of the community. Therefore, this amendment is consistent with the goals of the 2010 Comprehensive Long Range Plan and achieving goals in accordance with the Comprehensive Plan and other planning documents of the village is considered reasonable and in the best interest of the public.

Recommend Denial:

Page 59 of the 2010 Comprehensive Long Range Plan indicates that Pinehurst's residential neighborhoods are the backbone of the community and a major strategy should be to protect existing residential neighborhoods.

Page 60 of the 2010 Comprehensive Long Range Plan indicates businesses can have a significant impact on the character of Pinehurst and that the locations of business zones and types of uses allowed in the various business zones be reviewed for consistency with the overall land use vision/community structure for Pinehurst.

This proposal would not protect the existing residential neighborhood as mentioned in the 2010 Long Range Comprehensive Plan and does not enhance the overall character of the community. Therefore this amendment is not consistent with the goals of the 2010 Comprehensive Long Range Plan. Achieving goals in accordance with the Comprehensive Plan and other planning documents of the village is considered reasonable and in the best interest of the public.

Recommend Approval and amendment to the Comprehensive Long Range Plan:

Page 59 of the 2010 Comprehensive Long Range Plan indicates that Pinehurst's residential neighborhoods are the backbone of the community and a major strategy should be to protect existing residential neighborhoods.

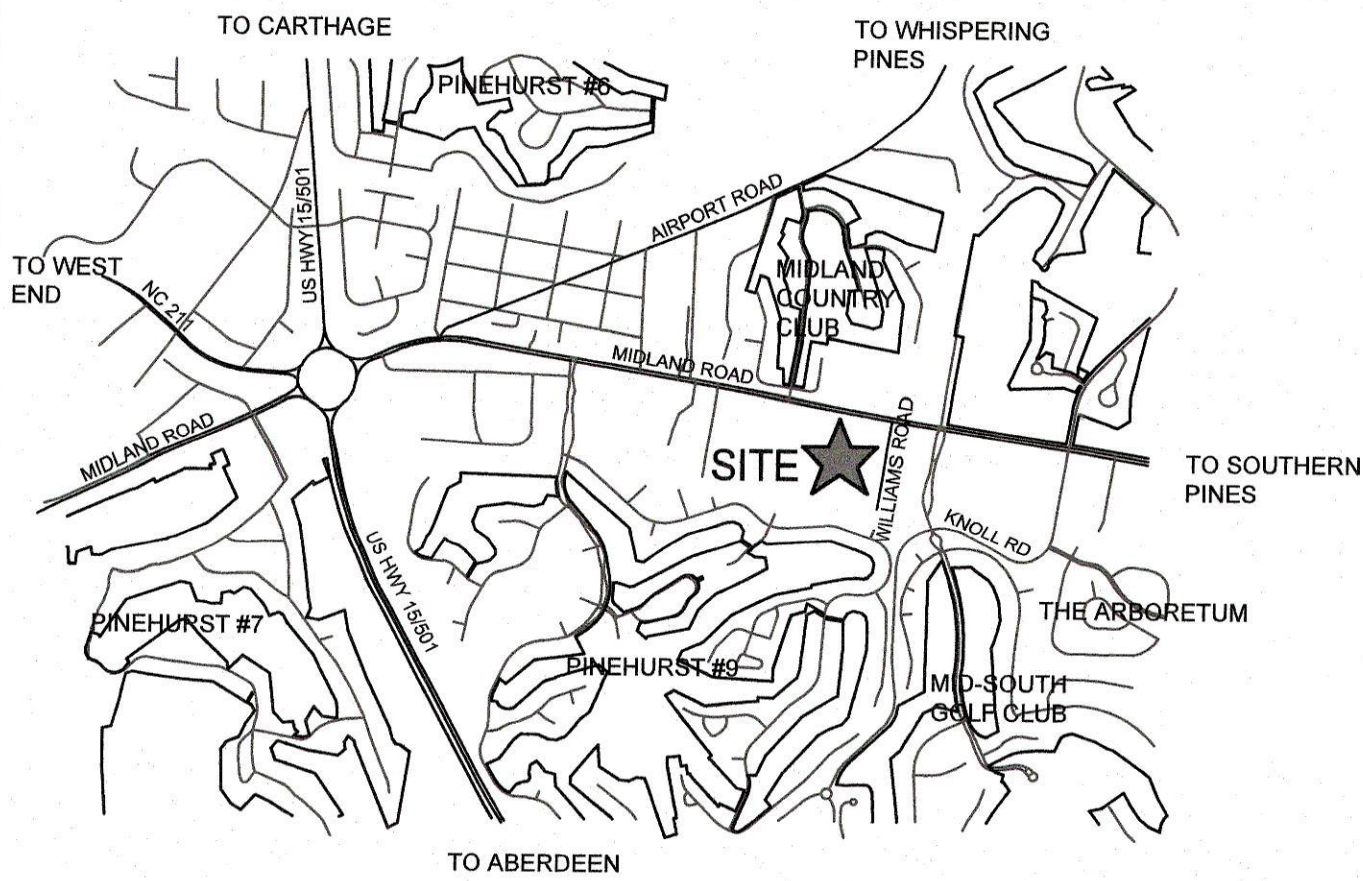
Page 62 (map) and Page 63 of the 2010 Comprehensive Long Range Plan indicates areas to be considered for new business zones.

This proposal would not protect the existing residential neighborhood as mentioned in the 2010 Long Range Comprehensive Plan and is not shown as a potential new business or commercial node. Therefore this amendment is not consistent with the 2010 Comprehensive Long Range Plan and the plan is hereby amended. The Village needs to promote and assist business vitality in order to serve the different needs of the community and thus this amendment is considered reasonable and in the best interest of the public.

Area Zoning Map



VICINITY MAP: NOT TO SCALE



DEVELOPMENT DATA:

EXISTING CONDITIONS:

OWNER: JAMES R. WICKER & NANCY WICKER GOODING
3417 HORSESHOE BEND
RALEIGH, NC, 27815
PARCEL ID #: 00041232
DEED BOOK: 2007E, PAGE: 673
ZONING(CURRENT): R-30 RESIDENTIAL
AREA: 1.86 ACRES
EXISTING STRUCTURES: NONE
EXISTING IMPERVIOUS SURFACE: NONE
100 YR FLOODPLAIN: SITE IS NOT WITHIN 100 YR FLOODPLAIN, ZONE X
RIVER BASIN: CAPE FEAR
SUB-BASIN: NONE

PROPOSED DEVELOPMENT CONDITIONS:

ZONING (PROPOSED): NC-CD
OVERLAY DISTRICTS: NONE
HIGHWAY CORRIDOR BUFFER: MIDLAND ROAD, CLASS 3
RESIDENTIAL BUFFER: CLASS 3
US FISH & WILDLIFE: SITE IS WITHIN RED COCKADED WOODPECKER ACTIVE CLUSTER SOPI 37
NO KNOWN CAVITY TREES EXIST ON SITE

PROPOSED USE: COMMERCIAL, OFFICE, AND/OR PROFESSIONAL SERVICES

PROPERTY DIMENSIONAL REQUIREMENTS & SETBACKS: (USE NC ZONING DISTRICT REQUIREMENTS)
MIN. LOT SIZE: 10,000sf
MIN LOT WIDTH: 75' (PER SR-2)
FRONT: 25'
SIDE: 10'
SIDE STREET: 15'
REAR: 20'
MAX. BLDG. HT: 35'
MAX. IMPERVIOUS SURFACE: 70% (1.30 ac.)

PROPOSED BUILDINGS: 13,200sf
PARKING REQUIRED: 67 SPACES (BASED ON 1 SPACE / 200sf BLDG.)
PARKING PROVIDED: 67SPACES (61 STANDARD & 6 HANDICAP)
HANDICAP PARKING REQUIRED: 3
HANDICAP PARKING PROVIDED: 6 (ACCESSIBLE TO ALL BLDGS.)
PROPOSED IMPERVIOUS SURFACE: 54% (0.99 ac.)(43,000sf)

OPEN SPACE REQUIRED : NONE

PROPOSED NEW WATERLINE: 560 IF (8" DUCTILE IRON PIPE)
PROPOSED SANITARY SEWER LINE: 375 IF (8" PVC)
PROPOSED STORM DRAIN LINES: 925 IF (RCP, SIZE TO BE DETERMINED)

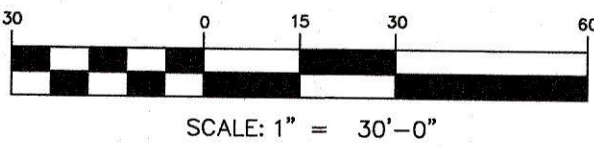
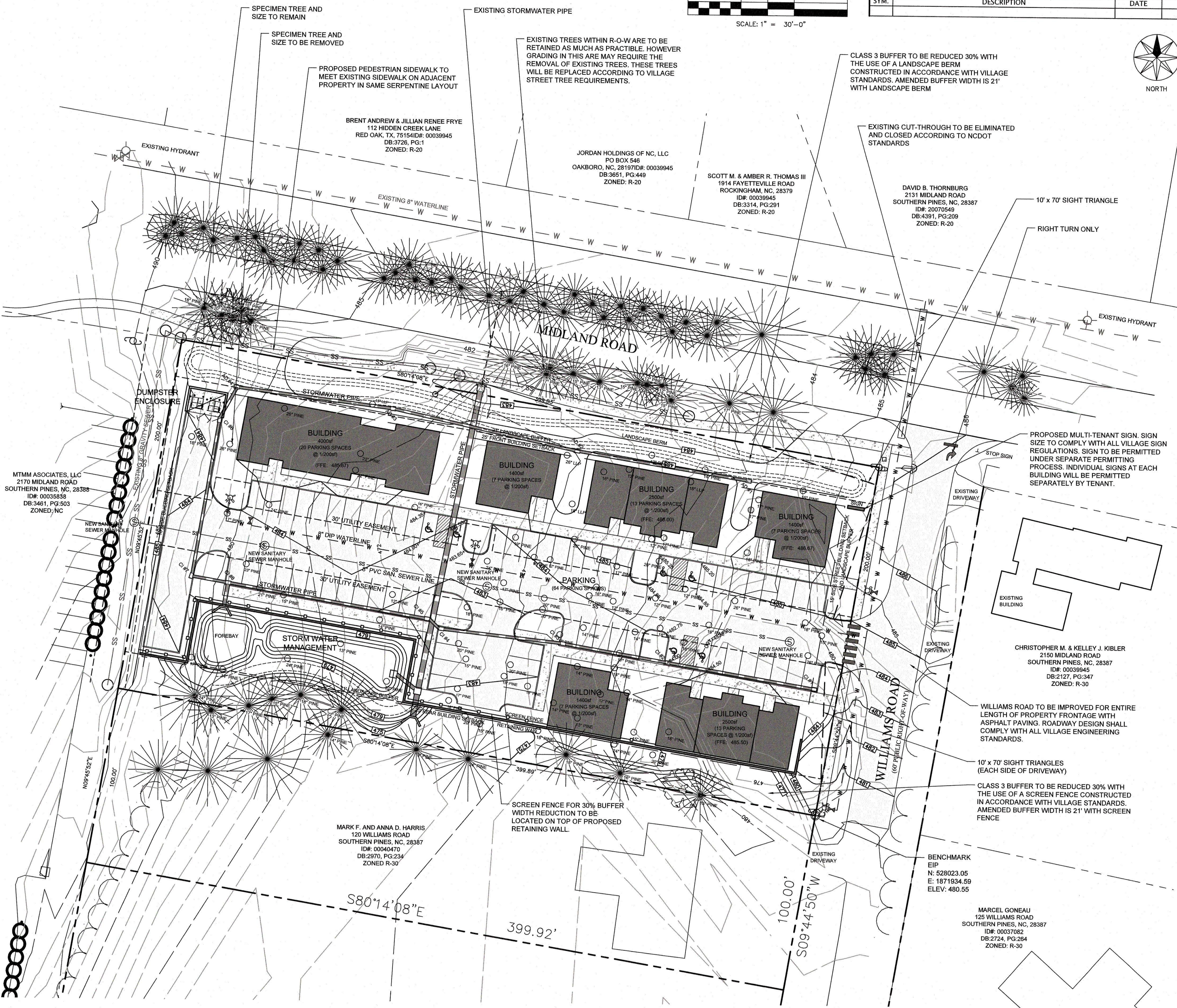
LINEAR FOOTAGE PUBLIC ROAD IMPROVEMENTS: 227 IF
LINEAR FOOTAGE OF PROPOSED INTERNAL DRIVES: 535 IF

NOTES:

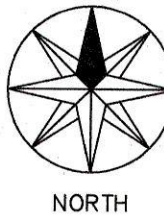
- PROJECT BOUNDARY SURVEY, TOPOGRAPHY, AND EXISTING CONDITIONS TAKEN FROM SURVEY PREPARED BY JEFF GREEN, PLS. DATED 12-5-2018.
- EXISTING PINE TREES SHOWN TO REMAIN ARE ALL 10" DBH OR LARGER.
- PROJECT SIGNAGE TO BE DESIGNED AND PERMITTED UNDER SEPARATE PERMIT.
- STREET TREES AND LANDSCAPING TO BE PROVIDED PER VILLAGE DEVELOPMENT ORDINANCE.
- STORMWATER MANAGEMENT SHALL USE BEST MANAGEMENT PRACTICES TO CONFORM TO VILLAGE REQUIREMENTS.
- MAIL KIOSK LOCATION AND TYPE TO BE APPROVED BY UNITED STATES POSTAL SERVICE.
- THERE ARE NO PROPOSED ROAD IMPROVEMENTS FOR MIDLAND ROAD. ANY IMPROVEMENTS TO MIDLAND ROAD WILL BE PER ANY NCDOT REQUIREMENTS. WILLIAMS ROAD SHALL BE IMPROVED WITH ASPHALT PAVING. ALL IMPROVEMENTS SHALL COMPLY WITH VILLAGE OF PINEHURST STANDARDS.
- ANY PHASING OF THE PROJECT SHALL BE ADDRESSED WITH FURTHER DEVELOPMENT OF THE PROJECT DESIGN.

DEVELOPMENT CONDITIONS:

- NOT ALL PERMITTED USES WITHIN THE NC ZONING DISTRICT WILL BE ALLOWED WITH THIS DEVELOPMENT. THE PERMITTED USES WHICH WILL BE ALLOWED ARE AS FOLLOWS:
OFFICE / SERVICE: BANKS, CREDIT UNIONS, FINANCIAL SERVICES, BUSINESS SUPPORT SERVICES, MEDICAL CLINICS, PERSONAL SERVICES, PROFESSIONAL SERVICES
COMMERCIAL / ENTERTAINMENT: GENERAL RETAIL, RESTAURANT
CIVIC: CIVIC/CULTURAL FACILITIES, RELIGIOUS INSTITUTION
EDUCATION / INSTITUTION: STUDIO - ART, DANCE, MARTIAL ARTS, MUSIC
ACCESSORY USES: ATM, CONCEALED WIRELESS TELECOMMUNICATIONS FACILITY, FUEL/PROPANE TANKS, ACCESSORY BUILDINGS, ACCESSORY STRUCTURE
TEMPORARY USES: TEMPORARY FACILITIES DURING REPLACEMENT OF EXISTING FACILITIES OR UNTIL PERMANENT ESTABLISHMENT OF NEW FACILITIES, YARD SALES
- A WAIVER FOR THE REQUIREMENT OF CURB & GUTTER ON WILLIAMS ROAD WILL BE REQUESTED SO THAT NO CURB & GUTTER WILL BE REQUIRED ON WILLIAMS ROAD.



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

CONCEPTUAL
SITE PLAN

MIDLAND ROAD
BUSINESS PARK

Pinehurst, North Carolina

PROPOSED MULTI-TENANT SIGN. SIGN SIZE TO COMPLY WITH ALL VILLAGE SIGN REGULATIONS. SIGN TO BE PERMITTED UNDER SEPARATE PERMITTING PROCESS. INDIVIDUAL SIGNS AT EACH BUILDING WILL BE PERMITTED SEPARATELY BY TENANT.

CHRISTOPHER M. & KELLEY J. KIBLER
2150 MIDLAND ROAD
SOUTHERN PINES, NC, 28387
ID#: 00039945
DB:2127, PG:347
ZONED: R-30

WILLIAMS ROAD TO BE IMPROVED FOR ENTIRE LENGTH OF PROPERTY FRONTAGE WITH ASPHALT PAVING. ROADWAY DESIGN SHALL COMPLY WITH ALL VILLAGE ENGINEERING STANDARDS.

10' x 70' SIGHT TRIANGLES
(EACH SIDE OF DRIVEWAY)

CLASS 3 BUFFER TO BE REDUCED 30% WITH THE USE OF A SCREEN FENCE CONSTRUCTED IN ACCORDANCE WITH VILLAGE STANDARDS. AMENDED BUFFER WIDTH IS 21' WITH SCREEN FENCE

BENCHMARK
EIP
N: 528023.05
E: 1871934.59
ELEV: 480.55

MARCEL GONEAU
125 WILLIAMS ROAD
SOUTHERN PINES, NC, 28387
ID#: 00037082
DB:2724, PG:264
ZONED: R-30

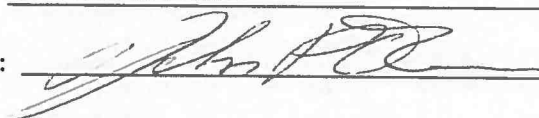


Application for
Amendment to Zoning Map
(revised 3/14/17)

Applicant

Name: O'Connor Consulting, LLC, John O'Connor Telephone: 910-603-5026

Address: 85 Bel Air Drive Email: Pinehurst, NC28374

Signature:  Date: _____

Note: If more than one applicant, please provide a separate document listing all applicant information and their signatures.

Parcel ID #: 00041232 PIN 857205187144

(attach separate list if necessary)

Present zoning classification: R-30 Residential

Requested zoning classification: Neighborhood Commercial (NC) Conditional District

Current Land Use: Vacant, Wooded

Number of parcels: 1 Approximate size of area: 1.86 acres

Physical location of area: SW quadrant of the intersection of Williams and Midland Road

Are public utilities available?: Yes

Reason for map amendment:

To rezone property from Single Family Residential to Neighborhood Commercial (office retail)

Note to Applicant By signing and submitting this application you are hereby certifying that this application and submittal, including all additional items, to be complete and accurate.

Seller's ACKNOWLEDGEMENT of Buyer's Re-zoning Request

We, the OWNERS/SELLERS, of the property described below, acknowledge that the BUYERS (O'Conner Consulting, LLC) are submitting at their expense an Application for re-zoning of this property.

Parcel ID # 00041232 **PIN** 857205187144

Present Zoning Classification: R-30 Residential

Requested Zoning Classification: Neighborhood Commercial (NC) Conditional District

Current Land Use: Vacant, Wooded

Number of Parcels: 1 **Approximate Size:** 1.86 acres

Physical Location: SW quadrant of the intersection of Williams Rd and Midland Rd

Nancy Wicker Gooding

Date: 1/2/19

Nancy Wicker Gooding

James R. Wicker, Jr.

Date: 1/2/19

James R. Wicker, Jr.



Engineering
Landscape Architecture
Planning

WICKER PROPERTY – 1.86 ACRE PARCEL LOCATED ON MIDLAND ROAD AND WILLIAMS ROAD.

Project Narrative

The development of the Wicker Property as provided in the exhibits and attached to this application will blend the intent of the Future Land Use Plan as shown on the Pinehurst 2011 Comprehensive Long Range Plan (CLRP) with the neighboring parcels. The 1.86 acre tract currently lies within the Village's Limits, as shown on the "Official Zoning Map". This parcel is currently zoned as R30 – Residential. This proposal requests the property be zoned Neighborhood Commercial Conditional District (NC-CD) establishing a Conditional District to permit the construction of a Commercial Business Development.

The design of this development will adhere to the Pinehurst Development Ordinance (PDO) and will follow the NC zoning conditions as well as establishing a Conditional District that excludes numerous uses currently allowed in this district. A summary of allowable uses for this development are included in a table in this narrative.

Existing Conditions

The site is located on the south side of Midland Road and west of Williams Road, on an unimproved Village Street having an 60ft right of way. The Site generally slopes away from Midland Road with a north/south draw extending through site and interior to the site the elevations range from 485' to 472' with the lower elevations being approximately midway in the site. The site is wooded with a mix of pines and hardwoods and undergrowth. No existing structures, wetlands, streams, flood zones, or high-quality water areas exist on site, nor is the site located in a delineated watershed. The site is undisturbed and wooded. Historical aerial photographs do not show any previous uses dating back to 1993. The Site is located within an active partition of SOPI 37 cluster of the RCW, however there are no known cavity trees on site. A foraging habitat analysis concluded the project is not likely to result in a habitat-related "take" of red-cockaded woodpeckers occupying cluster SOPI 37. There are no other known significant wildlife resources on site.

Project Design

The proposed development would include specified uses within the NC Zoning District and would include six (6) free standing buildings ranging from approximately 1,400 sf to approximately 4,000sf. The buildings would be situated on the northern and southern edges of the site building envelope with access drives and parking extending east/west through the middle of the site. The internal parking design surrounded by the buildings and landscaping will establish a natural buffer from neighboring properties. The site would gain vehicular access from Williams Road, no new accesses are planned on Midland Road and it is the intention to improve Williams Road all the way to the southern boundary of the subject tract with asphalt per Village Standards. Utilities to the site will extend from Moore County Public Utilities water and sewer mains adjacent to the site. Stormwater management will be managed on site as shown on the General Concept Plan.

Streets and Access

The site will connect to and improve Williams Road out to Midland Road. Improvements to Williams Road will be constructed in accordance with Village Standards. The access will be a 20' (min) ribbon pavement and ditch section and will be constructed to Village of Pinehurst standards. Access into the site to the new buildings will be a 24ft drive isle and a "Hammerhead" on the west side of the site. All radii and turn arounds will be constructed to accommodate emergency service vehicles. Interior to the site pavement sections will have turned down sidewalks and curb and gutter sections. The improved section of Williams Road will also result in reducing the on-going maintenance required by Village of Pinehurst Public Works staff and resources.

The Midland Road Corridor Study completed by Kimley-Horn and Associates, Inc. for NCDOT, Village of Pinehurst, and the Town of Southern Pines provided a framework for implementing improvements along Midland Road. Access Management was one of many issues described in the Study. "This is a major issue currently facing Midland Road, particularly as it relates to the number of median openings, which are a combination of paved, gravel, and natural surfaces." The Study went on to say, "In addition to the impact on vehicular crashes, poor access management can create an unsafe condition for bicyclists and pedestrians. Improving the efficiency and safety of the roadway through access management is critical to the sustainability of the corridor." The study analyzed the existing median breaks and consequently proposed to eliminate several crossovers to achieve proper corridor spacing. The existing gravel opening at Williams Road is proposed to be eliminated. Williams Road would then operate with right-in/right-out movements only, promoting a safer ingress/egress for the existing residence living on Williams Road.

A Trip Generation Analysis was completed by Kimley-Horn and Associates, Inc. for the proposed Business Park. The Report concluded that during the AM Peak Hour the development would generate an additional 17 trips coming into the property and 3 trips leaving. The PM Peak Hour shows 6 incoming trips and 18 leaving. The Report concluded that a more robust Traffic Impact Analysis is not needed due to the low impact site traffic will have on the surrounding network.

Parking

The Parking requirements were established based on the anticipated uses of the site. The total square footage of the proposed buildings on the site is 13,200sf. The required parking calculation was based on one space per 200 square feet of building which is one of the most stringent parking requirements in the PDO that equates to a required parking of 67 spaces. The Concept Plan depicts 67 spaces provided. Of those spaces the PDO requires 3 Handicap spaces, the plan provides 6 Handicap spaces accessible to all buildings. A parking summary by use is also included in the attached table of uses for a Conditional District approval.

Pedestrian Connectivity

Internal sidewalks will be provided and a new sidewalk on Williams Road that will connect to a new sidewalk on Midland Road that will tie-in to the existing sidewalk to the west at the Carolina Eye Facility and constructed similarly.

Open Space

In the Neighborhood Commercial District Open Space is not required, however with the required buffers and setbacks there will be well landscaped open areas throughout the site.

Setbacks and Buffers

Setbacks are proposed as follows:

Front:	25'
Side:	10'
Side Street:	15'
Rear:	20'

Buffers: In the NC Zoning District Buffers are required when abutting properties of differing zoning. The Carolina Eye parcel to the west is of similar zoning and requires compliance with the building setbacks. The residential parcel to the south having a R-30 zoning requires a 30ft buffer that we have proposed a 30% reduction with a screen fence as allowed in the PDO. The Midland Road buffer is to be a Class 3 Buffer also with a proposed 30% reduction by use of a landscaped berm also as allowed for in the PDO. There will be a 15' side street setback and landscape buffer along Williams Road.

Lighting

Site lighting will be provided per the PDO and the developer will obtain a site lighting plan from Duke Energy.

Utility Service

This project will connect to the existing Moore County Public Utilities 8" water main on the north side of Midland Road and extend water mains into the site for domestic and fire service. The site water main will extend through the center of the drive isle in a utility easement.

This project will also connect to the existing Moore County Public Utilities 8" sanitary sewer that extends along the western side on the site on an easement between the Carolina Eye Site and the Subject Parcel. A new sanitary sewer line will be installed through the drive isle in a utility easement and will extend to the eastern extents of the subject parcel. Utility easement(s) will be provided throughout the site for the sewer system to Moore County Public Utilities. Sewer service to the site will remain as "Public".

Stormwater

Stormwater runoff will meet the requirements of the State and Village as required. The project proposes one stormwater control measure on-site to meet these requirements. The property does not fall within a designated watershed and is not located in "High Quality Waters". Additional impervious areas will be accounted for in the detailed design phase of stormwater control.

measures. The stormwater management device is intended to be located on the southern side of the property. Water entering the site from an existing culvert crossing of Midland Road will be piped through the site and discharged on the south side of the site at a flared end section and velocity dissipater.

Impervious Surface:

The maximum impervious area for site is 1.30 acres or 70% of the site. In no case will the impervious area exceed the maximum allowable impervious for the NC-CD District.

Soil Erosion and Sediment Control

A Soil and Erosion Control Permit will be obtained for the site through NCDEQ as the site will disturb more than one contiguous acre.

TABLE OF USES – NC CONDITIONAL DISTRICT MIDLAND BUSINESS PARK

MIDLAND BUSINESS PARK NC-CONDITIONAL DISTRICT			
USE TYPES			Parking Reqd. (Space/SF)
RESIDENTIAL	NA		
OFFICE/SERVICE	NC	SR	
Banks, Credit Unions, Financial Services	X		1/300
Business Support Services	X		1/300
Medical Clinic	X		1/200
Personal Services	X		1/300
Professional Services	X		1/300
COMMERCIAL/ ENTERTAINMENT	NC	SR	
General Retail	X,SR	13	1/300
Restaurant	X,SR	15	1 per 3 Seats
CIVIC	NC	SR	
Civic/Cultural Facilities	X		1/300
Religious Institution	X		1 per 3 Seats
EDUCATION/ INSTITUTION	NC	SR	
Studio - art, dance, martial arts, music	X		1/300
AUTOMOTIVE	NA		
INDUSTRY/ WHOLESALE/ STORAGE	NA		
AGRICULTURE	NA		
INFRASTRUCTURE	NA		
ACCESSORY USES	NC	SR	
ATM	X		2
Concealed Wireless Telecommunication Facility	X,SR	103	None
Fuel/Propane Tanks	X,SR	114	None
Accessory Buildings	X,SR	108	None
Accessory Structure	X,SR	110	None
TEMPORARY USE	NC	SR	
Temporary Facilities during replacement of existing facilities or until permanent establishment of new facilities	X,SR	201	per principal use
Yard Sales	X,SR	205	None

X-Permitted by Right

SU-Special Use Permit

SR-Special Requirement

Midland Road and Williams Road Property Owner

RE: Neighborhood Meeting Request for the Proposed Midland Business Park
Wicker Track (Parcel ID# 00041232)

Dear Neighbor,

We as Owners of the subject tract have authorized and support O'Connor Consulting in their efforts in the rezoning of our 1.86 acre parcel (Wicker Tract) at the intersection of Midland Road and Williams Road that adjoins your property. As part of a pending rezoning a neighborhood meeting will be held to discuss the plans for the project and for the opportunity to meet with you and to inform you of the plans for the property and to address to questions and concerns you may have. The rezoning request would change the current zoning from R-30 (Residential) to Neighborhood Commercial – Conditional District (NC-CD). This change in zoning with the "Conditional District" will provide for specific uses and conditions for the Property that are being requested in this Zoning District.

The Neighborhood Meeting is scheduled for 6:30 to 7:30 pm on March 21, 2019 in the meeting chambers of the Village of Pinehurst Town Hall at 395 Magnolia Road in Pinehurst. The design consultant LKC Engineering, PLLC will be conducting the meeting and will have a copy of the conceptual plan for the site as well as architectural renderings of the proposed buildings. Your comments and feedback are important to as this process continues.

Look forward to seeing you on the 21st.

Sincerely,

James R. Wicker, Jr.
Nancy Wicker Gooding

Copy to: John O'Connor
O'Connor Consulting, LLC
85 Bel Air Drive
Pinehurst, NC 28374

Tim Carpenter, LKC Engineering, PLLC
tim@lkcengineering.com

MIDLAND BUSINESS PARK

NEIGHBORHOOD MEETING

3/21/19

NAME	ADDRESS	EMAIL
Chris & Kelley Kibler	2150 Midland Rd	KKibler@nc.rr.com
Marylou & Joey Vecchione		
for Jerry Jordan	2137 Midland	jerry@jje-inc.com
Martha Parsons	140 Williams Rd.	
Mary O. McAden	140 Williams Rd.	
Bill Fields	120 W	
Jill Quady		
Anna Mark	120 Williams Rd.	aldharris73
Jonest Eli Harris	50. Pines NC	@hotmail.com
	28387	mharris@buysod.com

MIDLAND ROAD BUSINESS PARK

Neighborhood Meeting

Question, Answers, and Comments

March 21, 2019

Meeting conducted by Tim Carpenter of LKC Engineering on behalf of the applicant/developer, John O'Connor of O'Connor Consulting. Neighborhood Meeting Attendees list is attached. The questions and comments listed below are from the meeting attendees and the answers are from Tim Carpenter.

Tim Carpenter began the meeting by explaining the project and the intent of the rezoning.

Q: Will there be additional asphalt?

A: Yes. The parking lot will be asphalt and Williams Road will be asphalt along the property frontage. Both will be designed to the Village of Pinehurst Standards.

Comment: The additional asphalt will increase the heat in this area.

Comment: With all the existing developments that have vacant tenants, I think this development should go in those vacancies, not here.

Q: How will school bus pick up occur and isn't the additional traffic going to create traffic problems?

A: I'm not sure how officials will alter school bus pick up with this development. Kimley-Horn & Associates completed a trip generation analysis that concluded 17 trips entering / 3 exiting during the AM Peak Hour and 6 entering / 18 exiting during the PM Peak Hour. They (KHA) also concluded that additional analysis is not needed for this site due to the low impact traffic will have on the surrounding network.

Q: With the existing zoning of the property, how many homes could be built on the property?

A: By subdividing the parcel, two homes could fit. Considering existing topography, the driveway attachments to Midland Rd. may be difficult.

Comment: Carolina Eye is already noisy and we can see their parking light glare. The trash truck empties the dumpster at 5:00 AM which is very loud. This development will only add to the noise and light glare.

Response: The sight will comply with the Village Lighting Standards

Comment: Our kids have built forts and enjoying playing in those woods. Now that will be gone.

Q: Is this property under contract?

A: Yes.

Comment: The stormwater pond will hold water and will become a mosquito pit during the summer.

Response: It would be the intent that the pond is a dry pond and hold water during storm events and release water at a controlled rate.

Q: Can you let the developer know we do not want this property re-zoned?

A: Yes. We are taking meeting minutes and will provide those minutes to him.

Q: What happens next?

A: Explained Planning Board and Council meetings were next.

Q: What is the intended use of the buildings?

A: Commercial, Office, and/or Professional Services. Reiterated that the proposed zoning is Neighborhood Commercial – Conditional District. Explained that the Conditional District will be implemented to not allow many of the uses that are allowed in the Neighborhood Commercial Zoning District.

Q: Do you know how low the site is? Do you know how much fill material would be required?

A: Yes. Explained the topography of the site and how a retaining wall is proposed along the back of the site.

Q: What is the front setback for NC Zoning?

A: 25 feet.

Q: How will water and sewer be supplied with the proposed development?

A: Explained how water will tie-in to the existing watermain along Midland Road and how the sewer service will connect to the sewer main that is located in an easement adjacent to Carolina Eye.

Q/Comment: We moved on a dead-end road to not be near development. It's already loud around here.

A: Understood. We are here to present the proposed development on behalf of the developer, answer any questions we can, and get feedback from all here in attendance.

Q: Are any roadway improvements needed?

A: We have not contacted NCDOT but would not imagine a turn lane being required as no other development has been required to install one along Midland Road. They could require an abbreviated right-turn slip lane off Midland Road. Williams Road will become right-in / right-out as recommended by the Midland Road Corridor Study.

Q: Will we be notified of public hearings?

A: Explained the next steps are Planning and Zoning Board meeting and then Village Council meeting, both having public hearings. Stated that the Village will send out notifications in the paper as well as posting signs on the site for these hearings.

Closing Statement by Tim: Thank you all for coming and providing input. As I mentioned earlier, we wanted to hear the questions and concerns and provide as much feedback as we could. Please feel welcome to give me a call or email me if there are any additional questions that you all think of.

A list of notified surrounding property owners is attached as well as the sign-in sheet for the meeting of those in attendance.

Philip Picerno

From: Tim Carpenter
Sent: Tuesday, May 28, 2019 11:30 AM
To: Alex Cameron
Cc: Philip Picerno
Subject: Midland Business Park

Alex,

I wanted to let you know that I met with Ms. Dawn Apple, CEO of Carolina Eye Associates on May 14th, 2019 at her office regarding the Midland Business Park. Ms. Apple had sent Mr. O'Connor a letter that she was unable to attend the neighborhood meeting, the notice of the meeting went to MTMM Associates, LLC as the owner of the property. I did not realize that Carolina Eye leases from MTMM and therefor were not contacted directly. In my meeting with Ms. Apple I brought a copy of the General Concept Plan and site rendering and explained the project as presented at the neighborhood meeting. Ms. Apple was appreciative of the opportunity to understand the project, she did not represent Carolina Eye's position as supportive or against but did mention the project could have some possible benefits to their organization. I wanted to let you know that Carolina Eye had an opportunity to review and have the project explained to them as tenants of the property owned by MTMM Associates, LLC.

Any questions please let me know.

Thanks

Tim

TIM CARPENTER



LKC Engineering, PLLC
140 Aqua Shed Court
Aberdeen, NC 28315
Ph: (910) 420-1437
Fax: (910) 637-0096
Cell: (910) 639-2410
www.lkcengineering.com

LKC Engineering, PLLC

140 Aqua Shed Court * Aberdeen, NC 28315 * Phone (910) 420-1437
License # P-1095

Midland Business Park

Needed Fire Flow Calculation

$$NFFi = (Ci)(Oi)[1.0 + (X+P)i]$$

Refer to GUIDE FOR DETERMINATION OF NEEDED FIRE FLOW (EDITION 06-2014)

NFFi= the needed fire flow in gallons per minute

Ci = a factor related to the type of construction and effective area

Oi = a factor related to the type of occupancy

X = a factor related to the exposure hazard of the adjacent buildings

P = a factor related to the communication hazard with adjacent buildings

F = factors for construction class

1.5 Class 1 (Frame)

1 Class 2 (Jointed Masonry)

0.8 Class 3 (Non-combustible)

0.8 Class 4 (Masonry Non-combustible)

0.6 Class 5 (Modified Fire Resistive)

0.6 Class 6 (Fire Resistive)

1 Predominant construction type and the factor (F)

2 Effective area (A)

3 Substitute values for F and A in the formula $C=18F(A^{0.5})$

4 Round Construction factor (C) to nearest 250gpm

5 Occupancy Type and factor (O)

6 exposure building factor (X)

7 factor related to communications between buildings is (P)

8 F= 1.5 (Class 1-Frame)

A= 4000 sf (largest building)

C= $18 * F(A^{0.5}) = 1707.63$

Oi = 1

Table 330A(1) for X = 0

P = 0

NFFi = (Ci)(Oi)[1.0 + (X+P)i] = 1,707.6 gpm

Rounded to nearest 250gpm

NA

NA

Reduction for Sprinkler

gpm - Sprinkler Demand

Need Fire Flow:

Calculations by:

Philip A. Picerno

5-13-19





HYDRANT FLOW TEST REPORT

LOCATION: Midland Rd between BPS and Williams Rd

DATE: 3/6/2019

TIME: 1:05 PM

TEST MADE BY: ROBBIE BAKER

REPRESENTATIVE OF: MOORE COUNTY PUBLIC UTILITIES

WITNESS: CHRIS FULLER

PURPOSE OF TEST:

CONSUMPTION RATE DURING TEST: _____ GPM

IF PUMPS AFFECT TEST, INDICATE PUMPS OPERATING:

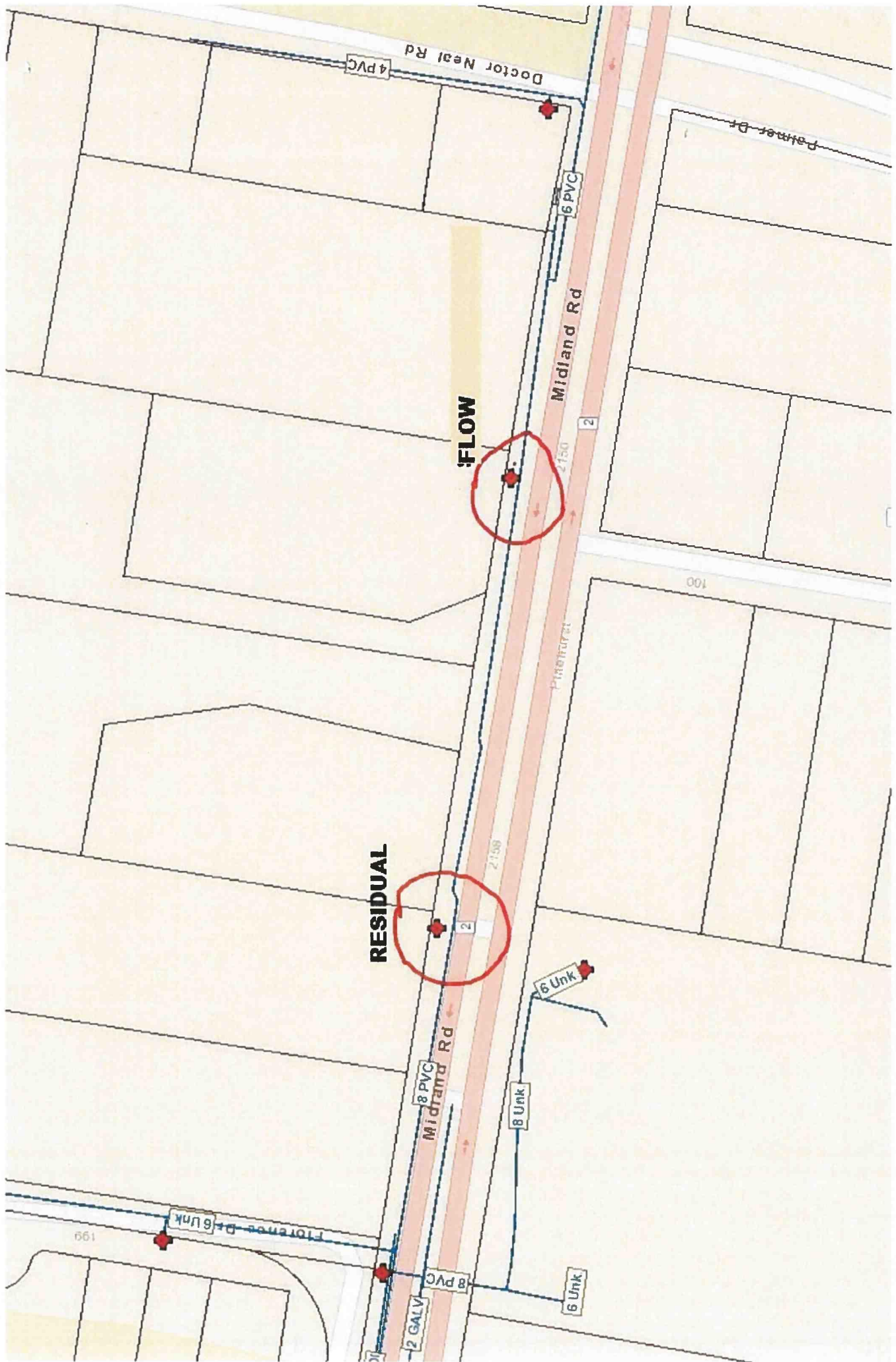
FLOW HYDRANT #s	A ¹	A ²	A ³
	2-24'		
SIZE NOZZLE:	2 1/2	IN	
PITOT READING:	40	PSI	
TOTAL GPM:	1060	GPM	

RESIDUAL HYDRANT #	2-172	
STATIC _B	72	PSI
RESIDUAL _B	54	PSI

PROJECTED RESULTS AT 20 PSI RESIDUAL 1880 GPM

REMARKS: CANON PARK TANK 32.8', WELLS OFF

MIDLAND BPS OFF



HYDRANT FLOW TEST REPORT

LOCATION: Midland Rd between BPS and Williams Rd

DATE: 3/12/2019

TIME: 1:43 PM

TEST MADE BY: CHRIS FULLER

REPRESENTATIVE OF: MOORE COUNTY PUBLIC UTILITIES

WITNESS: DARRELL ANDREWS

PURPOSE OF TEST:

CONSUMPTION RATE DURING TEST: _____ GPM

IF PUMPS AFFECT TEST, INDICATE PUMPS OPERATING:

FLOW HYDRANT #s	A ¹	A ²	A ³
	2-172		

SIZE NOZZLE:	2 1/2	IN
PITOT READING:	32	PSI
TOTAL GPM:	950	GPM

RESIDUAL HYDRANT #	2-24'	
STATIC _B	73	PSI
RESIDUAL _B	57	PSI

PROJECTED RESULTS AT 20 PSI RESIDUAL 1814 GPM

REMARKS: CANON PARK TANK 32.8', WELLS OFF

MIDLAND BPS OFF

February 5, 2019

Philip Picerno
LKC Engineering, PLLC
140 Aqua Shed Court
Aberdeen, NC 28315



RE: Midland Business Park - Trip Generation Analysis, Pinehurst, NC

2/5/2019

Kimley-Horn has prepared an analysis of the trip generation potential of the proposed Midland Business Park in Pinehurst, NC. As currently envisioned, the development of the site will include approximately 13,200 square feet of building space.

Traffic for the development has been generated using ITE 10th Edition rates. To present a conservative analysis, the trip generation was run two ways: 1) as general office space and 2) as a business park. The trip generation based on rates for general office space is shown in Table 1 below.

Table 1 ITE Trip Generation (Vehicles)							
Land Use	Size	Daily		AM Peak Hour		PM Peak Hour	
		In	Out	In	Out	In	Out
General Office (LUC 710)	13,200 sf	75	75	34	5	3	14

Table 1 shows that, when generated as office space, the proposed development is projected to generate approximately 150 new daily trips with 39 new trips in the AM peak hour and 17 new trips in the PM peak hour.

The trip generation based on rates for business park is shown in Table 2 below.

Table 2 ITE Trip Generation (Vehicles)							
Land Use	Size	Daily		AM Peak Hour		PM Peak Hour	
		In	Out	In	Out	In	Out
Business Park (LUC 770)	13,200 sf	82	82	17	3	6	18

Table 2 shows that, when generated as a business park, the proposed development is projected to generate approximately 164 new daily trips with 20 new trips in the AM peak hour and 24 new trips in the PM peak hour. It should be noted that the average rate was used for the business park daily trip generation due to the large y-intercept in the regression equation and the small size of the proposed building. Detailed trip generation calculations are attached for reference.

In either trip generation scenario, the proposed development is expected to generate significantly less than 1,000 daily trips and 100 peak hour trips. Therefore, a traffic impact analysis should not be needed for this site due to the low impact site traffic will have on the surrounding network.

Please feel free to contact me at (919) 653-2948 or travis.fluitt@kimley-horn.com if you have any questions or require any further information.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Travis Fluitt".

Travis Fluitt, P.E.

Senior Project Manager

Midland Business Park										
Table 1 - Trip Generation (General Office)										
Land Use	Intensity	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
710 General Office Building	13,200 s.f.	150	75	75	39	34	5	17	3	14

Midland Business Park										
Table 2 - Trip Generation (Business Park)										
Land Use	Intensity	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
770 Business Park1	13,200 s.f.	164	82	82	20	17	3	24	6	18

¹ For the Business Park land use, the average rate was used to calculate daily trips due to the large y-intercept in the regression equation and the small size of the building.

From: JuarezPozos, Dagoberto
To: Philip Picerno
Cc: Ricketts, Michael E; Cochran, Andrew C; McInnis, Robert R
Subject: RE: [External] FW: Midland Road Business Park
Date: Thursday, May 9, 2019 2:53:33 PM
Attachments: image001.png

Phillip,

After reviewing the proposed development and talking to the District Engineer, we will not require a turn lane for this development. If you have any questions or comments, please let me know.

Thank you,

Dago

Dagoberto Pozos, E.I.
Assistant District Engineer
Division 8 District 2

910-944-7621 Office
djuarezpozos@ncdot.gov

902 North Sandhills Blvd.
Aberdeen, NC 28315



*Email correspondence to and from this address is subject to the
North Carolina Public Records Law and may be disclosed to third parties.*

From: JuarezPozos, Dagoberto
Sent: Wednesday, May 8, 2019 4:53 PM
To: Philip Picerno <Philip@lkcengineering.com>
Cc: Ricketts, Michael E <mericketts@ncdot.gov>; Cochran, Andrew C <accochran@ncdot.gov>
Subject: RE: [External] FW: Midland Road Business Park

Philip,

I talked to the mark Thomson with roadside environmental, we would allow you to use dogwoods or redbuds for the closure. We would not allow any shrubs due to potential sight distance impacts. If you have any questions or comments let me know.

Thank you,

Dago

Dagoberto Pozos, E.I.

Assistant District Engineer

Division 8 District 2

910-944-7621 Office

djuarezpozos@ncdot.gov

902 North Sandhills Blvd.

Aberdeen, NC 28315



Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Philip Picerno <Philip@lkcengineering.com>

Sent: Tuesday, May 7, 2019 8:53 AM

To: JuarezPozos, Dagoberto <djuarezpozos@ncdot.gov>

Subject: [External] FW: Midland Road Business Park

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to report@ncdot.gov

Dago,

Good morning. Just checking in to see if you've had a chance to look at the email below.

Thanks,

Philip

Philip Picerno, P.E.

LKC

LKC Engineering, PLLC

140 Aqua Shed Court

Aberdeen, NC 28315
Ph: (910) 420-1437
Fax: (910) 637-0096
Cell: (910) 639-5063
Follow us on Instagram! @lkc_engineering

From: Philip Picerno
Sent: Tuesday, April 30, 2019 2:41 PM
To: JuarezPozos, Dagoberto <djuarezpozos@ncdot.gov>
Subject: Midland Road Business Park

Dago,

Per our conversation, I'm attaching the General Concept Plan and Trip Gen Letter for the proposed Midland Business Park. The proposed use will be a mix of office, commercial, and/or professional services. The Trip Gen letter only shows 17 Incoming / 3 Outing trips during the AM Peak and 6 incoming / 18 outgoing during the PM Peak.

To stay consistent with the Midland Road Corridor Study we are proposing to remove the median break on Midland Road, thus making the entrance to Williams Road, right-in/right-out only. Given the nature of the median break, I'd assume some sort of plantings would be the method of closure.

Based on the comment below from the Village of Pinehurst, can you please review the attached and provide comment.

1. Please provide documentation showing that NCDOT has reviewed and approved the concept plan and trip generation calculations. In addition, please provide info on how the existing gravel opening at Williams Road is proposed to be eliminated, with concurrence from NCDOT on this methodology.

Thank you,
Philip

Philip Picerno, P.E.

LKC

LKC Engineering, PLLC
140 Aqua Shed Court
Aberdeen, NC 28315
Ph: (910) 420-1437
Fax: (910) 637-0096
Cell: (910) 639-5063
Follow us on Instagram! @lkc_engineering



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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

May 10, 2019

Jeanette Sabo
Dr. J.H. Carter III & Associates, Inc.
P.O. Box 891
Southern Pines, North Carolina 28388

Re: Midland Road Business Park (LRK: 41232), Pinehurst, Moore County, North Carolina

Dear Ms. Sabo:

I have reviewed the subject Biological Assessment (BA) which considered project-related impacts to species federally-listed as threatened, endangered, or proposed for such listing. In particular, this document considered impacts to the endangered red-cockaded woodpecker (*Picoides borealis* = *Dryobates borealis*). 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).

The purpose of the proposed project is to construct a new business park on a 1.86 acre parcel located south of Midland Road, west of Williams Road, and east of Carolina Eye Associates in Pinehurst, North Carolina. The project will consist of 5 buildings and 70 parking spaces and will include a new water and sewer line along with storm-water detention area and access from Williams Road. The subject property is located within the foraging partition for active red-cockaded woodpecker cluster SOPI 37. There are no red-cockaded woodpecker cavity trees located on the project site.

The BA includes the results of a forage habitat analysis (FHA) for SOPI 37 which was completed in September 2012 and updated in September of 2015 and April of 2019. Forage values were based on field data collected using protocols listed in the Service's Bluebook Guidelines and evaluated using the Standard for Managed Stability (SMS). Under the 2003 revision of the Private Lands Guidelines, the Service applies the SMS to assess a landowner's potential forage habitat responsibility. This standard requires that each active red-cockaded woodpecker partition provide at least 3000 ft² of total pine basal area on a minimum of 75 acres in stands having the following criteria:

- a) pine stands must be at least 30 years old or older;
- b) average pine basal area of pine trees > 10 inches in diameter at breast height is between 40 and 70 ft²/acre;
- c) average pine basal area of pines < 10 inches in diameter at breast height is less than 20 ft²/acre;
- d) pine stands have no hardwood midstory or if a hardwood midstory is present, it is sparse and less than 7 feet in height; and,
- e) the total stand basal area, including overstory hardwoods, is less than 80 ft²/acre;

According to the Guidelines, pine stands can only be considered suitable foraging habitat if they meet criteria a-e above.

The Southern Pines/Pinehurst (SOPI) red-cockaded woodpecker groups have been monitored and studied for approximately 40 years. During that time "follow" data have shown that these groups are utilizing pine stands that contain various densities and heights of hardwood midstory and that many of these woodpecker groups have contained breeding pairs for decades. Therefore, the Service has agreed to classify pine stands in SOPI, and elsewhere in the RCWs range, as "potentially suitable" rather than unsuitable foraging habitat if they meet the SMS acreage and pine criteria, but exceed the Service's midstory height and density criteria. Removal of the midstory hardwood in these pine stands would result in an immediate reclassification from "potentially suitable" to "suitable" habitat. Further clarification of midstory criteria from the Service Recovery Coordinator allows for counting stands with a low midstory height regardless of density or a sparse midstory density regardless of height as "suitable".

Because of the robust source of data documenting foraging behavior of red-cockaded woodpeckers in the SOPI area, the Service agrees that, if sufficient data exists to support the decision, values for potentially suitable forage habitat, as defined above, can be added to those for suitable forage habitat when calculating a partition's forage base. Further, if the total pine basal area per acre exceeds the upper threshold in (b), and the excess is contributed by pine trees > 14 inches in diameter, then the stand can be considered suitable forage habitat. All pine basal area values referenced in this letter are based on half-mile radius forage partitions.

The calculated pre-project forage values for the SOPI 37 half-mile partition are 7,340.23 ft² of pine ba of suitable forage habitat on 72.97 acres and 5,230.40 ft² of pine ba of potentially suitable forage habitat on 51.84 acres. The proposed project will remove 182.86 ft² of pine ba on 1.78 acres of potentially suitable habitat in the cluster's foraging area. Post-project forage values for the SOPI 37 half-mile partition will be 7,340.23 ft² of pine ba of suitable habitat on 72.97 acres and 5,047.54 ft² of pine ba of potentially suitable forage habitat on 50.06 acres. The post project totals will remain above the minimum forage habitat requirement listed in the Service Private Lands Guidelines: 3000 square feet of basal area in pine stems greater than 10 inches on a minimum of 75 acres provided that both suitable and potentially suitable habitat are counted and **potentially suitable habitat is made suitable** for the half-mile partition assigned to SOPI 37. Therefore, the Service finds that this project is not likely to result in a habitat-related "take" of red-cockaded woodpeckers occupying cluster SOPI 37.

While the Service has determined that the project, as proposed, is not likely to result in a "take" of red-cockaded woodpecker habitat, this determination must be reconsidered if the project design is subsequently modified in a manner which was not addressed in this report, or if new information becomes available. Therefore, based on the information provided, your client has satisfied Fish and Wildlife Service guidelines related to red-cockaded woodpecker responsibilities under the Endangered Species Act. If you have any questions regarding the comments in this letter, please contact me at (910) 695-3323 ext. 10.

Sincerely,



Susan Ladd Miller
Fish and Wildlife Biologist



**PLANNING AND ZONING BOARD
MAY 2, 2019
ASSEMBLY HALL
395 MAGNOLIA RD.
PINEHURST, NORTH CAROLINA
4:00 PM**

The Pinehurst Planning and Zoning Board held a Meeting at 4:00 p.m., Thursday, May 2, 2019, in the Assembly Hall, at 395 Magnolia Road, Pinehurst, North Carolina. The following Board members were in attendance:

Leo Santowasso, Chair
Mike Marsh, Vice-Chair
David Kelley, Vice-Chair
Joel Shriberg, Board Member
Cyndie Burnett, Board Member
Jeremy Hooper, Board Member
Charles Russell, Board Member
Paul Roberts, Board Member

Board Members with Excused Absences:

Julia Lathan, Board Member

Staff in Attendance:

Alex Cameron, Senior Planner
Gwendy Hutchinson, Planning Administrative Assistant

There were 8 attendees, including staff.

I. Call to Order

Chair Leo Santowasso confirmed that a quorum was present and called the meeting to order. He acknowledged Sonja Rothstein as a newly appointed member of the Board.

II. Approval of Minutes

April 4, 2019 Draft Minutes

Leo indicated that a change was needed on page 2 to remove Kaye Pierson's name from the April 4, 2019 minutes as she was not at the meeting. Upon a motion by Joe Shriberg, and seconded by Mike Marsh, the Board unanimously approved the April 4, 2019 Draft Minutes, as amended.

III. New Business

Public Hearing No. 1

The purpose of the public hearing is to consider an Official Zoning Map Amendment. This map amendment includes three parcels of land consisting of approximately 1.6 acres further identified as Moore County PID #'s 20040078, 20040080 and 20040387. This amendment would zone the properties R-MF (Residential Multi Family). The properties are currently zoned RD (Recreational Development) and R-MF (Residential Multi-Family). The property is part of the Fairwood Estates Planned Unit Development. The applicant and property owners are James O'Malley, David Shupp and Walter Hess.

Upon a motion by David Kelley, seconded by Paul Roberts, the Board unanimously agreed to recess its regular meeting and enter into a Public Hearing.

Alex Cameron explained the purpose of Public Hearing No. 1, provided an overview of the staff report, and provided some additional background information on the request to rezone the subject parcels consistent with the site plan the Village approved in 1996.

Joel Shriberg indicated he owns a piece of the partnership (Fairwood Estates Joint Ventures) unit that has no financial interest in the current property under consideration for re-zoning and indicated he did not see a need to recuse himself from the vote. Joel indicated that the Village's authorization for the planned unit development several years ago did not allow multi-family development, rather it required the property be developed as single-family residential.

David Kelly inquired why other property nearby that also appears to be zoned incorrectly is not included in this rezoning request. Alex Cameron explained that staff could not initiate a rezoning and that the property owner would need to do that. Charles Russell and Cyndie Burnett indicated that the neighborhood does not appear to have been developed according to what was platted.

Mr. David Shupp, the applicant, indicated that his property is zoned recreation (RD), while the rest of the development is zoned multi-family (MF) and this application is to make the zoning on his property consistent with the rest of the neighborhood.

Paul Roberts inquired if a different zoning would be more appropriate and Alex Cameron indicated that the zoning requested is what the applicant had requested.

Cyndie Burnett inquired about the information indicated on the survey included in the application and Alex Cameron indicated Village staff require final plats to show present zoning of subject and adjacent properties.

After Jeramy Hooper asked Mr. Shupp if the homeowners association has a position on this application, the president of the homeowners association, Eric Eshelman, indicated support for the rezoning application.

Cyndie Burnette asked how Pinehurst Resort felt about the request and Alex indicated they were duly notified of the public hearing but the Resort had not expressed an opinion to staff.

Upon a motion by Joel Shriberg and seconded by David Kelley, the Board unanimously voted to close Public Hearing No. 1 and to re-enter into the regular meeting.

David Kelley made a motion to approve the rezoning request and adopt the comprehensive statement included in the April 25, 2019 staff report by Alex Cameron.

IV. General Business

Chair Santowasso reminded the board of the quasi-judicial training session being held by the UNC School of Government in Clayton the following week.

Chair Santowasso updated the board that Village staff will assume responsibility for studying the minimum heated square footage, as requested by Village senior staff, and will consult with members of the board as needed after the draft long-range comprehensive plan is delivered. Therefore, the subcommittee on minimum heated square footage will not meet anymore.

Alex Cameron informed the Board that Darryn Burich will become the Village's new Planning and Inspections Director on June 3rd. Alex also informed the board that Gwendy Hutchinson, Administrative Assistant, will be retiring at the end of May. The Board thanked Gwendy for her service.

Chair Santowasso asked if there were any comments from attendees. John Hoffman, 200 Everette Road, invited the Board to observe the clearcutting of trees around the Community Presbyterian Church and he indicated his displeasure with the expansion of parking.

Chair Santowasso reminded the Board and the public that there was a 5:30 pm meeting of the Board of Adjustment.

V. Next Meeting Date

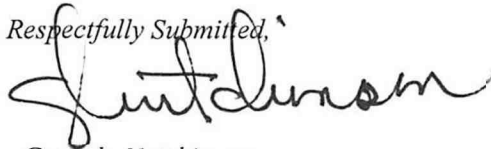
June 6, 2019

VI. Motion to Adjourn

Upon a motion by David Kelley and seconded by Cyndie Burnette, the board unanimously approved the motion to adjourn. The meeting adjourned at 4:40 pm.

A recording and videotape of this meeting are located on the Village website: www.vopnc.org.

Respectfully Submitted,



*Gwendy Hutchinson
Planning Administrative Assistant
Village of Pinehurst*

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.