



**VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF MAY 24, 2016
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

1. Call to Order.
2. Invocation and Pledge of Allegiance.
3. Reports:
 - Manager
 - Council
4. Presentation of Level 3 Milestone Award for Excellence.
5. Presentation of resolutions honoring members of the Beautification Committee (Bonville, Fallon, Halleen).
6. Motion to Approve Consent Agenda.

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

- A. Consider a resolution reappointing members to the Historic Preservation Commission (McChesney, Gwinn).
- B. Consider a resolution honoring a member of the Board of Adjustment and Planning and Zoning Board (Sapp).
- C. Consider a resolution honoring a member of the Community Appearance Commission (Bozarth).
- D. Budget Amendments Report
- E. Approval of Draft Village Council Meeting Minutes.
 - April 6 Special Meeting
 - April 12 Work Session
 - April 13 Special Meeting
 - April 26 Regular Meeting
 - April 26 Closed Session
- F. Public Safety Reports.
 - Police Department
 - Fire Department

End of Consent Agenda.

7. Consider the request for retiring police officer, Lt. Michael Wilson, to purchase service revolver.

8. Consider a contract for Legal Services for FY 2017.
9. Consider authorization of lease with Moore County for Rattlesnake Trail property.
10. Motion to recess the Regular Meeting and Enter into a Public Hearing.
11. Public Hearing No. 1
The purpose of this public hearing is to discuss the proposed Fiscal Year 2017 Budget for the Village of Pinehurst.
12. Public Hearing No. 2
The purpose of the public hearing is to consider an Official Zoning Map Amendment. This map amendment would rezone two parcels of land consisting of approximately .95 and 1.8 acres. These properties are addressed as 165 and 215 Dr. Neal Road. These properties are further defined as being Moore County LRK #'s 97000604 and 00036428. The properties are currently zoned Office and Professional (OP). This proposed map amendment would change the zoning of the properties to R-20 Residential (Single-family Residential w/ a minimum lot size of 20,000 sq. ft.). The applicant and the owner for this rezoning is Kenneth Rhea.
13. Public Hearing No. 3
The purpose of the public hearing is to consider an Official Zoning Map Amendment. This map amendment would rezone two parcels of land consisting of approximately .11 and 6.4 acres. These properties are addressed as 205 McCaskill Road East. These properties are further defined as being Moore County LRK #'s 00025962 and 00025798. The properties are currently zoned Neighborhood Commercial (NC), Village Mixed Use (VMU) and Public Conservation (PC). This proposed map amendment would change the zoning of the properties to Village Mixed Use-Conditional District (VMU-CD). The property contains a vacant office building and outbuilding. The proposed use of the property is 72 apartment units and a mixed use commercial building containing ±35,000 square feet. The applicant is John Allen with Kuester Companies and the owners of the properties are Moore Investment Group, LLC and Resorts of Pinehurst, Inc.
14. Motion to Adjourn Public Hearing and Re-Enter Regular Meeting.
15. Consider an ordinance adopting the Fiscal Year 2017 Budget.
16. Consider an ordinance amending the Official Pinehurst Zoning Map (165 and 215 Dr. Neal Road).
17. Consider an ordinance amending the Official Pinehurst Zoning Map (205 McCaskill Road East).
18. Other Business.
19. Comments from Attendees.
20. Motion to go into Closed Session pursuant to NCGS §143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness and conditions of appointment of an individual public employee.
Specifically, the Council will discuss the Interim Village Manager's performance review.
21. Motion to adjourn the Closed Session and re-enter the Regular Meeting.
22. Motion to Adjourn.

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

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

Values: Competent, Courteous, Professional, and Responsive.



**PRESENTATION OF LEVEL 3 MILESTONE AWARD FOR EXCELLENCE.
ADDITIONAL AGENDA DETAILS:**

FROM:

Natalie Dean

DATE OF MEMO:

5/13/2016

MEMO DETAILS:

North Carolina Secretary of Commerce John Skvarla will present the Village of Pinehurst with the Level 3 Milestone Award for Excellence. This award recognizes the Village's achievements in performance excellence, as measured by the Baldrige Performance Excellence Framework.

The Village of Pinehurst is the only municipality in the state of North Carolina to achieve this level of recognition, which is the result of the the Village's continuous improvement effort that began in 2012. This award was based on the Village's application that was submitted in June 2015 and verified by independent examiners during a three-day site visit in September.

I am proud of what our organization has accomplished since embarking on our continuous process improvement effort and congratulate the entire Village staff for their individual contributions to achieve Council's goals and objectives and our mission to "Promote, enhance, and sustain the quality of life for residents, businesses, and visitors."



**CONSIDER A RESOLUTION REAPPOINTING MEMBERS TO THE HISTORIC
PRESERVATION COMMISSION (MCCHESNEY, GWINN).
ADDITIONAL AGENDA DETAILS:**

FROM:

Lauren Craig

DATE OF MEMO:

5/17/2016

MEMO DETAILS:

Attached is a resolution to consider the reappointment of Jim McChesney and Molly Gwinn on the Historic Preservation Commission.

ATTACHMENTS:

Description

- 📎 Resolution 16-15 Reappointment to HPC

RESOLUTION #16-15:

**A RESOLUTION REGARDING RE-APPOINTMENTS TO THE PINEHURST
HISTORIC PRESERVATION COMMISSION.**

THAT WHEREAS, the Village of Pinehurst has established an Historic Preservation Commission as authorized by North Carolina General Statutes, Chapter 160A, Article 19; and

WHEREAS, the term of Mr. Jim McChesney and Ms. Molly Gwinn shall expire on May 31, 2016; and

WHEREAS, Mr. McChesney, Ms. Gwinn, and the Village Council of Pinehurst are desirous of them continuing to serve as members of the Historic Preservation Commission.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 24th day of May, 2016, as follows:

SECTION 1. That the following re-appointments are hereby made to the Historic Preservation Commission for the term indicated:

Mr. Jim McChesney is re-appointed as a member of the Historic Preservation Commission, effective May 31, 2016, said term to expire May 31, 2018.

Ms. Molly Gwinn is re-appointed as a member of the Historic Preservation Commission, effective May 31, 2016, said term to expire May 31, 2018.

SECTION 2. That the appointees shall continue serving until a replacement is appointed and qualified.

THIS RESOLUTION passed and adopted this the 24th day of May, 2016.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
Nancy Roy Fiorillo, Mayor

Attest:

Approved as to Form:

Lauren M. Craig, Village Clerk

Michael J. Newman, Village Attorney



**CONSIDER A RESOLUTION HONORING A MEMBER OF THE BOARD OF
ADJUSTMENT AND PLANNING AND ZONING BOARD (SAPP).
ADDITIONAL AGENDA DETAILS:**

FROM:

Lauren Craig

DATE OF MEMO:

5/17/2016

MEMO DETAILS:

Attached is a resolution honoring Betty Sapp for her service on the Planning and Zoning Board and Board of Adjustment.

ATTACHMENTS:

Description

📎 Resolution 16-14 Honoring Betty Sapp

RESOLUTION 16-14:

**A RESOLUTION HONORING THE SERVICE OF MS. BETTY SAPP TO THE VILLAGE
OF PINEHURST PLANNING AND ZONING BOARD
AND BOARD OF ADJUSTMENT**

THAT WHEREAS, the Village Council of Pinehurst, North Carolina, wishes to acknowledge and express its appreciation to Ms. Betty Sapp for her dedicated service to the citizens of Pinehurst as a member of the Board of Adjustment and the Planning and Zoning Board; and

WHEREAS, Ms. Sapp was first appointed to the Board of Adjustment in 2002 and served until 2008 then was appointed to the Planning and Zoning Board on May 31, 2010, combining with the Board of Adjustment in 2012 and served continuously and faithfully from that time; and

WHEREAS, Ms. Sapp served as both an ETJ and Village resident representing the interests of citizens outside and inside the corporate limits; and

WHEREAS, Ms. Sapp was instrumental in the efficient operation of the Planning and Zoning Board always conducting the Village's business in a courteous, professional manner; and

WHEREAS, Ms. Sapp utilized her professional background to influence the betterment of the community; and

WHEREAS, Ms. Sapp was involved in numerous reviews of significant development in Pinehurst and its extraterritorial jurisdiction in which she always ensured that the Planning and Zoning Board fully examined all of the aspects of the proposed development and provided the best possible recommendation to the Village Council concerning each development or land use request.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of Pinehurst, North Carolina, in a regular meeting assembled this 24th day of May, 2016 as follows:

SECTION 1. That the Village Council hereby expresses on behalf of the citizens of Pinehurst, deep appreciation and gratitude for the gifts of time, ability, and determination given as a member of the Board of Adjustment and the Planning and Zoning Board.

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

THIS RESOLUTION passed and adopted this 24th day of May, 2016.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
Nancy Foy Fiorillo, Mayor

Attest:

Lauren M. Craig, Village Clerk

Approved as to Form:

Michael J. Newman, Village Attorney

DRAFT



**CONSIDER A RESOLUTION HONORING A MEMBER OF THE COMMUNITY
APPEARANCE COMMISSION (BOZARTH).
ADDITIONAL AGENDA DETAILS:**

FROM:

Lauren Craig

DATE OF MEMO:

5/17/2016

MEMO DETAILS:

Attached is a resolution honoring Bo Bozarth for his service on the Community Appearance Commission.

ATTACHMENTS:

Description

- ❏ Resolution 16-13 Honoring Bo Bozarth (CAC)

RESOLUTION #16-13:

**A RESOLUTION HONORING THE SERVICE OF
MR. BO BOZARTH TO THE VILLAGE OF PINEHURST
COMMUNITY APPEARANCE COMMISSION**

THAT WHEREAS, the Village Council of Pinehurst, North Carolina wishes to acknowledge and express its appreciation to Mr. Bo Bozarth for his dedicated service to the citizens of Pinehurst as a member and Chairman of the Pinehurst Community Appearance Commission; and

WHEREAS, Mr. Bozarth was first appointed to the Community Appearance Commission on April 27, 2010, and served continuously and faithfully from that time; and

WHEREAS, Mr. Bozarth was involved in many decisions affecting the character, appearance and ambience of the community; and

WHEREAS, Mr. Bozarth was particularly effective in using his planning and creative skills in assisting homeowners and builders develop aesthetically pleasing and complimentary designs for various neighborhoods in Pinehurst; and

WHEREAS, Mr. Bozarth conducted himself and represented the Village in an exemplary fashion, exhibiting flexibility and courtesy in all interactions with the development community.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina, in the regular meeting assembled this 24th day of May, 2016, as follows:

SECTION 1. That the Village Council hereby expresses on behalf of the citizens of Pinehurst, deep appreciation and gratitude for the gifts of time, ability and determination given as a member of the Community Appearance Commission.

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

THIS RESOLUTION passed and adopted this 24th day of May, 2016.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

(Municipal Seal)

By: _____
Nancy Roy Fiorillo, Mayor

Attest:

Approved as to Form:

Lauren M. Craig, Village Clerk

Michael J. Newman, Village Attorney



BUDGET AMENDMENTS REPORT
ADDITIONAL AGENDA DETAILS:

FROM:

John Frye

CC:

Jeff Sanborn & Natalie Dean

DATE OF MEMO:

5/16/2016

MEMO DETAILS:

Attached is the report of budget amendments approved by the Budget Officer as required for the current period.

ATTACHMENTS:

Description

□ Budget Amendments Report

**VILLAGE OF PINEHURST
BUDGET AMENDMENTS APPROVED BY BUDGET OFFICER
FOR THE PERIOD APRIL 16 - MAY 15, 2016**

Under Village of Pinehurst Ordinance #15-11, the Village Council grants the Budget Officer, or Village Manager, the ability to transfer appropriations under specific conditions. These conditions allow transfers of up to \$10,000 between departments (including contingency) of the same fund for the FY 2016 Budget. The Budget Officer may **not** transfer monies between funds at any time.

According to Section 159-15 of The Local Government Budget and Fiscal Control Act, "any such transfers shall be reported to the governing board at its next regular meeting and shall be entered in the minutes". Listed below are the amendments authorized by the Budget Officer for the period specified above.

Note: Since appropriations are made at the department level, line item adjustments within the same department may be made without limit and do not require a report since they do not actually amend the adopted budget ordinance.

	<u>ACCOUNT NUMBER</u>	<u>DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>	<u>APPROVED DATE</u>
1	10-10-320-5400	Fire: Departmental Supplies		\$ 6,350	5/5/2016
	10-10-320-7400	Fire: Capital Outlay Equipment	\$ 6,350		
		<i>(Physical training equipment replacement was budgeted as an operational expenditure. When purchased, the equipment price exceeded the \$5,000 capitalization threshold and was moved to capital outlay.)</i>			
2	10-40-720-5300	Comm. Dev.: Contracted Services	\$ 25,000		05/09/16
	10-40-720-5400	Comm. Dev.: Departmental Supplies		\$ 20,000	
	10-00-990-9999	Comm. Dev.: Contingency		\$ 5,000	
		<i>(Community Development contracted services required additional funding due to the unplanned update of the Engineering Standards Manual and increased development activity.)</i>			



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

April 6 Special Meeting
April 12 Work Session
April 13 Special Meeting
April 26 Regular Meeting
April 26 Closed Session

FROM:

Lauren Craig

CC:

Jeff Sanborn

DATE OF MEMO:

5/16/2016

MEMO DETAILS:

See attachments for draft minutes.

ATTACHMENTS:

Description

- ☐ April 6 Special Meeting
- ☐ April 12 Work Session
- ☐ April 13 Special Meeting
- ☐ April 26 Regular Meeting

**MINUTES OF
VILLAGE COUNCIL SPECIAL MEETING
PUBLIC MEETING ON PERMISSABLE LAND USES ON HWY 211
APRIL 6, 2016**

**200 BEULAH HILL ROAD SOUTH
THE FAIR BARN
PINEHURST, NORTH CAROLINA
7:00 P.M.**

The Pinehurst Village Council held a Special Meeting at 7:00 p.m. on Wednesday, April 6, 2016 at The Fair Barn, 200 Beulah Road South, Pinehurst, North Carolina. The following were in attendance:

Ms. Nancy Roy Fiorillo, Mayor
Mr. John F. Bouldry, Councilmember
Mr. Clark H. Campbell, Councilmember
Mr. John R. Cashion, Councilmember
Mr. Jeffrey M. Sanborn, Village Manager

And approximately 255 attendees, including 1 press.

1. General Account

Mayor Nancy Fiorillo and Manager Jeff Sanborn made opening remarks. Moore County Planner Debra Ensingmer gave a presentation on county zoning of property adjacent to highway 211 and permissible uses. Village Planner Bruce Gould gave a presentation on Village zoning within the ETJ along Highway 211, permissible uses and other PDO allowances and restrictions. Representatives from NCDOT attended to answer questions as needed. The meeting was attended by approximately 250 members of the community, principally from the Pinewild neighborhood. Numerous residents asked clarifying questions and voiced various concerns. Mayor Nancy Fiorillo stated that she believed the Village should re-examine current zoning in the ETJ along Highway 211 and should incorporate direct input from Pinewild residents into that process.

Respectfully Submitted,

Jeff Sanborn
Village Manager

**MINUTES OF
VILLAGE COUNCIL WORK SESSION
APRIL 12, 2016**

**395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
4:30 P.M.**

The Pinehurst Village Council held a Work Session at 4:30 p.m., Tuesday, April 12, 2016 in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Ms. Nancy Roy Fiorillo, Mayor
Ms. Claire L. Berggren, Councilmember
Mr. John Bouldry, Councilmember
Mr. Clark H. Campbell, Councilmember
Mr. John R. Cashion, Mayor Pro-Tem
Mr. Jeffrey M. Sanborn, Village Manager
Ms. Natalie E. Dean, Interim Village Clerk

And approximately 40 attendees, including 15 staff and 2 press.

1. Call to Order.

Mayor Nancy Roy Fiorillo called the meeting to order.

2. Request for Budget Guidance – Staffing & Initiatives.

Village Manager Jeff Sanborn reviewed the list of Initiative Action Plans (IAPs) included in the proposed five-year plan and provided an overview of the key IAPs to address the Council's Areas of Focus, as listed on the FY 2017 Balanced Scorecard. Manager Sanborn also reviewed the proposed staffing in the five-year plan, which is an increase in the # of full-time equivalents (FTEs) of 4.75 FTEs.

Assistant Village Manager, Natalie Dean, discussed the proposed reorganization of Administration staff and the proposal to add a 20-hour a week Welcome Center Coordinator position. Council discussed the concept of contracting with the Given Memorial Library to provide Welcome Center services and instructed staff to proceed with adding a 20-hour a week employee and investigate the option of working with the Given Memorial Library further next year. Police Chief Earl Phipps reviewed the proposed organization chart for the PD based on the recommendations of the BIRDIE team and the addition of two new police officers for a traffic enforcement team.

Finance Director John Frye reviewed the Five-year Financial Plan for FY 2017 – 2021 which includes a ½ cent tax increase to \$0.295 per \$100 valuation in FY 2017. He indicated the proposed tax increase is in the place of the previously planned 1 cent tax increase planned for FY 2018, per the prior year's Five-year Financial Plan.

Parks and Recreation Director Mark Wagner discussed the development of West Pinehurst Park and the need for athletic fields. Council then discussed the \$2 million included in the Five-year Financial Plan for future recreation facilities, which could be for the development of West Pinehurst Park or for the development of an indoor recreation facility.

After discussion, the Council directed staff to proceed with developing the FY 2017 Budget and the Five-year Financial Plan as presented.

3. Given Outpost – Funding Operations.

Village Manager Jeff Sanborn indicated there has been a request to consider additional funding for the Given Outpost and that the current contract requires the Library to provide information on how they have spent the Village funds provided this fiscal year. He indicated the Village has not received the

**MINUTES OF
VILLAGE COUNCIL WORK SESSION
APRIL 12, 2016**

required quarterly reports yet and that staff had recently requested them. Councilmember Campbell indicated the Village should receive and review the reports prior to making any decisions about additional funding. After a discussion, the Council decided to proceed with developing this year's budget without any additional funding for the Given Outpost.

4. Public Services Building Facades.

Assistant Village Manager Jeff Batton presented the Council with four options for façade improvements to the buildings on the current Public Services facility site. After discussion, the Council directed staff to proceed with plans to paint the buildings instead of adding any stucco or brick façade improvements. Councilmember Campbell asked staff to try to address some storm drainage issues on McIntyre Road if the Public Services facility improvements project comes in under budget. Assistant Village Manager Jeff Batton indicated that the Village has included funding in the FY 2017 Budget to address the storm drainage issues.

5. Results of Village Acres Surveys and Plans for the 4/13 Public Input Meeting.

Assistant Village Manager Natalie Dean reviewed the results of the Village Acres Sidewalks and Street Light Survey and the plans for the Public Input Meeting scheduled for Wednesday, April 13th at 7:00 pm. Councilmember Berggren inquired if the Village could construct more sidewalks if the material used was the same as that on the greenways. Parks and Recreation Director Mark Wagner indicated that concrete is the preferred sidewalk material for Spring Lake Drive due to the grade changes on Spring Lake Drive.

6. Direction on the Use of Open Village Hall for Input on Council/Staff Decisions.

Village Manager Jeff Sanborn indicated that Councilmember Claire Berggren asked that the Council discuss the use of Open Village Hall. Councilmember Berggren indicated she would like some clarification on the parameters to use for Open Village Hall. Councilmembers expressed concern about using it too much and discussed the importance of the timing of using Open Village Hall. Village Manager Jeff Sanborn indicated he believed the Village would see greater utilization of Open Village Hall if it were used more frequently, as opposed to occasionally. Councilmembers indicated they want to be notified when Open Village Hall topics are introduced and more Council involvement in the development of the topics. Councilmember Berggren suggested staff try to plan out the topics in advance to get input on bigger issues facing the Council. Councilmember Bouldry indicated he is concerned about the low response rates and thinks the Village could do a better job of marketing and promoting Open Village Hall. Mayor Fiorillo indicated she likes when the Village uses Open Village Hall to ask for feedback on Village events, programs, or services. After discussion, Council directed staff to continue to utilize Open Village Hall to engage the community, given the parameters discussed.

7. Land Swap with Sandhills Sandsharks.

Village Manager Jeff Sanborn indicated he is seeking direction from the Council on whether or not to engage in any further discussions with Sandhills Sandsharks on a proposed land swap of Village property on Juniper Lake Road with property owned by the Sandsharks on Rattlesnake Trail. Council clarified that the land swap is not being entertained in order for the Village to operate a pool, but rather to remove the pool from the property to enhance its appearance. After discussion, the Council directed staff to proceed with developing a land swap proposal in consultation with the Sandhills Sandsharks for Council consideration in a future closed session.

8. Medlin Road Agreement

Village Manager Jeff Sanborn indicated Quality Built Homes is looking for some relief on a PDO requirement related to road resurfacing. He indicated this could be accomplished by a letter of agreement which indicates the Village will not issue any Certificates of Occupancy for the seven lots on Medlin Road until the final lift of asphalt is installed. Upon a motion by Councilmember Cashion, seconded by Councilmember Berggren, Council voted to authorize the Mayor or her designee to enter into a Letter of Agreement with DGH Management, LLC and SNS Engineering, INC to temporarily delay the final and only lift of asphalt on Medlin Road between Rattlesnake Trail and McIntyre Road

**MINUTES OF
VILLAGE COUNCIL WORK SESSION
APRIL 12, 2016**

in order to complete infrastructure and to protect the final road surface from heavy truck deliveries associated with new construction by a vote of 4-0. Councilmember Campbell recused himself from the vote.

9. Results of Hwy 211 Meeting Held on 4/6.

Mayor Fiorillo indicated the takeaways from the well-attended meeting held on April 6th to discuss Hwy 211 zoning included identification of the responsibilities of NCDOT and a desire by Pinewild residents to evaluate the zoning in the ETJ off Hwy 211, north of Pinewild. Manager Sanborn indicated it may be best to complete the land use analysis planned for FY 2017 prior to moving forward with evaluating the zoning north of Pinewild. After a discussion of the potential timing of the land use analysis, Council decided to hold further discussions with staff about the best way to proceed with evaluating the zoning in the ETJ off Hwy 211, north of Pinewild.

10. List of Items for the 4/26 Regular Meeting.

Village Manager Jeff Sanborn asked if there were any items from the list of items for the April 26th Regular Meeting that the Council would like to discuss:

- Resolution endorsing the creation of a NCDOT Comprehensive Transportation Plan for Southern Moore Co.
- Resolution to change the name of Pool Road to Old Pool Road
- Discuss a letter to the NPS regarding the Given Memorial Library
- Discuss co-sponsorship of the Sandhills Farmer's Market
- PDO amendment for temporary seasonal pools
- Resolutions honoring the service of Greenway Committee members

Mayor Fiorillo indicated she would like to discuss the co-sponsorship of the Sandhills Farmer's Market. Manager Sanborn indicated he was not prepared to provide a recommendation to the Council due to some additional information needed to ensure which category of request the sponsorship falls under in the Council's policy for sponsorship requests. After a discussion with representative Carla St. Germain, the Council decided they would like to override their policy and provide the requested co-sponsorship of the Sandhills Farmer's Market to allow them to continue to use Tufts Park free of charge.

11. Other Business.

There was no other business.

12. Motion to Adjourn.

Councilmember Campbell moved to adjourn the Work Session. The motion was seconded by Councilmember Berggren and carried unanimously. The Work Session adjourned at 7:00 p.m.

Respectfully Submitted,

Natalie Dean
Interim Village Clerk

**MINUTES OF
VILLAGE COUNCIL SPECIAL MEETING
PUBLIC MEETING ON VILLAGE ACRES SIDEWALKS AND STREET LIGHTS
APRIL 13, 2016**

**395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
7:00 P.M.**

The Pinehurst Village Council held a Special Meeting at 7:00 p.m. on Wednesday, April 13, 2016 at the Assembly Hall of Village Hall, Pinehurst, North Carolina. The following were in attendance:

Ms. Nancy Roy Fiorillo, Mayor
Ms. Claire L. Berggren, Councilmember
Mr. Clark H. Campbell, Councilmember
Mr. John R. Cashion, Councilmember
Mr. Jeffrey M. Sanborn, Village Manager

And approximately 50 attendees, including 3 staff.

1. General Account

Village Manager Jeff Sanborn welcomed attendees and provided an overview of the purpose of the Public Input Meeting on Village Acres Sidewalks and Street Lights, discussed why Village Acres residents were surveyed in March 2016 to gauge their satisfaction with sidewalks and streetlights, and reviewed select annual community survey results. Assistant Village Manager Natalie Dean reviewed the results of the survey sent to Village Acres residents in March 2016. Parks and Recreation Director Mark Wagner discussed the upcoming sidewalk project on Spring Lake Drive in Village Acres. Assistant Village Manager Jeff Batton discussed the Village's street lighting policy and density options for additional street lighting in Village Acres.

Mayor Nancy Fiorillo invited attendees to provide any comments. Sixteen attendees commented on sidewalks, streetlights, and traffic related matters.

Assistant Village Manager Jeff Batton concluded the meeting by asking Village Acres residents to vote for their preferred street lighting density and to provide their email addresses if they would like copies of the materials presented at the meeting.

Respectfully Submitted,

Natalie E. Dean
Interim Village Clerk

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
APRIL 26, 2016**

**395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
4:30 P.M.**

The Pinehurst Village Council held a Regular Meeting at 4:30 p.m., Tuesday, April 26, 2016 in the Assembly Hall of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Ms. Nancy Roy Fiorillo, Mayor
Ms. Claire L. Berggren, Councilmember
Mr. John Bouldry, Councilmember
Mr. Clark H. Campbell, Councilmember
Mr. John R. Cashion, Mayor Pro-Tem
Mr. Jeffrey M. Sanborn, Village Manager
Ms. Lauren Craig, Village Clerk

And approximately 22 attendees, including 5 staff and 1 press.

1. Call to Order.

Mayor Nancy Roy Fiorillo called the meeting to order.

2. Invocation and Pledge of Allegiance.

Dr. Matt Stillman from Trinity Christian Fellowship led the invocation and Mayor Fiorillo led the Pledge of Allegiance.

3. Reports.

Manager

- Village Manager Jeff Sanborn reported that staff is continuing to work on the annual budget and plan to have drafts to Council next week. May 11 and May 12 budget work sessions are scheduled.

Council

- Mayor Fiorillo noted she went with the Sister Cities delegation to Newry Mourne, Ireland with several people from the Town of Southern Pines.

4. Presentation of resolutions honoring members of the Greenway Committee (Campbell, Farren, Lewis, Baron, Lash, Reed, Watford)

Mayor Fiorillo presented the proclamations to the members of the former Greenway Committee. Tom Campbell made comments about how much he appreciated the staff who worked on the committee and Ginsey Fallon and John Strickland's involvement over the years.

5. Motion to Approve Consent Agenda.

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

- A. Consider resolutions honoring members of the Beautification Committee (Halleen, Bonville, Fallon).
- B. Consider a resolution reappointing members to the Pinehurst Community Watch (Gaida, Tuxbury).
- C. Budget Amendments Report
- D. Approval of Draft Village Council Meeting Minutes.

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
APRIL 26, 2016**

- March 8 Regular Meeting Minutes
- March 8 Special Meeting Minutes
- March 11 Special Meeting Minutes
- March 22 Regular Meeting Minutes
- E. Public Safety Reports.
 - Police Department
 - Fire Department

End of Consent Agenda.

Councilmember Bouldry moved to approve the Consent Agenda. The motion was seconded by Councilmember Campbell and passed unanimously with a vote of 5-0.

6. Motion to recess the Regular Meeting and Enter into a Public Hearing.

Councilmember Campbell moved to recess the Regular Meeting and Enter into a Public Hearing. The motion was seconded by Councilmember Berggren and carried unanimously with a vote of 5-0.

7. Public Hearing No. 1

The purpose of the public hearing is to consider Official Text Amendments to the Pinehurst Development Ordinance (PDO) specifically Section 8.6, "Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements" and Section 10.2, "Definitions" The applicant is the Village of Pinehurst.

Kevin Reed, Director of Planning and Inspections explained that the Village of Pinehurst is proposing amendments to the Pinehurst Development Ordinance (PDO) in order to allow above ground seasonal swimming pools from May 1 to September 30. He explained that the specific amendments would allow the Village to issue a Development Permit which would allow for an above ground seasonal pool containing up to 48" of water provided the pool is located in the rear yard and no closer than 10-feet to any property line. The pool would be a temporary seasonal use and would have to be removed from October 1 to April 30 and stored in a location not visible from adjacent properties or the street. Seasonal swimming pools that containing greater than 24" of water would also have to meet the applicable standards of the NC Building Code. Mr. Reed noted that these proposed amendments are consistent with the 2010 Comprehensive Long-Range Village Plan. Achieving goals in accordance with the Comprehensive Plan is considered reasonable and in the best interest of the public. He also noted that the Planning and Zoning Board was in favor of these recommended amendments.

Public Comments:

No public comments.

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

Councilmember Campbell moved to adjourn the Public Hearing and re-enter the Regular Meeting. The motion was seconded by Councilmember Berggren and carried unanimously with a vote of 5-0.

9. Consider an ordinance amending the Pinehurst Development Ordinance as it pertains to Section 8.6 "Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements" and Section 10.2, "Definitions."

Upon a motion by Councilmember Campbell, seconded by Councilmember Berggren Council unanimously approved Ordinance 16-07 amending the Pinehurst Development Ordinance as it pertains to Section 8.6 "Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements" and Section 10.2, "Definitions" and moved that the proposed amendments to the Pinehurst Development Ordinance are consistent with the goals outlined in the 2010 Comprehensive Long Range Plan and are considered reasonable and in the best interest of the public as referenced in the memorandum dated April 26, 2016 from Kevin Reed, Director of Planning and Inspections by a vote of 5-0. (A copy of this ordinance can be found in the Ordinance Book.)

Audience member Frank Pacifico commented that the law says you can have 48 inches of water but not high can the pool be.

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
APRIL 26, 2016**

10. Presentation of Financial Statements for the Quarter Ended March 31, 2016.

John Frye, Director of Financial Services presented the financial statements for the quarter ended March 31, 2016. Mr. Frye shared that the Village's financial condition is favorable as we enter the final quarter of the fiscal year. He explained that revenues exceeded expenditures by a larger margin than anticipated in the forecast for the first three quarters and operating expenditures are under control and the revenue outlook is stable.

11. Discuss and consider a resolution to change the name of Pool Road to Old Pool Road.

Kevin Reed, Director of Planning and Inspections explained that the Village has received a request to change the name of Pool Road to Old Pool Road. He explained that the pool and pool house in the vicinity of Pool Road were demolished last year. Staff submitted the proposed name change to Moore County for review which has been pre-approved and if approved by Council a final name change form will be submitted to Moore County. Upon a motion by Councilmember Cashion, seconded by Councilmember Bouldry, Council unanimously approved Resolution 16-07 changing the name of Pool Road to Old Pool Road in the Village of Pinehurst by a vote of 5-0. (A copy of this resolution can be found in the Resolution Book.)

12. Other Business.

- None.

13. Comments from Attendees.

- Frank Pacifico said he has seen that developers are proposing a building at the intersection of McCaskill and Magnolia. He recalls that 2.5 acres of this property was a soil contaminated area and he wants to know if this property has been reevaluated and is it still a polluted area. Staff noted we have not seen documentation on this but the developers have commented that the EPA did clear this property since that time.
- Jeanne Casinella shared that she volunteers with Head Start in Taylortown and she introduced the kids to Todd Maness from the Police Department and he did a great job with demonstrating friendship to the kids. She asked that we remember those who serve our town in the Police Department and to thank them.

14. Motion to go into Closed Session pursuant to NCGS §143-318.11(a)(5)(i) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. Specifically, the Council will discuss three potential land swap options.

Councilmember Berggren moved to go into Closed Session pursuant to NCGS §143-318.11(a)(5)(i) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. Specifically, the Council will discuss three potential land swap options. The motion was seconded by Councilmember Cashion and carried unanimously with a vote of 5-0.

15. Motion to adjourn the Closed Session and re-enter the Regular Meeting.

Councilmember Campbell moved to adjourn the Closed Session and re-enter the Regular Meeting. The motion was seconded by Councilmember Berggren and carried unanimously with a vote of 5-0.

16. Motion to Adjourn.

Councilmember Campbell moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Berggren and carried unanimously. The Regular Meeting adjourned at 6:20 p.m.

Respectfully Submitted,

Lauren M. Craig
Village Clerk



**PUBLIC SAFETY REPORTS.
ADDITIONAL AGENDA DETAILS:**

Police Department
Fire Department

ATTACHMENTS:

Description

- ▣ Fire Department Report- April 2016
- ▣ Police Department Report- April 2016



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

SUMMARY FOR THE MONTH OF APRIL 2016

SUMMARY OF INCIDENT CALLS

	<i>NUMBER THIS MONTH</i>	<i>NUMBER YTD</i>	<i>NUMBER THIS MONTH LAST YEAR</i>	<i>NUMBER YTD LAST YEAR</i>	<i>PERCENTAGE YTD</i>
TYPE OF INCIDENT					
Fire	9	13	10	26	-50%
Overpressure Rupture, Explosion, Overheat - no fire	0	2	0	2	0%
Rescue & EMS Incidents	37	136	9	17	700%
Hazardous Conditions - no fire	10	57	11	49	16%
Service Call	15	71	20	73	-3%
Good Intent Call	19	61	22	104	-41%
False Alarm & False Call	16	91	20	89	2%
Severe Weather & Natural Disaster	0	5	0	1	400%
Special Incident Type	1	1	0	0	100%
TOTAL INCIDENTS	107	437	92	361	21%

SUMMARY OF INSPECTION

	<i>NUMBER THIS MONTH</i>	<i>NUMBER YTD</i>	<i>NUMBER THIS MONTH LAST YEAR</i>	<i>NUMBER YTD LAST YEAR</i>	<i>PERCENTAGE YTD</i>
TYPE OF INSPECTIONS					
Residential	7	33	6	27	22%
Residential New Systems	0	0	0	0	0%
Residential Fire Sprinkler	0	0	0	2	-100%
Commercial	0	1	39	122	-99%
Plan Review/Site Inspections	1	6	1	4	50%
Reinspection	0	10	24	122	-92%
Occupancy Certificates	0	0	0	0	0%
TOTAL INSPECTIONS	8	50	70	277	-82%
Violations Found:	0	0	77	280	-100%
YTD Violations to be Corrected:		0		193	
YTD Violations Corrected:		0		127	
Correction Percentage:		0%		66%	

May 2, 2016

J. Carlton Cole, Fire Chief

FIRE DEPARTMENT

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

Incident IBR Reported Offenses Month To Month Comparison

Pinehurst Police Department

April 2016 - April 2015

Part I Offenses	April 2015	April 2016	+/-	Percent Changed	Year-To-Date		+/-	Percent Changed
Murder	0	0	0	0%	0	0	0	0%
Rape	0	0	0	0%	0	0	0	0%
Robbery	0	0	0	0%	1	0	-1	-100%
Commercial	0	0	0	0%	0	0	0	0%
Individual	0	0	0	0%	1	0	-1	-100%
Assault	0	0	0	0%	2	0	-2	-100%
Violent Total:	0	0	0	0%	3	0	-3	-100%
Burglary	0	0	0	0%	0	0	0	0%
Residential	0	0	0	0%	0	0	0	0%
Non-Residential	0	0	0	0%	0	0	0	0%
Commercial	0	0	0	0%	0	0	0	0%
Other	0	0	0	0%	0	0	0	0%
Larceny	7	6	-1	-14%	38	25	-13	-34%
Auto Theft	0	0	0	0%	0	0	0	0%
Arson	0	0	0	0%	0	0	0	0%
Property Total:	7	6	-1	-14%	38	25	-13	-34%
Part I Total:	7	6	-1	-14%	41	25	-16	-39%

Part II Offenses	April 2015	April 2016	+/-	Percent Changed	Year-To-Date		+/-	Percent Changed
Drug	6	32	26	433%	25	70	45	180%
Assault Simple	0	7	7	-	4	9	5	125%
Forgery/Counterfeit	0	0	0	0%	1	1	0	0%
Fraud	5	2	-3	-60%	16	10	-6	-38%
Embezzlement	0	0	0	0%	0	0	0	0%
Stolen Property	0	0	0	0%	2	1	-1	-50%
Vandalism	0	3	3	-	6	14	8	133%
Weapons	0	0	0	0%	0	1	1	-
Prostitution	0	0	0	0%	0	0	0	0%
All Other Sex Offenses	0	0	0	0%	0	0	0	0%
Gambling	0	0	0	0%	0	0	0	0%
Offenses Against Family/Children	0	0	0	0%	1	1	0	0%
D.W.I.	1	5	4	400%	1	6	5	500%
Liquor Law Violation	0	0	0	0%	0	1	1	-
Disorderly Conduct	0	1	1	-	1	2	1	100%
Obscenity	0	0	0	0%	0	0	0	0%
Kidnap	0	0	0	0%	0	0	0	0%
All Other Offenses	21	33	12	57%	67	86	19	28%
Part II Total:	33	83	50	152%	124	202	78	63%
Incident Total:	40	89	49	123%	165	227	62	38%

Arrest IBR Reported Offenses Month To Month Comparison

Pinehurst Police Department

April 2016 - April 2015

Part I Offenses	April 2015	April 2016	+/-	Percent Changed	Year-To-Date 2015	Year-To-Date 2016	+/-	Percent Changed
Murder	1	0	-1	-100%	1	0	-1	-100%
Rape	0	0	0	0%	0	0	0	0%
Robbery	0	0	0	0%	0	0	0	0%
Commercial	0	0	0	0%	0	0	0	0%
Individual	0	0	0	0%	0	0	0	0%
Assault	0	0	0	0%	2	0	-2	-100%
Violent Total:	1	0	-1	-100%	3	0	-3	-100%
Burglary	0	0	0	0%	0	0	0	0%
Residential	0	0	0	0%	0	0	0	0%
Non-Residential	0	0	0	0%	0	0	0	0%
Commercial	0	0	0	0%	0	0	0	0%
Other	0	0	0	0%	0	0	0	0%
Larceny	1	4	3	300%	4	6	2	50%
Auto Theft	0	0	0	0%	1	0	-1	-100%
Arson	0	0	0	0%	0	0	0	0%
Property Total:	1	4	3	300%	5	6	1	20%
Part I Total:	2	4	2	100%	8	6	-2	-25%

Part II Offenses	April 2015	April 2016	+/-	Percent Changed	Year-To-Date 2015	Year-To-Date 2016	+/-	Percent Changed
Drug	5	30	25	500%	27	72	45	167%
Assault Simple	1	2	1	100%	7	9	2	29%
Forgery/Counterfeit	0	2	2	-	0	2	2	-
Fraud	0	0	0	0%	5	0	-5	-100%
Embezzlement	0	0	0	0%	0	0	0	0%
Stolen Property	1	1	0	0%	5	3	-2	-40%
Vandalism	2	1	-1	-50%	3	2	-1	-33%
Weapons	0	0	0	0%	0	5	5	-
Prostitution	0	0	0	0%	0	0	0	0%
All Other Sex Offenses	0	0	0	0%	0	1	1	-
Gambling	0	0	0	0%	0	0	0	0%
Offenses Against Family/Children	0	0	0	0%	0	0	0	0%
D.W.I.	3	6	3	100%	21	25	4	19%
Liquor Law Violation	0	1	1	-	3	6	3	100%
Disorderly Conduct	0	1	1	-	4	2	-2	-50%
Obscenity	0	0	0	0%	0	0	0	0%
Kidnap	0	0	0	0%	0	0	0	0%
All Other Offenses	10	30	20	200%	91	105	14	15%
Part II Total:	22	74	52	236%	166	232	66	40%
Arrest Total:	24	78	54	225%	174	238	64	37%



**CONSIDER THE REQUEST FOR RETIRING POLICE OFFICER, LT. MICHAEL WILSON, TO PURCHASE SERVICE REVOLVER.
ADDITIONAL AGENDA DETAILS:**

FROM:

Jeff Sanborn

CC:

Angie Kantor

DATE OF MEMO:

5/4/2016

MEMO DETAILS:

Staff has received a request from Lt. Michael Wilson to purchase his service revolver and be awarded his badge upon his retirement.

NCGS 20-187.2 authorizes the Village Council to award, upon request, a retiring law enforcement officer their service revolver and badge at a price determined by the governing body. The Village's Retirement and Recognition Gifts Policy sets the price for the revolver and badge for an officer with more than 20 years of service at \$1.

If Council approves this request by motion, the sale would be completed after his retirement and upon presentation of proper licenses and permits for such a weapon by Lt. Wilson.

ATTACHMENTS:

Description

- ☐ Retirement and Gifts Policy
- ☐ Lt. Michael Wilson Request Letter

	VILLAGE OF PINEHURST STANDARD PROCEDURE	
SUBJECT: Retirement Recognitions and Gifts	Effective Date: 05/08/12	
Department: Human Resources	Policy No.: HR-116	
Prepared by: Human Resources	Revised:	
Approved by: Andrew Wilkison & Village Council	# of Pages: 2	

I. POLICY:

The Village of Pinehurst recognizes the importance of honoring employees who retire from public service. The purpose of this policy is to recognize and celebrate the dedication and hard work of those employees retiring from the Village of Pinehurst.

II. ELIGIBILITY:

Employees must be eligible and apply for retirement benefits under the North Carolina Retirement System and have at least five consecutive years of full-time service with the Village of Pinehurst, not including sick time. Qualifying years of service must be immediately prior to retirement.

III. PROCEDURE:

Department Directors will notify Human Resources of an employee's pending retirement. Human Resources will work with the Department Director and the retiring employee to coordinate an appropriate celebration and the appropriate gift.

Eligible employees will receive a taxable monetary gift according to the following schedule. These amounts have been increased by 30% to cover estimated taxes.

- 5 years but less than 15 years \$650
- 15 years or more \$1300

Eligible employees with at least 10 years of service will also receive a Village-sponsored, celebratory meal at a Village facility coordinated through Human Resources. Village employees, Council and the retiring employee's immediate family will be invited. Additional people may be invited at the discretion of Human Resources.

Eligible employees with 5 years of service, but less than 10 years will receive a Village-sponsored reception coordinated through Human Resources.

Additional celebrations or gifts, departmental or otherwise, cannot be paid for with Village funds.

IV. **PUBLIC SAFETY:**

The Village of Pinehurst recognizes the bravery and dedication of the public safety employees serving in the Pinehurst Police Department and Pinehurst Fire Department. In addition to the retirement gifts listed above, public safety employees may be awarded the gifts listed below.

NCGS 20-187.2 authorizes the Village Council to award, upon request, a retiring law enforcement officer, or a surviving relative of an officer, the service side arm and badge of the officer at a price to be determined by the governing body. This policy sets the price for qualifying awards of side arms to retiring law enforcement officers at one dollar. The law enforcement officer must have at least 20 years of service with the Village of Pinehurst to be eligible for this benefit. If the retiring officer has at least 10 years of service, but less than 20 years, the officer will have the option to purchase the service side arm for \$400. The retiring employee must follow all provisions of the statute and other applicable laws.

NCGS 160A-294.1 authorizes the Village Council to award, upon request, a retiring firefighter or a surviving relative of the firefighter, the fire helmet of the firefighter at a price determined by the governing body. This policy sets the price for qualifying awards of fire helmets to retiring firefighters at one dollar. The firefighter must have at least 10 years of service with the Village of Pinehurst to be eligible for this benefit.

Approved by:



Andrew Wilkison, Village Manager

May 8, 2012

Date

Resolution 12-31

Village Council, Resolution

May 8, 2012

Date



EARL L. PHIPPS
CHIEF OF POLICE

Village of Pinehurst
POLICE DEPARTMENT
420 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA 28374
PHONE: 910-295-3141
FAX: 910-295-5924



May 2, 2016

To: Pinehurst Village Council
From: Lt. Michael C. Wilson

I, Michael Wilson respectfully request to purchase my duty weapon upon my retirement. My last day with the Village will be May 27, 2016, after 29.5 years of service with the Village.

A handwritten signature in black ink that reads "Michael C. Wilson".

Michael C. Wilson

NORTH CAROLINA CONCEALED HANDGUN PERMIT

PERMIT NO: NC457041

EXPIRES: 02-24-2019 NEW

WILSON, MICHAEL CARL

218 LONGLEAF DR

WEST END, NC 27376

MOORE

DL: 6004511

DOB: 01-04-1963

RACE: W

SEX: M

HT: 600

WT: 200

HAIR: BRO

EYE: BRO

PERMITTEE:

Michael Carl Wilson

IT IS UNLAWFUL TO CARRY A CONCEALED
HANDGUN WITHOUT THIS PERMIT AND VALID
IDENTIFICATION IN YOUR POSSESSION OR TO
FAIL TO DISCLOSE TO ANY LAW ENFORCEMENT
OFFICER THAT YOU ARE CARRYING A CONCEALED
HANDGUN

SHERIFF:

Neil Godfrey

(AFFIX SEAL)



**CONSIDER A CONTRACT FOR LEGAL SERVICES FOR FY 2017.
ADDITIONAL AGENDA DETAILS:**

FROM:

John Frye

CC:

Jeff Sanborn & Natalie Dean

DATE OF MEMO:

5/17/2016

MEMO DETAILS:

The proposed contract for legal services with Van Camp, Meacham, & Newman, PLLC for FY 2017 is attached for your review and consideration. This year's contract includes a few minor adjustments. The most significant of these is requiring a monthly accounting of the time and services rendered under the agreement. The contract also calls for a 2% cost increase, bringing the monthly rate to \$4,390. The hourly rate for Michael Newman remains at \$350 per hour, the same rate as the previous year.

The contract may be approved by a motion authorizing the Mayor or her designee to execute the contract.

ATTACHMENTS:

Description

- Agreement for Legal Services FY16-17

NORTH CAROLINA
COUNTY OF MOORE

AGREEMENT FOR LEGAL SERVICES

THIS CONTRACT is entered into between VAN CAMP, MEACHAM, & NEWMAN, PLLC (Firm) TIN #-56-2228538, and the VILLAGE OF PINEHURST (Village) TIN #56-1211319, for the provision of general legal representation. The contract period is July 1, 2016 to June 30, 2017. Michael J. Newman (Attorney), a partner in the Firm, will be the primary attorney assigned to this contract by the Firm. If Mr. Newman is not available, the Firm may assign another qualified attorney as an alternate upon the request of the Village Manager.

SECTION I: SCOPE

Attorney will provide general legal representation to the Village in the following areas of law as they pertain to municipalities, said list not to be all-inclusive:

Land Use Regulation
General Police (Ordinance making) powers
Employer-Employee relations, labor law
Environmental law
Police and Public Safety law
Financial law

In advising the Village in the aforementioned areas, Attorney will prepare for and be available to attend all regular meetings, special meetings, and work sessions of the Village Council upon request of the Village Manager. Also, when necessary and if requested and approved through the office of the Village Manager, Attorney will attend work sessions and regular meetings of the Planning and Zoning Board. Also, if requested and approved through the office of the Village Manager, Attorney will prepare for and attend meetings of the Board of Adjustment and the Community Appearance Commission. Attorney will attend, either with or on behalf of the Mayor, Village Council Members, or the Village Manager, any State or County administrative or regulatory body deliberating upon issues or matters of concern to the Village of Pinehurst when requested through the Village Manager's office. Michael J. Newman will be the primary attorney assigned to this contract. If Mr. Newman is not able to attend any of the above-mentioned meetings due to illness, personal vacation, etc., the Firm shall send a qualified attorney as an alternate upon request of the Village Manager. These arrangements for an alternate attorney shall be agreed upon in advance by the Attorney and the Village Manager whenever possible.

The Attorney will also participate, when requested by the Village Council or Village Manager, in dispute resolution or settlement discussions. Attorney will review ordinances and resolutions prior to adoption, recommending changes when appropriate, and will draft ordinances, resolutions and other documents when requested through the office of the Village Manager.

The Attorney may, with the prior approval of the Village Manager, subcontract with other firms or individuals to have certain services performed for the Village, such as title searches, but the Attorney shall remain responsible to the Village for the quality and timeliness of these services. Not included within the scope of services between the Village and Attorney, nor among those services that Attorney may contract with others, are those services customarily performed by outside bond counsel.

Should outside counsel be necessary for proper representation of the Village, Attorney shall recommend at least two firms for the Village Council to choose from for such additional representation. Attorney is

responsible to the Village Council for coordinating Village representation with outside counsel, and reporting on a regular basis to the Village Council the status of that particular issue and the outside legal representation.

SECTION II: RELATIONSHIP

The Attorney is not eligible for any fringe benefits or covered by the Village's Personnel Policy. The Attorney is free to act as the legal representative for any other person or entity when doing so will not create a conflict of interest with the interests of the Village of Pinehurst.

The primary contact for the Village regarding legal matters will be the Village Manager. Providing instructions and requests for service to the Attorney shall be the responsibility of the Village Manager. All correspondence of the Village Attorney to the Village Council shall be either directed to or through the Village Manager. All direction from the Village Council to the Village Attorney shall be either directed to or through the Village Manager. No investigations or claims shall be initiated by the office of the Village Attorney without prior approval of the Village Manager. The office of the Village Attorney may initiate responses to inquiries, demands or claims made against the Village, without prior approval of the Village Manager, however, the Village Manager shall be advised promptly of such claims and the responses made. It is understood by both parties that it is the desire of the Village Council that the Attorney practice law on behalf of the Village in a manner designed to be preventive in nature.

There shall be an annual review of the status of this agreement, and the desirability of the legal services being provided herein.

SECTION III; TERM

The term of this agreement shall be from July 1, 2016 to June 30, 2017. Should either party wish to terminate this agreement for any reason they may do so by giving ninety days written notice of their intention to terminate this agreement. Failure of the Village of Pinehurst to give such notice to the Firm shall entitle the Firm to one-fourth of the then applicable annual amount of compensation for the services of Attorney. Failure of the Firm to give appropriate notice to the Village as specified above shall cause the Village not to be obligated to pay any amounts due for legal or related services from and after the date of the resignation of Attorney.

SECTION IV; COMPENSATION

For the provision of legal representation, including the associated paralegal and administrative support services normally associated with legal representation, and other legal services, including the required attendance at Council and other meetings, to the Village of Pinehurst, the Firm shall be compensated in a monthly amount of \$4,390.00. It is the intention of the Village and the Firm that the annual compensation amount shall cover attendance at meetings of the Village Council and various Village boards and commissions as described in SECTION I above, and for such additional meetings and consultations as may be required, estimated to be approximately thirty (30) hours per month. A detailed report of the services provided under this agreement, including the hours of service by category or project, shall be submitted to the Village Manager by the 15th of the month following the month of service. It is recognized that demands upon Attorney's time and skills are unpredictable, hence it is agreed that either party may call for a mutual review of the adequacy and reasonableness of the compensation at any time upon ten days written notice, and that in any event there shall be a full annual review of the services which have been performed and are anticipated with the full Village Council.

For additional services provided to the Village in cases of litigation, beyond the initial thirty (30) hours per month, as authorized through the office of the Village Manager, the Village agrees to pay the Firm the Attorney's the hourly rates described on the attached letter for such services, upon presentation to the Village of an invoice describing the services provided, the provider, the applicable hourly rate, and the amount of time spent by the provider on each particular task.

Payment for subcontracted services, WestLaw Research, Municipal Attorney's Association membership expenses, and continuing education expenses related to municipal law shall be made by the Attorney and shall be charged to the Village on the Attorney's monthly invoice.

It is understood that extraordinary services which may be required of Attorney shall be discussed if and as the occasion arises, and agreement sought on a reasonable basis of additional compensation to be paid, in light of the nature of the situation, the time to be foreseeably consumed or the unusual demand to be placed upon Attorney.

It is further understood that litigation may not be unusually demanding, or reasonably require extra or special compensation; at the same time, other situations can develop that do fall in the unusual category, e.g. possibly an extensive revision of the zoning and subdivision ordinances, labor negotiation, financing, etc.. These will be discussed and agreed upon at the time they arise.

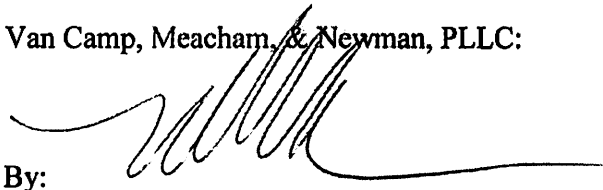
For the Village of Pinehurst

By: _____
Nancy Roy Fiorillo, Mayor

Attest:

Lauren Craig, Village Clerk

Van Camp, Meacham, & Newman, PLLC:

By: 
Michael J. Newman

This instrument has been preaudited in the
Manner required by the Local Government
Budget and Fiscal Control Act

John G. Frye, Finance Officer _____
Date



VAN CAMP, MEACHAM & NEWMAN, PLLC
ATTORNEYS AT LAW

JAMES R. VAN CAMP
EDDIE H. MEACHAM
MICHAEL J. NEWMAN
THOMAS M. VAN CAMP*
WILLIAM M. VAN O'LINDA, JR.***
RICHARD YELVERTON
KIMBERLY POST
WHITNEY P. FOUSHEE
AMANDA L. TOMBLYN

Two Regional Circle (28374)
Post Office Box 1389
Pinhurst, NC 28370

MICHAEL J. NEWMAN
Attorney at Law

Telephone: (910) 295-2525
Facsimile: (910) 235-0233

michaelj@vancamplaw.com

* Certified Superior Court Mediator
*** Also Licensed in South Carolina

May 17, 2016

John Frye
Village of Pinehurst
395 Magnolia Road
Pinehurst, NC 28374

RE: *Agreement for Legal Services*

Dear John:

Enclosed please find an executed copy of the Agreement for Legal Services for the fiscal year 2016 - 2017. My hourly rate is \$350.00 and my hourly rate for attending court is \$375.00.

With all best wishes, I am,

Very truly yours,

VAN CAMP, MEACHAM & NEWMAN, PLLC

Michael J. Newman
MJN/lc

Enclosure



**CONSIDER AUTHORIZATION OF LEASE WITH MOORE COUNTY FOR
RATTLESNAKE TRAIL PROPERTY.
ADDITIONAL AGENDA DETAILS:**

FROM:

Jeff Batton

DATE OF MEMO:

5/11/2016

MEMO DETAILS:

For your consideration is a new lease with Moore County Public Utilities for the continued use of the Village's one acre property on Rattlesnake Trail for their service yard.

As discussed in the work session of May 10, the lease would expire on June 30, 2017. Compensation is in the form of a free sewer tap for the new wash bay being added at Public Services and for up to six water/irrigation taps at a reduced price of \$950. The \$950 basically covers cost of the materials. Total value of compensation to the Village is approximately \$8,000.

The County has indicated that they have every intention of vacating by the end of the lease.
Thanks.

ATTACHMENTS:

Description

▣ Lease-Rattlesnake Trail

STATE OF NORTH CAROLINA

LEASE AGREEMENT

COUNTY OF MOORE

THIS LEASE, made and entered into this ____ day of _____, 2016, by and between the VILLAGE OF PINEHURST, North Carolina (hereinafter referred to as "Lessor"), and the COUNTY OF MOORE, North Carolina (hereinafter referred to as "Lessee").

WITNESSETH:

WHEREAS, the Lessor is the owner of all that certain lot or parcel of land situated in Mineral Springs Township, Moore County, North Carolina, described as follows:

A certain lot or parcel of land in Mineral Springs Township, Moore County, North Carolina fronting on the Northwest side of Rattlesnake Trail about 70 yards southwest of Kelly Road in the Village of Pinehurst, described as follows:

BEGINNING at an iron stake in the northwest line of Rattlesnake Trail, said iron stake being located S 32°19'15" W 210.39 feet from an iron pin at the intersection of the northwest line of Rattlesnake Trail with the southwest line of Kelly Road; running thence from the beginning as the northwest line of Rattlesnake Trail S 32°19' W 200.00 feet to an iron stake in the line of Rattlesnake Trail; thence as a new line N 55°16'16" W 200.00 feet to an iron stake; thence N 32°20'12" E 200.00 feet to an iron stake, a corner of the Pinehurst, Incorporated Energy Company lot; thence as said lot S 55°16'13"E 199.93 feet to the beginning, containing 0.92 acre more or less, being well site No. 14 as shown on a survey recorded as an exhibit in the Moore County Register of Deeds Book 1838, Page 206, and attached hereto as Exhibit A and hereby made a part of this deed.

WHEREAS, the Lessor wishes to lease the Property to the Lessee for use by the Moore County Department of Public Utilities.

NOW, THEREFORE, in consideration of the rents reserved and covenants and agreements contained herein, and of other goods and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged by the parties hereto, the Lessor demises and leases to the Lessee that certain Property described above, together therewith any improvements, according to the following terms and conditions:

1. Initial Term. The initial term of this lease shall be from the date of execution until June 30, 2017 or until the County vacates the property whichever comes first.
2. Rent. In lieu of cash payment for rent during the initial term, Lessee and Lessor have agreed to the following:
 - a) During the term of the Lease, Lessee agrees to install one sewer tap of the main line for the Public Services Facility's new wash bay at no charge and provide and install up to six water or irrigation taps, on publicly owned property within the Village of Pinehurst, at a reduced rate as noted below. Water or irrigation meter locations are to be determined by Lessor. Maximum size of said taps shall be 1".
 - b) Lessee agrees to charge Lessor no more than \$950 per water or irrigation meter installed for up to a 1" meter.
 - c) Lessor shall be responsible for all water usage charges associated with each meter.

- d) Any meters and taps in excess of the agreed upon amount and installed on behalf of Lessor during the term the lease shall be paid for by Lessor at Lessee's most current fees and charges schedule. If tap and meters requested by Lessor is less than six, the remaining meters and taps shall be considered forfeited by Lessor.

3. Taxes, Assessments and Insurance. Lessor shall be responsible for payment of any taxes or assessments associated with the Property. Lessee shall be responsible for any personal Property taxes for equipment, storage facilities and/or inventory located on the leased property during the term of this lease. Each party shall maintain public liability insurance in a minimum amount of Five Hundred thousand and No/100 (\$500,000.00) Dollars to insure against loss or damage to person or property on the Leased Property arising during the term of this lease.

4. Occupancy and Use. The Property shall be used for the purpose of incidental uses and storage of materials, equipment and vehicles necessary for operations of the Moore County Public Utilities System serving the Village of Pinehurst and its ETJ. Lessee agrees not to use or permit to be used the Property for any unlawful or immoral purposes and agrees to keep the premises clean, sanitary, and in good order. Further, the Lessee agrees not to create or suffer any nuisances on the Property which affect the right of others and agrees to comply with all laws, ordinances, rules, regulations and directions of all governmental authorities. Upon termination of this Lease, the Lessee agrees to surrender possession of the Property in good condition and repair as when received, ordinary wear and tear resulting from careful uses and damages by the elements without the fault of the Lessee excepted.

5. Alterations, Additions, or Improvements. The Lessee shall not cause waste, damage or injury to the Property. The Lessee agrees not to make any alterations, additions, improvements, or changes to the Property without the written consent of the Lessor, except that Lessor expressly agrees that a 10' x 20' storage building may be located by Lessee upon the Property upon execution of this Lease Agreement. Any alterations, additions, improvements, or changes made by the Lessee after such consent shall be given, by the Lessor, and any fixtures installed thereof shall be the property of the Lessee. Upon the expiration or sooner termination of this Lease, Lessee shall remove such fixtures at the Lessee's cost, unless otherwise agreed by the parties in writing.

6. Maintenance. Unless otherwise agreed, the Lessee shall be responsible for all routine maintenance and upkeep of the Property during the term of this Lease. The cost of such routine maintenance and upkeep shall be borne by the Lessee. As per Lessee's policy, maintenance of supply line leading from the meters is Lessor's responsibility and lines leading to, and including the meter, are the Lessee's responsibility.

7. Utilities. Lessee shall be responsible for payment of all utilities to serve the Property during the term of this Lease. The Lessor shall not be liable for the failure of any utility services or for any injury to persons or property which results from the failure of such utility services, however caused.

8. Sublease/Assignment. No sublease or assignment of the Property by the Lessee shall be binding upon the Lessor or confer any rights to the proposed sublessee or assignee without the written consent of the Lessor. No sublease or assignment shall release the Lessee for any obligations created hereunder. Consent by the Lessor to a sublease or an assignment shall not be construed to relieve the Lessee from obtaining the consent, in writing, of the Lessor of any further subletting or assignment thereafter.

9. Quiet Enjoyment. In the event that the Lessee pays the rent as provided herein, and otherwise performs all of the covenants and conditions to be performed by it, the Lessee shall have peaceful and quiet enjoyment of all the Property for the term of this Lease without disturbance by the Lessor or by any persons claiming by or through the Lessor.

10. Surrender of Premises upon Termination of Lease. At the expiration of the Lease terms set forth herein or upon the sooner termination of this Lease, the Lessee shall surrender the Property to the Lessor in as good condition as it was at the beginning of the term hereof, reasonable use, wear and tear, and damages by the elements beyond the Lessee's control excepted.

11. Condemnation. If the whole of the leased Property, or such portion as will make the leased Property unsuitable for the Purposes herein leased, is condemned for any public use or purpose by any legally constituted authority, then, in either such event, the Lease shall cease from the time possession is taken by such public authority. Such termination shall be without prejudice to the rights of either the Lessor or the Lessee to recover compensation from the condemning authority for any loss of damage caused by such condemnation. Neither the Lessor nor the Lessee shall have any rights in or to any award made to the other by the condemning authority.

12. Governing Law. This Lease agreement shall be governed by and shall be construed, interpreted, and enforced in accordance with the laws of the State of North Carolina.

13. Non-Waiver Provision. The failure of either party to exercise any power given either party hereunder or to insist upon strict compliance by either party of its obligations hereunder shall not constitute a waiver of either party's right to demand exact compliance with the terms hereof, and waiver of the enforcement of any portion of this Lease agreement by either party hereto shall not be construed as a waiver of any subsequent breach by the other party. No custom or practice of the parties at variance with the terms hereof shall constitute a waiver of either party's right to demand exact compliance with the terms hereof.

14. Entire Agreement. This Lease agreement contains the entire agreement between the parties hereto, and no representations, inducements, promises, understandings or agreements, oral or otherwise, between the parties hereto, not embodied therein, shall be of any force or binding effect. This Lease agreement shall supersede all prior agreements relating to the lease of said property, whether written or oral, by or between the parties hereto. There have been no oral understandings, terms, or conditions, except as herein set forth, and neither party had relied upon representation, either expressed or implied, not contained in this lease. All prior understandings, terms, or conditions are deemed merged into this Lease agreement.

15. Modifications. No modification, amendment, change, or discharge of any term or provision of the Lease agreement shall be valid or binding upon the parties hereto, unless the same is in writing and is signed by the parties hereto.

16. Binding Effect. The terms of this Lease agreement shall be binding upon and shall inure to the benefit of and shall be enforceable by the parties hereto, and their respective heirs, successors, assigns, and personal representatives.

17. Severability. If any provision of this Lease agreement or the application thereof to any person or circumstance shall, for any reason and to any extent, be invalid or unenforceable, the remainder of this Lease agreement and the application of that provision to other persons or circumstances, shall not be affected, but rather shall be enforced to the extent permitted by law, and, in such event, this Lease agreement shall be construed in all respects as if any invalid or unenforceable provisions were originally omitted here from.

18. Notice. When any notices are required of permitted hereunder, such notices shall be in writing and shall be delivered in person or sent by United States registered or certified mail, return receipt requested, postage prepaid, to the address set forth below as follows:

Lessee:

County of Moore
ATTN. County Manager
P.O. Box 905
Carthage, NC 28327

Lessor:

Village of Pinehurst
ATTN. Village Manager
395 Magnolia Road
Pinehurst, NC 28374

Such notices are effective upon receipt.

19. Headings. The captions and headings throughout this Lease agreement are for convenience and reference only, and they shall not define, limit, modify or add to the interpretation or meaning of any provisions of the Lease agreement, or in any way affect the scope, intent, or effect of this Lease agreement. Throughout this Lease agreement, whenever the context requires or permits, the neuter gender shall be deemed to include the masculine and feminine, and the singular number of plural, and vice versa.

IN WITNESS THEREOF, the parties hereto have caused this instrument to be executed by their duly authorized officers and their official seal affixed hereto, all on the day and year first above written.

VILLAGE OF PINEHURST, Lessor

By: _____
Nancy R. Fiorillo, Mayor

Village of Pinehurst, NC

ATTEST:

(SEAL)

Lauren Craig, Village Clerk

COUNTY OF MOORE, Lessee

By: _____
Nick Picerno, Chairman

Moore County Board of Commissioners

ATTEST:

(SEAL)

Laura M. Williams, Clerk to the Board



PUBLIC HEARING NO. 1
ADDITIONAL AGENDA DETAILS:

The purpose of this public hearing is to discuss the proposed Fiscal Year 2017 Budget for the Village of Pinehurst.

FROM:

Jeff Sanborn

DATE OF MEMO:

5/16/2016

MEMO DETAILS:

This agenda item is for the statutorily required Annual Budget Public Hearing. During this hearing, any person wishing to speak about the recommended FY 2017 Budget may do so. Attached is a short PowerPoint presentation that Staff will present at the beginning of the Public Hearing to provide a brief overview of the budget. The budget in its entirety may be viewed online at www.vopnc.org or at Village Hall.

ATTACHMENTS:

Description

- ☐ FY 2017 Public Hearing Presentation
- ☐ Open Village Hall Feedback

FY 2017 Budget Public Hearing

May 24, 2016



NORTH CAROLINA



2017 Strategic Operating Plan

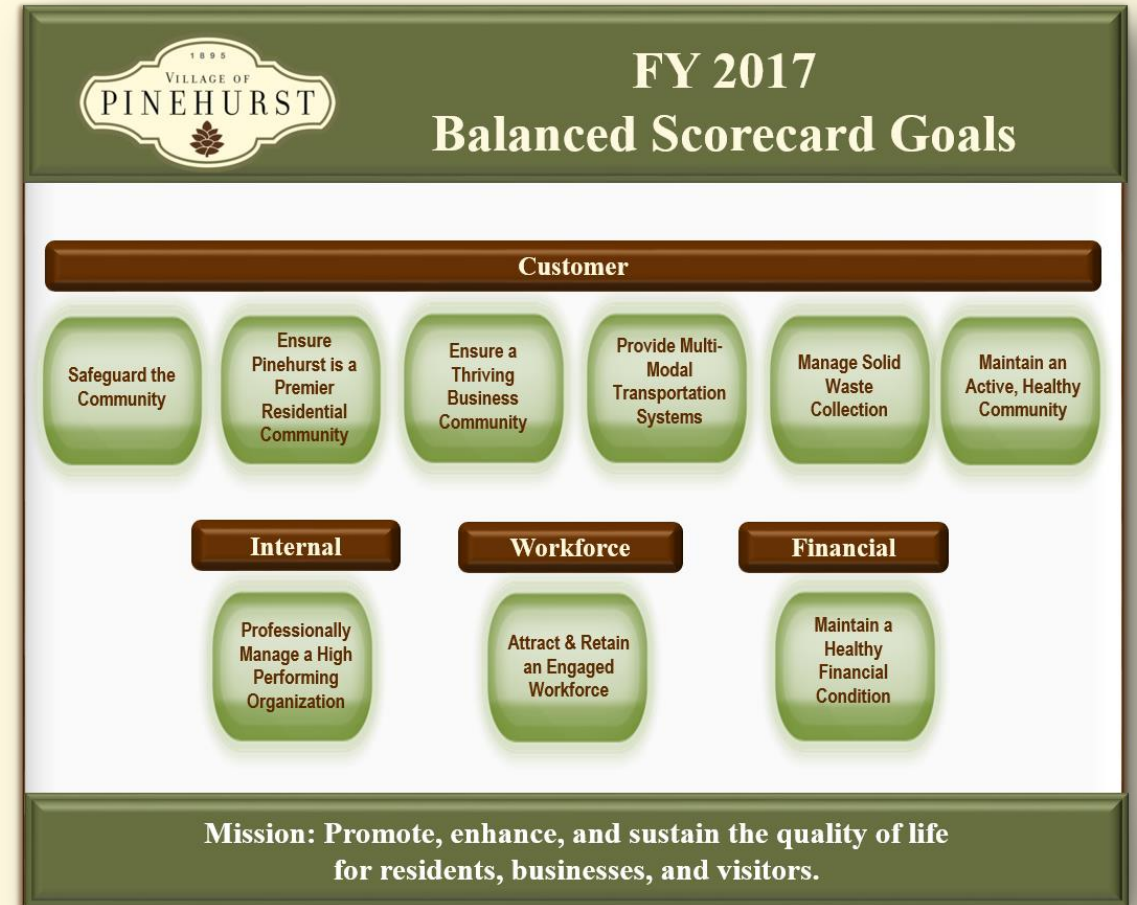


Overview

- FY 2017 was developed to achieve the Council's vision and mission
- The SOP has been prepared to comply with the GFOA Distinguished Budget Presentation Award.

 VALUES Competent Courteous Professional Responsive	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.

- Four Areas of Focus:
 1. Quality of neighborhoods
 2. Neighborhood sidewalks
 3. Community engagement
 4. Employee engagement
- Includes 18 Initiative Action Plans (IAPs) at a cost of \$1.1 million



Significant Items Included in FY 2017 Budget:

- \$18.2 million budget, 2% higher than original FY 2016 Budget
- ½ cent property tax rate increase to \$0.295
- Includes \$1 million of appropriated fund balance (savings):
 - Expect to use \$44,000, given budget to actual variance
 - Expect ending fund balance to remain at 44.5% of expenditures
- Addition of 3.75 full-time equivalents (FTEs):
 - 2.00 Police Officers (Traffic Enforcement Team) – 2 positions
 - 1.00 paid Reserve Police Officers - 3 positions
 - 0.25 Police Administrative staffing pool – 1 position
 - 0.50 Welcome Center Coordinator – 1 position



Significant FY 2017 Capital (\$2.1 million):

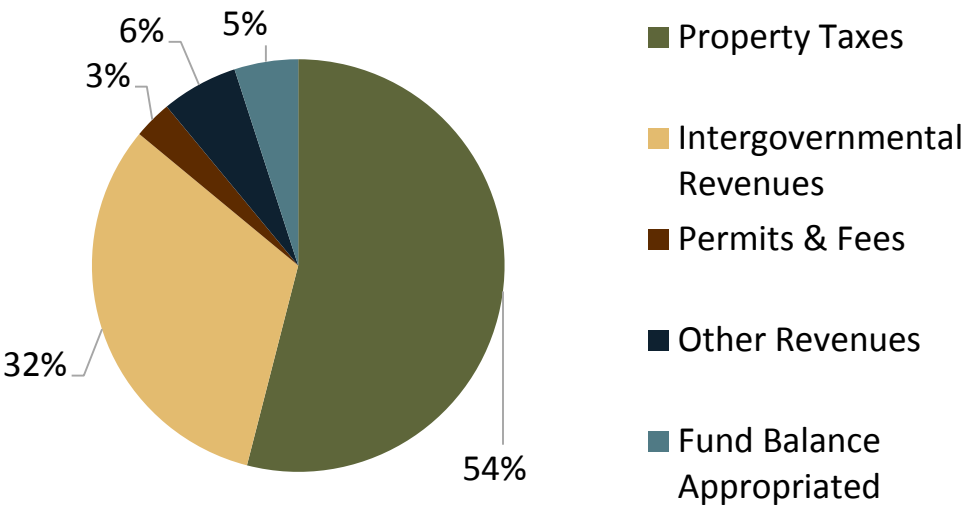
- \$850,200 for routine replacement of vehicles and equipment
- \$176,500 for IT infrastructure
- \$1,110,000 in other capital additions:
 - Neighborhood sidewalks (\$375,200)
 - Storm drainage projects (\$110,000)
 - Greenways (\$75,000)
 - McIntyre Rd streetscape improvements (\$140,000)



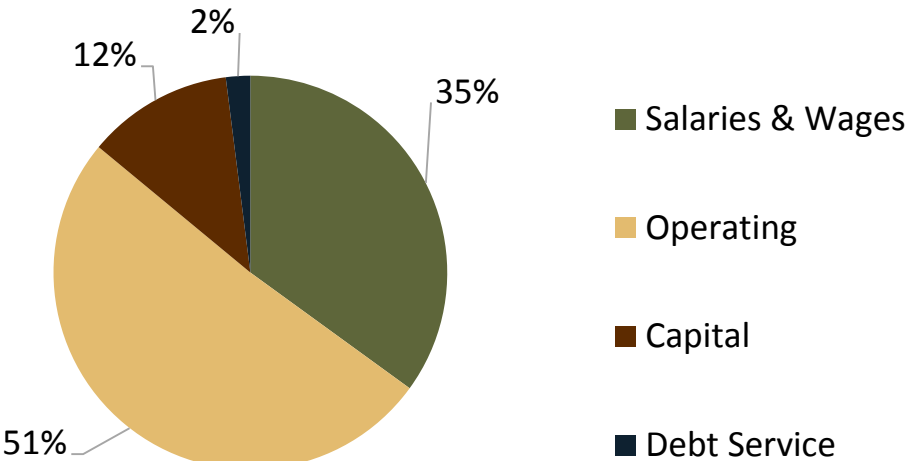
FY 2017 Budget



FY 2017 Budgeted Revenues



FY 2017 Budgeted Expenditures



Questions and Public Input

2017 Strategic Operating Plan Feedback

The Village of Pinehurst invites you to comment and provide feedback on our proposed 2017 Strategic Operating Plan.

All On Forum Statements sorted chronologically

As of May 23, 2016, 7:42 AM



Open Village Hall is not a certified voting system or ballot box. As with any public comment process, participation in Open Village Hall is voluntary. The statements in this record are not necessarily representative of the whole population, nor do they reflect the opinions of any government agency or elected officials.

2017 Strategic Operating Plan Feedback

The Village of Pinehurst invites you to comment and provide feedback on our proposed 2017 Strategic Operating Plan.

As of May 23, 2016, 7:42 AM, this forum had:

Attendees: 179

On Forum Statements: 15

Hours of Public Comment: 1.2

This topic started on May 13, 2016, 3:01 PM.

2017 Strategic Operating Plan Feedback

The Village of Pinehurst invites you to comment and provide feedback on our proposed 2017 Strategic Operating Plan.

Name not shown inside Lake Pinehurst/Burning Tree/St. Andrews

May 19, 2016, 10:11 AM

It seems that the \$50,000 dollar expense for the shelter at the splash pool has been moved up because of a concern for sun shelter for the parents and children using the splash pool. Strategic planning should require the use of data and justification for need based on those using the facility. It seems more strategically prudent to wait until the facility has been in use for a year and gather data about the number of people using the facility and the amount of time spent for each visit. It is difficult to justify a \$50,000 shelter at this time merely because one feels that "someone will bake in the sun." That statement is neither strategic nor prudent.

Name not shown inside Pinehurst #6

May 17, 2016, 2:30 PM

We like to describe our village as "quaint" but at the same time are doing everything possible to destroy this description: above ground pools, sidewalks, streetlights, allowing spec home builders to clear cut lots, entertaining big developers with big ideas, etc.

3 Supporters

Name not shown inside Morganton/Monticello

May 17, 2016, 8:24 AM

How does the Code Enforcement work? For example, there is a white brick home in the 700 block of Monticello where the front yard has dandelions knee high. If it is mowed at all, no more than twice a year.

Name not shown inside Old Town/Linden Road/Clarendon Gardens

May 16, 2016, 9:03 PM

I'd like to see us better exploit the historical attributes of the village to attract more residents and visitors. Need to better highlight the historic homes and buildings with better walking tours, etc. what about the village buying the givens library/tufts archives and make it an updated Pinehurst museum to showcase the village.

1 Supporter

Name not shown inside Village Acres

May 16, 2016, 2:50 PM

Gun Club Rd needs street lights. It is completely dark at night (besides the one solo light at the fork in the road). It would be much safer and so nice to be able to see the street names when driving on this road.

Name not shown inside Old Town/Linden Road/Clarendon Gardens

May 16, 2016, 2:03 PM

McIntyre Rd area has been forgotten by the Village. You want businesses in this area but the new sidewalk stops at the corner. There is do drainage on the street and it floods every time it rains. Drainage needs to be

2017 Strategic Operating Plan Feedback

The Village of Pinehurst invites you to comment and provide feedback on our proposed 2017 Strategic Operating Plan.

installed and parking area provided on the side of the street behind Clark Cadillac and across from Antex and The Barber shop. A sidewalk needs to be installed on the other side of the street so visitors and residents do not have to walk in the street.

Name not shown inside Pinehurst #6

May 16, 2016, 1:51 PM

Definitely need to ensure a more family-friendly Village environment. A community pool is a big priority. Yes, the sidewalks. How about Vball as a sport that is offered --for boys and girls and for adults?!?!

Severt Jacobson inside Old Town/Linden Road/Clarendon Gardens

May 16, 2016, 1:44 PM

As far as walkways or paths why do we not continue to use the old redclay pathways as originally. If the village continued to maintain these as they did in the 70's we would still have them -and they are cheaper than new sidewalks

1 Supporter

Name not shown inside Pinehurst #6

May 15, 2016, 5:04 PM

I would like to see ice and snow removal for our cul-de-sacs. One of our neighbors last year actually had to shovel and chop a path wide enough for his car all the way to the plowed road so he could get out to go to work. The rest of us were stuck for five days before we could get out while the rest of the world had been out and about on the second day.

Doug Middaugh inside Lake Pinehurst/Burning Tree/St. Andrews

May 15, 2016, 11:26 AM

A few items are obvious after reviewing the plan:

1. The harness track continues to be a financial drain on the village that needs to be corrected.
2. The fair barn is also a lost leader that needs to be corrected.
3. The planned \$75K for trailways is fine as long as the new trails are actually built where the greatest number of folks would use them. Little thought appears to be given to getting the biggest bang for the buck.
4. The almost \$2M planned in the CIP for sidewalk construction does not consider value received. This money plus the \$2M earmarked in FY'19/20 would more than pay for the long discussed community center.
5. Why, as a first step for developing the West Pinehurst Park, does the council not fund in FY '18 the necessary \$50K master plan for the park? To think that MC, PH, SP & AB could come together to build a single multi-use community center is a pipe dream!
6. Lighting Tufts Park seems to be yet another way to PO the NPS.
7. During the Monticello stop sign discussion it was widely recognized that the village needed a comprehensive traffic study yet no mention is found in the proposed budget for a study unless its been renamed the \$50K "Land use analysis".

2017 Strategic Operating Plan Feedback

The Village of Pinehurst invites you to comment and provide feedback on our proposed 2017 Strategic Operating Plan.

1 Supporter

Gordon Ray inside Pinehurst #6

May 14, 2016, 10:39 PM

Proposed 2017 Strategic Operating Plan is a very impressive document. I believe this document is the best seen. My congratulations to all who participated in its preparation.

Name not shown inside Lake Pinehurst/Burning Tree/St. Andrews

May 14, 2016, 10:46 AM

Please - no sidewalks. They completely detract from the rural village atmosphere not to mention the question of who is responsible for the upkeep. If you want sidewalks & curbs move to a bigger city. As for us, we moved here for the quaint rural setting.

5 Supporters

Name not shown inside Morganton/Monticello

May 14, 2016, 10:04 AM

1. Provide winter road maintenance (ice and snow removal) to cul-de-sacs
2. Maintain easements that Village is responsible for - ditches, mowing, weeds.
3. Resurface roads that are sorely in need of it - this is a travesty in Pinehurst.

2 Supporters

Karen Bevan inside Lake Pinehurst/Burning Tree/St. Andrews

May 14, 2016, 7:57 AM

I'm pleased that installing sidewalks is now deemed important. I will be interested to see just what areas will receive this attention. All major roads hopefully are on the list, like St. Andrews and Burning Tree which have daily pedestrian traffic.

1 Supporter

patrick henry inside Lake Pinehurst/Burning Tree/St. Andrews

May 13, 2016, 4:11 PM

Thanks for continuing to share these plans. I acknowledge the amount of work the staff does to make it a reality and a workable document. I do have several questions after scanning the Plan.

1 -- maybe I missed it but how does the budget get developed each year -- is there ever any "zero based conversations" to review the existing line items to see if they can be reduced or eliminated?

2 - I also do not see any mention of what attracts new residents to Pinehurst and how are they changing. I assume golf was one of the big draws in the past, is that still true? And I also assume that much of the increase in the "younger" residents have to do with the military and the growth of the medical facilities. When these slow down or reverse what is the Village doing to identify and attract future growth populations? Can that be added to the Plan for future years?

2017 Strategic Operating Plan Feedback

The Village of Pinehurst invites you to comment and provide feedback on our proposed 2017 Strategic Operating Plan.

Thanks again.

2 Supporters



PUBLIC HEARING NO. 2
ADDITIONAL AGENDA DETAILS:

The purpose of the public hearing is to consider an Official Zoning Map Amendment. This map amendment would rezone two parcels of land consisting of approximately .95 and 1.8 acres. These properties are addressed as 165 and 215 Dr. Neal Road. These properties are further defined as being Moore County LRK #'s 97000604 and 00036428. The properties are currently zoned Office and Professional (OP). This proposed map amendment would change the zoning of the properties to R-20 Residential (Single-family Residential w/ a minimum lot size of 20,000 sq. ft.). The applicant and the owner for this rezoning is Kenneth Rhea.

FROM:

Kevin B. Reed, Director of Planning and Inspections

CC:

Jeff Sanborn, Village Manager; Bruce Gould, Principal Planner

DATE OF MEMO:

5/11/2016

MEMO DETAILS:

Attached to this memorandum is a staff report on the proposed rezoning and a copy of the rezoning application.

ATTACHMENTS:

Description

- ☐ Staff Report
- ☐ Rezoning Application
- ☐ Ordinance 16-08 Zoning Map Amendment



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Mayor Fiorillo and Village Council
From: Kevin B. Reed, Director of Planning and Inspections
Cc: Jeff Sanborn, Village Manager
Lauren Craig, Village Clerk
Bruce Gould, Principal Planner
Date: May 11, 2016
Subject: Public Hearing and Staff Report for Request by Kenneth Rhea for the Proposed Rezoning of 165 and 215 Dr. Neal Road from Office and Professional (OP) to R-20 (Residential)

Request

The applicant requests a rezoning of two tracts of land, one consisting of $\pm$.95 acres and one consisting of $\pm$ 1.8 acres. Both properties are currently zoned OP (Office and Professional). The rezoning request would change the zoning of these properties to R-20 (Single Family Residential) which has a minimum lot size of 20,000 square feet. This property is addressed as 165 and 215 Dr. Neal Rd. The applicant and owner of the properties is Kenneth Rhea. The property is further defined as being Moore County LRK #'s 97000604 and 00036428. A neighborhood meeting was not required of the applicant due to this petition being a downzoning of property.

Applicant:	Kenneth Rhea
Owners:	Kenneth Rhea
Property Location:	165 & 215 Dr. Neal Rd
Rezoning:	Current Zoning Districts: Office and Professional (OP) District is intended to provide limited office and retail development as a spatial development between business districts and residential land uses. Proposed Zoning District: R-20 (Single Family Residential 20,000 sq. ft. minimum lot size) District is established as a district in which the principal use of land is for medium-density residential uses.
Current Land Use:	Vacant
Proposed Land Use:	Single Family Residential



Existing Zoning Map

Analysis

These properties are currently located within the ETJ of Pinehurst and adjacent to the corporate limits of both Pinehurst and the Town of Southern Pines. The surrounding properties contain multiple zoning designations, jurisdictions and land uses. (see the zoning map above)

The properties to the north are zoned R-20 and are also located within the ETJ of Pinehurst. The properties to the east are part of the Longleaf Development and are within the corporate limits of the Town of Southern Pines. This property is zoned by the Town of Southern Pines as a Conditional District that consist of a mixture of housing types and a golf course. The adjacent lands are a golf course. The properties to the south are zoned R-20 and are also located within the ETJ of Pinehurst. The properties to the west are located within the corporate limits of Pinehurst and are zoned R-MF. This is Midland Country Club.

The two properties being petitioned for rezoning are separated by a ± 3.2 acre tract that is to remain zoned OP. This tract is also owned by Kenneth Rhea and is the site of Pinehurst Animal Hospital. Existing utilities are in the vicinity of these two properties but may require some extensions to serve the properties. The .95 acres to the south has frontage on Dr. Neal Rd. so street access will not be an issue. The 1.8 acre tract to the north does not have frontage or access to an improved street. Additional ROW and road improvements will need to be made in order to access this property for development to occur.

This site contains no floodplains, wetlands or other environmental constraints that are known. The site is located within a Watershed Protection Area. If developed for single family purposes no intensity allocation would be available to these tracts. Therefore, they would be limited to 2 units per acre or 24% built upon area. The two units per acre is consistent with the R-20 zoning classification being requested.



Based on the underlying zoning classification and the watershed regulations it would appear that the southern property could possibly be subdivided into two properties and the northern property could be subdivided into up to 3 properties if this rezoning was to be approved.

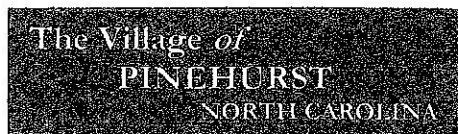
Both of these properties are on the Pinehurst side of the annexations agreement with the Town of Southern Pines. If this rezoning was to be granted and the properties developed for single-family purposes there would be no means for the Village to incorporate these properties into the corporate limits of Pinehurst. Unless the Village receives a petition from the owners for voluntary annexation. The result would be the inability for Pinehurst to expand its corporate boundary and would leave a service gap between the two municipalities. Since these properties are not located in the Village limits they would not be subject to the regulations of the Pinehurst Municipal Code pertaining issues such as nuisances, oversized vehicles, etc.

Planning and Zoning Board Action

The Planning and Zoning (P&Z) Board considered the rezoning request at its April 7, 2016 meeting. Following a public hearing on the request, the P&Z Board voted unanimously to recommend to the Village Council that the rezoning be approved.

Comprehensive Plan Consistency Statement

Page 58 of the Pinehurst 2010 Comprehensive Long Range Plan indicates that the village continue to consider ways to address the housing needs of current and future residents. Page 58 of the 2010 Comprehensive Long Range plan indicates that the Village of Pinehurst intends to continue efforts to protect the integrity of residential neighborhoods and enhance the quality of life. Achieving goals in accordance with the Comprehensive Plan is considered reasonable and in the best interest of the public.



Application for
Amendment to the Zoning Map

Applicant: Name Dr. Kenneth Rhea
Address 417 Avenue of the Carolinas, Whispering Pines NC 28327
Telephone Number (910) 315-5598 Fax Number _____
Email krhea56@centurylink.net
Signature Dr. J. Kenneth Rhea Date 2/27/2016

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

Property LRK Number(s) 97000604 and 00036428

(attach separate list if necessary)

Present zoning classification O/P

Requested zoning classification R-20

Current Land Use Vacant

Number of parcels 2.00 Approximate size of area 0.95 and 1.8 acres, respectively

Physical location of area West of US Kids Golf / Longleaf and located along Dr. Neal Road

Are public utilities available? Yes

Reason for map amendment

After years of trying to sell this land as for commercial use, it has become apparent that residential is the highest and best use of this property. Except for the veterinary practice in the middle of the two parcels, the land is surrounded by residential properties.

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.

ORDINANCE #16-08:

AN ORDINANCE AMENDING THE OFFICIAL PINEHURST ZONING MAP AS IT PERTAINS TO THE REZONING OF CERTAIN LAND LOCATED AT 165 AND 215 DR. NEAL.

THAT WHEREAS, the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance and Map on the 8th day of October, 2014, for the purpose of regulating planning and development in the Village of Pinehurst and the extraterritorial area over which it has jurisdiction; and

WHEREAS, said Ordinance and Map may be amended from time to time as circumstances and the best interests of the community have required; and

WHEREAS, a public hearing was held at 4:30 p.m. on May 24, 2016 in the Assembly Hall of the Pinehurst Village Hall, Pinehurst, North Carolina after due notice in the Pilot, a newspaper in Southern Pines, North Carolina, with general circulation in the Village of Pinehurst, and its extraterritorial jurisdiction, for the purpose of considering rezoning of two parcels of land consisting of approximately .95 and 1.8 acres. These properties are addressed as 165 and 215 Dr. Neal Road. These properties are further defined as being Moore County LRK #'s 97000604 and 00036428. The properties are currently zoned Office and Professional (OP). This proposed map amendment would change the zoning of the properties to R-20 (Single-Family Residential 20,000 sq. ft. minimum lot size). The properties are currently vacant. The proposed use of the properties is single-family residential, at which time all interested citizens, residents and property owners in the Village of Pinehurst and its extraterritorial jurisdiction were given an opportunity to be heard as to whether they favored or opposed the proposed rezoning; and

WHEREAS, the Planning and Zoning Board has recommended the zoning map be amended; and

WHEREAS, the Village Council, after considering all of the facts and circumstances surrounding the proposed rezoning, have determined that it is in the best interests of the Village of Pinehurst and the extraterritorial jurisdiction that the Development Ordinance and Zoning Map be amended as recommended by the Planning and Zoning Board.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in session assembled on this 24th day of May, 2016 as follows:

SECTION 1. That the Pinehurst Zoning Map of the Village of Pinehurst and its extraterritorial zoning jurisdiction be and the same hereby is amended by rezoning of approximately .95 acres and 1.8 acres and addressed as 165 and 215 Dr. Neal Road, further defined as being Moore County LRK #'s 97000604 and 00036428 from Office

and Professional (OP) to R-20 (Single-Family Residential 20,000 sq. ft. minimum lot size).

SECTION 2. The rezoning map is attached hereto as Exhibit A and made a part hereof, the same as if included verbatim.

SECTION 3. This Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 24th day of May, 2016.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
Nancy Roy Fiorillo, Mayor

Attest:

Approved as to Form:

Lauren Craig, Village Clerk

Michael J. Newman, Village Attorney

The map displays the Town of Southern Pines, North Carolina, with various zoning districts and land parcels. Key features include:

- Zoning Districts:** RD (Residential District), RMF (Residential Medium Density), OP (Office Professional), and R20 (Residential Single-Family).
- Land Parcels:** Numerous parcels are outlined in black, with some labeled with acreage (e.g., 1.8 acres, 9.5 acres) and others with numbers (e.g., 20, 25, 30, 35, 40, 45, 50, 55, 60, 70, 80, 90, 100, 110, 120, 130, 140, 150, 160, 170, 180, 190, 200, 210, 220, 230, 240, 250, 2137, 2133, 2155, 2153, 2145, 2131, 125, 126).
- Streets:** FLORENCE DR, DR NEAL RD, and a street labeled "DR NEAL RD" (partially obscured).
- Village Limits:** A yellow callout box points to the "Village Limits" boundary.
- OP Zoning:** A yellow callout box points to the "OP" zoning district.



PUBLIC HEARING NO. 3

ADDITIONAL AGENDA DETAILS:

The purpose of the public hearing is to consider an Official Zoning Map Amendment. This map amendment would rezone two parcels of land consisting of approximately .11 and 6.4 acres. These properties are addressed as 205 McCaskill Road East. These properties are further defined as being Moore County LRK #'s 00025962 and 00025798. The properties are currently zoned Neighborhood Commercial (NC), Village Mixed Use (VMU) and Public Conservation (PC). This proposed map amendment would change the zoning of the properties to Village Mixed Use-Conditional District (VMU-CD). The property contains a vacant office building and outbuilding. The proposed use of the property is 72 apartment units and a mixed use commercial building containing ±35,000 square feet. The applicant is John Allen with Kuester Companies and the owners of the properties are Moore Investment Group, LLC and Resorts of Pinehurst, Inc.

FROM:

Kevin B. Reed, Director of Planning and Inspections

CC:

Jeff Sanborn, Village Manager, Bruce Gould, Principal Planner

DATE OF MEMO:

5/11/2016

MEMO DETAILS:

Attached to this memorandum is a staff report on the proposed rezoning of 205 McCaskill Road East from Village Mixed Use (VMU), Neighborhood Commercial (NC) and Public Conservation (PC) to Village Mixed Use-Conditional District (VMU-CD). Also attached please find a copy of: (1) the rezoning application, (2) rezoning narrative, (3) neighborhood meeting report, (4) general concept plan (color), (5) site plan (B&W), (6) color rendering of multi-family building; and, (7) proposed building elevations;.

ATTACHMENTS:

Description

- ☐ Staff Report
- ☐ Rezoning Application
- ☐ Rezoning Narrative
- ☐ Neighborhood Meeting Report
- ☐ Concept Plan 1
- ☐ Concept Plan 2
- ☐ Color Rendering
- ☐ Building Elevations
- ☐ Ordinance 16-10 Amending the Official Zoning Map (Greens of Pinehurst)
- ☐ Greens of Pinehurst Rezoning Narrative Revised
- ☐ Conditions for Discussion



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Mayor Fiorillo and Village Council
From: Kevin B. Reed, Director of Planning and Inspections
Cc: Jeff Sanborn, Village Manager
Lauren Craig, Village Clerk
Bruce Gould, Principal Planner
Date: May 18, 2016
Subject: Public Hearing and Staff Report for Request by John Allen (on behalf of Kuester Companies) for the Proposed Rezoning at 205 McCaskill Rd. East from Village Mixed Use (VMU), Public Conservation (PC) and Neighborhood Commercial (NC) to Village Mixed Use – Conditional District (VMU-CD)

Request

The applicant requests a conditional district rezoning of two parcels consisting of +/- 6.495 acres (.11 acres and 6.4 acres). The properties are currently zoned Village Mixed Use (VMU), Neighborhood Commercial (NC) and Public Conservation (PC). The rezoning request would change the zoning to Village Mixed Use-Conditional District (VMU-CD) in order to construct a 72 apartment dwellings and mixed use building of ± 35,000 square feet to be occupied by residential, office and retail uses. The property is addressed as 205 McCaskill Road East. The applicant is John Allen on behalf of the Kuester Companies and the owners are Moore Investment Group, LLC and Resorts of Pinehurst, Inc. The properties are further defined as being Moore County LRK #'s 00025962 and 00025798.

Applicant:	John Allen (Kuester Companies)
Owners:	Moore Investment Group, LLC and Resorts of Pinehurst Inc.
Property Location:	205 McCaskill Rd. East
Rezoning:	Current Zoning Districts: Village Mixed Use (VMU) District is established as a pedestrian scaled district which caters to the everyday needs of the nearby neighborhood. The district allows a mixture of primary land uses within the same building and development site and emphasizes accessibility by automobiles, bicycles, and pedestrians.

Neighborhood Commercial (NC) District is established as a district in which the principal use of land is for small scale commercial, retail, office and service uses to service the surrounding residential districts.

Public Conservation (PC) District is established as a district in which the primary use of the land is reserved for the general public for recreation, parks, natural or man-made bodies of water, forests and other similar open space uses, and other governmental uses that provide services to the residents of Pinehurst.

Proposed Zoning District:

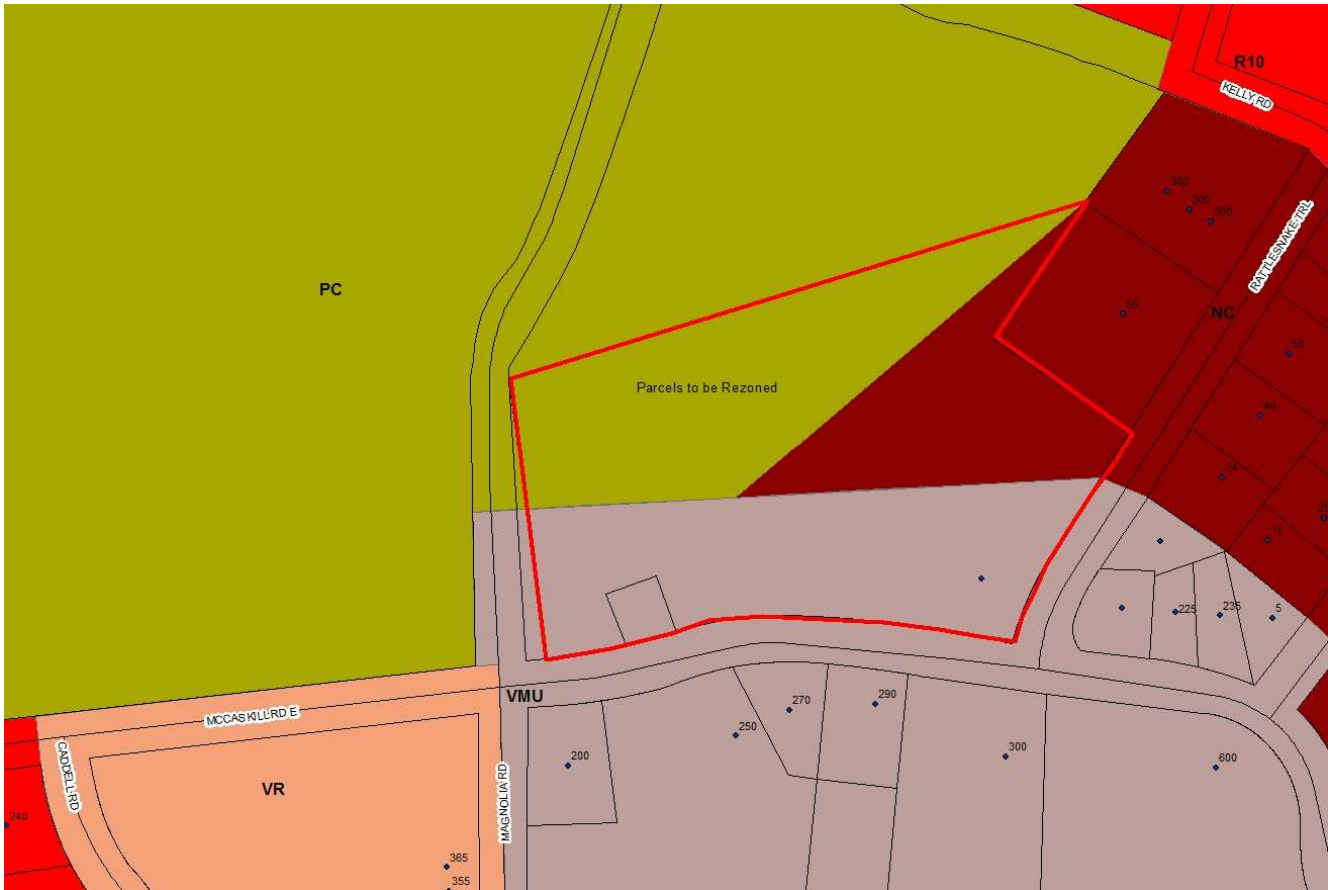
Village Mixed Use-Conditional District (VMU-CD) is established as a pedestrian scaled district which caters to the everyday needs of the nearby neighborhood. The district allows a mixture of primary land uses within the same building and development site and emphasizes accessibility by automobiles, bicycles,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

Current Land Use:

Vacant office building and an office building

Proposed Land Use:

72 apartment units and ±35,000 square feet mixed use building containing office, retail and residential uses.



Existing Zoning Map

Analysis

These properties are currently located within the corporate limits of Pinehurst. The surrounding properties contain multiple zoning designations and land uses. (see the zoning map above) The properties to the north and west are zoned PC and are part of the Village of Pinehurst Park and governmental complex. The properties to the north east include a leased parcel owned by the Village of Pinehurst. This property is zoned NC and used by Moore County Utilities as a service yard. The properties to the east across Rattlesnake Trail are zoned NC and VMU. They are currently occupied by a car wash and a retail building separated by a vacant lot. The properties to the south across McCaskill Rd. are all zoned VMU and consist of a plumbing supply business, Moore County EMS substation, a retail/personal service occupancy and an office building. This area also consist of a vacant tract that was once the Pinehurst laundry facility. The property to the south west is zoned Village Residential (VR) and is the sight of the Traditions of Pinehurst, a 20 unit approved townhouse development in which development was halted several years back and is currently vacant with only the infrastructure in place.

Existing utilities are in place to serve this proposed rezoning and the subsequent development. This site contains no floodplains, wetlands or other environmental constraints that are known at this time. The site is located within a Watershed Protection Area. A special intensity allocation (SIA) will be needed. In accordance with the PDO if this conditional district rezoning is granted the SIA will automatically be granted. This particular watershed (WS III) currently has 307 acres available to be allocated. The applicant has indicated that on site stormwater will be provided. Based on the surrounding zoning and built environment the proposed uses would be consistent with the existing adjacent uses and zoning.

The development is proposed to have private drives and parking areas (128 parking spaces) as well as detached garages (25 parking spaces) and will be developed in two Phases. The total amount of parking spaces in Phase I equals 132 parking spaces, which exceeds the required 128 spaces. Phase II will consist of an additional 145 parking spaces to serve the proposed mixed use building.

Included in the documentation for the conditional district rezoning request are illustrations representing the architectural elevations for the proposed development except for the proposed mixed use structure at the corner of Rattlesnake Trail and McCaskill Rd East that is to be Phase II. 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 to this memorandum.

Planning and Zoning Board Action

The Planning and Zoning Board first considered this request and conducted a duly advertised public hearing at its April 7, 2016 meeting. Following the public hearing and subsequent discussion, the Board tabled the item until April 14th. Following the April 14th meeting, the Board formed a subcommittee to review the request and report to the full Board at its May meeting. The subcommittee met on April 20th and recommended that the Planning and Zoning Board consider the following recommendations;

1. A permanent driveway off of Rattlesnake Trail be part of the Phase I development.
2. Garage units must be used primarily for vehicular parking.
3. Site conditions:
 - Produce a detailed landscaping plan which preserves, maintains and enhances the area east of Magnolia Road.
4. Provide a traffic study including distribution, sight distances and peak hour traffic projections including intersections east and west of the proposed site.
5. Provide a 'to scale' dimensional front elevation plan to review building height compliance.
6. Provide Phase I and Phase II separate impervious calculations including existing conditions.
7. Locate the existing monitoring well on site plan for review.
8. Provide all building elevations to scale (not renditions) and sample of all exterior architectural elements to ensure congruency.
9. Identify the specific location for all setback exceptions on the site plan for review.

10. No unit shall be designed to less than 900sf as defined in the PDO.

The Planning and Zoning (P&Z) Board considered the rezoning request at its May 5, 2016 meeting. Following a discussion of the request, the P&Z Board voted unanimously to recommend to the Village Council that the rezoning be approved with the following items to be addressed by the applicant prior to the Village Council's public hearing on the request; and, as appropriate, be made a condition of the rezoning:

1. A permanent paved driveway off of Rattlesnake Trail be part of the Phase I development in addition to the access onto McCaskill Road East.
2. The garage units must be used primarily for vehicular parking.
3. Provide a detailed landscaping plan which preserves, maintains and enhances the area east of Magnolia Road.
4. Provide a traffic study including distribution, sight distances and peak hour traffic projections including the intersections east and west of the proposed site.
5. Phase II be allowed to have 72% impervious coverage.
6. Locate the existing monitoring well on the site plan.
7. Provide all building elevations to scale (not renditions) and samples of all exterior architectural elements to ensure congruency.
8. The structures along McCaskill Road East be allowed to exceed the maximum front setback requirement of 10-feet.
9. No unit shall be designed to less than 900 square feet which is a variation from the minimum requirement of 1,500 square feet found in the PDO.

Recommendation of Staff

The Planning Staff is concerned that at this time there are no architectural renderings for the proposed mixed use structures which are part of Phase II. This leaves much discretion in the future to determine if Phase II of the proposal should be approved at the staff level. Therefore, staff would like to suggest that one condition of the rezoning, if approved by Council, include the following:

1. A condition agreed upon by the applicant be placed on the approval that renderings for the structures in Phase II (mixed use buildings) come back before the Planning & Zoning Board and Village Council for review and approval.

In addition, staff suggests that additional conditions to be agreed upon by the applicant and made a part of Council's approval might include:

2. Structures along McCaskill Road East be allowed to exceed the maximum front setback requirement of 10 feet.
3. Phase II be allowed to have a maximum impervious coverage not to exceed 72%.

4. Development be limited to the General Concept Plan submitted for the proposed development for the new buildings, parking areas, landscaping and associated improvements.
5. The multi-family units within Phase I be allowed to deviate from the minimum square footage of 1,500 square feet per unit as found in the PDO. If the recommendation of the P&Z Board is incorporated into this condition then the smallest unit permitted would be 900 square feet.

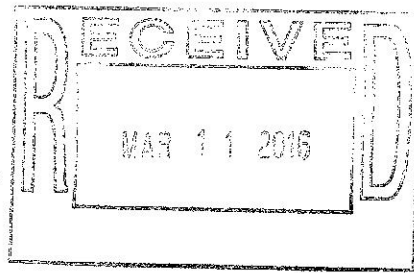
Comprehensive Plan Consistency Statement:

Page 48 of the 2010 Comprehensive Long Range Plan indicates that housing units in and near the Village Center area will help create a vibrant center. We should continue to explore ways to provide for more housing units in the area with densities and patterns appropriate for a Village Center location.

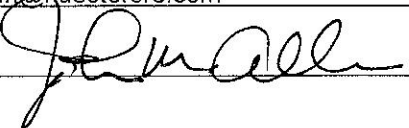
Page 66 of the 2008 New Core Plan indicates states that the economics of development in the NewCore area would likely support higher-density housing consistent with the scale of the existing village core, over low-density single-family detached housing as predominates on the periphery.

The 2013 Village Place Assessment indicates there is market potential for numerous uses, including housing, commercial office and retail and that housing, in the form of condominiums, apartments or clustered single family housing, could be built separately from other uses.

This proposal takes into consideration the need for additional housing needed in the vicinity of the Village Center as mentioned in the Comprehensive Plan. It also reflects the fact that the NewCore are would likely support higher density housing as outlined in the NewCore Plan and the Village Place Assessment. 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.



Application for
Amendment to the Zoning Map

Applicant: Name John Allen (Kuester Companies)
Address 600 SW Broad Street Annex Southern Pines, NC 28387
Telephone Number (704) 607-5514 Fax Number _____
Email john@kuestercre.com
Signature  Date 3/10/2016

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

Property LRK Number(s) 00025962 / 00025798

(attach separate list if necessary)

Present zoning classification VMU (Village Mixed-Use), NC (Neighborhood Commercial), PC (Public Conservation)

Requested zoning classification VMU (Village Mixed-Use) - Conditional District

Current Land Use Office Building

Number of parcels 2 Approximate size of area 6.495 Acres

Physical location of area corner of Magnolia and McCaskill Roads / 205 McCaskill Rd. East

Are public utilities available? Yes

Reason for map amendment

Seeking to develop a mixed-use project on the parcel, to include 72 apartments and a mixed-use office and/or retail building on the property.

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.

Planning and Inspections Department

395 Magnolia Rd. - Pinehurst, North Carolina 28374

(910) 295-2581 - Fax (910) 295-1396 - www.villageofpinehurst.org

GREENS OF PINEHURST CONDITIONAL DISTRICT NARRATIVE AND CONDITIONS

The development of the property described as the Greens of Pinehurst in the application exhibits will be a wonderful new addition to the Village of Pinehurst and the first new development of property in the "Village Place" or "New Core Area". The +/- 6.47 acre property is located north of McCaskill Road between Magnolia Road and Rattlesnake Trail. The property is currently zoned in three (3) different zoning categories of VMU (Village Mixed-Use), NC (Neighborhood Commercial) and PC (Public Conservation). This proposal requests that the property be zoned entirely in the VMU District and establish a Conditional District to permit 72 residential apartments and a mixed-use (office, retail, residential) building of +/- 40,000 square feet. Development will follow the VMU District Design Standards as described in Section 9.3.1 of the Pinehurst Development Ordinance (PDO). The following materials are included with this request and provide all information regarding the proposed development as required by the PDO:

- Conditional District Narrative
- General Conceptual Plan
- proposed architectural character elevations
- existing conditions map
- property survey

This Conditional District request is intended to promote a variety of uses in this area of the Village that are consistent with the Village character and meet the goals of the Comprehensive Long-Range Village Plan (CLRP), the New Core Master Plan (NCMP) and the Village Place Project Implementation Report (VPPIR). The development will preserve and enhance the general character of this area of the Village and fit with the surrounding neighborhood. The following describes the many aspects of the property and the intended development.

EXISTING CONDITIONS

The property has been disturbed for a long period of time and has been utilized for various uses over time. Currently the site is grown over on the west side of the property and two buildings are located on the east side of the site near Rattlesnake Trail. The grown over area has very few trees and is covered in vines. There are also rows of trees planted on the west side of property. The buildings located on the east side of the property are an old office building and a dilapidated brick garage structure. These buildings will be removed with the first phase of the development.

Topography on the site is very flat along the Rattlesnake Trail area of the property and then slopes dramatically (+/- 25') toward the west. The property is bordered by a drainage ditch on the west side of the property that is owned by the Village.



Surrounding properties include general retail and office uses, two parcels owned by the Village, a Moore County EMS facility and the Arboretum. One of the parcels owned by the Village is currently used as an equipment and materials staging and service yard.

Existing conditions maps and an aerial photograph of the site have been included in the application.

PROJECT DESIGN AND CONDITIONS

- Pedestrian Connectivity

- o Pedestrian connectivity will be provided throughout the development and connect to the Village sidewalk system. A sidewalk will be provided along McCaskill Road in the initial phase of development and connect to the proposed Village sidewalk. As development occurs along Rattlesnake Trail a sidewalk will be installed.
- o Sidewalks will be installed in the right-of way and meet the Village of Pinehurst standards for this area. Sidewalks may be shifted into the property to maintain existing trees if any exist that would be appropriate to save. These sidewalks would be dedicated and maintained by the Village of Pinehurst.

- Parking Areas

- o Adequate parking will be provided on site to accommodate the proposed uses as required in Section 9.4.1.1 of the PDO. The parking will be shared throughout the entire development per Section 9.4.1.3 of the PDO. Parking tabulations have been included on the General Concept Plan.
- o Free-standing garages will be provided for the apartment units. Garages will not be provided for all units as residents will have the option to lease.
- o Parking facilities will be located behind buildings to screen them from street views. Along McCaskill Road garages will be utilized to continue provide this architectural screening. Garages will be used for this purpose as there is a significant grade change that prohibits a large building on this slope. This pattern of development is consistent with the standards of the NCMP.
- o Access to the parking facilities will be provided from Rattlesnake Trail and McCaskill Road. No access will be provided from Magnolia Road.

- Streets and Access

- o Access to the site will be provided from two (2) different locations and via the surrounding streets. Access will be provided from Rattlesnake Trail and McCaskill Road. Streets will be designed per the Village engineering standards and provide adequate access for emergency vehicles and waste collection vehicles. There will be no access from Magnolia Road.
- o Access throughout the site will be provided through connected parking areas and shared driveways throughout the development.
- o Traffic calculations have been provided as required by the PDO. Trip generation will require no off site street improvements.

- Landscaping

- o Landscaping will meet the requirements of Section 9.5.1 of the PDO. Plantings will also follow the guidelines recommended in the NCMP for streetscape plantings. The PDO will supersede the NCMP should any conflicts exist between the two documents.
- o Due to the topography of the site, all trees within the property boundary be removed.

- o Planting buffers and screening will be provided on adjacent property boundaries where necessary and required by the Town's UDO. However, internal screening between uses will be designed as necessary to provide separation.
- o Street Trees will be provided per the PDO Section 9.5.1.4(e)(1) standards for quantity. Street trees may be planted in an informal/random fashion in order to reflect the character of the Village and descriptions contained in the NCMP.
- o Parking lots will be planted per the requirements of Section 9.5.1.4 of the PDO to provide adequate shade and to screen parking fields from adjacent properties.
- o Plantings will follow the recommended plantings from Manning's original list of plants as described in Section 9.5.1.2(d)(1) of the PDO.
- o No state champion trees are located on the site.
- **Open Space**
 - o Open space will be provided for the residents of the community and along the public sidewalks. A covered area and patio at the corner of Magnolia Road and McCaskill Road will connect to the public way and be open to the public.
 - o Patios will be provided for residents living on the ground levels of the apartment building.
 - o A private outdoor patio and grilling area will be provided on the north side of the building for residents of the apartments.
 - o Sidewalks and trails will be provided and connected to Village recreation areas in close proximity of the site.
- **Buffers/Setbacks**
 - o Buffers and setbacks for the property will be provided per the requirements of the VMU district standards for the mixed-use building. These setbacks are as follows:
 - Front Yard: 0'-10' max.
 - Side Yard: 0'
 - Rear yard: 5'
 - o Setbacks for the apartment building and garages will be increased due to the topography and grading issues on the site. The setback along Magnolia Road will also be increased to avoid the Moore County sewer line and provide a vegetated buffer along the Arboretum property.
- **Stormwater**
 - o Stormwater management best practices will be applied as necessary and required to control stormwater runoff throughout the project.
 - o It is proposed that stormwater runoff be controlled off-site on the parcel of land owned by the Village of Pinehurst located to the north of the subject property. The developer would provide stormwater runoff control for the entirety of the 6.47 acre parcel as well as a significant area (+/- an additional 12 acres) of property within the Village (see attached map showing drainage area and proposed pond location). The drainage basin would include property as far east as Dundee Road (Clark Cadillac Property) in an effort to alleviate current drainage problems within the surrounding neighborhood and control stormwater in a single centralized facility. This would allow the character in the area to reflect the development pattern described in the NCMP and prevent each individual parcel within the area from having its own stormwater device, thus breaking the

prescribed pattern. An easement would be granted across the Greens of Pinehurst property to allow connection to future storm drainage features along McIntyre Road that would remedy an existing drainage deficiency along Village streets. The Greens at Pinehurst development would maintain the stormwater device until such time as the Village would utilize the easement and tie into the facility to treat off site water. At such time as the Village begins using the facility to contain stormwater from surrounding properties within the drainage basin, maintenance would become the responsibility of the Village.

- o The property falls within a WS-III-BW watershed which permits only 24% impervious surface on the site. This site will require the Village to permit additional impervious as a high density option within the watershed to accommodate the development. More compact development with higher impervious surface totals in this area is consistent with the goals of the CLRP and matches the proposed development pattern for this area described in both the NCMP and VPPIR.

- **Utility Service**

- o As this is an infill location, adequate water and sewer service can be provided by the Moore County Public Utilities to service this development. Utilities are currently within close proximity, along the streets near the proposed site and in an easement across the property. All utilities on the site will be located underground.
- o A Moore County Public Utilities sewer line and associated easement are located on the west side of the property.
- o Power is readily available for the property.

- **Architectural Character**

- o Architect is providing this information.

- **Signage**

- o A sign for the apartment building will located at the corner of Magnolia Road and McCaskill Road.
- o Signage for the mixed-use building will be located at the corner of Rattlesnake Road and McCaskill Road.
- o Entrance signage indicating the businesses within the mixed-use building and the apartments will be located at the entrances to the parking areas.
- o Building mounted and hanging signs will be located on the mixed-use building.
- o All signage will meet the requirements of Section 9.7 of the PDO.

- **Lighting**

- o All street lighting and parking lot lighting will meet the standards of Section 9.8 of the PDO.

- **Soil Erosion and Sediment Control**

- o Soil erosion and sediment control during construction will be provided per Section 9.12 of the PDO and all state standards.

- **Fences, Walls and Columns**

- o All fences, walls and columns will meet the requirements of Section 9.13 of the PDO.

The descriptions and conditions described above will apply to the entire project as indicated in the Conditional District General Concept Plan document.

November 6, 2015

Dear adjoining property owner,

You are receiving this letter as an adjoining property owner of a combination of parcels located at the corner of Magnolia Road and McCaskill Road in the Village of Pinehurst. A Neighborhood Meeting will be held to discuss a mixed-use development plan for the 6.34 acre property. The applicant is seeking conditional use permit approval, as required by the Village of Pinehurst. Proposed plans for the development include luxury apartments and commercial and/or office uses.

This is not a public hearing. The purpose of this meeting is to inform neighboring property owners of the proposed development and seek their input on the project.

The meeting will be held on November 16th, 2015 between the hours of 4:00 pm and 6:00 pm at the Pinehurst Village Hall located at 395 Magnolia Road in Pinehurst. This will be an informal meeting to discuss the project and conceptual plans will be available for review. Anyone seeking additional information regarding this project may call (910) 639-4058.

Best Regards,



Robert Koontz, RLA



Adjoining Property Owner Meeting

Greens of Pinehurst

Sign-In Sheet - 11/16/15

Name	Address	Phone #
Jay DePue	Bldg. Corner McCaskill/Rattlesnake 1095 Morgan Rd	910-295-5896 (H)
Ann Cameron	Demeter 270 McCaskill PO Box 3882, P	910-295-3882 (H)
Mike Barrett	616 Redwood, So Pine	814-450-0381
Robert C Barrett	23 Community Rd	910-295-4292
DAVE CRISAFULLI	BLVD ST.	919-632-2327
Ron Jackson	Cattle	910-944-7453
C.H. Campbell II	Medlin Rd	910-695-5553

NEIGHBORHOOD MEETING REPORT

DATE: November 16, 2015

PROJECT: Greens of Pinehurst

LOCATION: Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, NC

SUBMITTED BY: Bob Koontz

ATTENDEES: Bob Koontz, KOONTZDesign
John Allen, Kuester Companies, Inc.

An informal Neighborhood Meeting was held on Monday November 16, 2015 from 4:00pm to 6:00 pm at the Pinehurst Village Hall Assembly Room. This meeting is required by the Village of Pinehurst PDO for all Conditional Use Permit applications. The developer and project team held this meeting with the adjoining property owners to present the project and solicit feedback on the preliminary plans and architecture. All adjoining parcel owners within 100' of the property, as directed for neighborhood meeting notification in the PDO, were notified by letter (see attached copy of the letter) ten (10) days prior to the meeting date.

The meeting was informal in nature to allow adjoining property owners the opportunity to drop by at their convenience to review preliminary plans and ask questions of the development team. No formal presentation was provided. Drawings of the conceptual site plan, architectural elevations and architectural perspectives were provided for review of the property owners. Development team members were available to answer questions regarding the proposed project.

Several of the adjoining property owners took the opportunity to review the plans and discuss the project with the development team. A meeting sign-up sheet has been included. Questions relating to the height of the buildings, location of the buildings, parking locations, existing trees, location of stormwater management and traffic were asked during the meeting. The development team responded based on the current direction of the plan. Overall, the development team found the general response to the project to be favorable related to architecture and site plan. Comments regarding the redevelopment of the Village Place were positive and several attendees thought the architecture resembled other hotels and historic buildings in the Village. Understanding that the existing buildings on the site would be removed with this development were taken as a positive step for the Village Place area and surrounding property values.



Robert Koontz, RLA

These notes reflect the author's interpretation of the events during the referenced meeting. Any additions or modifications required should be submitted to the author in writing.



THE GREENS OF PINEHURST

CONCEPTUAL MASTER PLAN

PINEHURST, NORTH CAROLINA

FEBRUARY 18, 2015



DEVELOPMENT SUMMARY

APARTMENTS: 72 UNITS
MIXED-USE (2-STORY) +/- 30,000 - 35,000 SQ. FT.

* FINAL MIXED-USE BUILDING SIZE WILL BE DEPENDENT UPON THE AMOUNT OF PARKING THAT CAN BE PROVIDED AS USES ARE DETERMINED.

PARKING SUMMARY:

APARTMENTS:
(1 SPACE PER 1 BEDROOM UNITS/2 SPACES PER 2 AND 3 BEDROOM UNITS)

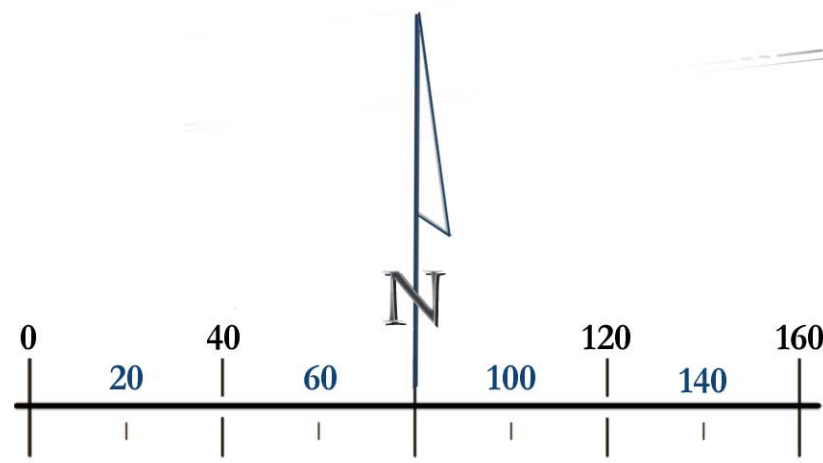
(13) 3 BEDROOM UNITS = 26 SPACES
(28) 2 BEDROOM UNITS = 56 SPACES
(31) 1 BEDROOM UNITS = 31 SPACES
(72) TOTAL UNITS = 113 SPACES

VISITOR PARKING (1 SPACE PER 5 UNITS) = 15 SPACES

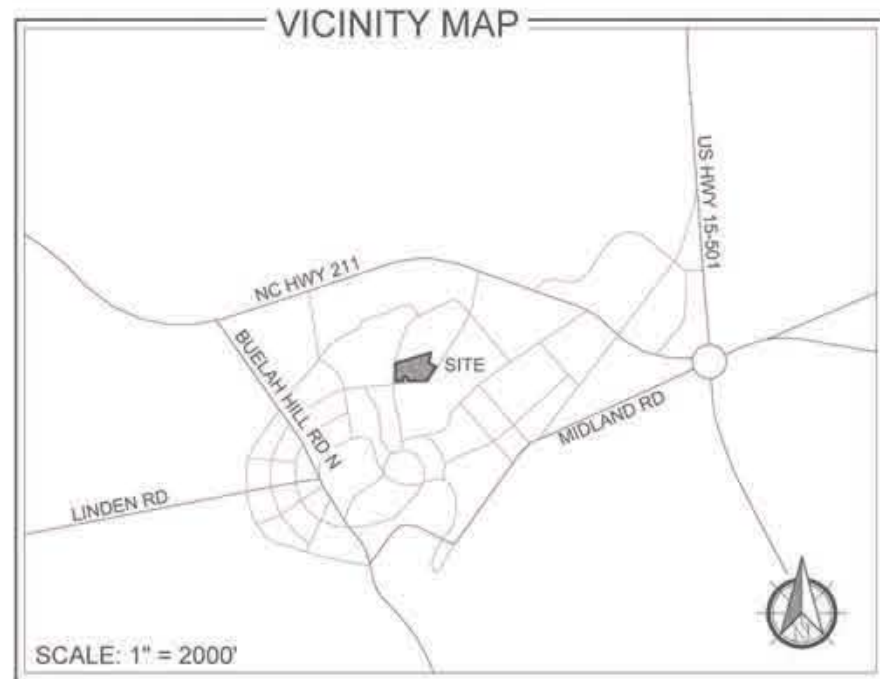
TOTAL SPACES REQUIRED = 128 SPACES
TOTAL SPACES PROVIDED = 132 SPACES (25 PROVIDED IN GARAGES)

MIXED-USE (2-STORY):
145 SPACES

@30,000 SF = 4.8 SPACES/ 1000 SF
@35,000 SF = 4.1 SPACES/1000 SF

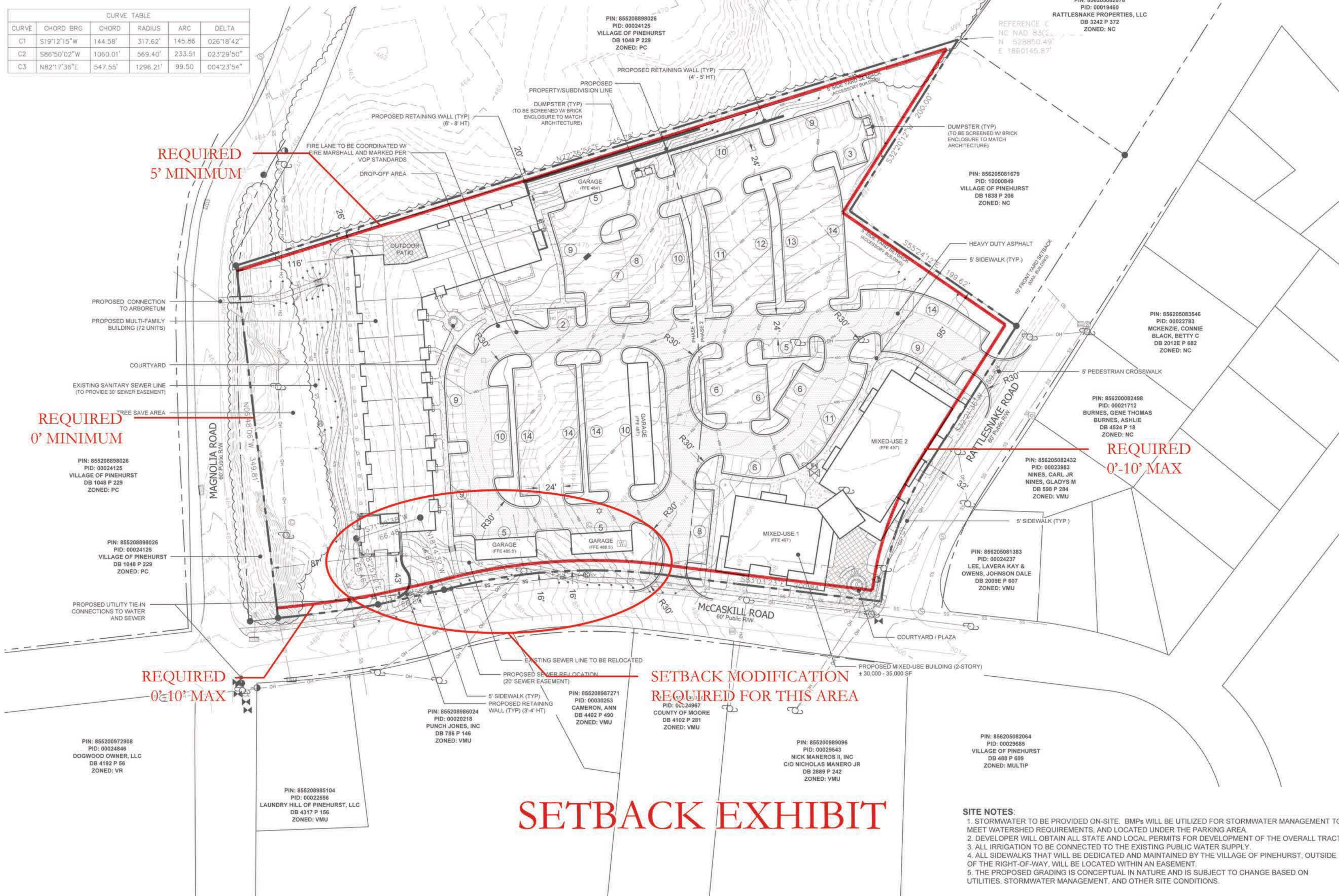


Disclaimer:
This plan is of conceptual nature and is used solely for illustrative purposes. Items depicted are subject to change.



- GENERAL NOTES:**
1. BASIS OF NORTH : NC GRID-NAD '83
 2. AREA CALCULATIONS ARE BASED ON COORDINATE CALCULATION
 3. ALL DISTANCES ARE ADJUSTED GRID DISTANCES
 4. SURVEY IS OF AN EXISTING PARCEL OR LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING ONE
 5. A COMPLETE TITLE SEARCH WAS NOT PROVIDED TO OR PREPARED BY THE SURVEYOR. PROPERTY IS SUBJECT TO ALL EASEMENTS AND RIGHT-OF-WAYS OF RECORD
 6. NO DETERMINATION HAS BEEN MADE BY THE SURVEYOR AS TO THE EXISTENCE OF THE FOLLOWING: FLOOD HAZARD SOILS, WETLANDS, UNDERGROUND UTILITIES, UNDERGROUND STORAGE FACILITIES, CEMETERIES OR BURIAL GROUNDS
 7. LOCATION OF UNDERGROUND UTILITIES, IF SHOWN, ARE BASED ON VISIBLE EVIDENCE AND DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND UTILITIES AND STRUCTURES MAY VARY FROM LOCATIONS SHOWN. ADDITIONAL UTILITIES MAY EXIST. LOCAL UTILITY COMPANIES SHOULD BE CONSULTED FOR FURTHER INFORMATION PRIOR TO CONSTRUCTION.
 8. EXISTING PARCEL INFORMATION OBTAINED FROM MOORE COUNTY GIS
 9. THE SUBJECT PROPERTY IS NOT SHOWN IN A WETLAND AREA PER THE NATIONAL WETLANDS INVENTORY MAP

CURVE TABLE					
CURVE	CHORD BRG	CHORD	RADIUS	ARC	DELTA
C1	S19°12'15"W	144.58'	317.62'	145.86'	026°18'42"
C2	S86°50'02"W	1060.01'	569.40'	233.51'	023°29'50"
C3	N82°17'36"E	547.55'	1296.21'	99.50'	004°23'54"



NOT FOR RECORDATION

FLOODPLAIN DATA

THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X' (AREAS OF MINIMAL FLOODING)

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY PANEL(S) NO: 8582 MAP(S): 3710854200J DATE: OCTOBER 17, 2006

- LEGEND**
- Existing Iron Pin Found
 - New Iron Pin Set
 - Boundary Line
 - Existing Parcels
 - Existing Minor Contour
 - Existing Major Contour
 - Existing Overhead Utility Line
 - Existing Sanitary Sewer Line
 - Existing Easement
 - Existing Tree Line
 - Existing Sanitary Sewer Manhole
 - Existing Sanitary Sewer Cleanout
 - Existing Pole
 - Existing Telecomm. Apparatus
 - Proposed Major Contours
 - Proposed Minor Contours

ZONING INFORMATION

EXISTING ZONING CLASSIFICATION:

VMU: VILLAGE MIXED USE
NC: NEIGHBORHOOD COMMERCIAL
PC: PUBLIC CONSERVATION

PROPERTY INFORMATION

PROPERTY OWNER(S):
MOORE INVESTMENT GROUP, LLC
PO BOX 1823
PINEHURST, NC 28370

RESORTS OF PINEHURST, INC
ATTN: RICHARD HIGGINBOTHAM
P.O. BOX 4000
PINEHURST, NC 28374

TOTAL ACREAGE: 6.495 AC

TOTAL UNITS (MULTI-FAMILY): 72

MIXED-USE (2-STORY): ± 30,000 - 35,000SF
*FINAL MIXED-USE BUILDING SIZE WILL BE DEPENDENT UPON THE AMOUNT OF PARKING THAT CAN BE PROVIDED AS USES ARE DETERMINED.

TOTAL OPEN SPACE: 89,403.42 SF (31.6%)

IMPERVIOUS SURFACE:
BUILDINGS: ± 57,619.38 SF (1.32 AC)
PARKING AREA: ± 110,436.70 SF (2.54 AC)
SIDEWALKS: ± 17,832.28 SF (0.41 AC)

TOTAL IMPERVIOUS SURFACE: ± 4.27 AC (65.7%)

PARKING SUMMARY

APARTMENTS:
(1 SPACE PER 1 BEDROOM UNITS/2 SPACES PER 2 AND 3 BEDROOM UNITS)

(13) 3 BEDROOM UNITS = 26 SPACES
(28) 2 BEDROOM UNITS = 56 SPACES
(31) 1 BEDROOM UNITS = 31 SPACES
(72) TOTAL UNITS = 113 SPACES

VISITOR PARKING (1 SPACE PER 5 UNITS)
= 15 SPACES

TOTAL SPACES REQUIRED = 128 SPACES
TOTAL SPACES PROVIDED = 132 SPACES
(25 PROVIDED IN GARAGES)

MIXED-USE (2-STORY):
142 SPACES

@30,000 SF = 4.7 SPACES/1000 SF
@35,000 SF = 4.1 SPACES/1000 SF

SURVEY PROVIDED BY:
ROBERT MURPHY PLLC
PO BOX 99783
RALEIGH, NC 27624
P: (919) 302-1740

SURVEY FOR:
KUESTER DEVELOPMENT ASSOCIATES
MINERAL SPRINGS TOWNSHIP: MOORE COUNTY
PINEHURST, NORTH CAROLINA
FEBRUARY 2016

CAUTION

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT DEPICTED ON THESE PLANS. THE LANDSCAPE ARCHITECT AND ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE PROJECT LIMITS. ALL DAMAGE MADE TO THE EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY BY THE CONTRACTOR.

- SITE NOTES:**
1. STORMWATER TO BE PROVIDED ON-SITE. BMPs WILL BE UTILIZED FOR STORMWATER MANAGEMENT TO MEET WATERSHED REQUIREMENTS, AND LOCATED UNDER THE PARKING AREA.
 2. DEVELOPER WILL OBTAIN ALL STATE AND LOCAL PERMITS FOR DEVELOPMENT OF THE OVERALL TRACT.
 3. ALL IRRIGATION TO BE CONNECTED TO THE EXISTING PUBLIC WATER SUPPLY.
 4. ALL SIDEWALKS THAT WILL BE DEDICATED AND MAINTAINED BY THE VILLAGE OF PINEHURST, OUTSIDE OF THE RIGHT-OF-WAY, WILL BE LOCATED WITHIN AN EASEMENT.
 5. THE PROPOSED GRADING IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE BASED ON UTILITIES, STORMWATER MANAGEMENT, AND OTHER SITE CONDITIONS.



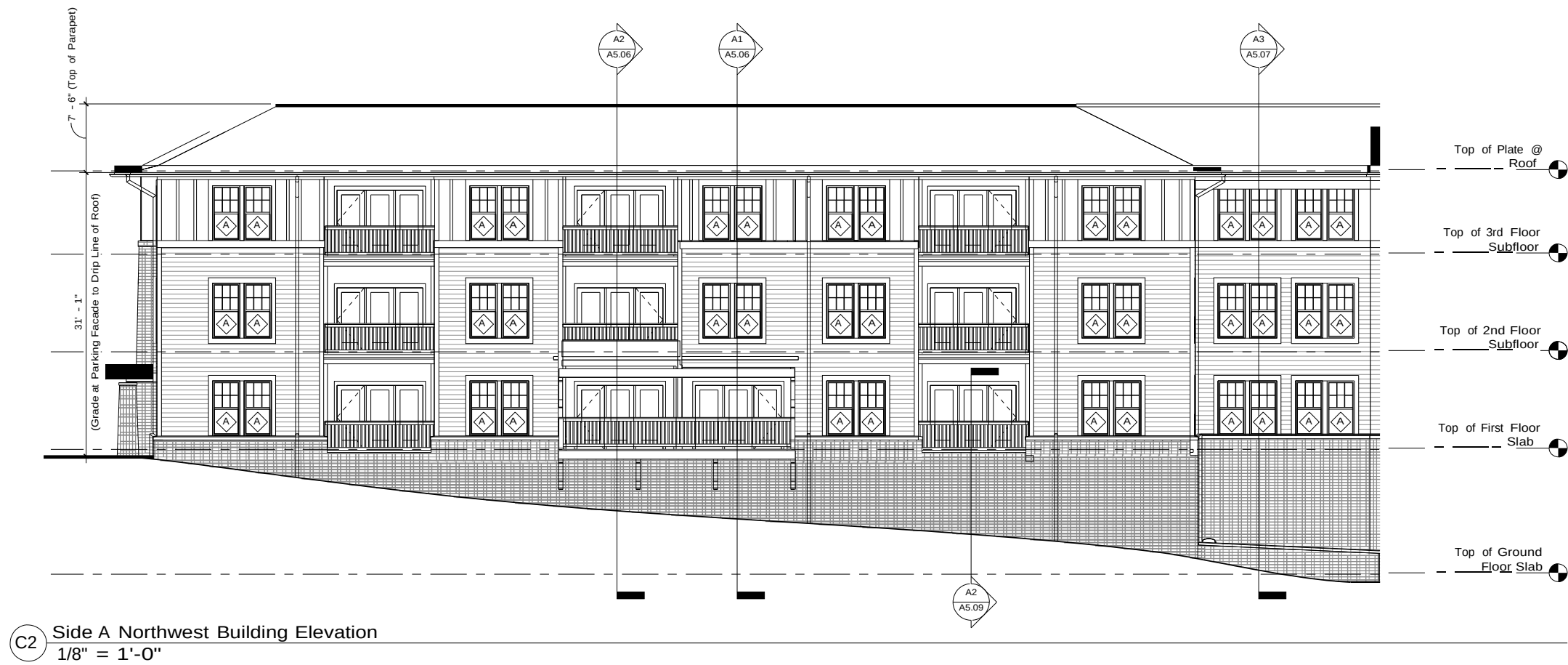
THE GREENS OF PINEHURST
KUESTER DEVELOPMENT ASSOCIATES | PINEHURST, NORTH CAROLINA

GENERAL CONCEPT PLAN

DATE: 03-10-2016
DESIGNED BY: REK
DRAWN BY: JWS
CHECKED BY: REK
SCALE: 1" = 50'-0"
PROJECT #: K01520
SHEET NUMBER: 2

L2.0





C2 Side A Northwest Building Elevation
1/8" = 1'-0"



C1 Side A North Building Elevation
1/8" = 1'-0"



B1 Side A Northeast Building Elevation
1/8" = 1'-0"



A1 Side A Southeast Building Elevation
1/8" = 1'-0"

90% Complete Construction Documents Package for

The Greens at the Arboretum

Magnolia & McCaskill Roads - Pinehurst, NC

REVISIONS:		
Number	Description	Date

1522
April 8, 2016 - 90% Complete
Construction Documents
SHEET NAME
Building Elevations

CRAFT SOLUTIONS

SHEET NUMBER

A4.01



A2 Side B East Building Elevation
1/8" = 1'-0"



A1 Side B South Building Elevation
1/8" = 1'-0"

90% Complete Construction Documents Package for

The Greens at the Arboretum

Apartment
Magnolia & McCaskill Roads - Pinehurst, NC

REVISIONS:		
Number	Description	Date

1522
April 8, 2016 - 90% Complete
Construction Documents
SHEET NAME
Building Elevations

CRAFT. SOLUTIONS.

SHEET NUMBER

A4.02



B1 Side A West Building Elevation
1/8" = 1'-0"



A1 Side B West Building Elevation
1/8" = 1'-0"

90% Complete Construction Documents Package for

The Greens at the Arboretum

Apartment Construction

Magnolia & McCaskill Roads - Pinehurst, NC

REVISIONS:		
Number	Description	Date

1522
April 8, 2016 - 90% Complete
Construction Documents
SHEET NAME
Building Elevations

CRAFT. SOLUTIONS.

SHEET NUMBER

A4.03

ORDINANCE #16-10:

AN ORDINANCE AMENDING THE OFFICIAL PINEHURST ZONING MAP AS IT PERTAINS TO THE REZONING OF CERTAIN LAND LOCATED AT 205 MCCASKILL ROAD.

THAT WHEREAS, the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance and Map on the 8th day of October, 2014, for the purpose of regulating planning and development in the Village of Pinehurst and the extraterritorial area over which it has jurisdiction; and

WHEREAS, said Ordinance and Map may be amended from time to time as circumstances and the best interests of the community have required; and

WHEREAS, a public hearing was held at 4:30 p.m. on May 24, 2016 in the Assembly Hall of the Pinehurst Village Hall, Pinehurst, North Carolina after due notice in the Pilot, a newspaper in Southern Pines, North Carolina, with general circulation in the Village of Pinehurst, and its extraterritorial jurisdiction, for the purpose of considering rezoning of two parcels of land consisting of approximately .11 and 6.4 acres. These properties are addressed as 205 McCaskill Road East. These properties are further defined as being Moore County LRK #'s 00025962 and 00025798. The properties are currently zoned Neighborhood Commercial (NC), Village Mixed Use (VMU) and Public Conservation (PC). This proposed map amendment would change the zoning of the properties to Village Mixed Use-Conditional District (VMU-CD). The property contains a vacant office building and outbuilding. The proposed use of the property is 72 apartment units and a mixed use commercial building containing $\pm$ 35,000 square feet, at which time all interested citizens, residents and property owners in the Village of Pinehurst and its extraterritorial jurisdiction were given an opportunity to be heard as to whether they favored or opposed the proposed rezoning; and

WHEREAS, the Planning and Zoning Board has recommended the zoning map be amended; and

WHEREAS, the applicant has agreed upon the following condition(s):

- 1. The construction drawings and final approvals are based on the general concept plan submitted for the new buildings, parking areas, landscaping and all other associated improvements.**
- 2. The maximum impervious surface coverage for Phase II and the subsequent subdivision is granted an exception to allow it to exceed the 70% maximum impervious surface allowed. The new maximum impervious shall not exceed 72%.**
- 3. The structures within Phase I and fronting on McCaskill Road East be allowed to exceed the maximum front yard setback requirement of 10 feet.**

4. **Multi-family units within Phase I are not required to meet the minimum square footage of 1,500 square feet required in the PDO and may contain no less than ____ square feet per unit.**
5. **The proposed mixed-use structures in Phase II must come back before the Planning & Zoning Board and Village Council for review and approval.**

WHEREAS, the Village Council, after considering all of the facts and circumstances surrounding the proposed rezoning, have determined that it is in the best interests of the Village of Pinehurst and the extraterritorial jurisdiction that the Development Ordinance and Zoning Map be amended as recommended by the Planning and Zoning Board.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in session assembled on this 24th day of May, 2016 as follows:

SECTION 1. That the Pinehurst Zoning Map of the Village of Pinehurst and its extraterritorial zoning jurisdiction be and the same hereby is amended by rezoning of approximately 6.5 acres addressed as 205 McCaskill Road, further defined as being Moore County LRK #'s 00025962 and 00025798 from Neighborhood Commercial (NC), Village Mixed Use (VMU) and Public Conservation (PC) to Village Mixed Use-Conditional District (VMU-CD).

SECTION 2. The rezoning map and general concept plan is attached hereto as Exhibit A and made a part hereof, the same as if included verbatim.

SECTION 3. This Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 24th day of May, 2016.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
Nancy Roy Fiorillo, Mayor

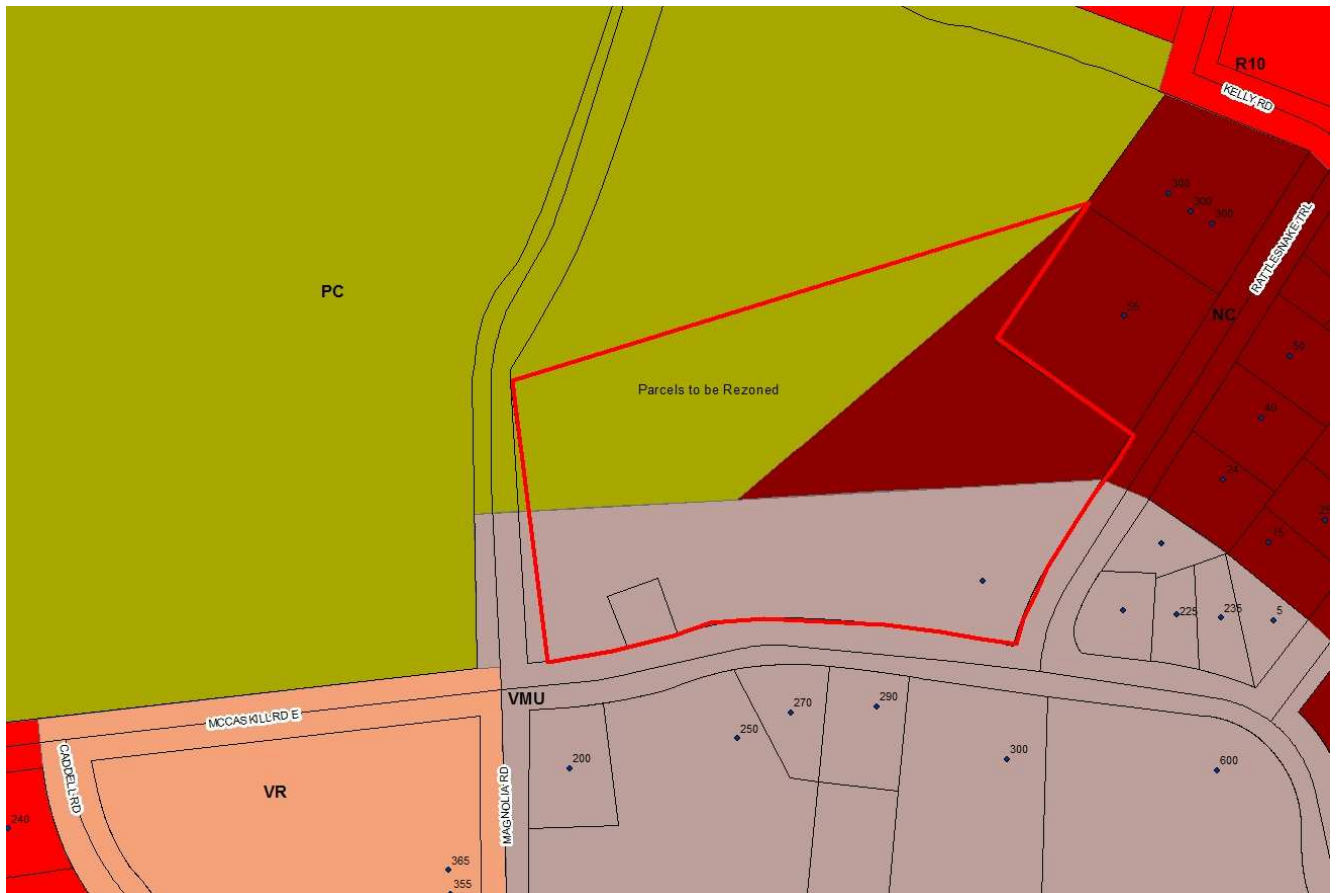
Attest:

Approved as to Form:

Lauren Craig, Village Clerk

Michael J. Newman, Village Attorney

EXHIBIT A



**GREENS OF PINEHURST
CONDITIONAL DISTRICT NARRATIVE AND CONDITIONS**

The development of the property described as the Greens of Pinehurst in the application exhibits will be a wonderful new addition to the Village of Pinehurst and the first new development of property in the "Village Place" or "New Core Area". The +/- 6.495 acre property is located north of McCaskill Road between Magnolia Road and Rattlesnake Trail. The property is currently zoned in three (3) different zoning categories of VMU (Village Mixed-Use), NC (Neighborhood Commercial) and PC (Public Conservation). This proposal requests that the property be zoned entirely in the VMU District and establish a Conditional District to permit 72 residential apartments and a mixed-use (office, retail, residential) building of +/- 35,000 square feet. The project will be developed in two (2) phases as indicated on the attached plans. The 72 apartment units will be Phase 1 with the mixed-use building making up Phase 2. Development will follow the VMU District Design Standards as described in Section 9.3.1 of the Pinehurst Development Ordinance (PDO). The following materials are included with this request and provide all information regarding the proposed development as required by the PDO:

- Application for Amendment to the Zoning Map
- Conditional District Narrative
- Neighborhood Meeting Report and Sign-In Sheet
- General Conceptual Plan
- proposed architectural character elevations
- existing conditions map and aerial
- property survey
- Environmental Site Assessment
- Wetland Assessment and Report
- Zoning authorization letter from Pinehurst Resort

This Conditional District request is intended to promote a variety of uses in this area of the Village that are consistent with the Village character and meet the goals of the Comprehensive Long-Range Village Plan (CLRP), the New Core Master Plan (NCMP) and the Village Place Project Implementation Report (VPPIR). The development will preserve and enhance the general character of this area of the Village and fit in with the surrounding neighborhood. The following narrative describes the many aspects of the property and the intended development.

EXISTING CONDITIONS

The property has been disturbed for a long period of time and utilized for various uses over time. Currently the site is grown over on the west side of the property and two buildings are located on the east side of the site near Rattlesnake Trail. The grown over area has very few trees and is covered in vines. There are also rows of trees planted on the west side of property. The buildings located on the east side of the property are an old office building and a dilapidated brick garage structure. These buildings will be removed with the first phase of the development.



Topography on the site is very flat along the Rattlesnake Trail area of the property and then slopes dramatically (+/- 25') toward the west. The property is bordered by a drainage ditch on the west side of the property that is owned by the Village.

Surrounding properties include general retail and office uses, two parcels owned by the Village, a Moore County EMS facility and the Arboretum. One of the parcels owned by the Village is currently used as an equipment and materials staging and service yard.

Existing conditions maps and an aerial photograph of the site have been included in the application.

PROJECT DESIGN AND CONDITIONS

Pedestrian Connectivity

- Pedestrian connectivity will be provided throughout the development and connect to the Village sidewalk system. A sidewalk will be provided along McCaskill Road in the initial phase of development and connect to the proposed Village sidewalk. As development occurs along Rattlesnake Trail a sidewalk will be installed.
- Sidewalks will be installed in the right-of way and meet the Village of Pinehurst standards for this area. Sidewalks may be shifted into the property to maintain existing trees if any exist that would be appropriate to save. These sidewalks would be dedicated and maintained by the Village of Pinehurst. Any sidewalks to be dedicated to and maintained by the Village that are outside of Village right-of-way will be located in an easement dedicated to the Village.

Parking Areas

- Adequate parking will be provided on site to accommodate the proposed uses as required in Section 9.4.1.1 of the PDO. The parking will be shared throughout the entire development per Section 9.4.1.3 of the PDO. Parking tabulations have been included on the General Concept Plan.
- Free-standing garages will be provided for the apartment units. Garages will not be provided for all units as residents will have the option to lease.
- Parking facilities will be located behind buildings to screen them from street views. Along McCaskill Road garages will be utilized to provide this architectural screening. Garages will be used for this purpose, as there is a significant grade change that prohibits a large building on this slope. This pattern of development is consistent with the standards of the NCMP.
- Access to the parking facilities will be provided from Rattlesnake Trail and McCaskill Road. No access will be provide from Magnolia Road.

Streets and Access

- Access to the site will be provided from two (2) different locations and via the surrounding streets. Access will be provided from Rattlesnake Trail and McCaskill Road. Streets will be designed per the Village engineering standards and provide adequate access for emergency vehicles and waste collection vehicles. There will be no access from Magnolia Road.
- Access throughout the site will be provided through connected parking areas and shared driveways throughout the development.

- Traffic calculations* have been provided at the end of this document as required by the PDO. Trip generation will require no off-site street improvements.

Landscaping

- Landscaping will meet the requirements of Section 9.5.1 of the PDO. Plantings will also follow the guidelines recommended in the NCMP for streetscape plantings. The PDO will supersede the NCMP should any conflicts exist between the two documents.
- Due to the topography of the site, most trees within the property boundary be removed. However, a large tree save area will be maintained along the Magnolia Road side of the property, between the existing sewer line and the property owned by the Village. This area will be cleared of debris, small trees, vines and invasive plants to provide a maintained appearance to this area. The developer may request the ability to clean up the small parcel owned by the Village as well, in order to remove vines and unsightly plant material.
- Planting buffers and screening will be provided on adjacent property boundaries where necessary and required by the Town's PDO. However, internal screening between uses will be designed as necessary to provide separation.
- Street Trees will be provided per the PDO Section 9.5.1.4(e)(1) standards for quantity. Street trees may be planted in an informal/random fashion in order to reflect the character of the Village and descriptions contained in the NCMP.
- Parking lots will be planted per the requirements of Section 9.5.1.4 of the PDO to provide adequate shade and to screen parking fields from adjacent properties.
- Plantings will follow the recommended plantings from Manning's original list of plants as described in Section 9.5.1.2(d)(1) of the PDO.
- No state champion trees are located on the site.

Open Space

- Open space will be provided for the residents of the community and along the public sidewalks. A covered area and patio at the corner of Magnolia Road and McCaskill Road will connect to the public way and be open to the public.
- Patios will be provided for residents living on the ground levels of the apartment building.
- A private outdoor patio and grilling area will be provided on the north side of the building for residents of the apartments.
- Sidewalks and trails will be provided and connected to Village recreation areas in close proximity of the site.

Buffers/Setbacks

- For the Mixed-Use building, buffers and setbacks for the property will be provided per the PDO requirements of the VMU district standards. These setbacks are as follows:
 - Front Yard: 0'-10' max.
 - Side Yard: 0'
 - Rear yard: 5'
- An exception is sought for the setbacks for the apartment building and garages. The front yard setbacks will be increased substantially beyond the 10' maximum, due to the topography, existing utility locations, and grading issues on the site. The additional setback along Magnolia Road will allow for tree save area along the property boundary.

Stormwater

- Stormwater management best practices will be applied as necessary and required to control stormwater runoff throughout the project.
- It is proposed that stormwater runoff be controlled on-site utilizing a combination of underground and above ground stormwater control devices.
- The developer will obtain permits required by state and local agencies for stormwater management on the site.
- The property falls within a WS-III-BW watershed which permits only 24% impervious surface on the site. This site will require the Village to permit additional impervious as a high density option within the watershed to accommodate the development. More compact development with higher impervious surface totals in this area is consistent with the goals of the CLRP and matches the proposed development pattern for this area described in both the NCMP and VPPIR.

Utility Service

- As this is an infill location, water and sewer service can be provided by the Moore County Public Utilities to service this development. Utilities are currently within close proximity, along the streets near the proposed site and in an easement across the property. All new utilities on the site will be located underground.
- A Moore County Public Utilities sewer line and associated easement are located on the west side of the property.
- Power is readily available for the property.

Architectural Character

- Because of this project's prominent location in the rear of the "New Core Area", it was immediately clear that this site demanded something much more unique and contextual than a typical multiple-building, exterior breezeway apartment complex with buildings scattered seemingly randomly over the site.
- The proposed design is inspired by the architectural style and massing of the several wonderful resort hotels that can be found throughout the nearby Pinehurst Village Center. As such, the design consists of one larger building which "absorbs" the site's existing slope with an interior retaining wall and a partial Ground Floor with apartment units fronting on Magnolia Road. Other features include interior corridors, a "broken hip" roof form, sweeping covered verandas (at both the parking lot entrance and also addressing the Magnolia Road frontage), and a signature tower element at the corner of Magnolia and McCaskill Roads. This tower not only addresses the corner architecturally by serving as somewhat of a landmark, but also houses a two-story covered porch at its base that can be used by residents and is also easily accessible to any pedestrians who might like to drop in and relax for a few minutes. The intent of the design is for it to feel as if the building may have at one time been a resort hotel that has now been converted to apartment homes.
- In keeping with this resort hotel inspiration, the apartment building's materials include horizontal lap siding with board and batten siding at the upper-most level (all painted white), brick veneer including tapered brick columns, a brick water-table at the base of the entire building and selected areas of more extensive brick such as at the aforementioned corner tower element. The primary roof will be a "broken hip" with green architectural asphalt shingles which create parapet walls that screen roof-top HVAC units from view. Selected roof areas such as the corner tower and the verandas

will have standing seam metal roofing. In the spirit of "the devil is in the details", important Craftsman-style details such as exposed rafter tails, large 3' roof overhangs, wide window trim & corner-boards and "chunky" wooden guardrails will be used throughout the building's exterior. The free-standing garages incorporate the same materials and detailing including lap siding, exposed rafter tails etc. The proposed office / retail building (at the Rattlesnake Trail) side of the property will also feature many of these same materials and detailing.

- As noted previously, the design includes several one-story wood-framed, enclosed garage structures. At least two of these structures will be strategically positioned along the McCaskill Road edge of the project. These one-story structures, along with the change in topography and the extensive landscaping will help to screen the view of the surface parking lot from both vehicular and pedestrian passers-by.
- The VMU permits a maximum height of buildings to be 50'. The calculation of building height, described in the PDO, is derived from the average height at the front of the building and does not include basements. The Magnolia Road building façade would be considered a basement (walk-out) and is in the rear of the building. The following are the proposed building heights:
 - Parking Lot (Front) façade is 38'-7" to the top of the parapet
 - Magnolia Road (Rear) façade, the primary roof height is 52'-4" to the top of parapet.
 - Magnolia Road (Rear) façade, the feature tower focal element roof height is 58'-10" to the peak of the tower hip roof.
- An exception to the apartment size requirements in Section 8.6 SR-3 Dwelling, Multi-Family is requested. Section 8.6 requires a minimum of 1500 sf for each multi-family unit. The apartments in this project will range from 750-1325 sf.

Signage

- A sign for the apartment building will be located at the corner of Magnolia Road and McCaskill Road.
- Signage for the mixed-use building will be located at the corner of Rattlesnake Road and McCaskill Road.
- Entrance signage indicating the businesses within the mixed-use building and the apartments will be located at the entrances to the parking areas.
- Building mounted and hanging signs will be located on the mixed-use building.
- All signage will meet the requirements of Section 9.7 of the PDO.

Lighting

- All street lighting and parking lot lighting will meet the standards of Section 9.8 of the PDO.

Soil Erosion and Sediment Control

- Soil erosion and sediment control during construction will be provided per Section 9.12 of the PDO and all state standards.
- The developer will obtain an erosion control permit from NCDWQ for the project as required.

Fences, Walls and Columns

- All fences, walls and columns will meet the requirements of Section 9.13 of the PDO.

Current conditions found in ordinance for conditional district rezoning:

1. The construction drawings and final approvals are based on the general concept plan submitted for the new buildings, parking areas, landscaping and all other associated improvements.
2. The maximum impervious surface coverage for Phase II and the subsequent subdivision is granted an exception to allow it to exceed the 70% maximum impervious surface allowed. The new maximum impervious shall not exceed 72%.
3. The structures within Phase I and fronting on McCaskill Road East be allowed to exceed the maximum front yard setback requirement of 10 feet.
4. Multi-family units within Phase I are not required to meet the minimum square footage of 1,500 square feet required in the PDO and may contain no less than ____ square feet per unit.
5. The proposed mixed-use structures in Phase II must come back before the Planning & Zoning Board and Village Council for review and approval.

Potential additional conditions for ordinance consideration:

1. A permanent paved driveway off of Rattlesnake Trail be part of the Phase I development in addition to the planned vehicular access onto McCaskill Road East.
 2. The garage units must be used primarily for vehicular parking.
 3. Provide a detailed landscaping plan which preserves, maintains and enhances the area east of Magnolia Road.
 4. Provide a traffic study including distribution, sight distances and peak hour traffic projections including the intersections east and west of the proposed site.
 5. Locate the existing groundwater monitoring well on the general concept site plan.
 6. Provide all building elevations to scale (not renditions) and samples of all exterior architectural elements to ensure congruency.
-
-



**CONSIDER AN ORDINANCE ADOPTING THE FISCAL YEAR 2017 BUDGET.
ADDITIONAL AGENDA DETAILS:**

FROM:

John Frye

CC:

Jeff Sanborn & Natalie Dean

DATE OF MEMO:

5/17/2016

MEMO DETAILS:

Following the required public hearing on the budget, the FY 2017 Budget Ordinance is presented for your consideration of approval.

ATTACHMENTS:

Description

□ Fiscal Year 2017 Budget Ordinance

ORDINANCE #16-09

**VILLAGE OF PINEHURST
Budget Ordinance
Fiscal Year 2017**

BE IT ORDAINED AND ESTABLISHED by the Village Council of Pinehurst, North Carolina, in the Regular Session assembled this 24th day of May 2016 as follows:

SECTION 1. The following amounts are hereby appropriated in the General Fund for the operation of Village government and its activities for the fiscal year beginning July 1, 2016 and ending June 30, 2017, in accordance with the chart of accounts heretofore established for this Village:

OPERATING EXPENDITURES:

Governing Body	\$ 209,400
Administration	1,102,910
Financial Services	609,540
Human Resources	430,060
Police	2,953,938
Fire	2,731,540
Inspections	215,955
Public Services	405,440
Streets & Grounds	1,323,600
Powell Bill	900,300
Solid Waste	1,372,690
Planning	635,650
Community Development	267,590
Recreation	1,448,980
Library	200,000
Harness Track	513,400
Fair Barn	329,570
Contingency	50,000
Debt Service	<u>412,722</u>

Total Operating Expenditures \$ 16,113,285

CAPITAL EXPENDITURES:

Administration	\$ 45,829
Financial Services	1,760
Human Resources	2,200
Police	77,715
Fire	675,706
Inspections	882
Public Services	97,871
Streets & Grounds	466,881
Solid Waste	3,936
Planning	2,348
Community Development	440
Recreation	571,255
Harness Track	97,831
Fair Barn	<u>92,046</u>

Total Capital Expenditures \$ 2,136,700

TOTAL EXPENDITURES **\$ 18,249,985**

SECTION 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

REVENUES:

Ad Valorem Tax Revenue	\$ 9,923,000
Other Taxes and Licenses	500
Unrestricted Intergovernmental Revenue	5,326,200
Restricted Intergovernmental Revenue	505,200
Permits and Fees	583,800
Sales and Services	652,400
Assessments	29,000
Other Revenues	202,800
Investment Income	25,400
Appropriated Fund Balance	<u>1,001,685</u>

TOTAL REVENUES **\$ 18,249,985**

SECTION 3. There is hereby levied a tax at the rate of twenty-nine and one-half cents (\$0.295) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2016, for the purpose of raising revenue in the General Fund in Section 2 of this ordinance. This rate is based on a total valuation of property for the purposes of taxation of \$3,369,000,000 and an estimated collection rate of 99.9% for real and personal property and 98.5% for motor vehicles.

SECTION 4. The Village Manager is hereby authorized to transfer appropriations as contained herein under the following conditions:

- a. He may transfer amounts between line item expenditures within a department without limitation and without a report being required.
- b. He may transfer amounts up to \$10,000 between departments, including contingency appropriations, within the same fund. He must make an official report on such transfers at the next regular meeting of the Village Council.
- c. He may not transfer any amounts between funds, except as approved by the Village Council in the Budget Ordinance as amended.

SECTION 5. The Village Manager or his designee is hereby authorized to execute the necessary agreements within funds included in the Budget Ordinance for the following purposes:

- a. Purchase of apparatus, supplies, and materials where formal bids are not required by law;
- b. Leases of normal and routine business equipment;
- c. Construction or repair work where formal bids are not required by law;
- d. Consultant services, professional services, contracted services, or maintenance service agreements up to an anticipated contract amount of \$25,000;
- e. Agreements for acceptance of State and Federal grant funds; and
- f. Grant agreements with public and non-profit agencies.

SECTION 6. Copies of this Budget Ordinance shall be furnished to the Village Clerk, the Village Manager, and Financial Services Director for their direction and implementation.

THIS ORDINANCE passed and adopted this 24th day of May, 2016.

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
Nancy R. Fiorillo, Mayor

Attest:

Approved as to Form:

Lauren M. Craig, Village Clerk

Michael J. Newman, Village Attorney



**CONSIDER AN ORDINANCE AMENDING THE OFFICIAL PINEHURST
ZONING MAP (165 AND 215 DR. NEAL ROAD).
ADDITIONAL AGENDA DETAILS:**

FROM:

Lauren Craig

CC:

Jeff Sanborn

DATE OF MEMO:

5/18/2016

MEMO DETAILS:

Attached is a resolution to consider regarding the Official Zoning Map Amendment for 165 and 215 Dr. Neal Road following the public hearing.

ATTACHMENTS:

Description

- ▣ Ordinance 16-08 Zoning Map Amendment

ORDINANCE #16-08:

AN ORDINANCE AMENDING THE OFFICIAL PINEHURST ZONING MAP AS IT PERTAINS TO THE REZONING OF CERTAIN LAND LOCATED AT 165 AND 215 DR. NEAL.

THAT WHEREAS, the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance and Map on the 8th day of October, 2014, for the purpose of regulating planning and development in the Village of Pinehurst and the extraterritorial area over which it has jurisdiction; and

WHEREAS, said Ordinance and Map may be amended from time to time as circumstances and the best interests of the community have required; and

WHEREAS, a public hearing was held at 4:30 p.m. on May 24, 2016 in the Assembly Hall of the Pinehurst Village Hall, Pinehurst, North Carolina after due notice in the Pilot, a newspaper in Southern Pines, North Carolina, with general circulation in the Village of Pinehurst, and its extraterritorial jurisdiction, for the purpose of considering rezoning of two parcels of land consisting of approximately .95 and 1.8 acres. These properties are addressed as 165 and 215 Dr. Neal Road. These properties are further defined as being Moore County LRK #'s 97000604 and 00036428. The properties are currently zoned Office and Professional (OP). This proposed map amendment would change the zoning of the properties to R-20 (Single-Family Residential 20,000 sq. ft. minimum lot size). The properties are currently vacant. The proposed use of the properties is single-family residential, at which time all interested citizens, residents and property owners in the Village of Pinehurst and its extraterritorial jurisdiction were given an opportunity to be heard as to whether they favored or opposed the proposed rezoning; and

WHEREAS, the Planning and Zoning Board has recommended the zoning map be amended; and

WHEREAS, the Village Council, after considering all of the facts and circumstances surrounding the proposed rezoning, have determined that it is in the best interests of the Village of Pinehurst and the extraterritorial jurisdiction that the Development Ordinance and Zoning Map be amended as recommended by the Planning and Zoning Board.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in session assembled on this 24th day of May, 2016 as follows:

SECTION 1. That the Pinehurst Zoning Map of the Village of Pinehurst and its extraterritorial zoning jurisdiction be and the same hereby is amended by rezoning of approximately .95 acres and 1.8 acres and addressed as 165 and 215 Dr. Neal Road, further defined as being Moore County LRK #'s 97000604 and 00036428 from Office

and Professional (OP) to R-20 (Single-Family Residential 20,000 sq. ft. minimum lot size).

SECTION 2. The rezoning map is attached hereto as Exhibit A and made a part hereof, the same as if included verbatim.

SECTION 3. This Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 24th day of May, 2016.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
Nancy Roy Fiorillo, Mayor

Attest:

Approved as to Form:

Lauren Craig, Village Clerk

Michael J. Newman, Village Attorney

EXHIBIT A





**CONSIDER AN ORDINANCE AMENDING THE OFFICIAL PINEHURST
ZONING MAP (205 MCCASKILL ROAD EAST).
ADDITIONAL AGENDA DETAILS:**

FROM:

Lauren Craig

CC:

Jeff Sanborn, Kevin Reed

DATE OF MEMO:

5/19/2016

MEMO DETAILS:

If Council is ready to take action on the public hearing item regarding 205 McCaskill Road East, an ordinance has been attached for consideration. Council must determine the number (in square feet) for condition #4 in the ordinance regarding minimum size requirements and any other changes to the conditions if necessary before voting on the ordinance.

ATTACHMENTS:

Description

- ▣ Ordinance 16-10 Amending the Official Zoning Map (Greens of Pinehurst)

ORDINANCE #16-10:

AN ORDINANCE AMENDING THE OFFICIAL PINEHURST ZONING MAP AS IT PERTAINS TO THE REZONING OF CERTAIN LAND LOCATED AT 205 MCCASKILL ROAD.

THAT WHEREAS, the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance and Map on the 8th day of October, 2014, for the purpose of regulating planning and development in the Village of Pinehurst and the extraterritorial area over which it has jurisdiction; and

WHEREAS, said Ordinance and Map may be amended from time to time as circumstances and the best interests of the community have required; and

WHEREAS, a public hearing was held at 4:30 p.m. on May 24, 2016 in the Assembly Hall of the Pinehurst Village Hall, Pinehurst, North Carolina after due notice in the Pilot, a newspaper in Southern Pines, North Carolina, with general circulation in the Village of Pinehurst, and its extraterritorial jurisdiction, for the purpose of considering rezoning of two parcels of land consisting of approximately .11 and 6.4 acres. These properties are addressed as 205 McCaskill Road East. These properties are further defined as being Moore County LRK #'s 00025962 and 00025798. The properties are currently zoned Neighborhood Commercial (NC), Village Mixed Use (VMU) and Public Conservation (PC). This proposed map amendment would change the zoning of the properties to Village Mixed Use-Conditional District (VMU-CD). The property contains a vacant office building and outbuilding. The proposed use of the property is 72 apartment units and a mixed use commercial building containing $\pm 35,000$ square feet, at which time all interested citizens, residents and property owners in the Village of Pinehurst and its extraterritorial jurisdiction were given an opportunity to be heard as to whether they favored or opposed the proposed rezoning; and

WHEREAS, the Planning and Zoning Board has recommended the zoning map be amended; and

WHEREAS, the applicant has agreed upon the following condition(s):

- 1. The construction drawings and final approvals are based on the general concept plan submitted for the new buildings, parking areas, landscaping and all other associated improvements.**
- 2. The maximum impervious surface coverage for Phase II and the subsequent subdivision is granted an exception to allow it to exceed the 70% maximum impervious surface allowed. The new maximum impervious shall not exceed 72%.**
- 3. The structures within Phase I and fronting on McCaskill Road East be allowed to exceed the maximum front yard setback requirement of 10 feet.**

4. **Multi-family units within Phase I are not required to meet the minimum square footage of 1,500 square feet required in the PDO and may contain no less than ____ square feet per unit.**
5. **The proposed mixed-use structures in Phase II must come back before the Planning & Zoning Board and Village Council for review and approval.**

WHEREAS, the Village Council, after considering all of the facts and circumstances surrounding the proposed rezoning, have determined that it is in the best interests of the Village of Pinehurst and the extraterritorial jurisdiction that the Development Ordinance and Zoning Map be amended as recommended by the Planning and Zoning Board.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in session assembled on this 24th day of May, 2016 as follows:

SECTION 1. That the Pinehurst Zoning Map of the Village of Pinehurst and its extraterritorial zoning jurisdiction be and the same hereby is amended by rezoning of approximately 6.5 acres addressed as 205 McCaskill Road, further defined as being Moore County LRK #'s 00025962 and 00025798 from Neighborhood Commercial (NC), Village Mixed Use (VMU) and Public Conservation (PC) to Village Mixed Use-Conditional District (VMU-CD).

SECTION 2. The rezoning map and general concept plan is attached hereto as Exhibit A and made a part hereof, the same as if included verbatim.

SECTION 3. This Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 24th day of May, 2016.

(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____
Nancy Roy Fiorillo, Mayor

Attest:

Approved as to Form:

Lauren Craig, Village Clerk

Michael J. Newman, Village Attorney

EXHIBIT A

