



**Planning & Zoning Board
Agenda for Regular Meeting of November 7, 2024
Assembly Hall
395 Magnolia Road, Pinehurst, NC 28374
Pinehurst, North Carolina
4:00 PM**

1. Call to Order
2. Approval of Minutes
 - A. Approval of 10-03-2024 Regular Meeting Minutes
3. Public Hearing
 - A. Conditional Rezoning Request for 52 McIntyre Rd.

The purpose of the public hearing is to consider an Official Zoning Map Amendment for approximately 0.7 acres of land located at the intersection of Kelly Rd. and McIntyre Rd. and currently owned by Bloom Precision Aesthetics, PLLC and further identified by Parcel ID # 00018470. This proposed map amendment would zone the property from NC (Neighborhood Commercial) to VP-FB-F-CD (Village Place Form Based Conditional District Block F). The proposed rezoning and associated General Concept Plan would allow for the development of two 2-story mixed use buildings with associated parking. The applicant is Rhetson Companies Inc.

4. Regular Business
 - A. Review and Approval of the 2025 P&Z / BOA Meeting Schedule
 - B. Board Organizational Items
5. Next Meeting Date
 - A. 12-05-2024 Regular Meeting
6. Motion to Adjourn

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



Approval of 10-03-2024 Regular Meeting Minutes
ADDITIONAL AGENDA DETAILS:

FROM: Jeanann Dawson, Administrative Specialist
CC: Planning & Zoning Board; Alex Cameron, Maria Carpenter, Michael Mandeville
DATE OF MEMO: 10/29/2024

MEMO DETAILS

Attached is a draft copy of the 10-03-2024 Regular Meeting Minutes

ATTACHMENTS

1. 10-03-2024 P&Z Draft Minutes



**PLANNING AND ZONING BOARD
REGULAR MEETING
THURSDAY, October 3rd, 2024
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:00 PM**

Board Members Present:

Jeramy Hooper, Chair
Matt Jones, Vice Chair
Louise Mercuro
Bruce Hironimus
Thomas Schroeder
Jimmy Duncan

Board Members Absent:

Carol Henry
Paul Roberts
Sonja Rothstein

Staff Present:

Alex Cameron, Planning Director
Michael Mandeville, Senior Planner
Maria Carpenter, Planner
Kim Stepnoski, P&Z Specialist

Approximately 3 member(s) of the public in attendance.

I. Call to Order

Mr. Hooper called the meeting to order at 04:00 PM, stated that he will be Chairing tonight's meeting, confirmed a quorum was present, and explained the purpose of this meeting. The Board introduced themselves and introduced Staff.

II. Approval of Minutes

A. 08-01-2024 Regular Meeting Minutes

Mr. Jones moved to approve the minutes of the August 1st, 2024, Regular Meeting. Seconded by Mr. Hironimus. Approved by a vote of 6-0.

III. General Business

A. Board Update

Mr. Cameron advised the board of the upcoming terms and appointments. Mr. Cameron thanked and recognized Ms. Mercuro for her service this past term and her renewal of service for the upcoming term. Mr. Cameron and the board thanked Mr. Hooper for his dedication of service for the past 6 years.

IV. Next Meeting Date

A. 11-07-2024 Regular Meeting

V. Motion to Adjourn

Ms. Hironimus moved to adjourn the Regular Meeting. Seconded by Ms. Mercuro.
Approved by a vote of 6-0 at 4:07 PM.

Respectfully Submitted,

Jeanann Dawson
Clerk to the Board &
Planning Administrative Specialist
Village of Pinehurst

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

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

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Values: Service, Initiative, Teamwork, and Improvement.



Conditional Rezoning Request for 52 McIntyre Rd.

ADDITIONAL AGENDA DETAILS:

The purpose of the public hearing is to consider an Official Zoning Map Amendment for approximately 0.7 acres of land located at the intersection of Kelly Rd. and McIntyre Rd. and currently owned by Bloom Precision Aesthetics, PLLC and further identified by Parcel ID # 00018470. This proposed map amendment would zone the property from NC (Neighborhood Commercial) to VP-FB-F-CD (Village Place Form Based Conditional District Block F). The proposed rezoning and associated General Concept Plan would allow for the development of two 2-story mixed use buildings with associated parking. The applicant is Rhetson Companies Inc.

FROM: Maria Carpenter, Planner
CC: Planning & Zoning Board;
DATE OF MEMO: 10/29/2024

MEMO DETAILS

ATTACHMENTS

1. Staff Report
2. Rezoning Application
3. General Concept Plan (site plan, topo, elevations)
4. Parking Plan
5. Conditions Table
6. Neighborhood meeting
7. ISO Calcs
8. RCW letter
9. Trip Generation



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Planning and Zoning Board
From: Maria Carpenter, Planner
Alex Cameron, Planning & Inspections Director
CC: Michael Mandeville, Senior Planner
Jeanann Dawson, Administrative Specialist
Date: October 31, 2024
Subject: Staff Report for Conditional District Rezoning request for (+/- 0.70 acres)
Parcel ID# 00018470 currently addressed as 52 McIntyre Rd.

Applicant:	Rhetson Companies Inc.
Owner:	Bloom Precision Aesthetics, PLLC
Current Zoning	Neighborhood Commercial (NC)
Proposed Zoning:	VP-FBD-F CZ (Village Place Form Based Block F Conditional District) The Village Place Form Based District is based on the Village Place Small Area Plan and Form Based Guidance Plan adopted by the Village. Village Place is an area well-suited to accommodate growth, and support quality of life needs of residents, businesses, and visitors. Development within Village Place will integrate the built environment, improve the public realm, create a mixed-use walkable destination area, incorporate urban design standards, create a connecting spine of streets, sidewalks, and paths, and integrate a live, work and play area while minimizing traffic impacts.
Current Land Use:	Vacant
Proposed Land Use:	Dwelling – Mixed Use, Offices, Retail/Commercial

Request:

The applicant requests an official zoning map amendment for a conditional district zoning of 0.7 acres of land currently zoned NC (Neighborhood Commercial) to VP-FBD-F CZ (Village Place Form Based District – Conditional District). Rhetsen Companies Inc. is seeking to develop two 2-story mixed use buildings, consisting of commercial/office uses on the 1st floor and residential use on the 2nd floor, with on-site and shared parking.

The Village Place Form Based District (VP-FBD) was created following an extensive and detailed discussion and adoption of the Village Place Small Area Plan (VP-SAP). Along with a small area plan, a Form Based Guidance Plan (VP-FBGP) was also adopted. Following the adoption of both plans, amendments to the zoning map and Pinehurst Development Ordinance (PDO) were also adopted to better facilitate growth and development in the Village Place Area. These amendments created new sub districts or blocks, as well as establishing the allowed or permitted uses and the process for review and approval of development projects.

Per section 8.5.1 of the PDO, new development in the Village Place Form Based District requires conditional zoning approval following the process and procedures in Section 6.2 of the PDO. A General Concept Plan is required as part of a Conditional District rezoning application and if approved, the plan then becomes a site-specific zoning plan and a condition of the rezoning. Any substantial changes to an approved General Concept Plan as stated in Section 6.2.3 (B) of the Pinehurst Development Ordinance (PDO) shall be reviewed by the Planning and Zoning Board for a recommendation, and approved or denied by the Village Council. All other changes to an approved General Concept Plan that are not substantial and do not alter the basic development concept may be approved by the Village Planner.

Included with this conditional district rezoning request is the application for rezoning, General Concept Plan, proposed architectural character elevations, Existing and Proposed Conditions map, Conditions Requested Table, Parking Plan, Red Cockaded Woodpecker review, trip generation information, ISO calculations, and the neighborhood meeting report.

Analysis:**Background/Location**

The subject property is located within the Village's corporate limits and defined as being Moore County Parcel ID# 00018470. The main building will be located along McIntyre Road, at the corner of Kelly Road. The second building will be located on the parcel to the south of the main building across the proposed parking lot, with additional on-street parking added along Kelly Rd. The overall area for the proposed rezoning is 0.7 acres, and the development area will encompass approximately .49 acres. Currently, the site is vacant and almost entirely wooded. The site is surrounded by some commercial development zoned VP-FBD-G, VP-FBD-F, and NC, as well as residential land zoned R-10.

The proposal includes a 2-story building with frontage along McIntyre Road to allow a mix of residential units on the second floor with office and retail uses on the first floor, and a second 2-story building located to the south with residential units on the second floor and medical clinic use on the first floor. The proposal also includes 26 on-site parking spaces between the two buildings, as well as an additional 10 angled on-

street parking spaces (See Parking Plan Option 1) or 6 parallel parking spaces (See Parking Plan Option 2) to be added along Kelly Road.

The request includes 8% open space which meets the minimum requirement of 8% in Table 9.2b of the PDO. The provided open space is consistent with the adopted Village Place Small Area Plan and Form Based Guidance Plan.

Regulating Plan

The VP-FBGP includes a Regulating Plan which recommends various building types, building heights, and street alignment. The Regulating Plan is also included in Section 8.2.16.A of the PDO. The applicant is requesting to be rezoned from Neighborhood Commercial (NC) to Conditional Zoning Block F of the Village Place Form Based District (VP-FBD-F-CZ). Block F recommends Dwelling – Mixed Use building types from 1-2 stories and 35 feet max in height. The proposal includes two 2-story buildings that are 36.2 feet in height, which is slightly higher than the 35 feet maximum building height in the FBGP. This proposal is consistent with the Village Place Regulating Plan.

Access and Connectivity

Access to the buildings will be provided from Kelly Road into the parking lot. Pedestrian connectivity will be provided through the addition of sidewalks along McIntyre Road and Kelly Road that connect amenities to other businesses along McIntyre Road.

Parking

The proposal includes a total of 26 on-site parking spaces, 10 angled on street parking spaces or 6 parallel parking spaces along Kelly Road, and the request to be credited for 19 existing public parking spaces along McIntyre Road. According to 9.4a Table of Required Parking of the PDO, the minimum required parking for Retail and Office uses is 1 per 300sf. The minimum required for Medical Clinic use is 1 per 200sf. For Dwelling – Mixed Use, 1 per bedroom (or provided as shared parking), is the minimum parking requirement. The applicant is seeking conditions on the required parking criteria, by proposing to provide the additional spaces along Kelly Road, and requesting to pave and enter into a shared parking agreement with the Village for the use of 19 existing spaces along McIntyre Road that abut this parcel. The total required parking needed for the uses in the two buildings is 59 spaces, but the PDO does allow for some shared parking for the residential portion of the parking requirements. The applicant has provided parking plans as a justification of how the requested parking will be utilized based on the uses, day of the week, and times of day.

Buffers/Setbacks

Setbacks and buffer area requirements are shown on the General Concept Plan. Planted buffers are required along portions of the boundary of the project as depicted on the submitted material. The VP-FBD-F District Setbacks for the Mixed Use/Commercial are:

VP-FBD-F Setbacks (Mid-Block & Rear Loaded Corner):

Front Build to Line = 10'

Minimum Lot Width = 24' (MID); 35' (CORNER)

Minimum Lot Depth= 60'

Interior Side Setback = 0'-5'

Side Build-to Line = 0' (MID); 10' (CORNER)
Rear Yard Setback = 15' MIN; 20' (if parking is on lot in rear)
Max Building Height = 2 stories: 35'
Accessory Structure Rear Setback = 10'
Accessory Structure Side Setback = 5'

The applicant is seeking conditions to the setback dimensional criteria. The corner side build-to line has a requirement of 10 feet, with the applicant requesting 25.7 feet. They are requesting a 9.10 feet setback from the 15 feet rear yard setback, and 15.4 feet from the 5 feet interior side setback (see requested conditions).

Landscaping

Per section 9.5.1 of the Pinehurst Development Ordinance, a Class 3 buffer of 15' (one-half the 30' required as it is across a public street) is required along the eastern boundary of the development where it abuts adjacent residential properties. The applicant is proposing to leave existing vegetation along the southern and eastern property lines. Typical landscape requirements, such as parking lot landscaping, are required and are generally depicted in the General Concept Plan.

Stormwater

Stormwater is proposed to be managed using the stormwater management areas as depicted on the General Concept Plan and stormwater infrastructure depicted in the Proposed Utility Layout. It is proposed that the stormwater runoff will be controlled on-site by utilizing an underground detention system located at the northwest corner of the proposed parking lot. Best Management Practices (BMP) will be implemented as well. The stormwater management areas will need to be constructed and meet the requirement of the Engineering Standards and Specifications Manual (ESSM).

Environmental

The topography on the site starts at approximately 507' and slopes to the northwest corner of the property to approximately 504'. There are no wetlands on the property. The property is a wooded mixture of oaks, sweet gum and black cherry trees. A Red Cockaded Woodpecker habitat analysis has been completed by Dr. J.H Carter and Associates. The report is included with this application and shows no major impacts from the project.

The project is located within the WS-IIIP BW Nicks Creek-Cape Fear River watershed protection area which limits non-residential development to 24% built-upon area unless a Special Intensity Allocation (SIA) is granted. Therefore, a SIA will be required due to the proposed density and impervious surface. Per Section 6.2.4 (C), with a conditional district approval, a SIA will also be granted. There is approximately 290 acres of land left to allocate in the WS-IIIP BW Nicks Creek-Cape Fear River district.

Utilities

Water and sewer services will be provided by Moore County Public Utilities to service this development. Utilities currently exist on the property.

Neighborhood Meeting

A neighborhood meeting was required of the applicant prior to submitting the conditional rezoning request. An informal neighborhood meeting was held at the Village of Pinehurst Village Hall on Wednesday, May 31, 2024. The applicant notified all adjoining parcel owners within the direct vicinity of the proposed property by letter at least 10 days before the meeting. According to the submitted sign in sheet, a total of six residents attended the neighborhood meeting. The neighborhood meeting was informal in nature to allow adjoining property owners the opportunity to review preliminary plans, discuss the project, and ask questions to the development team. Please find the results of that meeting as reported by the applicant.

Applicant's Requested Conditions

Conditions Table			
	Type	Requirement	Requested Condition
1	Permitted Uses Table 8.5.1.b	<u>Lower McIntyre:</u> Dwelling-Mixed Use Banks, Credit Unions, Financial Services Business Support Services Medical Office Office Personal Services Professional Services Small Equipment Repair/Rental Amusements, Indoor Bar/Tavern/Nigh Club Garden Center General Retail Outside Sales Restaurant (drive-thru) Theater, Indoor Civic/cultural Facilities Recreation Facilities, Indoor Park Child/Adult Day Care Center Sudio – Art, Dance, Martial Arts, Music Vehicle rental/Leasing/Sales Vehicle Service-Maint. Repair/Body Work Artisan Workshops Gardens Parking Structure Small/Micro Wireless Facilities Utilities ATM Concealed Wireless Teleco. Facility Fuel/Propane Tanks Accessory Buildings	<u>Limit to:</u> Dwelling Mixed Use Banks, Credit Unions, Financial Services Business Support Services Medical Offices Offices Personal Services Professional Services General Retail Restaurant Studio – Art, Dance, Martial Arts, Photography ATM

		Accessory Structure Temp. Facilities during replacement Temporary Uses other	
2	Required Parking Table 9.4a	Dwelling – Mixed Use = 1 per bedroom (or provide as shared parking) N. Building – 12 bdrms = 12 spaces S. Building – 8 bdrms – 8 spaces Total = 20 spaces Medical Clinic = 1/200 sf Professional – 1/300 sf S. Building – 3,300 sf = 17 spaces Total = 17 spaces General Retail = 1/300 sf Professional Services = 1/300 sf N. Building – 6,500 sf = 22 spaces Total = 22 spaces Total Required Parking = 59 spaces	Provided: Onsite = 26 (24 regular + 2 ADA) Onsite parking will be used by the N. and S. Buildings, shared between the dwellings, Medical Clinic, Professional Services, and General Retail uses. On street – Kelly Rd. = 10 Kelly Rd. parking will be used primarily by the S. Building Medical Clinic and Professional Services uses, Monday to Friday during normal business hours. On street – McIntyre Rd. = 19 McIntyre Rd. parking will be used primarily by the N. Building Professional Services and General Retail uses. See Applicant's Parking Plan attachment
3	Dimensional Requirements Table 9.2b	Max. Building Height 2 stories, 35'	Max. Building Height 2 stories, 36.2'
4	Dimensional Requirements Table 9.2b	Side Corner Lot 10' build-to line	Varies 15' to 25'7" (due to landscape buffer along Kelly Rd)
5	Dimensional Requirements Table 9.2b	Rear Setback 15' minimum	9'10"
6	Dimensional Requirements Table 9.2b	Interior Side Setback 0' – 5' (1) (1) – 5' if separation is desired	15'4"

TRC Review

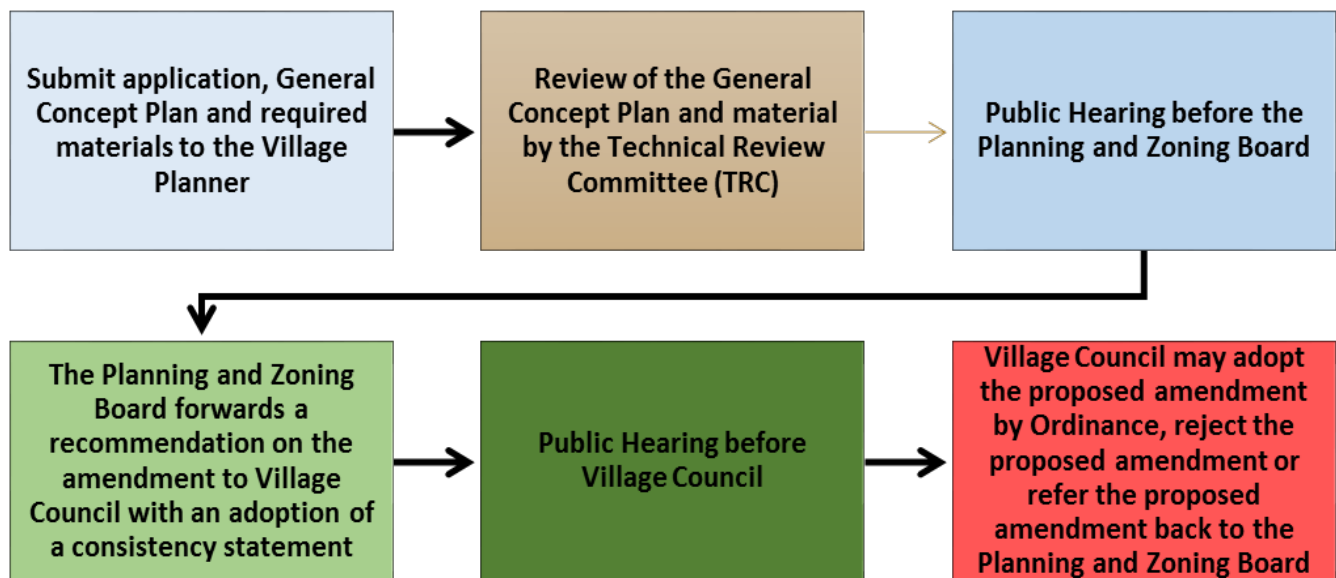
The Technical Review Committee (TRC) has reviewed the application, General Concept Plan and other associated material provided by the applicant. The TRC issued comments to the applicant over the course of several reviews in an attempt to work with the applicant to ensure the proposal meets various codes and recommendations. The applicant has continued to provide additional and revised material to address the comments of the TRC. After the subsequent reviews, the TRC is comfortable with the General Concept Plan moving forward for review and consideration of the Planning and Zoning Board.

Planning and Zoning Board Action and Conditional District Rezoning Process:

After holding a public hearing on the proposed zoning map amendment, the Planning and Zoning Board may recommend approval or denial of the proposed map amendment to Village Council and must adopt a consistency statement describing how the proposed amendment is or is not consistent with the Comprehensive Plan and other adopted plans.

The Planning and Zoning Board can ask to impose more restrictive conditions that are not included in the proposal, but the applicant must consider and agree to any additional or different conditions. However, no changes can be made to the proposed conditions that are less restrictive than those stipulated in the proposal.

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



Plan Consistency Statement:

The 2019 Village of Pinehurst Comprehensive Plan, Guiding Principle #2, Balancing Conservation & Growth (page 50), “Balance the need to conserve land while allowing purposeful, quality development in strategic locations to meet the needs of residents, businesses, and visitors. Ensure high quality development that reflects the character of the community and maintain high quality gateways and corridors to ensure the built environment is in keeping with the character of Pinehurst.”

The proposed project is located within Focus Area 4: Village Place/Rattlesnake Trail Corridor as identified on the Conservation and Growth Map on page 61 of the 2019 Comprehensive Plan and as Mixed-Use Center/Standalone Residential. Mixed-use is defined as “a building with a ground floor commercial use that may include retails, restaurant, and/or office and may include lobby or amenity space for upper floor use. If included, upper floors may be retail, restaurant, office, hotel, and/or residential.”

On page 91, Implementation Strategy 2.8 indicates that the Village should create a small area plan for Focus Area 4. The Village Place (Focus Area 4) Small Area Plan was adopted by the Village Council in May of 2023. Although the subject parcel was not included in the final Small Area Plan for Focus Area 4 adopted by Council, it is just outside the boundary of the Village Place Small Area Plan.

In addition to a small area plan, the Village Council also adopted a Form Based Guidance Plan (FBGP) in May of 2023. Page 9 of the FBGP includes a Regulating Plan which identifies the project area. While the subject property is not in the FBGP area, it is adjacent to Block F and across the street from Block G. The Regulating Plan indicates the proposed building types and building heights by block. Block F, which is the block the applicant is requesting, calls for buildings of 1-2 stories up to 35’ in height, that contain mixed-use, retail and office uses. This proposal is consistent with the Regulating Plan.

The FBGP also includes recommendations for lot design based on mixed-use/commercial building types. The recommended lot design for Mixed-use rear loaded corner lots consists of buildings with frontage along two roads with on-site parking in the rear of the building. Accessory buildings should be located behind the principal structure. The proposal is largely consistent with the requirements with some requested conditions for setbacks and side build-to line for the North building. The South building does not meet the requirements for front build-to lines, setbacks, or road frontage.

The proposed parking network includes a mix of on-site parking and on-street shared parking. The design is similar to the recommendations for street design in the VP-FBGP.

Section 5.0 of the FBGP includes architectural design recommendations for mixed-use/commercial building types. The applicant has provided proposed elevations for the two buildings. The proposed design includes a color or material list for review with the recommendations. Overall, the design, including the materials, glazing, and colors are consistent with the recommendations.

Staff believes this proposal is consistent with the 2019 Comprehensive Plan, as well as, the Village Place Small Area Plan and FBGP. Achieving goals in accordance with the Comprehensive Plan, and other adopted plans, of the Village is considered reasonable and in the best interest of the public.

Staff Recommendation:

As previously stated, the proposal is largely consistent with the adopted Village Place Small Area Plan and Form Based Guidance Plan. In addition, the proposed uses and density is compliant with the newly adopted regulations in the PDO for the new VPFB zoning district. There are, however, a couple deviations the applicant is seeking through development conditions. The applicant is seeking a slightly higher building height, some deviations from the required setbacks/build-to line, and the shared parking request. The applicant is seeking a condition to restrict the allowed uses for the property as indicated on the conditions table. Planning Staff believes there should be more discussion and public input on the proposed shared parking request. The VP SAP and FBGP recommended new on-street parking to serve the mix commercial building types but also recommended a dedicated and somewhat centralized public parking option. No shared parking agreement has been drafted and it hasn't been fully determined how many spaces are available with the existing public spaces along McIntyre Road during the week and at what times of day. The intent of the off-street parking requirement in the PDO is "to relieve traffic congestion in the streets, to minimize any detrimental effects of off-street parking areas on adjacent properties, and to ensure the proper and uniform development of parking areas throughout the jurisdiction of the Village."

Additionally, staff recommends the applicant and the Planning and Zoning Board consider the following added conditions:

- A color and material board be provided and agreed upon for the buildings.
This could establish a better visual and expectation to maintain a quality design for the proposed units.

Staff Recommended Conditions			
	Type	Requirement	Requested Condition
7	Consistency with VP FBGP	Recommendations on types of materials to be used for the buildings	Material and color sample board

Attachments:

- Hearing Notification Packet
- Draft Comprehensive Plan Consistency Statement



HISTORY, CHARM, AND SOUTHERN HOSPITALITY

**NOTICE OF PUBLIC HEARING
VILLAGE OF PINEHURST**

Dear Property Owner:

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

Thursday, November 7, 2024

4:00 PM

Village Assembly Hall

395 Magnolia Road, Pinehurst, N.C.

Livestreamed at: www.vopnc.org/live

The purpose of the hearing is to consider an Official Zoning Map Amendment for approximately 0.7 acres of land located at the intersection of Kelly Rd. and McIntyre Rd. and currently owned by Bloom Precision Aesthetics, PLLC and further identified by Parcel ID # 00018470. This proposed map amendment would zone the property from NC (Neighborhood Commercial) to VP-FB-F-CD (Village Place Form Based Conditional District Block F). The proposed rezoning and associated General Concept Plan would allow for the development of two 2-story mixed use buildings with associated parking. The applicant is Rhetson Companies Inc.

As the owner of said property, or an owner of adjacent property, you are receiving formal notification of this Public Hearing. Information on this request is available for public review at the Planning and Inspections Department, Village Hall, 395 Magnolia Road, Pinehurst, North Carolina, Monday through Friday from 8:30 AM to 5:00 PM **OR** will be available online the week of the meeting at:

<https://pinehurstnc.portal.civicclerk.com/>. For more information, please call (910) 295- 2581.

Public Hearing Notification



0 200 400 Feet

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

10/17/2024

November 7, 2024
52 McIntyre Rd.
Conditional Rezoning Request



NELSON, MICHAEL
125 KELLY RD
PINEHURST,NC,28374

SANDHILLS MCINTYRE, LLC
PO BOX 901
SOUTHERN PINES,NC,28388

SANDHILLS MCINTYRE, LLC
PO BOX 901
SOUTHERN PINES,NC,28388

CLARK CHEVROLET-CADILLAC
PO BOX 1890
PINEHURST,NC,28374-1890

CLARK CHEVROLET-CADILLAC
PO BOX 1890
PINEHURST,NC,28370

BLOOM PRECISION AESTHETICS, PLLC
90 CHEROKEE RD
PINEHURST,NC,28374

LIFESTYLE PROPERTY PARTNERS LLC
510 NW BROAD STREET
SOUTHERN PINES,NC,28387

SANDHILLS MCINTYRE, LLC
PO BOX 901
SOUTHERN PINES,NC,28388

DAWKINS, PRENTICE KELLY
40 WOODS ROAD
PINEHURST,NC,28374

MEAD, DONALD
100 KELLY ROAD
PINEHURST,NC,28374

OAKLEY PROPERTIES, LLC
PO BOX 2226
PINEHURST,NC,28374



**PLANNING AND ZONING BOARD
STATEMENT OF CONSISTENCY
WITH THE 2019 COMPREHENSIVE PLAN AND
OTHER ADOPTED PLANS
NOVEMBER 7, 2024 REGULAR MEETING**

**Conditional District Rezoning Request
to
VP-FBD-F CZ (Village Place Form Based Block F Conditional District)**

Property Location: 52 McIntyre Rd.
Parcel ID#s: 00018470

The Village of Pinehurst Planning and Zoning Board finds that:

The proposed conditional rezoning **IS/IS NOT** consistent with the 2019 Comprehensive Plan:

The 2019 Village of Pinehurst Comprehensive Plan, Guiding Principle #2, Balancing Conservation & Growth (page 50), “Balance the need to conserve land while allowing purposeful, quality development in strategic locations to meet the needs of residents, businesses, and visitors. Ensure high quality development that reflects the character of the community and maintain high quality gateways and corridors to ensure the built environment is in keeping with the character of Pinehurst.”

The proposed project is located within Focus Area 4: Village Place/Rattlesnake Trail Corridor as identified on the Conservation and Growth Map on page 61 of the 2019 Comprehensive Plan and as Mixed-Use Center/Standalone Residential. Mixed-use is defined as “a building with a ground floor commercial use that may include retails, restaurant, and/or office and may include lobby or amenity space for upper floor use. If included, upper floors may be retail, restaurant, office, hotel, and/or residential.”

On page 91, Implementation Strategy 2.8 indicates that the Village should create a small area plan for Focus Area 4. The Village Place (Focus Area 4) Small Area Plan was adopted by the Village Council in May of 2023. Although the subject parcel was not included in the final Small Area Plan for Focus Area 4 adopted by Council, it is just outside the boundary of the Village Place Small Area Plan.

AND

The proposed conditional rezoning **IS/IS NOT** consistent with the Village Place Small Area Plan and Form Based Guidance Plan:

The proposed zoning request is consistent with the recommended Regulating Plan as it includes Dwelling-Mixed Use, Office, Retail/Commercial all within the prescribed lot design and building types



recommended in the Form Based Guidance Plan.

The proposed zoning request includes architectural design recommendations for mixed-use/commercial building types and a mix of on-site parking and on-street parking similar to the recommendations in the Form Based Guidance Plan.

Therefore, the Village of Pinehurst Planning and Zoning Board recommends **APPROVAL/DENIAL** of the conditional rezoning with conditions.

Conditions:

DRAFT



Conditions Table			
	Type	Requirement	Requested Condition
1	Permitted Uses Table 8.5.1.b	<u>Lower McIntyre:</u> Dwelling-Mixed Use Banks, Credit Unions, Financial Services Business Support Services Medical Office Office Personal Services Professional Services Small Equipment Repair/Rental Amusements, Indoor Bar/Tavern/Nigh Club Garden Center General Retail Outside Sales Restaurant (drive-thru) Theater, Indoor Civic/cultural Facilities Recreation Facilities, Indoor Park Child/Adult Day Care Center Sutdio – Art, Dance, Martial Arts, Music Vehicle rental/Leasing/Sales Vehicle Service-Maint. Repair/Body Work Artisan Workshops Gardens Parking Structure Small/Micro Wireless Facilities Utilities ATM Concealed Wireless Teleco. Facility Fuel/Propane Tanks Accessory Buildings Accessory Structure Temp. Facilities during replacement Temporary Uses other	<u>Limit to:</u> Dwelling Mixed Use Banks, Credit Unions, Financial Services Business Support Services Medical Offices Offices Personal Services Professional Services General Retail Restaurant Studio – Art, Dance, Martial Arts, Photography ATM



2	Required Parking Table 9.4a	Dwelling – Mixed Use = 1 per bedroom (or provide as shared parking) N. Building – 12 bdrms = 12 spaces S. Building – 8 bdrms – 8 spaces Total = 20 spaces Medical Clinic = 1/200 sf Professional – 1/300 sf S. Building – 3,300 sf = 17 spaces Total = 17 spaces General Retail = 1/300 sf Professional Services = 1/300 sf N. Building – 6,500 sf = 22 spaces Total = 22 spaces Total Required Parking = 59 spaces	Provided: Onsite = 26 (24 regular + 2 ADA) Onsite parking will be used by the N. and S. Buildings, shared between the dwellings, Medical Clinic, Professional Services, and General Retail uses. On street – Kelly Rd. = 10 Kelly Rd. parking will be used primarily by the S. Building Medical Clinic and Professional Services uses, Monday to Friday during normal business hours. On street – McIntyre Rd. = 19 McIntyre Rd. parking will be used primarily by the N. Building Professional Services and General Retail uses. See Applicant's Parking Plan attachment
3	Dimensional Requirements Table 9.2b	Max. Building Height 2 stories, 35'	Max. Building Height 2 stories, 36.2'
4	Dimensional Requirements Table 9.2b	Side Corner Lot 10' build-to line	Varies 15' to 25'7" (due to landscape buffer along Kelly Rd)
5	Dimensional Requirements Table 9.2b	Rear Setback 15' minimum	9'10"
6	Dimensional Requirements Table 9.2b	Interior Side Setback 0' – 5' (1) (1) – 5' if separation is desired	15'4"



Staff Recommended Condition			
	Type	Requirement	Requested Condition
7	Consistency with VP FBGP	Recommendations on types of materials to be used for the buildings	Material and color sample board

This is the 07th day of November 2024

Chair of the Planning and Zoning Board

Ruling filed with the Village of Pinehurst:

DATE

Jeanann Dawson
Clerk to the Planning and Zoning Board

Cc: Alex Cameron
Maria Carpenter

PLN-2024-00108 - VOP - Mixed Use

Menu

Help

File Date: 06/19/2024

Application Status: In Review

Application Type: Rezoning

Application Detail: Detail

Description of Work: Two (2) mixed-use buildings consisting of Retail, Professional Services, Medical, and Residential spaces

Application Name: VOP - Mixed Use

Address: 52 McIntyre Rd, Pinehurst, NC 28374

Owner Name: Bloom Precision Aesthetics, PLLC

Owner Address: 90 Cherokee Rd, Suite A-B, Pinehurst

Parcel No: 00018470

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Rhetson Companies Inc.	Rhetson Compani...	Applicant	Business, 2075 Juniper...	Active
	Rhetson Companies Inc.	Rhetson Compani...	Developer	Business, 2075 Juniper...	Active

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business Name	Business License #
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Job Value: \$0.00

Total Fee Assessed: \$1,300.00

Total Fee Invoiced: \$1,300.00

Balance: \$0.00

Custom Fields:

GENERAL INFORMATION

Project Description

Two (2) Mixed-Use buildings consisting of Retail, Professional Services, Medical, and Residential spaces

Current Zoning District

NC - Neighborhood Commercial

Proposed Zoning District

Conditional Use District

Reason for Rezoning Request

To be brought in to the VPFBD

Legal Basis for Application

Property Owner in Village Planning Jurisdiction

Number of Acres to be Rezoned

0.712

Existing Use

Vacant

Number of Parcels to be Rezoned

1

Proposed Use

Multi-Family Development

Conditions of Rezoning - Requested (If Any)

TBD post TRC

Rezoning Results in an Increase of Density or Intensity of Uses?

Yes

Date of Adjacent Property Owner Meeting (If Increased)

05/31/2024

Other Information

*Proposed use is a combination of retail and office that makes up the largest square footage of the development.

LOCATION INFORMATION

Overlay District

Historic Preservation Overlay District

Roads

Public

Water Provider

Moore County

Sewer Provider

Moore County

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Acceptance		Accepted	07/18/2024	Maria Carpenter
	Review for Completeness	Alex Cameron	Application ...	08/23/2024	Maria Carpenter
	Engineering Review	Mike Apke	Revisions Re...	09/12/2024	Maria Carpenter
	Traffic Review	Mike Apke			
	Administration Review				
	Historic Review				
	Building Review	Scott Thomas	Revisions Re...	09/12/2024	Maria Carpenter
	Fire Review		Revisions Re...	08/23/2024	Maria Carpenter
	Utilities Review	Alex Cameron	Revisions Re...	08/23/2024	Maria Carpenter
	Planning Review	Alex Cameron	Revisions Re...	08/23/2024	Maria Carpenter
	Public Services Review	Mike Apke	Revisions Re...	09/12/2024	Maria Carpenter
	TRC Review Consolidation	Alex Cameron	Revisions Re...	09/12/2024	Maria Carpenter
	TRC Review Distribution	Alex Cameron	Distributed ...	09/04/2024	Maria Carpenter
	PandZ Public Hearing Notice	Alex Cameron			
	Property Owner Notification	Alex Cameron			
	Staff Report - PandZ	Alex Cameron	In Progress		
	P and Z Hearing	Alex Cameron			
	Staff Report - Council	Alex Cameron	In Progress		
	Council Hearing	Alex Cameron			
	Council Notification	Alex Cameron			
	County Notification	Alex Cameron			
	Case Complete	Alex Cameron			

Condition Status:	Name	Short Comments	Status	Apply Date	Severity	Action By
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Documents:	File Name	Document Group	Category	Description	Type	Docun
	McIntyre Rd Developmen...	PLN	Site Plan	Concept Site Plan	application/pdf	Uploac
	RCW Study - VOP Mixed ...	PLN	Other	Red Cockaded Woodpe...	application/pdf	Uploac
	1685 topotree.dwg	PLN	Other	Topo and Specimen T...	application/x-autocad	Uploac
	Trip Generation based ...	PLN	Other	Trip Generation bas...	application/msword	Uploac
	VOP Mixed Use Topo-Tre...	PLN	Plan	Topo/Tree survey	application/pdf	Uploac
	site plan/elevations	PLN		Updated site plan a...	application/pdf	Uploac
	updated RCW	PLN			application/pdf	Uploac
	Trip_gen	PLN			application/pdf	Uploac
	1st Review Responses	PLN			application/pdf	Uploac
	updated plans	PLN			application/pdf	Uploac
	Signed ISO calcs	PLN			application/pdf	Uploac
	2nd comment responses	PLN			application/pdf	Uploac
	conditions table	PLN			application/pdf	Uploac
	RCW	PLN			application/pdf	Uploac
	tree survey	PLN			application/pdf	Uploac
	plans	PLN			application/pdf	Uploac
	Trip_gen	PLN			application/pdf	Uploac
	ISO calcs	PLN			application/pdf	Uploac
	Show all					

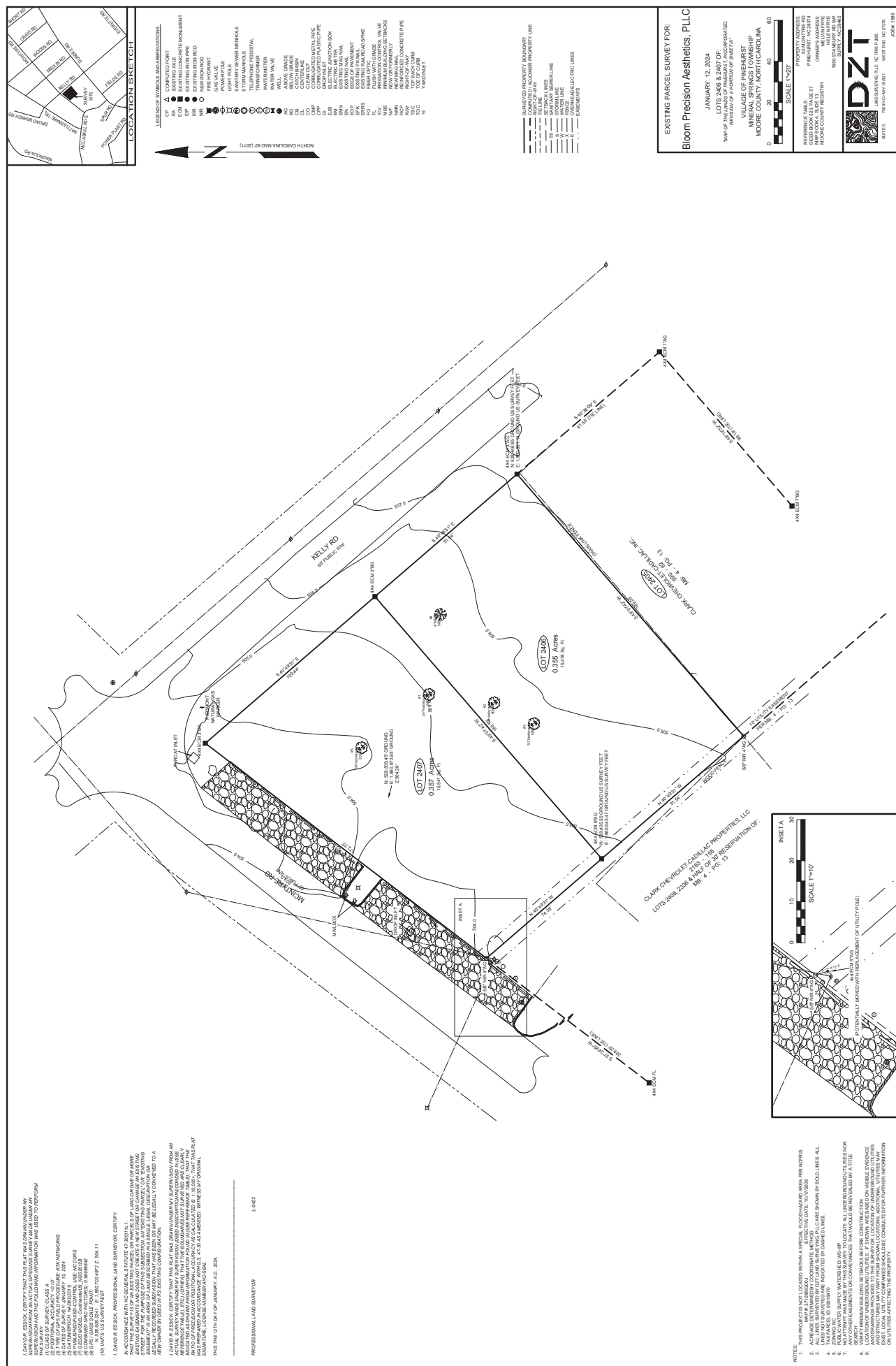
Application Comments:	View ID	Comment	Date
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Initiated by Product: ACA

Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments
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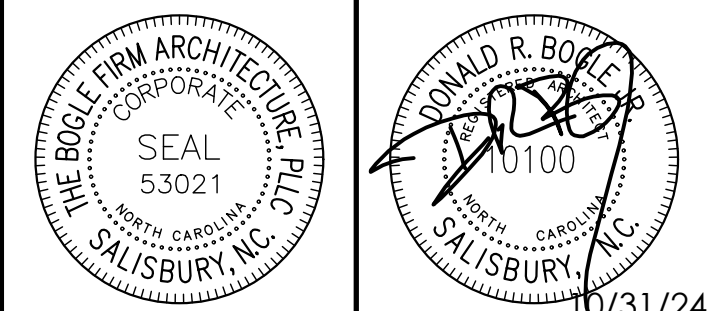
Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments
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Required Inspections:



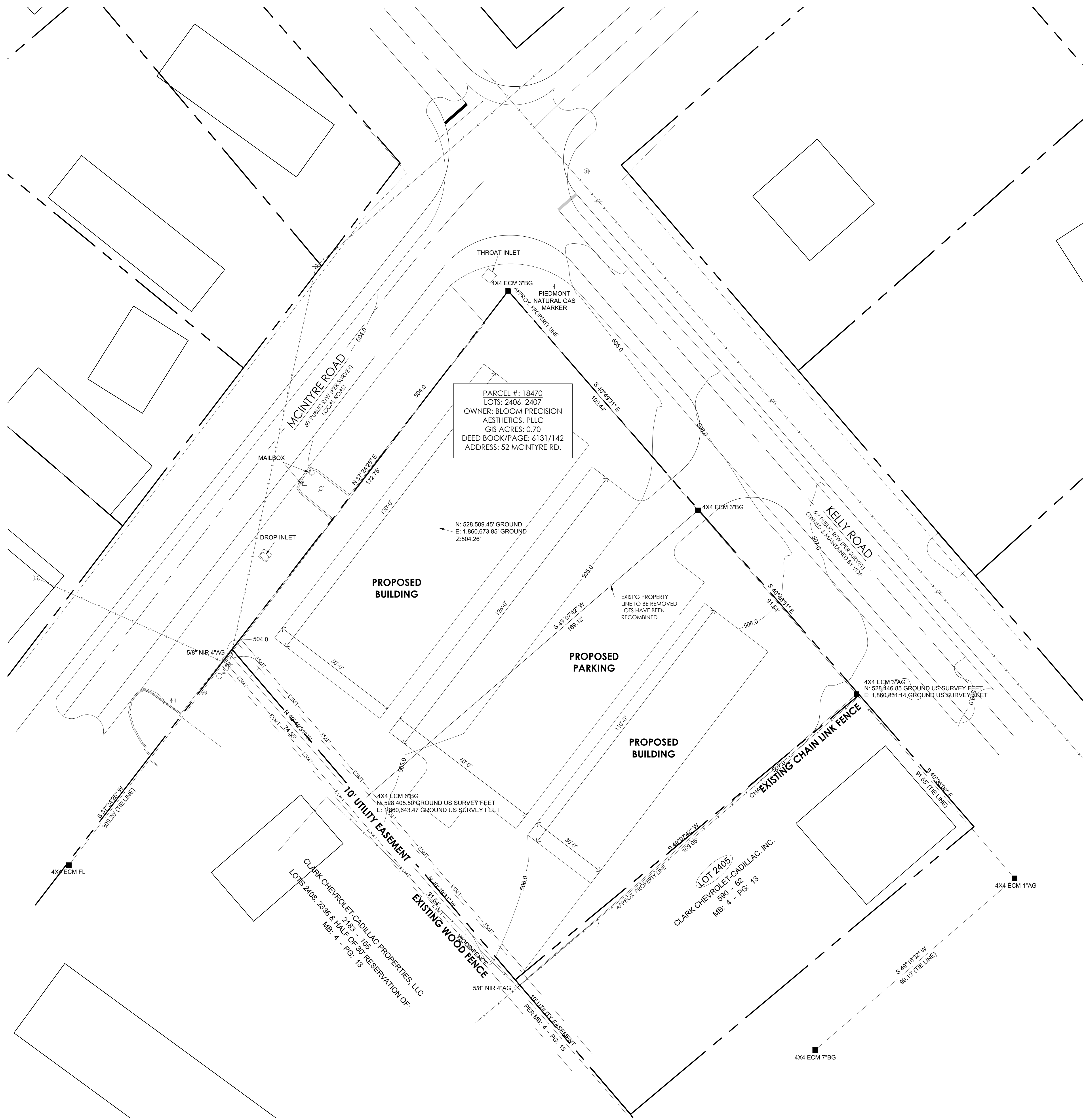
PROPOSED TOPOGRAPHY

MCINTYRE ROAD DEVELOPMENT
52 McIntyre Road
Pinehurst, NC

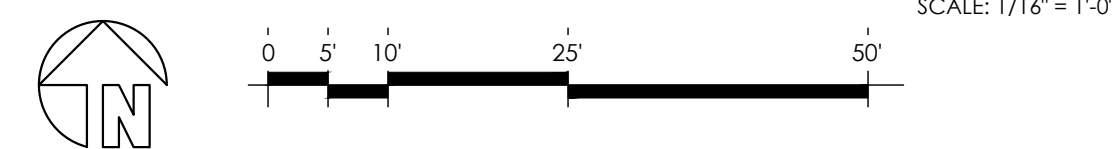


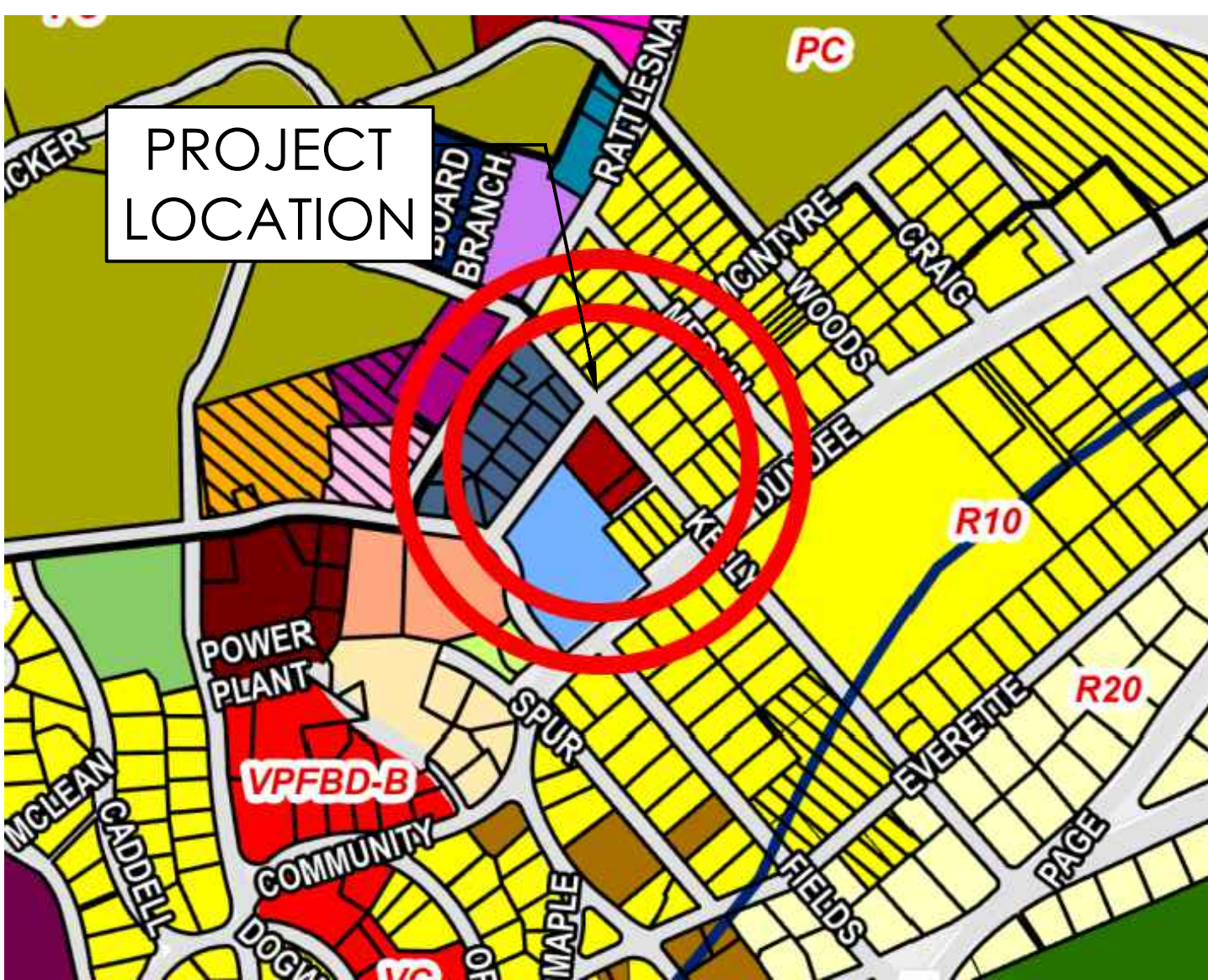
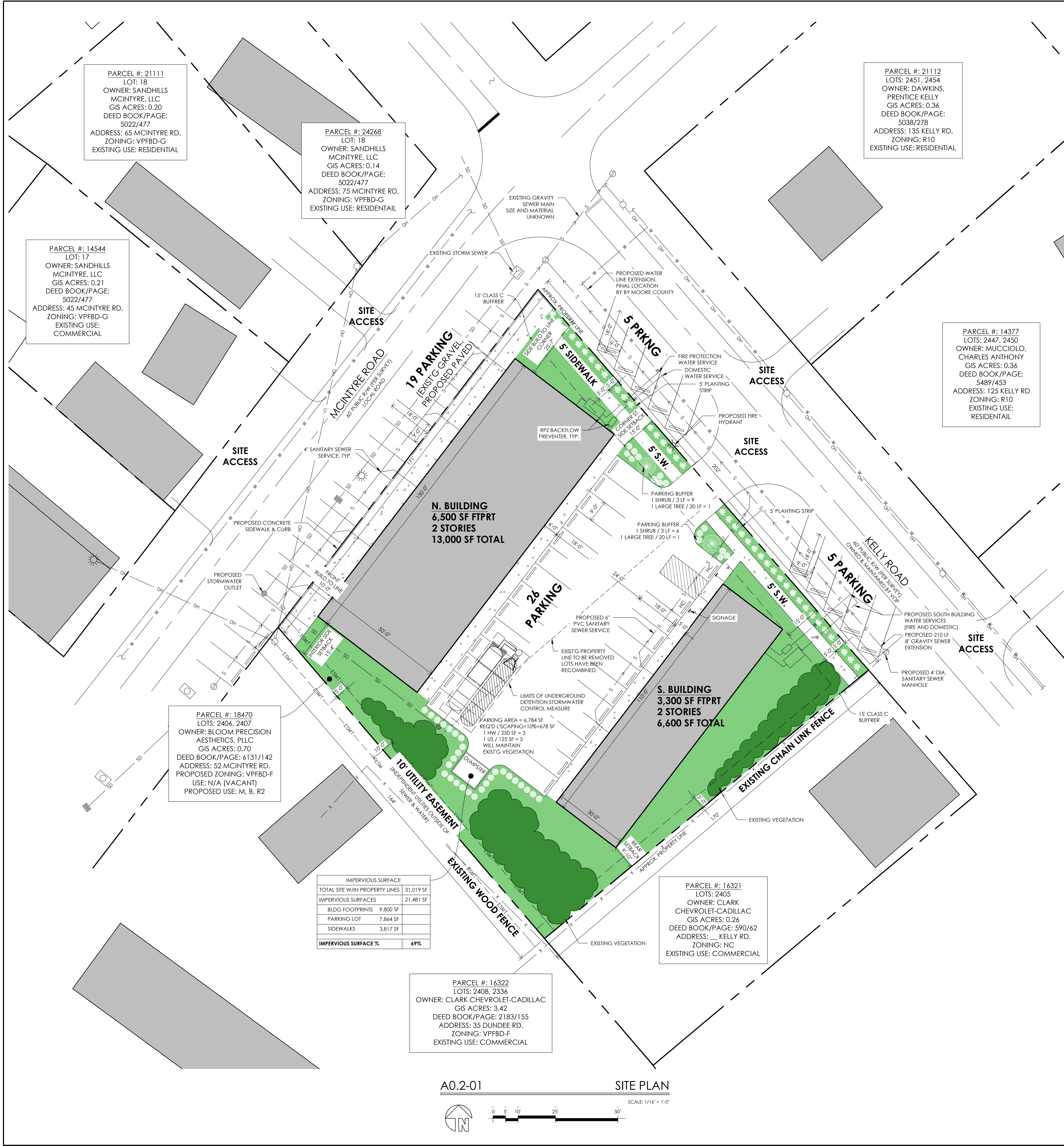
DRAWN BY: RRG
CHECKED BY: DRB
DATE: 10/31/24
PROJECT #: 2375

SHEET NUMBER
A0.1
OF: 8



A0.1-02 PROPOSED TOPOGRAPHY





VILLAGE PLACE F.B.D. - REZONING : 10.24.24

LOCATION: 52 MCINTYRE ROAD, PINEHURST, NC
EXISTING ZONING: NC - NEIGHBORHOOD COMMERCIAL
PROPOSED ZONING: VP-FBDF
WATERSHED: WS-IIP-BW NICKS CREEK
EXISTING USE: N/A - VACANT
PROPOSED ZONING USES: DWELLING-MIXED USE, MEDICAL OFFICE, OFFICE, RETAIL
TIMELINE: SINGLE PHASE AND APPROXIMATELY 12 MONTH CONSTRUCTION

DIMENSIONAL REQUIREMENTS
FRONT BUILD TO LINE: 10'
LOT WIDTH: MIN = 34' → PROVIDED = 173'
LOT DEPTH: MIN = 60' → PROVIDED = 166'
PERCENT FRONTAGE ON BUILD-TO LINE: 75% = 173' x 75% = 118'
INTERIOR SIDE SETBACK: 5'
SIDE STREET BUILD TO LINE: 15' (NOTE: AT REAR LOADED CORNER)
REAR YARD SETBACK FOR PRINCIPLE STRUCTURE: 15'
BUILDING HEIGHT: 2 STORIES & 35' → PROVIDED = 2 STORIES & 34'-2"
LOT COVERED BY IMPERVIOUS SURFACE: MAX = 70% → PROVIDED 69% (21,481 SF)
OPEN SPACE: MIN = 8% → PROVIDED = 8% (2,382 SF)
TOTAL SITE WITHIN PROPERTY LINES = 31,019 SF
TOTAL BUILDABLE AREA WITHIN SETBACKS = 23,128 SF

DEVELOPMENT INTENSITY
NORTH BUILDING (MCINTYRE ROAD) = COMMERCIAL/RESIDENTIAL
1ST FLOOR = RETAIL/PROFESSIONAL SERVICES
2ND FLOORS = RESIDENTIAL, 6 APARTMENTS
BUILDING FOOTPRINT: 130' x 50' = 6,500 SF

	AREAS		
	NET	STRUCT. ELEMENTS	TOTAL
1ST FLOOR (RETAIL)	6,115 SF	385 SF	6,500 SF
2ND FLOOR (RESIDENTIAL)	6,115 SF	385 SF	6,500 SF
TOTAL	12,230 SF	770 SF	13,000 SF

SOUTH BUILDING = COMMERCIAL
1ST FLOOR = MEDICAL OFFICE
2ND FLOOR = RESIDENTIAL, 4 APARTMENTS
BUILDING FOOTPRINT: 110' x 30' = 3,300 SF

	AREAS		
	NET	STRUCT. ELEMENTS	TOTAL
1ST FLOOR (MEDICAL OFFICE)	2,978 SF	322 SF	3,300 SF
2ND FLOOR (RESIDENTIAL)	2,978 SF	322 SF	3,300 SF
TOTAL	5,956 SF	644 SF	6,600 SF

MAX. IMPERVIOUS SURFACES
⊗ 90% = 27,639 SF (DOESN'T APPLY)
⊗ 70% = 21,497 SF (REQUIRES SPECIAL INTENSITY ALLOCATION)
⊗ 24% = 7,370 SF

PARKING
SEE PARKING PLAN

SIGNAGE
SIGNAGE WILL BE SUBMITTED SEPARATELY AT A FUTURE DATE AND WILL COMPLY WITH PINEHURST ORDINANCE §9.7 SIGN REGULATIONS

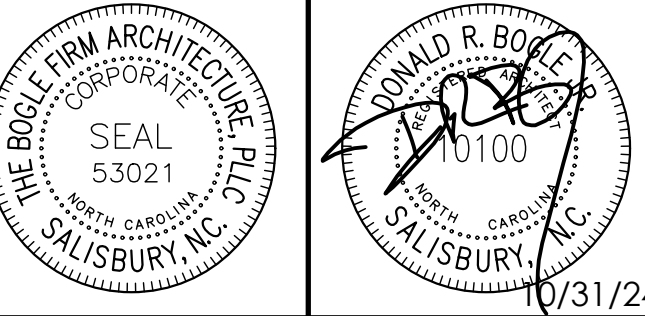
PROPOSED PEDESTRIAN IMPROVEMENTS
5' SIDEWALKS ALONG KELLY ROAD

TRIP GENERATION
SEE ITE CALCULATIONS

GENERAL NOTES:
1. EXISTING BOUNDARY AND TOPOGRAPHIC SURVEY COMPLETED BY DIT LAND SURVEYING ON JANUARY 12, 2024.
2. UNDERGROUND UTILITIES WHERE NOT DISCERNABLE BY SURFACE APPURTENANCES (MANHOLES, VALVES, CATCH BASINS, ETC.) ARE SHOWN PER INFORMATION OBTAINED FROM ENGINEERING PLANS, UTILITY ENTITIES, SITE PLANS, GIS, AND OTHERS. SIZE AND LOCATIONS SHOULD BE CONSIDERED APPROXIMATE.

PROPOSED
SITE PLAN

MCINTYRE ROAD
DEVELOPMENT
52 McIntyre Road
Pinehurst, NC



DRAWN BY: RRG
CHECKED BY: DRB
DATE: 10/31/24
PROJECT #: 2375

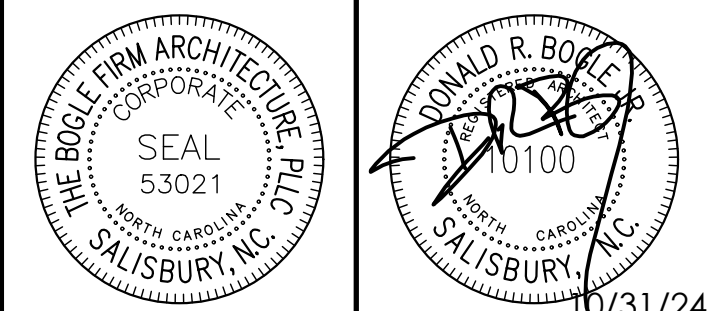
SHEET NUMBER
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OF: 8

**OPTION 1
PROPOSED
PARKING**

AFTER HOURS
& WEEKENDS
ANGLED PARKING ON
KELLY ROAD

**MCINTYRE ROAD
DEVELOPMENT**

52 McIntyre Road
Pinehurst, NC



DRAWN BY: RRG
CHECKED BY: DRB
DATE: 10/31/24
PROJECT #: 2375

SHEET NUMBER
A0.3
OF: 8



PARKING: AFTER HOURS & WEEKENDS			
USE TYPE	UNITS	MIN. REQ'D PARKING	TOTAL
APT. - NORTH BUILDING	12 BEDS	1/BEDROOM	12
APT. - SOUTH BUILDING	8 BEDS	1/BEDROOM	8
RETAIL/PROF. SERVICES 50% OF 6,500 SF*	3,250 SF	1/300 SF	11
MEDICAL CLINIC 10% OF 3,300 SF*	2,970 SF	1/200 SF	2
TOTAL AFTER HOURS & WEEKEND PARKING			33
* SHARED USE PARKING: PARKING USED IN CONNECTION WITH THE N. BUILDING (PROF. SERVICES & RETAIL) WILL BE USED MON-FRI. DURING NORMAL BUSINESS HOURS AND WILL BE 50% VACANT ON WEEKENDS AND AFTER HOURS. PARKING USED IN CONNECTION WITH THE S. BUILDING (PROF. SERVICES AND MEDICAL CLINIC) WILL BE USED MON-FRI. DURING NORMAL BUSINESS HOURS AND WILL BE 90% VACANT ON WEEKENDS AND AFTER HOURS.			

A0.3-01 **OPTION 1: PROPOSED PARKING
AFTER HOURS & WEEKENDS**

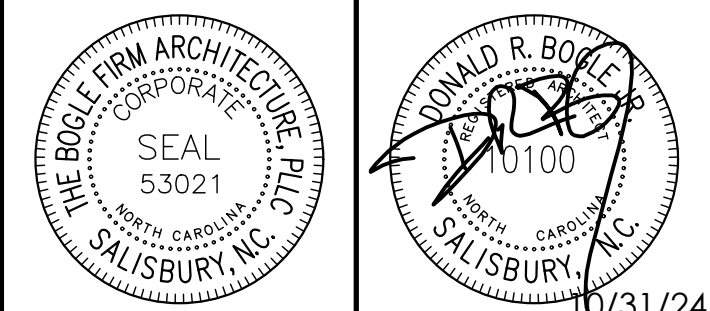
SCALE: 1/16" = 1'-0"

0' 5' 10' 25' 50'

**OPTION 1
PROPOSED
PARKING**

WEEKDAYS
NORMAL BUSINESS HOURS
ANGLED PARKING ON
KELLY ROAD

**MCINTYRE ROAD
DEVELOPMENT**
52 McIntyre Road
Pinehurst, NC



DRAWN BY: RRG
CHECKED BY: DRB
DATE: 10/31/24
PROJECT #: 2375

SHEET NUMBER
A0.4
OF: 8

PARKING LEGEND	
USE	
	RETAIL/PROFESSIONAL SERVICES
	MEDICAL CLINIC
	RESIDENTIAL (APARTMENTS)

**OPTION 1: PROPOSED PARKING
WEEKDAYS - BUSINESS HOURS**

SCALE: 1/16" = 1'-0"

0' 5' 10' 25' 50'

PARKING: WEEKDAYS - NORMAL BUSINESS HOURS			
USE TYPE	UNITS	MIN. REQ'D PARKING	TOTAL
APT. - NORTH BUILDING 50% OF 12 BEDROOMS*	6 BEDS	1/BEDROOM	6
APT. - SOUTH BUILDING 50% OF 8 BEDROOMS*	4 BEDS	1/BEDROOM	4
RETAIL/PROF. SERVICES	6,500 SF	1/300 SF	22
MEDICAL CLINIC	3,300 SF	1/200 SF	17
TOTAL AFTER HOURS & WEEKEND PARKING			49

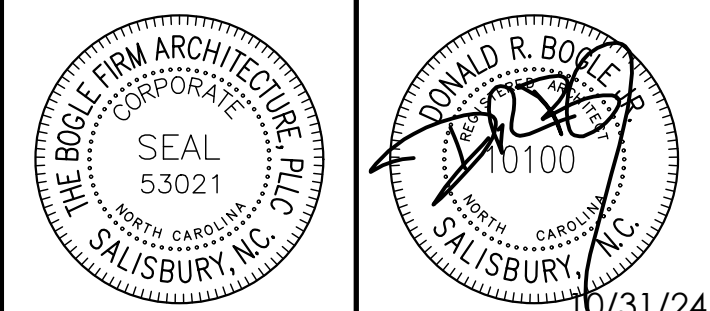
* SHARED USE PARKING: PARKING USED IN CONNECTION WITH APARTMENTS WILL BE 50% VACANT ON WEEKDAYS DURING NORMAL BUSINESS HOURS

**OPTION 2
PROPOSED
PARKING**

AFTER HOURS
& WEEKENDS
PARALLEL PARKING ON
KELLY ROAD

**MCINTYRE ROAD
DEVELOPMENT**

52 McIntyre Road
Pinehurst, NC



DRAWN BY: RRG
CHECKED BY: DRB
DATE: 10/31/24
PROJECT #: 2375

SHEET NUMBER
A0.5
OF: 8



PARKING: AFTER HOURS & WEEKENDS			
USE TYPE	UNITS	MIN. REQ'D PARKING	TOTAL
APT. - NORTH BUILDING	12 BEDS	1/BEDROOM	12
APT. - SOUTH BUILDING	8 BEDS	1/BEDROOM	8
RETAIL/PROF. SERVICES 50% OF 6,500 SF*	3,250 SF	1/300 SF	11
MEDICAL CLINIC 10% OF 3,300 SF*	2,970 SF	1/200 SF	2
TOTAL AFTER HOURS & WEEKEND PARKING			33

* SHARED USE PARKING: PARKING USED IN CONNECTION WITH THE N. BUILDING (PROF. SERVICES & RETAIL) WILL BE USED MON-FRI. DURING NORMAL BUSINESS HOURS AND WILL BE 50% VACANT ON WEEKENDS AND AFTER HOURS.
PARKING USED IN CONNECTION WITH THE S. BUILDING (PROF. SERVICES AND MEDICAL CLINIC) WILL BE USED MON-FRI. DURING NORMAL BUSINESS HOURS AND WILL BE 90% VACANT ON WEEKENDS AND AFTER HOURS.

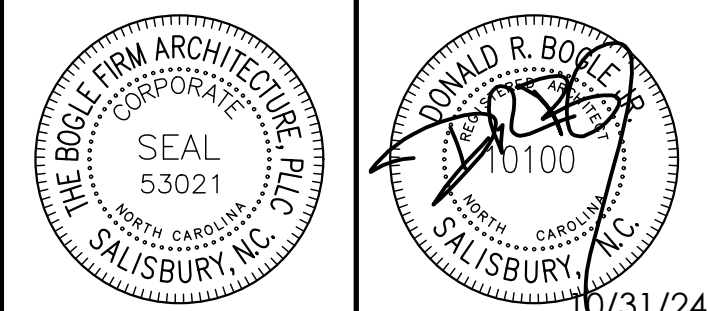
A0.5-01 **OPTION 2: PROPOSED PARKING
AFTER HOURS & WEEKENDS**

SCALE: 1/16" = 1'-0"

**OPTION 2
PROPOSED
PARKING**

WEEKDAYS
NORMAL BUSINESS HOURS
PARALLEL PARKING ON
KELLY ROAD

**MCINTYRE ROAD
DEVELOPMENT**
52 McIntyre Road
Pinehurst, NC



DRAWN BY: RRG
CHECKED BY: DRB
DATE: 10/31/24
PROJECT #: 2375

SHEET NUMBER
A0.6
OF: 8

PARKING LEGEND	
USE	
	RETAIL/PROFESSIONAL SERVICES
	MEDICAL CLINIC
	RESIDENTIAL (APARTMENTS)

OPTION 2: PROPOSED PARKING
WEEKDAYS - BUSINESS HOURS

SCALE: 1/16" = 1'-0"

0' 5' 10' 25' 50'

PARKING: WEEKDAYS - NORMAL BUSINESS HOURS			
USE TYPE	UNITS	MIN. REQ'D PARKING	TOTAL
APT. - NORTH BUILDING 50% OF 12 BEDROOMS*	6 BEDS	1/BEDROOM	6
APT. - SOUTH BUILDING 50% OF 8 BEDROOMS*	4 BEDS	1/BEDROOM	4
RETAIL/PROF. SERVICES	6,500 SF	1/300 SF	22
MEDICAL CLINIC	3,300 SF	1/200 SF	17
TOTAL AFTER HOURS & WEEKEND PARKING			49

* SHARED USE PARKING: PARKING USED IN CONNECTION WITH APARTMENTS WILL BE 50% VACANT ON WEEKDAYS DURING NORMAL BUSINESS HOURS





A1.1-01 NORTH BUILDING: N. ELEVATION

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



A1.1-02 NORTH BUILDING: E. ELEVATION

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



A1.1-03 NORTH BUILDING: S. ELEVATION

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



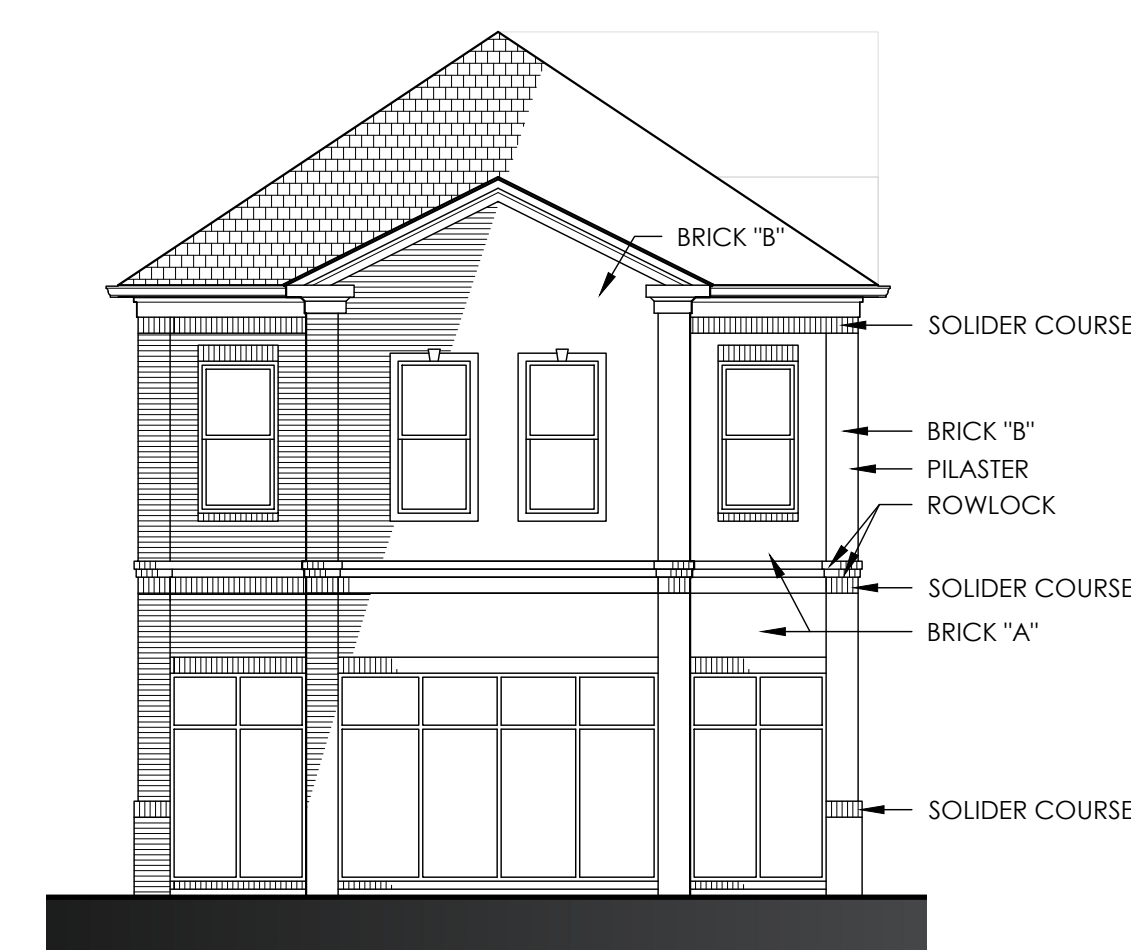
A1.1-04 NORTH BUILDING: W. ELEVATION

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



A1.1-05 SOUTH BUILDING: N. ELEVATION

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



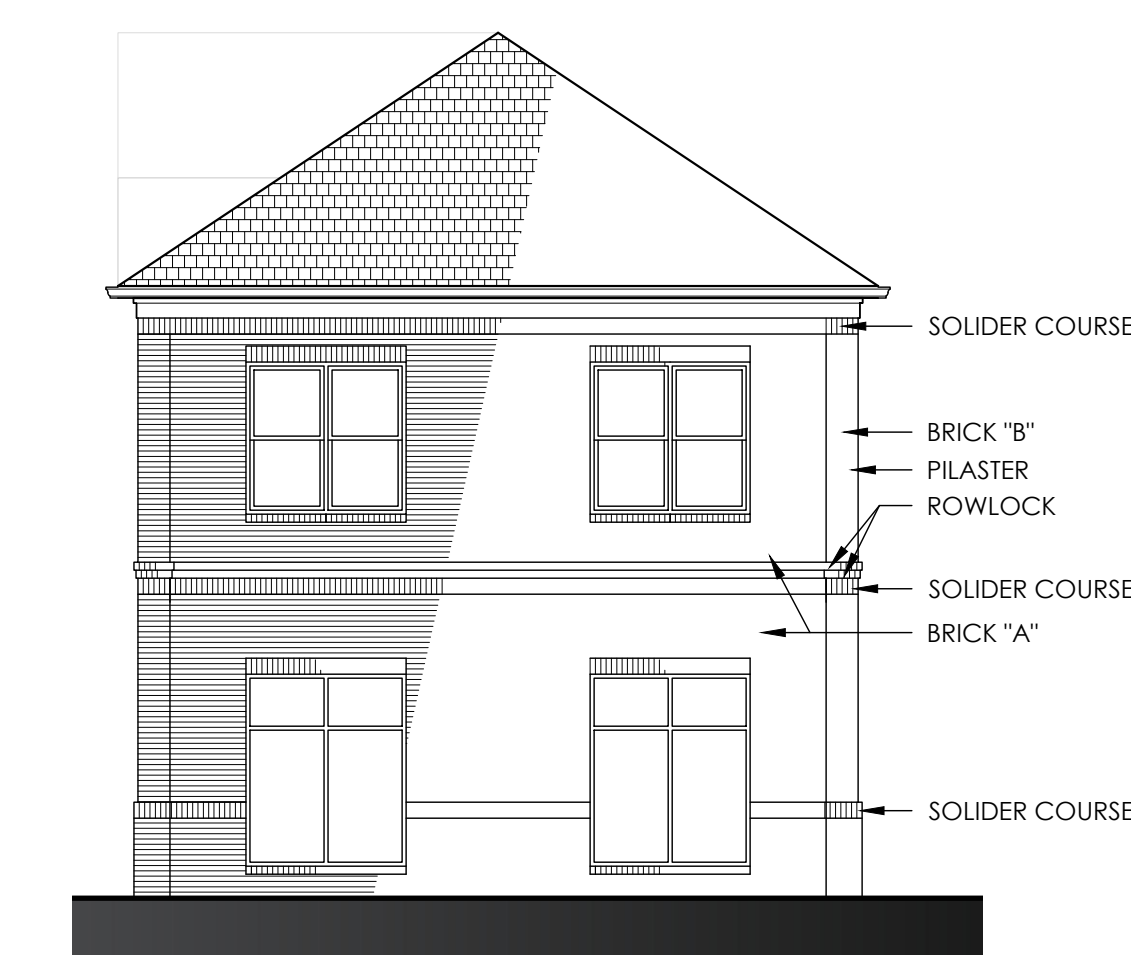
A1.1-06 SOUTH BUILDING: E. ELEVATION

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



A1.1-07 SOUTH BUILDING: S. ELEVATION

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



A1.1-08 SOUTH BUILDING: W. ELEVATION

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

GLAZING: NORTH BUILDING						
TYPE	ELEVATION	LOWER GLAZING	LOWER ELEVATION	GLAZING PERCENTAGE	UPPER GLAZING	UPPER ELEVATION
FRONTAGE	NORTH	767 sf	1,213 sf	63%	321 sf	1,251 sf
FRONTAGE	EAST	307 sf	467 sf	66%	128 sf	481 sf
INTERIOR	SOUTH	470 sf	1,213 sf	39%	253 sf	1,251 sf
INTERIOR	WEST	133 sf	467 sf	28%	106 sf	481 sf

GLAZING: SOUTH BUILDING						
TYPE	ELEVATION	LOWER GLAZING	LOWER ELEVATION	GLAZING PERCENTAGE	UPPER GLAZING	UPPER ELEVATION
INTERIOR	NORTH	598 sf	1,320 sf	45%	275 sf	1,059 sf
FRONTAGE	EAST	216 sf	360 sf	60%	80 sf	289 sf
INTERIOR	SOUTH	347 sf	1,320 sf	26%	253 sf	1,059 sf
INTERIOR	WEST	107 sf	360 sf	30%	84 sf	289 sf

COLORS



BRICK "A"
Taylor Brick
375-Chocolate



BRICK "B"
Taylor Brick
320-Gray

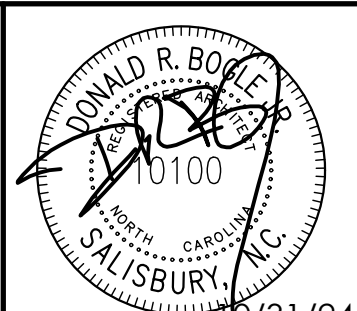
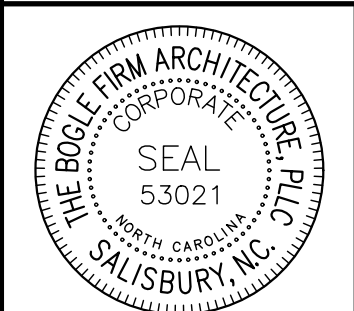


METAL (RAILINGS, BALCONY)
ALUMINUM (WINDOWS, PARAPET CAP)
CANOPY, AWNINGS
HC-190 Black

PROPOSED
ELEVATIONS

MCINTYRE ROAD
DEVELOPMENT

52 McIntyre Road
Pinehurst, NC



DRAWN BY: RRG
CHECKED BY: DRB
DATE: 10/31/24
PROJECT #: 2375

SHEET NUMBER
A1.1
OF: 8

McIntyre Road Development Parking - Option 1

REQUIRED PARKING

	USE TYPE	AREA	MIN. REQ'D PARKING	TOTAL REQUIRED
NORTH BUILDING	RETAIL / PROF. SERVICES	6,500 sf	1/300 SF	22
	DWELLING-MIXED USE	12 BEDS	1/BEDROOM	12
SOUTH BUILDING	MEDICAL CLINIC	3,300 sf	1/200 SF	17
	DWELLING-MIXED USE	8 BEDS	1/BEDROOM	8
TOTAL REQUIRED PARKING				59

REQUIRED SHARED PARKING: AFTER HOURS AND WEEKENDS

USE TYPE	UNITS	MIN. REQ'D	TOTAL
APT. N. BUILDING	12 BEDROOMS	1/BEDROOM	12
APT. S. BUILDING	8 BEDROOMS	1/BEDROOM	8
RETAIL/PROF. SERVICES, N. BUILDING	3,250 SF*	1/300 SF	11
MEDICAL CLINIC, S. BUILDING	2,970 SF**	1/200 SF	2
TOTAL			33

SHARED USE PARKING:

*PARKING USED IN CONNECTION WITH THE N. BUILDING (PROF. SERVICES & RETAIL) WILL BE USED MON.-FRI. DURING NORMAL BUSINESS HOURS AND WILL BE 50% VACANT ON WEEKENDS AND AFTER HOURS.

**PARKING USED IN CONNECTION WITH THE S. BUILDING (PROF. SERVICES AND MEDICAL CLINIC) WILL BE USED MON.-FRI. DURING NORMAL BUSINESS HOURS AND WILL BE 90% VACANT ON WEEKENDS AND AFTER HOURS.

REQUIRED SHARED PARKING: WEEKDAYS-NORMAL BUSINESS HRS

USE TYPE	UNITS	MIN. REQ'D	TOTAL
APT. N. BUILDING	6 BEDROOMS*	1/BEDROOM	6
APT. S. BUILDING	4 BEDROOMS*	1/BEDROOM	4
RETAIL/PROF. SERVICES, N. BUILDING	6,500 SF	1/300 SF	22
MEDICAL CLINIC, S. BUILDING	3,300 SF	1/200 SF	17
TOTAL			49

SHARED USE PARKING:

*PARKING USED IN CONNECTION WITH APARTMENTS WILL BE 50% VACANT ON WEEKDAYS DURING NORMAL BUSINESS HOURS.

PROVIDED PARKING OPTION 1

LOCATION	
ONSITE PARKING	REGULAR 24
	ACCESSIBLE 2
ONSTREET PARKING	KELLY RD. (ANGLED) 10
	McINTYRE RD. 19
TOTAL PROVIDED PARKING	
55	

McIntyre Road Development Parking - Option 2

REQUIRED PARKING

	USE TYPE	AREA	MIN. REQ'D PARKING	TOTAL REQUIRED
NORTH BUILDING	RETAIL / PROF. SERVICES	6,500 sf	1/300 SF	22
	DWELLING-MIXED USE	12 BEDS	1/BEDROOM	12
SOUTH BUILDING	MEDICAL CLINIC	3,300 sf	1/200 SF	17
	DWELLING-MIXED USE	8 BEDS	1/BEDROOM	8
TOTAL REQUIRED PARKING				59

REQUIRED SHARED PARKING: AFTER HOURS AND WEEKENDS

USE TYPE	UNITS	MIN. REQ'D	TOTAL
APT. N. BUILDING	12 BEDROOMS	1/BEDROOM	12
APT. S. BUILDING	8 BEDROOMS	1/BEDROOM	8
RETAIL/PROF. SERVICES, N. BUILDING	3,250 SF*	1/300 SF	11
MEDICAL CLINIC, S. BUILDING	2,970 SF**	1/200 SF	2
TOTAL			33

SHARED USE PARKING:

*PARKING USED IN CONNECTION WITH THE N. BUILDING (PROF. SERVICES & RETAIL) WILL BE USED MON.-FRI. DURING NORMAL BUSINESS HOURS AND WILL BE 50% VACANT ON WEEKENDS AND AFTER HOURS.

**PARKING USED IN CONNECTION WITH THE S. BUILDING (PROF. SERVICES AND MEDICAL CLINIC) WILL BE USED MON.-FRI. DURING NORMAL BUSINESS HOURS AND WILL BE 90% VACANT ON WEEKENDS AND AFTER HOURS.

REQUIRED SHARED PARKING: WEEKDAYS-NORMAL BUSINESS HRS

USE TYPE	UNITS	MIN. REQ'D	TOTAL
APT. N. BUILDING	6 BEDROOMS*	1/BEDROOM	6
APT. S. BUILDING	4 BEDROOMS*	1/BEDROOM	4
RETAIL/PROF. SERVICES, N. BUILDING	6,500 SF	1/300 SF	22
MEDICAL CLINIC, S. BUILDING	3,300 SF	1/200 SF	17
TOTAL			49

SHARED USE PARKING:

*PARKING USED IN CONNECTION WITH APARTMENTS WILL BE 50% VACANT ON WEEKDAYS DURING NORMAL BUSINESS HOURS.

PROVIDED PARKING OPTION 2

LOCATION	
ONSITE PARKING	REGULAR 24
	ACCESSIBLE 2
ONSTREET PARKING	KELLY RD. (PARALLEL) 6
	McINTYRE RD. 19
TOTAL PROVIDED PARKING	
51	

Conditions Table			
	Type	Requirement	Requested Condition
1	Dimensional Requirements Table 9.2b	Max. Building Height 2 stories and 35'	Proposed = 2 stories and 36'-2"
2	Dimensional Requirements Table 9.2b	Front build to line Mixed-Use Commercial = 10'	None Provided = 10'
3	Dimensional Requirements Table 9.2b	Side build to line (Kelly Rd. lot line, corner lot) Mixed-Use Commercial = 10'	None Provided = 15'-0" min. and 25'-7" max.
4	Dimensional Requirements Table 9.2b	Rear setback (lot line adjacent to Clark Cadillac property line along McIntyre Rd.) Mixed-Use Commercial = 15'	Provided = 9'-10"
5	Dimensional Requirements Table 9.2b	Interior side setback (lot line adjacent to Clark Cadillac property line along McIntyre Rd.) Mixed-Use Commercial = 0' – 5' (1) 1' – 5' if separation is desired	Provided = 15'-4"
6	Permitted Uses Table 8.5.1.b	Lower McIntyre: Dwelling-Mixed Use Banks, Credit Unions, Financial Services Business Support Services Medical Office Office Personal Services Professional Services Small Equipment Repair/Rental Amusements, Indoor Bar/Tavern/Nigh Club Garden Center General Retail Outside Sales Restaurant Theater, Indoor Civic/cultural Facilities Recreation Facilities, Indoor Park Child/Adult Day Care Center Studio – Art, Dance, Martial Arts, Music Vehicle rental/Leasing/Sales Vehicle Service-Maint. Repair/Body Work Artisan Workshops Gardens Parking Structure Small/Micro Wireless Facilities Utilities ATM Concealed Wireless Teleco. Facility Fuel/Propane Tanks Accessory Buildings Accessory Structure Temp. Facilities during replacement Temporary Uses other	Limit to: Dwelling Mixed Use Banks, Credit Unions, Financial Services Business Support Services Medical Offices Offices Personal Services Professional Services General Retail Restaurant Studio – Art, Dance, Martial, Photography Arts ATM

7	Required Parking Table 9.4a	Dwelling-Mixed Use = 1 per bedroom (or provided as shared parking)	Provided:									
		<table><tr><td>N. Building</td><td>12 bedrms</td><td>12 spaces</td></tr><tr><td>S. Building</td><td>8 bedrms</td><td>8 spaces</td></tr><tr><td colspan="2">TOTAL</td><td>20 spaces</td></tr></table>	N. Building	12 bedrms	12 spaces	S. Building	8 bedrms	8 spaces	TOTAL		20 spaces	Onsite = 26 (24 regular + 2 ADA) Onsite parking will be used by the N. and S. Buildings, shared between the dwellings, Medical Clinic, Professional Services, and General Retail uses.
		N. Building	12 bedrms	12 spaces								
		S. Building	8 bedrms	8 spaces								
		TOTAL		20 spaces								
Medical Clinic = 1 per 200 sf (most restrictive) Professional Services = 1 per 300 sf	Proposed new on street parking – Kelly Rd. = 10 Kelly Rd. parking will be used primarily by the S. Building Medical Clinic and Professional Services uses, Monday to Friday during normal business hours.											
<table><tr><td>S. Building</td><td>3,300 sf</td><td>17 spaces</td></tr><tr><td colspan="2">TOTAL</td><td>17 spaces</td></tr></table>	S. Building	3,300 sf	17 spaces	TOTAL		17 spaces	Existing on street public parking – McIntyre Rd. = 19 McIntyre Rd. parking will be used primarily by the N. Building Professional Services and General Retail uses.					
S. Building	3,300 sf	17 spaces										
TOTAL		17 spaces										
General Retail = 1 per 300 sf Professional Services = 1 per 300 sf	See parking plan, attached.											
<table><tr><td>N. Building</td><td>6,500 sf</td><td>22 spaces</td></tr><tr><td colspan="2">TOTAL</td><td>22 spaces</td></tr></table>		N. Building	6,500 sf	22 spaces	TOTAL		22 spaces					
N. Building	6,500 sf	22 spaces										
TOTAL		22 spaces										
Total Required Parking = 59												



DATE: 5/31/24
PROJECT: Mixed Use – 52 McIntyre Rd.
LOCATION: Village Hall
395 Magnolia Road
Pinehurst, NC 28374 SUBMITTED BY: Rhetson Companies, Inc.

ATTENDEES: Richard Vincent (Rhetson Companies, Inc.), Catherine Moore (Rhetson Companies, Inc.),
Dennie McLaughlin (Rhetson Companies, Inc.)

An informal Neighborhood Meeting was held on May 31st, from 4:00 p.m. to 5:00 p.m. in the Village of Pinehurst Village Hall. The Village of Pinehurst requires this meeting for Conditional District rezoning applications. This meeting allowed adjoining property owners to review the proposed plans for the project and discuss the plans with the development team. Neighborhood meetings provide the applicant with an important dialogue with adjacent owners to understand the issues and concerns of the residents living near the proposed project. A site plan, sample exterior elevations, and overall aerial property map were available for review.

All adjoining parcel owners within the direct vicinity of the proposed property were notified by letter (see attached copy of the letter) at least ten (10) days before the meeting date.

Several residents from the adjoining properties along Kelly Road, took the opportunity to review the plans and discuss the project with the Rhetson team members.
(See attached sign-in sheet)

Questions relating to many aspects of the development were raised and responded to by the development team based on the current direction of the plan. Overall, there was good participation and dialogue during the meeting amongst the few attendees.

The following is a list of questions posed to the development team and dialogue related to those questions:

Location of entrance: The development team provided plans and information describing entrance location and justification for locating the entrance along Kelly Road instead of McIntyre. Proposed improvements to new parking along Kelly Road, new sidewalks, and a new entrance were discussed.

Parking: It was explained that the majority of vehicles would park internal to the project, as well as utilizing the existing parking along McIntyre and the proposed new parking along Kelly. The on-street

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parking along McIntyre and Kelly would likely be for overflow, with the new parking along Kelly Road likely to be parking spaces utilized the least.

What will the buildings look like: The development team explained that the architectural character is still being discussed at this point but would work to meet the standards included in the Village Mixed Use Design Standards. The architectural character will complement those currently existing within the Historic district and would blend in with the surroundings. The role of the Historic Preservation Commission in building design and approvals was also discussed.

What kind of businesses would be located within the project: It was explained that the intention was for there to be a mixed-use element to the project. Our goal being to **blend multiple uses**, such as residential, office, medical and commercial into one space where we try and achieve some functional integration. It was explained that residential units would be located on the 2nd and 3rd stories. It was also explained that the ground floor of the larger building facing McIntyre would likely attract retail businesses that were already in the area looking for more space to expand.

Building features and scale: It was explained that the intent is to have two buildings, one larger three-story building, and a smaller two story building. It was communicated that the intent was to position the majority of building square footage closer to the commercial properties along McIntyre and locate the smaller building at the rear of the property, lessening the impact on the residential properties that front Kelly Road.

*** this design has since been changed (a decrease in size, stories, and SF) from what was presented at the Community Meeting.

The overall timing of the project: It was explained that there is no definitive timeline for the project and that it will depend on the time it takes to gain approval and work with the Village and state agencies to obtain permits. The timeline for the Village public meetings was discussed, and the intent was to meet with the Planning Board in later in 2024 and the Village Council the following month. It was explained that the development team would contact the attendees to notify them of the upcoming meetings as a courtesy.


Richard Vincent (Oct 21, 2024 16:24 EDT)

Richard Vincent – Chief Business Development Officer

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.

5/14/24

Notice of Community Meeting regarding a Zoning Map Amendment

Dear Property Owner:

Members of Rhetson Companies, Inc. will be holding a Public Hearing on **Friday, May 31, 2024 at 4:00pm** in the Assembly Hall of Village Hall, 395 Magnolia Road, Pinehurst, N.C.

The purpose of the hearing is to consider a Zoning Map Amendment (with conditions) for approximately 0.712 acres of Moore County PID# 00018470. This proposed map amendment would zone the property from NC-Neighborhood Commercial to (VFBD) Village Place Form Based District. The proposed rezoning and General Concept Plan would allow for development of two (2) Mixed - Use buildings – Retail/Professional Services/Medical and Residential.

We are notifying you of the meeting because you are an adjacent property owner and within a certain distance of the property. We look forward to meeting you and discussing the Zoning Map Amendment at Village Hall on Thursday, May 31, 2024 at 4:00pm.

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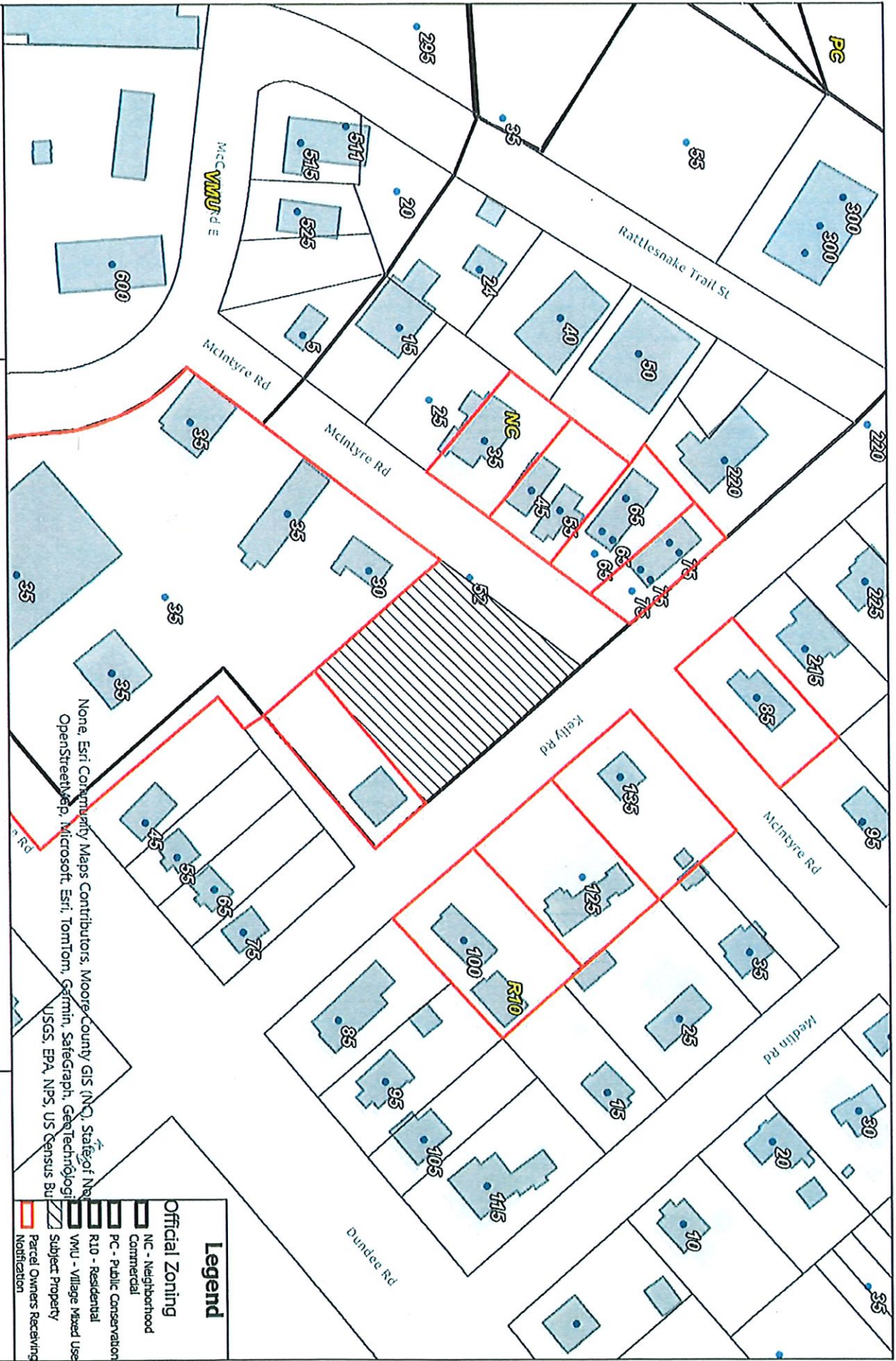
5/31/24

Village of Pinehurst Mixed-Use Neighborhood Meeting Sign-In Sheet:

- Charles & Lauri Mucciolo – 125 Kelly Rd. – mooch1958@gmail.com
- Mike & Kelly Nelson – mike@ncinhomeflooring.com
- Valerre & Don Mead – 100 Kelly Rd. – junknjava17@gmail.com

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West End, NC 27376

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None, Esri Community Maps Contributors, Moore County GIS (NC), State of North Carolina, Esri, TomTom, Garmin, SafeGraph, GeoTechnology, Inc., USGS, EPA, NPS, US Census Bureau

Legend

- Official Zoning
 - NC - Neighborhood Commercial
 - PC - Public Conservation
 - R10 - Residential
 - VMU - Village Mixed Use
- Subject Property
- Parcel Owners Receiving Notification

April 4, 2024
McIntyre and Kelly- 00018470
Adjacent Parcels





SANDHILLS MCINTYRE, LLC
2111 ST MARY ST
RALEIGH,NC,27608



CLARK CHEVROLET-CADILLAC
PO BOX 1890
PINEHURST,NC,28374-1890



LIFESTYLE PROPERTY PARTNERS LLC
510 NW BROAD STREET
SOUTHERN PINES,NC,28387



MUCCIOLO, CHARLES ANTHONY
125 KELLY ROAD
PINEHURST,NC,28374



CLARK CHEVROLET-CADILLAC
PO BOX 1890
PINEHURST,NC,28370



MEAD, DONALD
100 KELLY ROAD
PINEHURST,NC,28374



OAKLEY PROPERTIES, LLC
PO BOX 2226
PINEHURST,NC,28374



DAWKINS, PRENTICE KELLY
40 WOODS ROAD
PINEHURST,NC,28374



SANDHILLS MCINTYRE, LLC
2111 ST MARY ST
RALEIGH,NC,27608



SANDHILLS MCINTYRE, LLC
2111 ST MARY ST
RALEIGH,NC,27608

VOP Mixed Use Neighborhood Meeting Info

Final Audit Report

2024-10-21

Created:	2024-10-21
By:	Matthew Williams (matt@rhetson.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA3CAGhAndw8b-2wuyk-lste1_zJO1FegO

"VOP Mixed Use Neighborhood Meeting Info" History

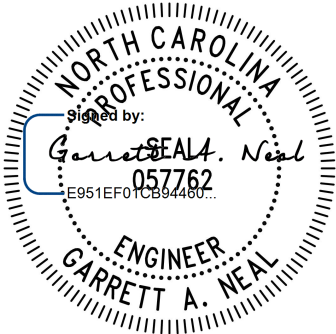
-  Document created by Matthew Williams (matt@rhetson.com)
2024-10-21 - 8:13:29 PM GMT
-  Document emailed to richardv@rhetson.com for signature
2024-10-21 - 8:13:35 PM GMT
-  Email viewed by richardv@rhetson.com
2024-10-21 - 8:24:05 PM GMT
-  Signer richardv@rhetson.com entered name at signing as Richard Vincent
2024-10-21 - 8:24:37 PM GMT
-  Document e-signed by Richard Vincent (richardv@rhetson.com)
Signature Date: 2024-10-21 - 8:24:39 PM GMT - Time Source: server
-  Agreement completed.
2024-10-21 - 8:24:39 PM GMT

FIRE & RESCUE			Page 1/3																					
ISO Fire Flow Worksheet																								
Needed Fire Flow Work Sheet (ISO formulas)			NFF = (Ci)(Oi)(Xi+Pi)																					
			C=18F(Ai)^0.5																					
Address:	52 McIntyre Road																							
Project Name:	McIntyre Mixed Use Development	Occupancy Type:	Mixed																					
Construction Type:	Ordinary	Number of Stories:	3																					
STEP 1																								
Take the area, which is 100% sq. ft. of the first floor plus the following percentage of the total area of the other floors.																								
First Floor Area in Sq. Ft		6500	Sq. Ft. @ 100%																					
Additional Floors																								
Enter total area in sq. ft for all other floors		13000																						
Total Area Entire Building		13000																						
STEP 2																								
F = Coefficient related to the class of construction as determined by using the construction type found in SBCCI																								
<table><tr><th>Construction Type</th><th>Class</th><th>F Value</th></tr><tr><td>Frame</td><td>1</td><td>1.5</td></tr><tr><td>Joist Masonry</td><td>2</td><td>1</td></tr><tr><td>Non-combustible</td><td>3</td><td>0.8</td></tr><tr><td>Heavy Timber</td><td>4</td><td>0.8</td></tr><tr><td>Modified fire resistance</td><td>5</td><td>0.6</td></tr><tr><td>Fire resistive</td><td>6</td><td>0.6</td></tr></table>				Construction Type	Class	F Value	Frame	1	1.5	Joist Masonry	2	1	Non-combustible	3	0.8	Heavy Timber	4	0.8	Modified fire resistance	5	0.6	Fire resistive	6	0.6
Construction Type	Class	F Value																						
Frame	1	1.5																						
Joist Masonry	2	1																						
Non-combustible	3	0.8																						
Heavy Timber	4	0.8																						
Modified fire resistance	5	0.6																						
Fire resistive	6	0.6																						
Construction Class		3																						
Square Root of the Area x F x 18		1750	= C Value																					

FIRE & RESCUE		Page 2/3
ISO Fire Flow Worksheet		
Needed Fire Flow Work Sheet (ISO formulas)		
STEP 3	Multiply result of rounded off GPM by the Occupancy Factor (Oi) Noncombustible (C-1) = No active fuel loads such as storage of asbestos, clay, glass, marble, stone, or metal products. Limited - Combustible (C-2) = Limited fuel loads such as airports, apartments, art studios, auto repair, auto showroom, aviaries, banks, barber shops, beauty shops, churches, clubs, cold storage warehouses, day care center, educational occupancies, gas stations, green houses, health clubs, hospitals, jails, libraries, medical labs, motels, museums, nursing homes, offices, radio stations, recreation centers, and rooming houses. Combustible (C-3) = Moderate fuel loads such as auto part stores, auto repair training center, bakery, bookstores, bowling centers, casinos, commercial laundries, contractor equipment storage, dry cleaners with no flammable fluids, leather processing, municipal storage buildings, nursery sales stores, pavilions, pet shops, photographic supplies, printers, restaurants, shoe repair, supermarkets, theaters, vacant buildings, and most wholesale & retail sales occupancies. Free-Burning (C-4) = Active fuel loads such as aircraft hangers, cabinet making, combustible metals, dry cleaners using flammable fluids, feed stores, furniture stores, kennels, lumber, packaging and crating, paper products manufacturing, petroleum bulk distribution centers, tire manufacturers, tire recapping or retreading, wax products, and wood working shops. Rapid-Burning (C-5) = Contents that burn with great intensity, spontaneously ignite, have flammable or explosive vapors, or large quantities of dust such as ammunition, feed mills, fireworks, flammable compressed gases, flammable liquids, flour mills, highly flammable solids, matches, mattress factories, nitrocellulose-based products, rag storage, upholstery shops, & waste paper storage. Occupancy Class Selected (1 thru 5) 3 GPM x Oi 1750	Occupancy Factor 0.75 0.85 1.0 1.15 1.25

FIRE & RESCUE		Page 3/3															
ISO Fire Flow Worksheet																	
Needed Fire Flow Work Sheet (ISO formulas)																	
STEP 4	Now consider the exposure factor (Xi) - (Separation between buildings)																
	<table border="1"><thead><tr><th>Distance (feet to the exposed building)</th><th>Xi</th><th>>3 stories</th></tr></thead><tbody><tr><td>0-10</td><td>0.22</td><td>0.47</td></tr><tr><td>11-30</td><td>0.18</td><td>0.43</td></tr><tr><td>31-60</td><td>0.13</td><td>0.38</td></tr><tr><td>61-100</td><td>0.09</td><td>0.34</td></tr></tbody></table>	Distance (feet to the exposed building)	Xi	>3 stories	0-10	0.22	0.47	11-30	0.18	0.43	31-60	0.13	0.38	61-100	0.09	0.34	
Distance (feet to the exposed building)	Xi	>3 stories															
0-10	0.22	0.47															
11-30	0.18	0.43															
31-60	0.13	0.38															
61-100	0.09	0.34															
	Distance, in feet, to the exposed building	50															
	Xi (from table)	0.13															
	Multiply GPM from step 4 by (1+Xi)																
	Total From Step 4	1978															
STEP 5	Approved Fire Sprinkler System? (Y or N)																
	y																
	Take fire flow from step 5 and multiply by sprinkler credit of 0.25																
	Sprinkler credit	494															
	Now subtract sprinkler credit from fire flow in step 4																
	<table border="1"><tr><td>NEEDED FIRE FLOW</td><td>1500 GPM</td></tr></table>		NEEDED FIRE FLOW	1500 GPM													
NEEDED FIRE FLOW	1500 GPM																

Note: Preliminary fire flow calculations herein to be considered and referenced during rezoning efforts only. Fire flow data to be confirmed during final design and subject to additional approval prior to construction.



DR. J.H. CARTER III & ASSOCIATES, INC.

Environmental Consultants
P.O. Box 891 • Southern Pines, N.C. 28388
(910) 695-1043 • Fax (910) 695-3317

26 April 2024

Catherine Moore
Project Coordinator
Rhetson Companies, Inc.
2075 Juniper Lake Road
West End, NC 27376

Dear Ms. Moore:

On 25 April 2024, a biologist from Dr. J. H. Carter III & Associates, Inc. (JCA) conducted a red-cockaded woodpecker (*Dryobates borealis*=*Picoides borealis*) (RCW) survey of a 0.70 acre parcel (ID #00018470) on Kelly Road in Pinehurst, Moore County, North Carolina (NC).

The parcel had a dense overstory of sand laurel (*Quercus hemisphaerica*) and water (*Q. nigra*) oaks a dense midstory of sand laurel oak, sweetgum (*Liquidambar styraciflua*) and black cherry (*Prunus serotina*) and no ground cover.

No RCW cavity trees were found on this parcel. The parcel is not within one-half mile of any RCW partition, The United States Fish & Wildlife Service (USFWS) show the parcel in an RCW red zone. The nearest known RCW cavity tree (#1179) contains a relic cavity and is located approximately 2,084 feet north of the parcel in SOPI Cluster 71.

The RCW Recovery Plan (USFWS) 2003) defines a cluster as the aggregation of cavity trees used and defended by a group of RCWs plus a 200-ft. buffer of contiguous forest. The Recovery Plan also outlines the minimum acreage, distribution and stocking levels of foraging habitat required to conserve a family group of RCWs. Foraging habitat is defined as stands of pine or pine-hardwood more than 30 years old, located within one-half mile of, and contiguous to, an active or managed RCW cluster. Landowners within RCW habitat have a responsibility to minimize the removal of RCW foraging habitat (pine trees ≥ 10 inches in diameter at breast height (dbh)) and must notify the USFWS Raleigh Area Field Office prior to such removals.

Property development within a cluster and associated foraging habitat, if not carefully conducted, is potentially harmful to RCWs and may violate the Endangered Species Act if not

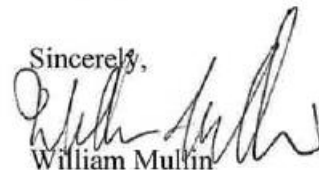
specifically authorized by the USFWS. Removing pine trees within the cluster contributes to habitat fragmentation, making RCWs more vulnerable to predation and more susceptible to having other species take over their cavities.

Based on the results of this survey, there are no RCW-related restrictions on developing this residential lot. Please note that the USFWS is recommending minimizing the removal of pine trees ≥ 8 inches in dbh to the extent practicable.

The USFWS will require additional information prior to issuing a response/concurrence to this letter. You will need the USFWS concurrence to obtain your building permits. To obtain that concurrence submit this letter along with the attached cover page (completed) and a site plan to the USFWS Raleigh Area Field Office in North Carolina. The letter and associated materials can be sent to Raleigh@fws.gov.

The RCW survey results are valid for a period of **one year** from the date of this letter. A copy of this letter along with a letter from the USFWS will be required when you request a building permit from your local Planning and Zoning office. If a RCW constructs a cavity in a pine tree on the aforementioned lot within the one-year time frame, this letter **does not** allow disturbance (within 50 ft.) or removal of the cavity tree. You must get additional approval from the USFWS for removal or disturbance of a RCW cavity tree.

Please feel free to call if you have any questions or comments.

Sincerely,

William Multin
Wetland & Wildlife Biologist

October 31, 2024

Project: 52 McIntyre Rd. Rezoning

From: Rhetson Companies, Inc.
Matt Williams
matt@rhetson.com
(910) 944-0881

Trip Generation based on ITE standards as described in the ITE Trip Generation Manual 11th Edition Volume 3, 4, 5 [Land Use 220 and 221 are in Vol. 3. Land Use 720 is in Volume 4. 822 is in Volume 5:

Land Use 220

Multifamily Housing (Low-Rise), Weekday AM Peak Hour (7-9am):

Average Rate – 0.40

Number of Units – 10

Directional Distribution – 24% entering – 76% exiting

Apartments – $0.40 \times 10 \times 0.24 = 0.96$ inbound trips during AM peak hour – 3.04 outbound trips

Multifamily Housing (Low-Rise), Weekday PM Peak Hour (4-6pm):

Average Rate – 0.51

Number of Units – 10

Directional Distribution – 63% entering – 37% exiting

Apartments – $0.51 \times 10 \times 0.63 = 3.21$ inbound trips during PM peak hour – 1.89 outbound trips

Multifamily Housing (Low-Rise), Saturday Peak Hour of Generator:

Average Rate – 0.41

Number of Units – 10

Directional Distribution – 50% entering – 50% exiting

Apartments – $0.41 \times 10 \times 0.50 = 2.05$ inbound & outbound trips

Multifamily Housing (Low-Rise), Sunday Peak Hour of Generator:

Average Rate – 0.36

Number of Units – 10

Directional Distribution – 50% entering– 50% exiting

Apartments – $0.36 \times 10 \times 0.50 = 1.80$ inbound & outbound trips

Land Use 720*

Medical-Dental Office Building, Weekday AM Peak Hour (7-9am):

Average Rate – 3.10

Vehicle Trip Generation per 1,000 sq. ft. GFA – $3,300\text{sf}/1,000\text{sf} = 3.30$

Directional Distribution – 79% entering – 21% exiting

Medical – $3.10 \times 3.3 \times 0.79 = 8.08$ inbound trips during AM peak hour – 2.15 outbound trips

Medical-Dental Office Building, Weekday PM Peak Hour (4-6pm):

Average Rate – 3.93

Vehicle Trip Generation per 1,000 sq. ft. GFA – $3,300\text{sf}/1,000\text{sf} = 3.30$

Directional Distribution – 30% entering – 70% exiting

Medical – $3.93 \times 3.30 \times 0.3 = 3.89$ inbound trips during PM peak hour – 9.08 outbound trips

Land Use 822**

Strip Retail Plaza (<40k), Weekday AM Peak Hour (7-9am):

Average Rate – 2.36

Vehicle Trip Generation per 1,000 sq. ft. GFA – $6,500\text{sf}/1,000\text{sf} = 6.5$

Directional Distribution – 60% entering – 40% exiting

Retail – $2.36 \times 6.5 \times 0.60 = 9.20$ inbound trips – 6.14 outbound trips

Strip Retail Plaza (<40k), Weekday PM Peak Hour (4-6pm):

Average Rate – 6.59

Vehicle Trip Generation per 1,000 sq. ft. GFA – $6,500\text{sf}/1,000\text{sf} = 6.5^*$

Directional Distribution – 50% entering & exiting

Retail – $6.59 \times 6.5 \times 0.50 = 21.4$ inbound and outbound trips during PM peak hour (4-6pm)

Strip Retail Plaza (<40k), Saturday Peak Hour:

Average Rate – 6.57

Vehicle Trip Generation per 1,000 sq. ft. GFA – 6,500sf/1,000sf = 6.5

Directional Distribution – 51% entering – 49% exiting

Retail – 6.57 x 6.5 x 0.51 = 21.77 inbound trips- 20.92 outbound trips***

**Medical/Dental not anticipated to be used on Weekends.*

***Calculations subject to change based on Retail uses that operate on Weekends and corresponding hours of operations.*

****Calculations based off all 6,500 sf being retail, which will not be the case and uses aren't planned to generate the amount of traffic that ITE studies show due to scale and location.*

Total Daily Traffic*				
<i>Use</i>	<i>Avg. Rate**</i>	<i>Entering/Exiting</i>	<i>Weekday Total</i>	<i>Weekend Total</i>
Land Use 220 [Multifamily Housing – Low-Rise]	6.74	50%/50%	<u>67.40 Total</u> 33.70 inbound trips & 33.70 outbound trips [6.47 x 10 units x .50]	<u>42.05 Total</u> 11.375 inbound trips & 11.375 outbound trips [SAT] 9.65 inbound trips & 9.65 outbound trips [SUN]
Land Use 720 [Medical – Dental Office Building]	36.00	50%/50%	<u>118.80 Total</u> 59.40 inbound trips & 59.40 outbound trips [36.00 x 3.30 x .50]	*Not anticipated to be open for weekend business*
Land Use 822 [Strip Retail Plaza (>40k)]	54.45	50%/50%	<u>353.93 Total</u> 176.96 inbound trips & 176.96 outbound trips [54.45 x 6.5 x .50]	<u>42.69 Total</u> 21.77 inbound trips & 20.92 outbound trips***
<u>Site Totals:</u>			540.13 (270.06 inbound/270.06 outbound)	84.74 (33.145 inbound/32.30 outbound) [SAT]
*Per ITE Manual Total Daily Generation Numbers – based on days of week uses will be in operation. **Highest rate used, per Manual data. These uses in the Village are not anticipated to generate the volume that ITE study examples utilize. ***Saturday Peak Hour Generator – Yet to receive Sat totals or anything pertaining to Sundays				

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West End, NC 27376

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ITE TRIP GENERATION						
DESCRIPTION	UNITS or AREA	AVG. RATE	DIRECTIONAL DISTRIBUTION	PEAK HOUR TRIPS	PEAK INBOUND TRIPS	PEAK OUTBOUND TRIPS
220: MF HOUSING (LOW-RISE > 2-3 FLOORS)	10	0.40	76% IN, 24% OUT	WEEKDAYS 7-9 AM	10x0.40x0.24= <u>0.96</u>	10x0.40x0.76= <u>3.04</u>
		0.51	63% IN, 37% OUT	WEEKDAYS 4-6 PM	10x0.51x0.63= <u>3.21</u>	10x0.51x0.37= <u>1.89</u>
		0.41	50% IN, 50% OUT	SATURDAY	10x0.41x0.50= <u>2.05</u>	10x0.41x0.50= <u>2.05</u>
		0.36	50% IN, 50% OUT	SUNDAY	10x0.35x0.50= <u>1.80</u>	10x0.35x0.50= <u>1.80</u>
720: MEDICAL*	3,300 sf	3.10	79% IN, 21% OUT	WEEKDAYS 7-9 AM	3.3x3.1x0.79= <u>8.08</u>	3.3x3.1x0.21= <u>2.15</u>
		3.93	30% IN, 70% OUT	WEEKDAYS 4-6 PM	3.3x3.93x0.3= <u>3.89</u>	3.3x3.93x0.7= <u>9.08</u>
822: STRIP RETAIL PLAZA***	6,500 sf ****	2.36	60% IN, 40% OUT	WEEKDAYS 7-9 AM	6.5x2.36x0.60= <u>9.2</u>	6.5x2.36x0.40= <u>6.14</u>
		6.59	50% IN, 50% OUT	WEEKDAYS 4-6 PM	6.5x6.59x0.50= <u>21.4</u>	6.5x6.59x0.50= <u>21.4</u>
		6.57	51% IN, 49% OUT	SATURDAY	6.5x6.57x0.51= <u>21.77</u>	6.5x6.57x0.49= <u>20.92</u>
NOTE: CALCULATIONS BASED ON ITE STANDARDS AS DESCRIBED IN THE NCDOT TRIP GENERATION MANUAL 11th EDITION VOL. 3 * MEDICAL/DENTAL NOT ANTICIPATED TO USED ON WEEKENDS. ** OFFICE NOT ANTICIPATED TO BE USED ON WEEKENDS. *** CALCULATIONS SUBJECT TO CHANGE BASED ON RETAIL USES THAT OPERATE ON WEEKENDS. **** CALCULATIONS BASED OFF ALL 6,500 SF BEING RETAIL WHICH WILL NOT BE THE CASE.						



Review and Approval of the 2025 P&Z / BOA Meeting Schedule
ADDITIONAL AGENDA DETAILS:

FROM: Shannon Konstantinou, Village Clerk
CC: Planning & Zoning Board;
DATE OF MEMO: 10/09/2024

MEMO DETAILS

ATTACHMENTS

1. 2025 P&Z-BOA Meeting Schedule



2025 PLANNING AND ZONING BOARD / BOARD OF ADJUSTMENT SCHEDULE

BOARD/COMMITTEE	FREQUENCY	LOCATION	TIME	DATES	
PLANNING AND ZONING BOARD BOARD OF ADJUSTMENT (FOLLOWING P&Z AS NEEDED)	1 st Thursday	Assembly Hall	4:00 PM	01/02/2025 02/06/2025 03/06/2025 04/03/2025 05/01/2025 06/05/2025	07/10/2025* 08/07/2025 09/04/2025 10/02/2025 11/06/2025 12/04/2025

**Date has been changed due to a Holiday*



**Board Organizational Items
ADDITIONAL AGENDA DETAILS:**

FROM: Jeanann Dawson, Administrative Specialist
CC: Planning & Zoning Board;
DATE OF MEMO: 10/29/2024

MEMO DETAILS

ATTACHMENTS

1. PDO Combination of BOA and P&Z
2. P&Z Rules of Procedure 2019
3. Ethics Policy
4. Conflict of Interest PDO Section 3.8
5. P&Z Volunteer Conflict of Interest Form

COMBINATION OF PLANNING AND ZONING BOARD AND ZONING BOARD OF ADJUSTMENT

§ 31.50 CREATION.

The Planning and Zoning Board and the Zoning Board of Adjustment may be combined into one board in regard to membership.

(Ord. 12-10, passed 03-13-2012)

§ 31.51 MEMBERS; APPOINTMENT.

Members will be appointed as stated in §§31.20 and 31.40 by Village Council. Of the total board members, only five members will serve on the Zoning Board of Adjustment. Zoning Board of Adjustment members serve in ex-officio capacity as Planning and Zoning Board members; members appointed to the Zoning Board of Adjustment shall also serve on the Planning and Zoning Board. All other members of the combined board will be named as alternates to the Zoning Board of Adjustment. At least one representative on each board must be a resident of Pinehurst's extraterritorial jurisdiction; this may be the same member for each board.

(Ord. 12-10, passed 03-13-2012)

§ 31.52 MEETINGS.

Separate meetings shall be held for the Planning and Zoning Board and the Zoning Board of Adjustment.

(Ord. 12-10, passed 03-13-2012)

RULES OF PROCEDURE
PLANNING AND ZONING BOARD
VILLAGE OF PINEHURST, NORTH CAROLINA

I. GENERAL RULES

The Planning and Zoning Board shall be governed by the terms of Chapter 160A, Article 19, Part 3 of the General Statutes of North Carolina and the Village of Pinehurst Development Ordinance (the “PDO”).

II. OFFICERS AND DUTIES

A. **Chairperson (“Chair”).** A Chairperson shall be appointed by the Village Council. The Chair shall decide on all points of order and procedure, subject to the rules herein, unless directed otherwise by a majority of the Board in session at the time. The term of office for the Chair shall be as set by Village Council or until a new Chairperson is named by the Village Council. The Chair may make no motions or second motions made by others and will vote only when required to break a tie.

B. **Vice Chairperson(s) (“Vice Chairs”).** Two Vice Chairpersons shall be elected by the Board from its members and subject to the same term limits as the Chair. The senior (first elected) Vice Chair present shall serve as Acting Chair in the Chairperson’s absence and at such times shall have the same powers and duties as the Chair.

- C. **Powers.** The presiding officer (Chair or Vice Chair) shall have the following powers:
1. With the Board’s informal consent, to amend the meeting’s agenda
 2. To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
 3. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
 4. To entertain and answer questions of parliamentary law or procedure;
 5. To call a brief recess at any time;
 6. To continue a meeting to a future date and,
 7. To adjourn in an emergency.

III. RULES OF CONDUCT FOR MEMBERS

A. The Chair may recommend to Village Council that members of the Board be removed for good cause shown, including violation of the rules stated below or in accordance with General Statutes.

B. Faithful attendance at all Board meetings shall be considered a prerequisite of continuing membership on the Board. In the event a member is absent from two Board meetings in any contiguous twelve month span, the Chair will meet with the member to determine the member's continued commitment to the Board. Whenever possible, Board members will provide advance notice of a planned absence to both the Clerk and the Chair and, when known, the Chair will announce the status of non-attendees at the beginning of each meeting.

C. Annually all Board members are required to review and acknowledge by their signature the *Ethics Policy of the Village of Pinehurst* and to provide or update the information described in the attachments hereto labelled *Organizations in Which Volunteer Currently Serves, Directly or Indirectly* and *Declaration of Potential Conflicts of Interest*. A Board member must declare a potential conflict of interest when it exists and ask to be excused from the meeting while the conflicted matter is discussed and a vote is called. Conflicts of interest include, but are not limited to, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

D. Every member must vote unless excused by the remaining members of the Board. A member who wishes to be excused from voting shall so inform the Chair, who shall take a vote of the remaining members. No member shall be excused from voting except in cases involving conflicts of interest, as defined by the Board or by law, or the member's official conduct, as defined by the Board. In all other cases, a failure to vote by a member who is physically present in the Board chamber, or who has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote. Generally, voting will be done by rollcall and when votes are not unanimous dissenting votes must be specifically noted in the meeting's minutes.

IV. MEETINGS

A. **Organization Meeting.** The regularly scheduled December meeting of the Planning and Zoning Board will serve as its annual organization meeting at which Vice Chairs will be nominated and elected to serve one year terms and any other governance/protocol matters will be considered.

B. **Regular Meetings.**

1. **Regular meetings** of the Board shall be held monthly on the first Thursday of the month at 4:00 PM at the Village Hall Assembly Room located at 395 Magnolia Rd., Pinehurst, NC; provided that meetings may be scheduled at or continued to another convenient place and time in the Village in any case where the Chair determines it is in the public interest to do so. As necessary, meetings may be continued to the second Thursday of the month in order to complete proceedings initiated in the prior week.

2. **Web Site Notice of Meetings.** The regular meeting schedule of the Planning Board shall be posted on the Village web site as will notice of any special or recessed meeting. If practicable, notice of any emergency meeting shall also be posted on the web site prior to the beginning of the meeting.

C. **Special and Emergency Meetings.** The Chair or a majority of the members may call special meetings of the Board at any time. A special meeting may also be called or scheduled by vote of the Board in open session during another duly called meeting. At least forty-eight (48) hours before a special meeting, written notice of the meeting stating its time and place and the subjects to be considered shall be given to each Board member, mailed, emailed or delivered to each media enterprise and person who has filed a written request for notice with the Village Clerk. Notice shall also be mailed, emailed or delivered at least forty-eight (48) hours before the meeting to each Board member who either did not call for the special meeting or was not present at the meeting at which the special meeting was called. Only those items of business specified in the notice may be discussed or transacted at a special meeting, unless all members are present or have signed a written waiver of notice.

The Chair or a majority of the members may also at any time call an emergency meeting of the Board by signing a written notice stating the time and place of the meeting and the subjects to be considered. Written or oral notice of the meeting shall be given to each Board member and to each media enterprise that has filed a written emergency meeting notice request with the Village Clerk and whose request includes the telephone number of the media enterprise. Emergency meetings may be called only because of generally unexpected circumstances that require immediate consideration by the Board. Only business connected with the emergency may be considered at an emergency meeting.

D. **Cancellation of Meetings.** If there are no matters to be brought before the Board, or if so many members notify the Clerk and Chair that they cannot attend a meeting that a quorum will not be available, the Chair may cancel the meeting. The Chair or Clerk shall cause the notification of Board members of the cancellation.

E. **Quorum.** A quorum shall consist of five members of the Board and no action can be taken unless there are at least five members present and eligible to vote.

F. **Proposed Agenda.** The Planning Director or his/her designee shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least two (2) working days before the meeting. The Chair or Village Planner may waive this two-day requirement for any proposed agenda item. Any Board member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed agenda items, including attachments, shall be included with the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is necessary to a full understanding of the issue. Each Board member shall receive a copy of the proposed agenda and agenda package and they shall be available for public inspection when they are distributed to the Board members.

G. **Motions.** A Board member making a motion may revise the motion after discussion but the motion cannot be amended by another member. A second is required for all motions in order to call for a vote and only one motion can be considered at a time.

H. **Subcommittees.** Ad hoc subcommittees comprised of three Board members with a fourth serving as an alternate may be formed at any time to develop work product for consideration by the full Board.

I. **Public Hearings/Decorum.** When a meeting agenda includes more than one public hearing each hearing will be opened and closed before proceeding to the next. Before opening any public hearing, the Chair or presiding Vice Chair will review the Board's responsibilities with attending residents and guests as well as the expectations of them regarding their participation. Specifically, no person appearing before the Board shall make personal, impertinent, or slanderous remarks, nor shall any person appearing before the Board become boisterous or threatening. Any such person may be barred from the meeting room by the chair or the presiding officer. No signs or placards may be brought into the meeting.

The Chair shall have the authority either during or prior to the hearing to establish procedural rules for the hearing, provided that such rules may not conflict with these rules or any other applicable law. Procedural rules adopted may govern, but are not limited to, the following matters:

1. Rules fixing the maximum time allotted to each speaker or group;
2. Providing for the designation of spokespersons for groups of persons supporting or opposing the same positions;
3. Providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the meeting place of the Board (so long as

arrangements are made for those excluded from the meeting place to listen to the hearing);and,

4. Providing for the maintenance of order and decorum in the conduct of the hearing.

J. **Time of Recommendation.** The Board must issue its recommendations to Village Council within thirty (30) days of a public hearing. No recommendation set forth within that period will have the same effect as if a recommendation to approve had been made.

K. **Conduct of Meetings.** All meetings shall be open to the public and unless otherwise set forth herein, will be governed by Robert's Rules of Order.

VII. AMENDMENTS

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than a simple majority of the Board, provided that such amendment be presented in writing at a regular or special meeting before the meeting at which the vote is taken.

ADOPTED this the 11th day of July, 2019

VILLAGE OF PINEHURST PLANNING AND ZONING BOARD

Ceo Santoranzo
Chairman

Amey Baruch
Director of Planning and Inspections

	VILLAGE OF PINEHURST STANDARD PROCEDURE	
SUBJECT: Ethics Policy	Effective Date: August 1, 2013	
Department: Administration	Policy No.: AD - 150	
Prepared by: Administration	Revised: November 1, 2015	
Approved by: Village Manager	# of Pages: 7	

I. **PURPOSE**

This purpose of this Ethics Policy is to establish a policy to promote and demand the highest standards of ethics from the Village of Pinehurst workforce and to provide guidance on specific ethical topics.

The foundation of government depends upon public trust and confidence. It is the responsibility of government officials and employees to perform their job in a manner that fosters this public trust by providing quality service, selfless loyalty, and fair dealing. Municipal government requires its workforce to be respectful, impartial and accountable to its citizens and avoid conflicts of interest or use of position for personal gain.

To ensure Village of Pinehurst citizens can have complete confidence in the integrity of Village government, each Village employee and volunteer shall respect and adhere to these standards of ethical conduct.

II. **DEFINITIONS**

As used in this code of ethics, the following terms have the meanings indicated unless the context clearly requires a different meaning or a different definition is adopted for a particular provision.

1. Citizen - Any member of the general public not employed by the Village of Pinehurst.
2. Employee - Any paid or reserve employee of the Village who is not an elected official.
3. Gift – Anything that has monetary value (e.g. gratuity, discount, entertainment, hospitality) given by or received from a prohibited source.

4. Harassment - Includes, but is not limited to, slurs, jokes, derogatory comments, cartoons, pranks and other verbal, graphic or physical conduct relating to an individual's race, color, disability, religion, sex, national origin, age, veteran's status or other protected characteristic.
5. Outside employment – Any employment external to the Village, including self-employment
6. Supervisor - Any employee who has been granted, by the Village, authority to oversee the activities of other employees.
7. Volunteer - Any individual appointed by the Village Council to serve on a board, commission, or committee.

III. POLICY

This policy applies to all individuals employed by the Village of Pinehurst and volunteers (as defined above), unless otherwise addressed by a more restrictive federal, state, or departmental policy.

Standards of Conduct

These standards are established pursuant to the Village of Pinehurst's Employee Handbook and should be referred to for any applicable employee guidelines. Employees should also rely on ethics policies of their individual professional organization when applicable.

1. **Conflicts of Interest** Village employees and volunteers are prohibited from engaging in any conduct that could reflect unfavorably upon the Village of Pinehurst. Employees and volunteers must avoid any action that may result in or create the impression of using public office or position for private gain, giving preferential treatment to any person, or losing impartiality in conducting Village business.

Conflicts of interest involve:

- (a) **Gifts, gratuities, and rebates.** Employees and volunteers are expected to make decisions which are in the best interests of the Village. To prevent a potential or perceived conflict of interest, no employee, volunteer, nor members of their family, may solicit or accept any gift, favor, or thing of value that may tend to influence the workforce in the discharge of official duties or influence an employee or volunteer to grant an improper favor, service, or thing of value. This is not intended to prevent a gift to an employee who would be permitted to accept such gift under G.S. 138A-32, or the gift and receipt of honorariums for participating in meetings, advertising items or souvenirs of nominal value, or meals furnished at banquets.

Employees and volunteers, or their family members, should not offer or accept any kickbacks, rebates, cash or anything of value to or from any representative of a vendor, customer or potential customer, supplier, financial institution or similar entity. Such practices are not only unethical but are, in many cases, illegal and considered taxable income. If a rebate is issued by a vendor, it should be used to offset the cost of future Village purchases from that vendor.

If a gift is received and impossible to return, the gift should be given to the Human Resources office for disposal as anonymous door prizes at an employee picnic, party, or other employee function; provided, however, on occasion, citizens make gifts to groups of employees in gratitude for service. Such gifts are not deemed to be of the nature that would impact or appear to impact discretion and may be accepted by such groups of employees so long as they are collectively shared. The appropriate Department Head shall file, within ten (10) days of receipt of any such group gift, a written statement with the Human Resources Director identifying the gift and donor.

- (b) Extraneous Fees. Village employees or volunteers will not accept any extraneous fee for work performed on behalf of the Village.
- (c) Outside Employment. Employees may not engage in other outside employment that interferes with proper and effective job performance as a Village employee or that may be considered a conflict of interest, or may subject the Village, in the opinion of the Village Manager, to any form of public criticism or embarrassment. Employees may not use their jobs with the Village to further their interests on the second job. No employee shall engage in any business other than his/her regular duties during working hours.

Upon notification to, at the discretion of, and with written approval of the Department Head, an employee may engage in other outside employment. Employees are required to complete an "OUTSIDE EMPLOYMENT REQUEST" form and secure the appropriate approvals prior to beginning supplemental employment. Police officers are required to complete a "SECONDARY POLICE EMPLOYMENT" form and secure the appropriate approvals prior to beginning supplemental employment.

- (d) Impartiality. Every employee and volunteer shall perform his/her duties with impartiality and without prejudice or bias for the benefit of all citizens of the Village of Pinehurst. No Village employee or volunteer may grant or make available to any person any consideration, treatment, advantage or favor beyond that which is the general practice to grant or make available to all citizens. Village employees and volunteers must refrain from securing special privilege or exemption for themselves or their relatives beyond that which would be available to all citizens.

Village employees and volunteers may not exercise discretion relative to any matter that affects, or that would lead a reasonable person to infer that it affects, a personal interest, defined as any financial, ownership or employment interest, without disclosing the personal interest before the exercise, when possible, to his or her immediate supervisor.

Employees and volunteers are expected to maintain impartial relationships with all vendors and suppliers. Care must be exercised to avoid even the appearance of special influence being exerted on behalf of a vendor or supplier due to personal relationships.

2. **Misuse of Public Assets** Certain employees and volunteers of the Village of Pinehurst are charged with the receipt, safekeeping, transfer or disbursement of public money in the course of their duty. No concise written policy can cover every ethical or legal issue that may arise. A good foundation for ethical behavior consists of individual conscience, common sense, good judgment, and compliance with governmental laws and regulations.

- (a) **Public Equipment**. All Village owned property and assets are to be used solely for the benefit of the public. No Village employee or volunteer shall request, use or permit the use of any publicly owned property, vehicle, equipment, labor, service, or supplies (new, surplus, scrap, or obsolete) for the personal convenience or advantage of the employee, volunteer, or any other person except for that use which is generally available to the public. Improper or unauthorized use of publicly owned property or removal of equipment, tools, supplies or materials, is not only an ethical violation but may also be a violation of the law.

- (b) **Public Funds**. No Village employee or volunteer without authority of law, shall appropriate any portion of monies designated to be paid to the Village of Pinehurst or on behalf of the Village of Pinehurst to his own use or to the use of another. Nor shall any Village employee or volunteer knowingly alter, falsify, conceal, destroy, obliterate, or make a false entry or erasure in an account with the intent to defraud or deceive the Village of Pinehurst.

- (c) **Payroll**. No Village employee shall attempt to defraud the Village of Pinehurst by making false entries to payroll time sheets, cards, or request compensation for time not worked.

- (d) **Technology Resources**. Employees agree to adhere to the Village's Electronic Communication and Use Policy as it relates to technology resources.

3. **Confidential Information** Members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged. Whenever an employee or volunteer sees, hears, or learns information which

is of a confidential nature, it will be kept secret, unless the performance of duty or legal provision requires otherwise.

The Village of Pinehurst recognizes and makes every effort to comply with federal and state laws. There may be times where certain records or information may need to remain confidential, such as Police, medical, and personnel information, in accordance with federal or state laws.

NC General Statute 133.32 provides that, during a person's employment or service with the Village and for two years thereafter, no Village employee may disclose or use confidential information without appropriate authorization.

Each employee and volunteer is required to adhere to the following:

- (a) A Village employee or volunteer shall not use his/her position to obtain official information about any person or entity for any purpose other than the performance of official duties.
 - (b) No employee or volunteer shall, without proper authorization, disclose confidential information concerning the property, government, or affairs of the Village.
 - (c) Employees or volunteers must not use privileged information for their own financial advantage or to provide friends and acquaintances with financial advantages or with information that could be used for financial advantage.
 - (d) Each employee and volunteer is charged with the responsibility of ensuring that he or she releases only information that should be made available to the general public.
4. **Harassment** It is the Village's policy that employees and volunteers have the right to be free from harassment on the job from co-workers, managers, and others because of the individual's race, color, sex, religion, gender, national origin, age, disability, veteran's status, or other protected class. Harassment, of any employee or volunteer by management, supervisor, employee, volunteer, contractor, vendor, customer or visitor in any form, is prohibited.
- (a) **Sexual Harassment**. While it is not easy to precisely define sexual harassment, examples of prohibited behavior include unwelcome sexual advances, requests for sexual favors, unwelcome or offensive touching and/or other verbal, visual or physical conduct of a sexual nature where:
 - Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment or volunteer service, or
 - Submission to or rejection of such conduct by an individual is used as a basis for employment or appointment decisions affecting such individual, or

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(b) Hostile Work Environment Harassment. Harassment can also include unwelcome joking, teasing, or other conduct directed toward a person because of a protected characteristic which is sufficiently severe or pervasive to create an unprofessional and hostile working environment and is prohibited. This type of harassment applies to situations where race, color, religion, national origin, age, disability, veteran's status or other protected characteristics are involved.

IV. PROCEDURES

The following procedures will be followed for reporting, investigating, and disciplining violations of this ethics policy:

1. **Reporting Possible Violations**. A Village employee or volunteer who has knowledge of a violation of any of the provisions of this Ethics Policy shall report this violation as provided below within a reasonable time after the person has knowledge of a violation. A Village employee or volunteer shall not delegate to, or rely on, another person to make the report.

To report possible violations, an employee or volunteer may, without fear of retaliation, contact his/her immediate supervisor, Department Head, Director of Human Resources, or the Village Manager. To ensure the matter is properly documented and investigated, the reporting employee or volunteer shall provide as many facts and details as possible in writing.

All reports of violations of this policy must be provided to the Village's Human Resources Director, who is responsible for monitoring and evaluating Village-wide compliance with this policy.

2. **Investigation of Possible Violations**. The Village of Pinehurst will treat each report seriously and any individual who reports or participates in an investigation of a report of a violation shall not be retaliated against. However, knowingly submitting a false complaint will subject an employee to discipline up to and including termination, which will be administered based on guidelines of the Village of Pinehurst Employee Handbook.

(a) Upon receiving a complaint, the Village will promptly conduct a thorough investigation in consultation with the Human Resources Department. It is the obligation of all employees and/or volunteers to cooperate in such an investigation. The Human Resources Director will keep the Village Manager appropriately informed of any investigation regarding possible violations of this policy.

- (b) Those responsible for the investigation will maintain the confidentiality of the allegations of the complaint and the identity of the persons involved, subject to the need to conduct a full and impartial investigation, remedy any violations of the Village's policies, or monitor compliance with or administer the Village's policies.
 - (c) The investigation generally will include, but will not be limited to, discussion with the complaining employee (unless the complaint was submitted on an anonymous basis), or the reporting party.
 - (d) In the event that an investigation establishes that an employee or volunteer has engaged in conduct or actions constituting a violation of this policy, the Village will take immediate and appropriate corrective action up to and including termination of the employee's employment, based on guidelines of the Village of Pinehurst Employee Handbook, or removal from the volunteer board, commission, or committee.
3. **Corrective Action**. In addition to any other penalty as provided by the law, appropriate disciplinary action, up to and including termination, will be administered based on guidelines of the Village of Pinehurst Employee Handbook. Corrective action will be taken against any employee who violated this policy, retaliates against another employee or volunteer for reporting a possible violation of this policy, or deliberately makes a false report against another employee or volunteer. Any volunteer who violates this policy, retaliates against another employee or volunteer for reporting a possible violation of this policy, or deliberately makes a false report against another employee or volunteer is subject to removal from the volunteer role.

V. ACKNOWLEDGEMENT AND AGREEMENT TO ADHERE TO TERMS OF THE POLICY

All Village employees and volunteers will agree to abide by the terms of this Ethics Policy on an annual basis.

Approved by:


Policy Committee Chair

10-29-2015
Date


Village Manager

10/30/15
Date



Village of Pinehurst Ethics Policy Employee Acknowledgement

I have read and understand the Village of Pinehurst Ethics Policy and my responsibilities as an employee regarding it. I have received a copy of the Ethics Policy.

Printed Name: _____ Date: _____

Section 3.8 Conflict of Interest

3.8.1 Village Council

(A) A Council member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(B) Members of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

(Ord. 21-12, passed 07-27-2021)

3.8.2 Appointed Board

(A) Members of appointed boards, including but not limited to the Planning and Zoning Board, Board of Adjustment and Historic Preservation Commission, shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the board member has a close familial, business, or other associational relationship.

(B) Members of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

(Ord. 21-12, passed 07-27-2021)

3.8.3 Staff

(A) No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the supervisor.

(B) No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

(Ord. 21-12, passed 07-27-2021)

**Organizations in Which Volunteer Currently Serves,
Directly or Indirectly**

(Provide name of organization/entity, and primary endeavor)

Organization/Entity: _____

Position: _____

Primary Endeavor: _____

Organization/Entity: _____

Position: _____

Primary Endeavor: _____

Organization/Entity: _____

Position: _____

Primary Endeavor: _____

Organization/Entity: _____

Position: _____

Primary Endeavor: _____

Affirmed by: _____ Date: _____

Print name:

Position: Planning & Zoning Board and Board of Adjustment

Witnessed by: _____ Date: _____

Print name: _____

Declaration of Potential Conflicts of Interest

(Describe circumstances i.e. enterprise, family member, relationship or possible conflict with the Village of Pinehurst)

Affirmed by: _____ Date: _____

Print name:

Position: Planning & Zoning Board and Board of Adjustment

Witnessed by: _____ Date: _____

Print name: _____