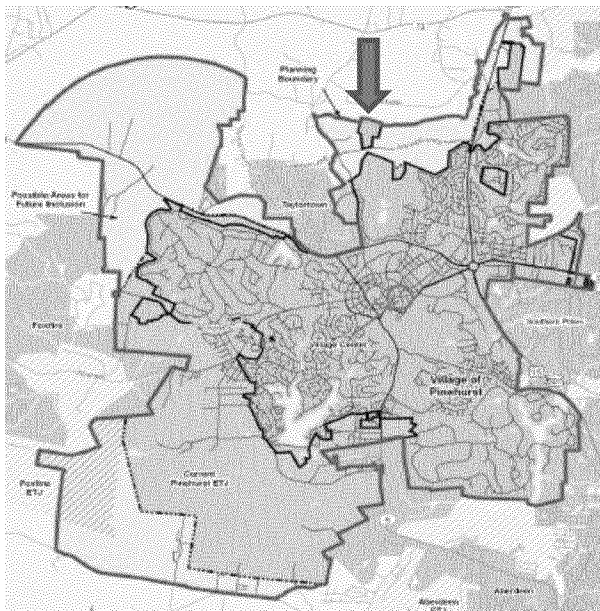


Options Related to the Village of Pinehurst's Juniper Lake Road Property

Village of Pinehurst Planning and Zoning Board

Excerpted from Council's June 23rd, 2015 meeting minutes,

“Interim Manager Jeff Batton explained when discussing the potential sale of the Juniper Lake Road property that Council had previously asked staff to investigate the process of de-annexation and to seek the Planning & Zoning Board's input. Mr. Batton presented the research found regarding de-annexation laws and the status of input from the Planning and Zoning Board which is still in progress. Fred Engelfried, Chairman of the Planning and Zoning Board (P&Z), noted the P&Z team held one meeting regarding review (of) this property but will need more time to determine a recommendation.”



At the Planning and Zoning Board meeting of July 2nd Board members agreed to hold one more subcommittee meeting regarding the property. That meeting was held on July 16th and findings reviewed with the full P&Z Board at its August 6th meeting. Here then are its conclusions. In direct response to the Council's question as to how best to utilize the property, the Planning and Zoning Board's overarching

recommendation is to retain it, potentially for its intended use in the future. Until then, alternate purposes could include recreation, tree farming, a shooting range, a parking area for major

functions, a solar farm, a water resource and other uses outlined in the PDO most of which could offset some or all of the annual carrying charges.

The Pinehurst Village Council has decided to sell the property on Juniper Lake Road that was purchased and annexed several years ago for the purpose of relocating the Public Services facilities. A formal engineered site plan was prepared by a consultant to show how the relocated facilities could be accommodated. Now that Council has committed to the upgrading of the existing Public Services site, the Juniper Road property has become expendable.

Council previously asked staff and the Planning and Zoning Board for input as to how best to utilize the property. Subsequently the Council has asked staff to investigate the process of de-annexation that requires special state legislation to complete. Local legislators have been contacted regarding that process, the status of which is unknown at this time

The Juniper Lake property contains 52.58 acres+/-, approximately 661 feet of frontage along the north side of Juniper Lake Road and is zoned Public Conservation (PC). The parcel is wooded and sloped gently downward toward the north to a wetland area approximately 2/3 into the total lot depth. Wetlands along Nick's Creek impact about 1/3 of the land leaving about 30 acres+/- for potential development.

The Juniper Lake Road area is rural in nature, with most of the existing development along the road being large lot residential except for a small commercial area in the northeast quadrant of Juniper Lake Road and Murdocksville Road intersection. Juniper Lake Road is an important artery that connects 15/501 and 211 that could be improved by creating additional right-of-way width and widening to make an effective diversion from the traffic circle when traffic volumes warrant. The Pinehurst Corporate Limit, as shown on the Village of Pinehurst Official Zoning

Map, is approximately 350' south of the Juniper Lake Road property frontage which is the north end of the Course #8 residentially zoned area.

Rapid growth has occurred in the Village of Pinehurst over seven (7) years. Population in 2006 was 11,316. By 2013 population grew to 15,255, a 34% increase. This growth is represented by a demographic of young families that expect and may often require more services and opportunities with respect to housing and housing types, schools, shopping, recreational services, transportation, utilities, etc. Development potential within the corporate limits is very limited. Over the years this limitation has resulted in the loss of economic gain which has been enjoyed by adjoining municipalities. Pinehurst needs space to provide for an expanded tax base.

With this as background, the Planning and Zoning Board not only recommends that the Juniper Lake Road parcel be retained by the Village and not de-annexed but that the Extra Territorial Jurisdiction be extended north from the current boundary to Nick's Creek between 15/501 and Murdocksville Road thereby encapsulating the parcel. Reasons in support of these conclusions are:

- The useful life of the renovated existing Public Services facilities and grounds will likely be shortened in proportion to the eventual redevelopment of the surrounding area and its relocation will once again become a concern.
- To support expected population growth beyond the build out of remaining Village lots, expansion plans will likely focus to the north and to the west.
- The path north is already characterized by a mix of spot development types on Murdocksville Road including a new residential subdivision.

- The Juniper Lake parcel at its southern most point is within 350 feet of that portion of Course Number 8 designated as residential, which is the current Village boundary.
- The proposed ETJ would buffer much of the northern boundary of Course Number 8 with Village development standards instead of County standards;
 - North Carolina State law (Chap.308-S343) gives Pinehurst legal authority to extend certain powers not more than two (2) miles beyond existing corporate limits.
 - The purpose of Extra Territorial Jurisdiction is to help municipalities plan for developing areas that may require municipal services in the future by applying consistent guidelines for development.
 - The ETJ anticipates that portions of the unincorporated county are urbanizing and brings those areas under a set of urban standards for development.
 - By causing development in these areas to be constructed to Village standards, the extension of zoning and subdivision regulations into these urbanizing areas of the county insures that they can be adequately and efficiently served by municipal services when needed.
 - Regulations help towns plan for future development by applying consistent guidelines with regard to zoning, subdivision and site plans, building inspections, appearance standards, flood plain management and soil erosion control measures as well as watershed management.
 - ETJ helps avoid a mix of development standards that could lead to costly upgrades in the future, upgrades that ultimately taxpayers would have to finance and,
 - Helps provide for future right of way width along important travel arteries.

As the Pinehurst area continues its growth the pressure to provide for orderly development at its boundaries increases. Existing neighborhoods and commercial and industrial parks create a demand for added development. This cycle places a burden on existing infrastructure and other public services. Some of the undeveloped land has limitations such as unsuitable soil conditions for septic systems, flood hazards, wetlands and water quality concerns. Therefore, public utilities will be required to maximize development potential.

- To protect existing development from adverse impacts of incompatible land uses, to protect the environment, to preserve the existing appeal and high quality of life in the area and to conserve costs of future construction of public works it is recommended that the Juniper Lake Road parcel be retained and that the Pinehurst zoning jurisdiction be extended as described above.
- The extension of the ETJ will permit the placement of infrastructure in advance of, or in conjunction with, new growth and will allow the Village of Pinehurst to continue to provide its current and future quality of life through sound planning and development principles, so as to continue to insure the vibrancy of the Village.

Clearly the property has a value if sold and the proceeds could be used for another (non-recurring) purpose. That said, if the property's net market value is e.g. \$300,000, carrying costs are likely to be in the range of \$12,000 per annum.

Excerpted from the PINEHURST 2011 Comprehensive Long-range Village Plan

GUIDE

Extra-Territorial Areas

Pinehurst's character is affected by growth in areas outside of the current corporate limits. Recent annexations by other communities into Pinehurst's extra-territorial jurisdiction (ETJ) area and other developments in nearby areas have shown that focusing *entirely* on development within our own borders is not a good strategy.

Major Strategies

A. As Appropriate, Expand Pinehurst's Jurisdiction and Corporate Limits

If Pinehurst is to preserve and enhance its character and ambience, we must take a larger view of development activities going on in the region and participate in ways that will help protect our interests and Pinehurst's legacy. If Pinehurst does not think about land use activities in the areas that surround it, we will be impacted by traffic and other impacts of adjacent growth (water use, sewage disposal, water quality, character, etc.) without having any of the tools to manage it.

Over the long term, it is not considered to be in Pinehurst's best interests to have no influence over the nature of development (environment, water, etc.) while being subjected to its impacts (traffic, etc.). By extending its jurisdiction to logical (and "defensible") boundaries, we will be able to protect Pinehurst's character, ambience, and image and guide development in accordance with a comprehensive plan.

The rights of ETJ may not be forever. Who better to determine the quality of development of the areas immediately adjacent to our jurisdiction than ourselves?

THE VILLAGE OF PINEHURST
PLANNING & INSPECTIONS DEPARTMENT
395 MAGNOLIA ROAD
PINEHURST, NC 28374

MEMORANDUM

TO: Mayor Fiorillo and Village Council

From: Planning and Zoning Board

Cc: Kevin Reed, Director of Planning & Inspections
Bruce Gould, Principal Planner

Date: January 7, 2016

Subject: **Board Report Regarding Above Ground Seasonal Swimming Pools and Amendments to the Pinehurst Development Ordinance**

Over the past few months the Planning and Zoning Board has reviewed the existing and past regulations relative to above ground swimming pools at the request of the Village Council. As part of this review the Planning and Zoning Board also reviewed the North Carolina Residential Code and its requirements for swimming pools. Appendix G of the Building Code defines swimming pools as follows;

Any structure intended for swimming or recreational bathing that contains water over 24" deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

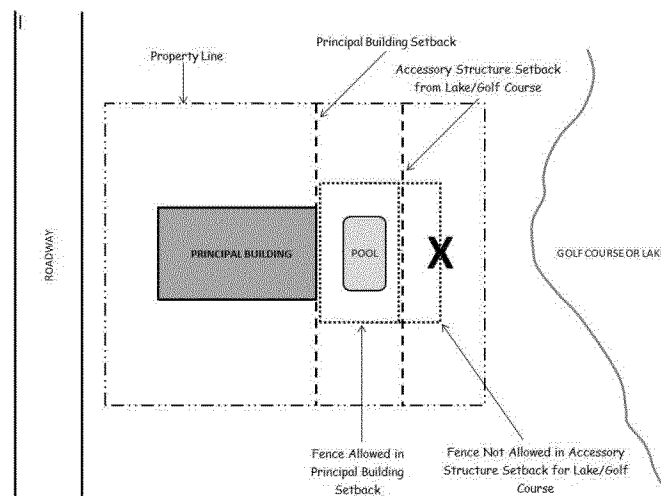
The Building Code then requires all swimming pools to be located within an enclosed area (fenced) with additional requirements for entryways into the enclosed area for safety.

It is the Planning and Zoning Boards recommendation that the Pinehurst Development Ordinance (PDO) be amended to define swimming pools as defined by Building Code and then to further define a Seasonal Wading Pool (24" of water or less) separately and allow Seasonal Wading Pools with regulations. The Board feels this approach will accommodate a growing segment of the population while preserving neighborhood integrity as it exists, both overarched by a primary concern for safety. You will find attached the recommended amendments to the PDO with text being deleted shown in a strikethrough font and text being added shown in an underlined font.

Amend Section 8.6, “Special Requirements (SR) to the table of Permitted and Special Uses and Special Requirements”, of the Pinehurst Development Ordinance to read as follows:

SR-105 Swimming Pools and Spas/Hot tubs

- (1) Above ground swimming pools are prohibited except for Seasonal Wading Pools regulated in item (6) below. ~~Above ground pools shall include any above ground pool device that uses or is designed to use a filtration system or have any linear dimension or diameter greater than 6 feet.~~
- (2) In residential zoning districts, all swimming pools as defined in Section 10.2 of this ordinance shall be constructed only within the building envelope setbacks for accessory structures in the rear or side yard. Required fences for swimming pools located on golf courses or adjoining lakes may be located within the principal building setback but shall not be fenced in the accessory building or structure setback from lakefront or golf course indicated in Section 9.2a Table of Dimensional Requirements;



- (3) All building construction related to swimming pools (bath houses) shall be set back as provided in Subsection (2) above. Walks may extend no more than four (4) feet into building setbacks for accessory structures;
- (4) Hot tub/spas shall be setback as provided in Subsection 2 above.
- (5) Any pool water, structure, or chamber shall be treated, altered, or maintained so as to prevent the development of unsanitary conditions. Pools under construction or which are no longer being operated shall be maintained in a manner so as to prevent the development of unsanitary conditions, potential injury, or possible drowning. All pool enclosure fencing shall be completed at the time the pool is allowed to contain water.

(6) Seasonal Wading Pools as defined in Section 10.2 of this document are permitted to be installed above ground with the following standards;

- (i) Structure shall only be erected from Memorial Day to Labor Day.
- (ii) Structure shall only be allowed in the rear yard and maintain a 10 foot setback from all property lines.
- (iii) From Labor Day to Memorial Day the structure shall be removed and stored in a location not visible from a street or adjacent property.
- (iv) A Development Permit is required each season that the structure is erected and a sketch plan (appendix A) shall be submitted along with the application showing the proposed location of the Seasonal Wading Pool.

Amend Section 10.2, “ Definitions”, of the Pinehurst Development Ordinance to read as follows:

Swimming Pool: Any structure intended for swimming or recreational bathing that contains water over 24” deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

Seasonal Wading Pool: Any structure intended for swimming or recreational bathing that contains water 24” deep or less. These are intended to be structures that are easy to erect and remove at the end of the swimming season and typically are not hard wired for electricity if needed or provided.