PLANNING AND ZONING BOARD
JANUARY 3, 2019
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:00 P.M.

Board Members in Attendance:

Leo Santowasso, Chair
Cyndie Burnett, Board Member
Jeramy Hooper, Board Member
David Kelley, Vice-Chair
Julia Latham, Board Member
Mike Marsh, Vice-Chair
Paul Roberts, Board Member
Joel Shriberg, Board Member

Staff in Attendance:

Natalie Hawkins, Assistant Village Manager
Alex Cameron, Senior Planner
Gwendy Hutchinson, Planning and Administrative Assistant

I. Call to Order

Chair Santowasso confirmed that there was a quorum present and called the meeting to Order.

II. Approval of Minutes

December 6, 2018 Draft Minutes

Joel Shriberg made a motion to approve the December 6, 2018 Minutes; Cyndie Burnett seconded the motion, which was unanimously approved.

III. New Business

Chairman Santowasso asked the Board if there were any members who may have any conflicts associated with this case. The Board unanimously replied no.

Upon a motion by David Kelley, seconded by Julia Latham, the Board unanimously agreed to recess its regular meeting and enter into Public Hearing #1.

A. Public Hearing No. 1

The purpose of this public hearing is to consider a request by request by R & M Commercial Real Estate, LLC for a Major Site Plan Review in order to construct a 40-unit townhome development. This property is identified as Moore County PID# 98000634 and is located at Laforet Ln. and Laforet Ct. near the intersection of Foxfire Rd. and Linden Rd.

Alex Cameron, Senior Planner stated that a sub-committee was formed and met with the applicant and staff to discuss some issues that arose during a prior Public Hearing, as well as some deficiencies with the submitted concept plan. Alex Cameron confirmed that staff received a revised general concept plan following that meeting and that the applicant is requesting a waiver of curb and gutter, which is consistent with the lack of curb and gutter in the existing adjacent development. The Assistant Village Manager of Operations and the Village Engineer have no concerns with this waiver, so long as side ditches to the area are designed and installed.

Alex Cameron indicated staff recommends the Planning and Zoning Board recommend approval of the proposed Major Site Plan to Village Council with the following conditions:

1. *Location of existing utilities be verified and the site plan be adjusted if need be,*
2. *The proposed townhomes will be equipped with fire suppression sprinkler systems per requirement of the Village of Pinehurst, Fire Marshall,*
3. *All runoff from new impervious surface be directed to stormwater management areas that are indicated on the general concept plan.*

Kevin Lindsay, Engineer, for R&M Commercial Real Estate, was present to answer any questions or address any concerns of the Board.

Chair Santowasso asked Kevin Lindsay if the plans dated, December 17, 2018, were the latest set of plans. Kevin Lindsay agreed that they were the latest submittal.

David Kelley asked Keven Lindsay if any run off calculations have been prepared to show that the retention area will hold the run off. Kevin Lindsay responded that to do a detailed analysis now, would be premature, as the site is large enough to hold the run off. Alex Cameron stated that the runoff calculations will be included in their full site plan submittal and will be reviewed by the Technical Review Team (TRC) and the Village Engineer.

David Kelley stated that in a prior meeting, residents of the adjacent development discussed the challenges they have been having with drainage from the recent storms. David Kelley asked shouldn't the Village insist on curb and gutter, instead of wavering from it, and then go back and retrofit the other adjacent development in order to help the situation.

Alex Cameron responded that discussions with the Planning and Zoning Board and ultimately, the Village Council, would have to have in granting that waiver. The staff recommendation based on feedback from the TRC, Village Engineer, and the Assistant Village Manager of Operations is due to the existing lack of curb and gutter. During full site plans submittal, with the

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requirements of the Village Engineering Standards Manual, that the 5, 10, 50 and 100 year measurements will have to be submitted and reviewed. Alex Cameron also stated that the applicant's Engineer would need to show how they propose to divert the run off in the hatched area in the northeast corner, which, has been discussed in prior meetings, and with the sub-committee.

Kevin Lindsay, Engineer, responded that the issues on the adjacent development might not be the lack of curb and gutter, but rather the contour lines on the plan shows a depression on the top of the drawing and that area does not drain. It may have at some point; however, it does not drain now. Kevin Lindsay stated where they are proposing to develop, drains in the opposite direction, it has been often said that curb and gutter has been found to be environmentally unsound.

Chair Santowasso informed the Board that the sub-committee met in December prior to the holidays and found the meeting to have been useful to the sub-committee and to Kevin Lindsay, Engineer for R& M Construction. The sub-committee consisted of Julia Latham, Paul Roberts, Leo Santowasso, Kevin Lindsay, Engineer, Clark Campbell, applicant's Attorney, and Alex Cameron.

Paul Roberts asked to review the five areas of discussion the sub-committee addressed:

1. *Parking – one additional parking space to be added due to a parking space at the kiosk. Chair Santowasso stated 50 parking spaces are shown and it should show 45 parking spaces.*
2. *Corrected the fire flow calculations*
3. *Density changes – 4 units were removed due to density and setback issues*
4. *No access from this development to LaForet Lane until an agreement is received from the prospective Property Owners Association or representatives that live in the existing development; until that time, recommend that the pavement be cut short to any other connections. Kevin Lindsay agreed and added that if an agreement cannot be made they will be adding a gate.*
5. *The pavement specifications will be constructed per Village Engineer Standards. Kevin Lindsay agreed.*

Paul Roberts asked if anyone has tried to contact the owner of the private road for access. Kevin Lindsay was not sure the status of this.

Julia Latham asked about the watershed protection area and if there was a copy of the original approved plan. Alex Cameron responded that utilities have been installed on the site and recorded by Hobbs, Upchurch Engineering Firm and that the utility lines installed will need to be verified and shown on the full site submittal.

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Cyndie Burnett asked if all of the units were 2-story. Kevin Lindsay responded that not all of the units are 2-story; the units with a garage have will have a partial 2-story. Kevin Lindsay stated that the construction drawings will have the accurate count on it.

Chair Santowasso asked about how waste or garbage will be handled. Kevin Lindsay stated that he does not have that information. Chair Santowasso stated that 20 units do not have garages and do not have a place to store trash receptacles. Chair Santowasso asked this to be addressed in the construction drawings.

The following residents discussed their concerns and or comments to the Board:

Sonya Brown, resident at 1322 Midland Road
Deborah Davis, resident at 304 LaForet Court
Gordon Mordini, resident at 35 Forest Lane
Mary Stewart Regensburg, resident at 3 Innisbrook Place,
Kaye Pierson, resident at 45 Brandon Trail
Louise Valure, resident at 13 Juniper Creek Blvd.
John Taylor, resident 205 Cherokee Road
Maureen Brophry, resident at 3 Shamrock Way
Robert McNally, resident at 210 Merion Circle

Upon a motion by David Kelley and seconded by Paul Roberts to close Public Hearing #1 and re-enter into the regular meeting which, the Board unanimously approved.

Chairman Santowasso asked for discussion by the Board members.

Mike Marsh stated that the traffic study may seem deceptive, but this is what the Board and Builder have to go on.

Jeramy Hooper asked if the requirements would be part of today's vote. Chair Santowasso responded that the requirements and conditions would have to be included.

Cyndie Burnett stated that all of her questions have been answered and the revised plan was much more complete than the original plan and she appreciated the effort that has been made. David Kelley agreed with Cyndie Burnett's comments and appreciated the efforts in making the plans more complete.

Joel Shriberg agreed with Mike Marsh's comments and added that the Board only has the advice from the experts in regards to traffic and water run-off to go by.

Julia Latham agreed with Deborah Davis's comments and agreed that a lot of effort has gone in revising the plans and thanked, Kevin Lindsay. Ms. Latham stated that she understands concerns of parking and perhaps Village Council should review parking requirements for multi-family dwellings.

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Paul Roberts commented that he understands the challenges with traffic and parking and this may need further review by this Board and Village of Pinehurst Management to determine what changes should be made in the future for the Village and its residents.

Joel Shriberg spoke to the concerns of several residents in regards to access by fire and emergency vehicles. Joel Shriberg explained that in order for this plan to go forward, it had to be approved by the Fire Department for their access.

Chair Santowasso stated that the plans for this were reviewed by the Technical Review Committee which incudes, Assistant Manager of Operations, Deputy Fire Marshall, Director of Public Services, Village and Moore County Engineers. Fire and emergency vehicle access are discussed and approved at these meetings, prior to going to the Planning and Zoning Board.

Upon a motion by David Kelley and amended and seconded by Julia Latham, to approve the Major Site Plan for a 40 unit Townhome Development, with the following conditions:

1. *Location of existing utilities be verified and the site plan be adjusted if need be.*
2. *The proposed townhomes will be equipped with fire suppression sprinkler systems per requirement of the Village of Pinehurst Fire Marshall.*
3. *All runoff from new impervious surface be directed to stormwater management areas indicated on the general concept plan and are supported by Engineering calculations, and if that is not possible, a waiver of the requirement of curb and gutters will not be granted.*

Chair Santowasso amended the motion to add the additional comment:

4. *No access to LaForet Lane shall be connected until an agreement is received from the prospective Property Owners Association or representatives of the existing LaForet Development.*

Chair Santowasso asked staff for a roll call vote:

Poll the Board

Joel Shriberg	*Yes*
Paul Roberts	*Yes*
Julia Latham	*Yes*
Jeramy Hooper	*Yes*
Cyndie Burnett	*Yes*
Mike Marsh	*Yes*
David Kelley	*Yes*

The motion carried by a vote of 7-0.

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Upon a motion by David Kelley, seconded by Cyndie Burnett, the Board unanimously agreed to recess its regular meeting and enter into Public Hearing #2.

B. Public Hearing No. 2 – Continued from the December 6, 2018 meeting.

The purpose of the public hearing is to consider Official Text Amendments to the Pinehurst Development Ordinance. Specifically, SR-2 and SR-3 of Section 8.6 Special Requirements (SR) to the Table of Permitted and Special Uses and Special Requirements. This amendment would change SR-2 (4) to read "The minimum size for a townhouse or cluster dwelling is seven hundred fifty (750) heated square feet for one bedroom dwelling, one thousand (1,000) heated square feet for a two bedroom dwelling and one thousand two hundred fifty (1,250) heated square feet for a three bedroom dwelling. This amendment would change SR-3 (1) to read "The minimum size for a multi-family dwelling is seven hundred fifty (750) heated square feet for one bedroom dwelling, one thousand (1,000) heated square feet for a two bedroom dwelling and one thousand two hundred fifty (1,250) heated square feet for a three bedroom dwelling. The applicant is the Village of Pinehurst.

Alex Cameron stated that this meeting is continued from the December 6, 2018 meeting based on concerns that were expressed by the citizens and to have time for the sub-committee to reconvene and make recommendations. Alex Cameron communicated with the Board the motions for actions that can be taken on this case.

1. *Continue this meeting*
2. *Reevaluate the proposed amendment further*
3. *Approve as drafted*
4. *Take no action*
5. *Approve the text amendment with different numerical values*

David Kelley asked what the driving force behind this is and is there a reason that this needs to be done now. David Kelley stated that he thought that the Board was going to wait to see what recommendations come from the Comprehensive Plan.

Chair Santowasso responded that there is no driving force and that Village Council asked the Board to review this back in May 2017.

Chair Santowasso asked for a spokesperson to speak on this matter to give comments on the material the public was provided after the last public hearing so the Board can take public comments into consideration when preparing their report the Village Council has asked for on a recommendation for heated square footage areas for 1, 2, and 3 bedroom multi-family dwelling units in the Village of Pinehurst. Chair Santowasso indicated he will reconvene the original sub-committee with a new member of the Board and the sub-committee will have a report completed by this spring.

The following residents spoke in opposition of the proposed text amendment to lower requirements for heated square feet for multi-family dwelling units:

Jane Hogleman, resident at 18 Lochdon Court
Louise Valure, resident at 13 Juniper Creek Blvd
Keefer Welch, resident at 45 McClain Road
John Taylor, resident at 205 Cherokee Road
Bill Keith, resident at 1095 Longleaf Drive NW

Upon a motion by David Kelley and seconded by Joel Shriberg, the Board voted unanimously to close Public Hearing #2 and re-enter into their regular meeting.

Chairman Santowasso informed the Board that they can make one of the following motions:

1. *Approve the recommendation for 750 heated square feet for 1 bedroom; 1,000 heated square feet for 2 bedrooms; and, 1,250 heated square feet for 3 bedrooms for Village Council's consideration.*
2. *Deny the application*
3. *Table this meeting subject to further discussions and study in order to prepare a report as requested by Village Council.*

Julia Latham shared her concerns with the Board making a decision now, as there are still too many elements for consideration. Julia Latham stated that it is important that planning drive development instead of development driving the planning process.

Cyndie Burnett expressed her appreciation of the Board for having this conservation and thanked the residents for all of their comments.

Paul Roberts stated that it is clear what Village Council wants from this Board.

Jeramy Hooper stated that this is an opportunity for the Board to look at the ordinance and to continue to do some research prior to making a recommendation to Village Council.

Joel Shriberg commented that the Board has spent many hours reviewing this, researching and listening to the residents and the Board's decision should reflect all of this.

David Kelley made a motion with a second by Paul Roberts to make a recommendation to Village Council that no changes be made to the Pinehurst Development Ordinance for the minimum heated square footage for multi- family dwellings and that in the future, should the Comprehensive Plan demonstrate a need, the Village Council at such time should reinitiate its request.

Chair Santowasso asked staff for a roll call vote.

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Poll the Board

David Kelley	*Yes*
Mike Marsh	*No*
Cyndie Burnett	*No*
Jeramy Hooper	*Yes*
Julia Latham	*No*
Paul Roberts	*Yes*
Joel Shriberg	*No*

The motion did not carry by a vote of 4-3.

Joel Shriberg made a motion, amended by Julia Latham, and seconded by Jeramy Hooper to reconvene the subcommittee, to consider public input obtained during the public hearings, so the subcommittee can participate in the Pinehurst Comprehensive Plan process, and to further evaluate the proposed text amendment for the minimum heated square footage for multi-family dwellings.

Chair Santowasso asked staff for a roll call vote.

Poll the Board

David Kelley	*No*
Mike Marsh	*Yes*
Cyndie Burnett	*Yes*
Jeramy Hooper	*Yes*
Julia Latham	*Yes*
Paul Roberts	*Yes*
Joel Shriberg	*Yes*

The motion carried by a vote of 6-1.

IV. General Business

Chair Santowasso stated that he would like to reconvene the subcommittee consisting of Joel Shriberg, Cyndie Burnett, Leo Santowasso, Jeramy Hooper, Kevin Drum, as an ex officio member, Alex Cameron, Gwendy Hutchinson, and Natalie Hawkins.

Chair Santowasso asked the subcommittee to meet on January 15, 2019 at 4:00 pm.

V. Next Meeting Date

February 7, 2019

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VI. Motion to Adjourn

Upon a motion by David Kelley and seconded by Julia Latham, the Board unanimously approved the motion to adjourn. The meeting adjourned at 6:32 pm.

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

Respectfully submitted by,

Gwendy Hutchinson
Planning and Administrative Assistant
Village of Pinehurst

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.

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