



Village of Pinehurst
Planning and Zoning Board
Meeting Minutes
August 1, 2013
4:00 pm

395 Magnolia Road Pinehurst, NC 28374

Call to Order of the Regular Meeting (4:00pm)

Acting Chairman, Kevin Hardt called the meeting to order and welcomed Board members, staff, as well as, those in the audience. Acting Chairman Hardt informed those in the audience that they will be given the opportunity to comment on the public hearing. Acting Chairman Hardt stated that comments should be limited to 3-5 minutes, and that duplication of comments should be avoided.

Board Members present:

*Kevin Hardt
Fred Engelfried
Byrd Gwinn
Betty Sapp
Joel Shriberg
Jay Snyder*

Board member absent:

*Percy Bennett
Richard Ashton
Carol Henry*

Staff present:

Andrea Correll, Planning and Inspections Director, Bruce Gould, Senior Planner, Gwendy Hutchinson, Planning and Administrative Assistant, Chad Hall, Senior Planner and Matt Shuester, Administrative Intern.

Approval of the July 11, 2013 Meeting Minutes

Betty Sapp made a motion to approve the amended July 11, 2013 Meeting Minutes to include the attendees for Board members and staff; Byrd Gwinn seconded the motion, which was unanimously approved.

Public Hearings:

Acting Chairman Kevin Hardt opened the Public Hearing.

The purpose of this public hearing is to consider an Official Zoning Map Amendment. This map amendment would rezone one property consisting of ±.36 acres. This property is addressed as 105 Magnolia Rd. This property is further defined as being Moore County LRK # 23821. This property is currently zoned VC (Village Commercial). The proposed map amendment would change the zoning of the property to R-10 (Single Family Residential). The applicant and owner for this rezoning is Richard Moore.

Bruce Gould, Senior Planner read into the record a portion of the staff report.

Around 1970 the Mystic Cottage was converted from a single family home to apartments. A further transition occurred in the 1980's when the property transitioned into commercial uses. This property is within the corporate limits of Pinehurst.

Zoning Implications:

The PDO requires additional setbacks and buffers if a commercial property is adjacent to or across the street from a residential property. This would make the existing commercial properties across Magnolia Road and Chinquapin Road non-conforming in this regard and may have impacts on future improvements on these properties if the zoning change to R-10 was to be made.

Comprehensive Plan Consistency Statement:

The Business/Institutional Development Section of the revised 2010 Comprehensive Long Range Plan indicates that the Village should be sensitive to the needs of businesses as a result of the economic downturn and should promote and assist business vitality not only in the Village Core, but all the commercial districts. This proposal would further erode the commercial activity that occurs in the Village Center and could negatively impact the existing core and future expansions thereof.

Benefits of Proposal:

There are benefits to the proposed rezoning to R-10. This home was originally built by and for Leonard Tufts. This rezoning would bring the home back to its original use as a Single Family Home. Additionally, the structure is in need of repairs and remodeling. This rezoning if approved could expedite these needed repairs and further restore the structure to its original grandeur. This is documented in the supplemental materials provided by the applicant.

Recommendation:

Based on the above mentioned Comprehensive Plan item and the possible negative impacts on the surrounding commercial areas rezoning this property to R-10 Single Family Residential would not achieve the goals of or be in accordance with the Comprehensive Plan and therefore is not in the best interest of the public.

The complete staff report is available in the Planning Department.

Richard Moore, CEO First Bank was present to answer any questions or address any concerns of the Board. Richard Moore presented some history of the building, as it was built for the Tufts family, and his desire to bring it back to its natural state. Wayne Haddock, Contractor spoke in favor of the rezoning.

Several business owners objected to the rezoning. They included: Bonnie McPeake, Commercial Property Developer, Marian Casio, Lady Bedford's Tea Parlor, Tim and Carla St. Germaine, President of the Pinehurst Business Guild and owners of Fields and Fairways, Keith McDaniel, Owner of Green Gate Olive Oils, Green Gate Gourmet and Java Buzz.

Acting Chairman Hardt closed the Public Hearing.

After discussion, Joel Shriberg made a motion to approve the request to rezone the property from VC (Village Commercial) to R-10 (Single Family Residential) as this proposal takes into consideration the changing needs and desires of the community and is therefore deemed to be in accordance with the 2010 Comprehensive Plan. Achieving goals in accordance with the Comprehensive Plan is considered reasonable and in the best interest of the public and to recommend to Village Council; Fred Engelfried seconded the motion. The vote carried 5-1.

*Acting Chairman Hardt opened the Public Hearing for the following Text Amendments:
Sections: 4.6.1, 12.3.4 (c), 12.3.4 (d), 12.3.5 (a) (b), and 10.2.6.1 (b).*

Andrea Correll, Planning and Inspections Director read a portion of the memo into the record.

The proposed changes to the Pinehurst Development Ordinance to enable the development of the Historic District Design Committee (HDDC). The amendments add the duties and responsibilities of the HDDC, make clarifications to existing text expounding staff's review of applications, and the removal of Community Appearance Commission's review of projects within the Historic District. In addition, an amendment is included that removes the current requirement that applications be submitted 21 days prior to the next scheduled historic meeting; this will allow greater flexibility in getting plans to the Historic Commission in a timely manner.

The entire memo is available in the Planning Department.

The purpose of this public hearing is to consider an Official Text Amendment to the Pinehurst Development Ordinance in order to add Section 4.6.1 Historic District Design Committee. This amendment will add a new section setting the duties and responsibilities of a Historic District Design Committee. The applicant is the Village of Pinehurst.

The purpose of this public hearing is to consider an Official Text Amendment to the Pinehurst Development Ordinance in order to make amendments to Section 12.3.4 (c) Certificate of Appropriateness Procedure. This amendment will add a language referring to the category of works within the *Local Historic District Standards and Guidelines* that may be

approved on a staff level and may go to a Historic District Design Committee for recommendation and comment. The applicant is the Village of Pinehurst.

The purpose of this public hearing is to consider an Official Text Amendment to the Pinehurst Development Ordinance in order to make amendments to Section 12.3.4 (d) Certificate of Appropriateness Procedure. This amendment clarifies that the Historic Commission conducts a public hearing for major work projects. The applicant is the Village of Pinehurst.

The purpose of this public hearing is to consider an Official Text Amendment to the Pinehurst Development Ordinance in order to make amendments to Section 12.3.5 (a) and Section 12.3.5 (b) Review Criteria. This amendment will add "Village Planner" to the text clarifying that the Village Planner be held to the same requirements as the Historic Commission when reviewing staff level applications in the Historic Preservation Overlay district. The applicant is the Village of Pinehurst.

The purpose of this public hearing is to consider an Official Text Amendment to the Pinehurst Development Ordinance in order to make amendments to Section 10.2.6.1 (b) Purpose and Scope [of Community Appearance Standards]. This amendment will add language excluding the Community Appearance Committee review of single-family development within the Historic Preservation Overlay district. The applicant is the Village of Pinehurst.

There were no comments from the Public.

Acting Chairman Hardt closed the Public Hearing.

After discussion, Fred Engelfried made a motion to approve Public Hearing Items 2-6 for Amendments 4.6.1, 12.3.4 (c), (d), 12.3.5 (a) (b), and 10.2.6.1 (b) as this proposal takes into consideration the changing needs and desires of the community and is therefore deemed to be in accordance with the 2010 Comprehensive Plan. Achieving goals in accordance with the Comprehensive Plan is considered reasonable and in the best interest of the public and to recommend to Village Council; Byrd Gwinn seconded the motion, which was unanimously approved.

With no further discussion, Joel Shriberg made a motion to adjourn the meeting; Betty Sapp seconded the motion, which was unanimously approved.

Village of Pinehurst
Planning and Zoning Board
Meeting Minutes
August 1, 2013

Submitted by,

A handwritten signature in cursive script, appearing to read "Gwendy Hutchinson".

*Gwendy Hutchinson
Planning and Administrative Assistant
Village of Pinehurst*