

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

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**MEMORANDUM**

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To: Mayor Lane and Village Council  
From: Bruce Gould, Village Planner  
Subject: Section 10.2.2.1 (c) Street Frontage  
Date: 4/14/2008  
cc: Andy Wilkison, Village Manager  
Andrea Correll, Director of Planning & Inspections  
Jay Gibson, Village Engineer  
Jimmy McCaskill, VOP Fire Chief

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There are several areas within the Pinehurst ETJ in which subdivisions had been created many years ago with no infrastructure built to serve those subdivisions. This has created a situation in which platted lots exist that have no access to public water and sewer nor are these lots located on an improved road or street. In most cases these lots are located adjacent to unimproved ROW's. The primary area of concern is in the vicinity of Linden Rd. and Chicken Plant Rd (see attached map). A subdivision exists in this area known as Pine View Manor. This subdivision consists of approximately 210 lots. It has lots ranging from less than 1/5<sup>th</sup> of an acre to almost two acres. The majority of the properties in this area are 1/3<sup>rd</sup> of an acre or less. These tracts are owned by multiple owners, with the majority of owners only owning one tract of land. Some of these tracts have frontage on Chicken Plant Rd., Foxfire Rd., or Linden Rd., but the vast majority are located adjacent to unimproved ROW.

As our ordinance currently reads, owners of most of these tracts would not be able to obtain a building permit as their lot(s) do not front on a street or road that meets the criteria of the Pinehurst Development Ordinance. In order to build on these properties, the roads would have to meet one of the three criteria listed in the Pinehurst Development Ordinance.

**Our Ordinance Reads as follows:**

*10.2.2.1 General Standards*

*The following general standards shall apply:*

(c) Street Frontage

*Any lot that is to be created or any existing lot on which a structure (or structures) is to be erected or a use is to be established shall abut one of the following:*

- (1) An improved public street maintained by the Village of Pinehurst or NCDOT;*
- (2) An existing improved private street shown on the latest Village of Pinehurst Powell Bill Map;*
- (3) An improved and recognized private street located within the Village of Pinehurst ETJ as shown on a map approved by the Village Council.*

This type of regulation is typical for municipalities in North Carolina. In fact, many communities do not allow any new lot to be created nor any lot to be built upon that does not front on a public street. There are several reasons for restricting the creation of lots and development on lots that do not front on a properly improved or public road. Some of which are as follows;

- The purpose of the ETJ is to allow for and require development to be consistent with that within your corporate limits. This means being accessible as is the existing development pattern in Pinehurst
- A municipality must have assurances that public services can be provided to all properties in order to protect life and property. These services include fire, police, other emergency services, mail, and trash collection. If a situation occurred such as a fire and the village could not provide services, would the Village be held accountable for this loss?
- If an area is to be annexed in the future, who will bear the cost of improving the roads within this area to the Village Standard? It will either be passed along to the tax payers of Pinehurst or the property owners adjacent to the right of way to be improved will be assessed for said improvements. Neither scenario is easily accepted nor desired by most citizens.
- Allowing development along an unimproved road could become detrimental to the property owners in the area as future access and ingress could become an issue. This may result in conflict among property owners and/or the loss of property values as time goes on.
- Can the Village guarantee maintenance of these roads to ensure that they are held to a minimum quality?
- Legal issues may arise in the future if the Village is asked or desires to take over these streets. Such legal questions may be who owns the ROW and does the village have the right to take over the roads and maintain them. If not who does?

In an effort to address this situation, staff proposes the following policy in order to improve a street to an acceptable standard to meet the criteria of the PDO and therefore allow for these lots to be built upon;

1. The Village Council delegates authority to the Village Manager to place on the map any road that meets this policy.
2. An instrument insuring long term maintenance of the road shall be produced and recorded. Prior to the recording of this instrument it shall be reviewed by the Village attorney and determined to be acceptable by the Village attorney. This shall be done prior to any design work or construction work commencing.
3. Proposed road shall be designed and built to Village standards as determined by the Village Engineer, with appropriate plans, computations, and specifications submitted for review by the Engineering Department as required by the Village's Engineering Standards Manual.

4. During construction to village standards the road will be inspected for quality and workmanship. The Village's normal Engineering Plan Review and Engineering Inspection Fees shall be levied for these inspections.
5. If found to be constructed to an acceptable, level the Village Engineer and the Village Planner shall prepare a joint report advising the Village Manager that the road has been constructed to reasonable village standards and should be considered improved.
6. The Village Manager shall review the report and place the street on a map kept in the Village Engineering Department and Planning and Inspections Department. This map shall be labeled "Council Recognized Improved Roads".
7. Inclusion on the map of Council recognized Improved Roads shall not be interpreted to mean that roads will be accepted by the Village for ownership and/or maintenance upon annexation of an area now in the ETJ of the Village. Only the Village Council may accept private streets and Right of Ways as being public and this is done at their sole discretion.
8. Any street associated with a subdivision approved by the Village of Pinehurst and platted legally as part of the subdivision process shall be considered improved for the purposes of being placed on the map of Council Recognized Improved Roads.



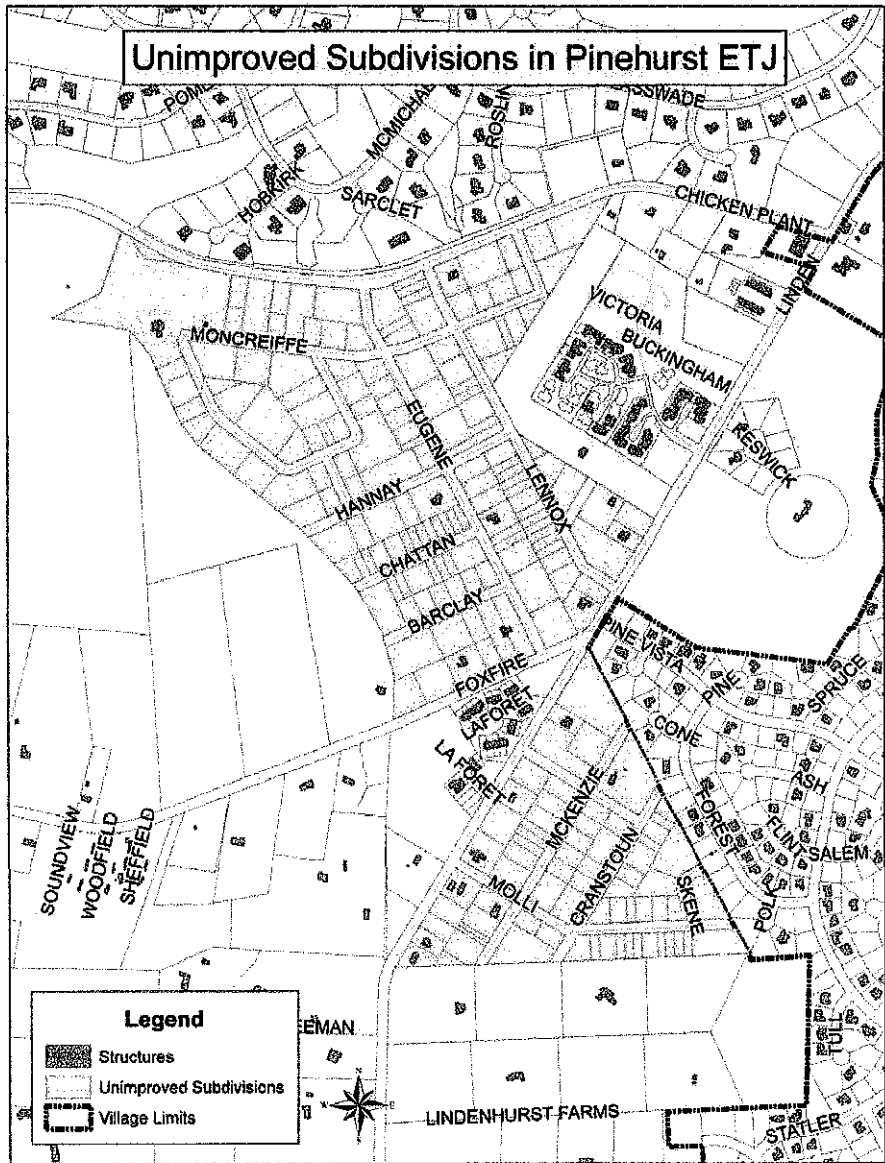
West Avenue or Hannay Road looking west from Eugene Street



Eugene Street looking north from Foxfire Road



Eugene Street looking south toward Linden Road



Approved as policy of the Village of Pinehurst by motion of the Pinehurst Village Council, April 8, 2008.

**VILLAGE OF PINEHURST  
VILLAGE COUNCIL  
WORK SESSION  
April 8, 2008**

The Manager explained the need for Resolution #08-07. Upon the motion of Councilmember Fallon, seconded by Councilmember Thurman, Resolution # 08-07 was unanimously approved by a vote of 3-0. (Copy of resolution is found in the Resolution Book and in the Minute File.)

**8. Resolution #08-08: A Resolution Concerning Fair Housing in the Village of Pinchurst.**

The Manager explained the need for Resolution #08-08. Upon the motion of Councilmember Fallon, seconded by Councilmember Thurman, Resolution # 08-08 was unanimously approved by a vote of 3-0. (Copy of resolution is found in the Resolution Book and in the Minute File.)

**9. Consideration of recommended policy regarding Village Council recognized improved roads.**

Councilmember Fallon moved to approve as policy of the Village of Pinehurst the "Village Council Recognized Improved Roads Policy" as set forth in the staff memorandum of April 3, 2008. Councilmember Thurman seconded the motion which carried unanimously by a vote of 3-0.

**10. Preview of Regular Meeting Agenda.**

The Council previewed the Regular Meeting Agenda and Public Hearing items for April 22, 2008 and made no changes.

**11. Other Business.**

- **Motion Re-appointing members of the Fireman's Relief Fund Board of Directors.**

Councilmember Thurman that pursuant to NCGS 58-84-30, the Village Council appoint Mr. Robert Viall and Mr. Tim McDonald to the Fireman's Relief Fund Board of Directors for the Pinehurst Fire Department, as recommended by the Fire Chief and the Village Manager, each for two-year terms, with their terms expiring on January 31, 2010. Councilmember Fallon seconded the motion which carried unanimously by a vote of 3-0.

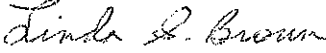
**12. Comments from Attendees.**

**Tom Campbell** noted that in reviewing the agenda for the April 22, 2008 Regular Meeting, staff indicated they were not expecting opposition to any of the Public Hearings and stated that he was aware of opposition to the Tradition project which is the subject of two Public Hearings. Staff stated that they had been referring to the Public Hearings regarding Pinehurst Development Ordinance amendments concerning the Public Service facility.

**13. Adjournment.**

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

Respectfully Submitted,

  
Linda S. Brown, CMC  
Village Clerk