

**PINEHURST VILLAGE COUNCIL  
AGENDA FOR REGULAR MEETING OF MARCH 23, 2010  
395 MAGNOLIA ROAD  
ASSEMBLY HALL  
PINEHURST, NORTH CAROLINA  
1:00 P.M.**

1. Call to Order.
2. Invocation and Pledge of Allegiance.
3. Presentation.
4. **Action:** Motion to Approve Consent Agenda.

**All items listed below are considered routine or have been discussed at length in previous meetings and will be enacted by one motion. No separate discussion will be held unless requested by a member of the Village Council.**

- A. Approval of Draft Minutes:  
Work Sessions of February 9 and 23, 2010  
Closed Sessions of February 9 and 23, 2010
- B. Public Safety Reports:  
Police Department  
Fire Department
- C. Scheduling of Regular Meeting for Tuesday, April 27, 2010 at 1:00 p.m.

**End of Consent Agenda.**

5. **Action:** Motion to Receive Budget Amendments Report to Council for the Period February 15, 2010 to March 15, 2010.
6. **Action:** Motion to Recess Regular Meeting and Enter Into a Public Hearing.
7. **Public Hearing #1:** Official text amendment to the Pinehurst Development Ordinance Section 13.1.3.3 increasing the maximum density from 5.25 to 6.75 dwelling units per acre in the VR (Village Residential) zoning district. The applicant is The Traditions of Old Town, LLC.
8. **Public Hearing #2:** Official text amendment to the Pinehurst Development Ordinance Section 4.2 Planning and Zoning Board. This amendment would clarify that only sign applications that are required by the PDO to go before the Planning and Zoning Board shall do so. The applicant is the Village of Pinehurst.
9. **Action:** Motion to Adjourn Public Hearing and Re-Enter Regular Meeting.
10. Other Business.
11. Comments from Attendees.
12. **Action:** Motion to Adjourn.

**MINUTES OF  
VILLAGE COUNCIL REGULAR MEETING  
MARCH 23, 2010**

**ASSEMBLY HALL – VILLAGE HALL  
395 MAGNOLIA ROAD  
PINEHURST, N. C.**

**1:00 P.M.**

The Village Council of the Village of Pinehurst held a Regular Meeting on Tuesday, March 23, 2010, at 1:00 p.m. in the Assembly Hall of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina with the following in attendance:

The Honorable Virginia F. Fallon, Mayor  
The Honorable Nancy Roy Fiorillo  
The Honorable Douglas A. Lapins  
The Honorable Mark W. Parson  
Mr. Andrew M. Wilkison, Village Manager  
Ms. Linda S. Brown, Village Clerk  
And approximately 15 persons in the audience.

Excused Absence: The Honorable Joan M. Thurman, Mayor Pro-Tem

**1. CALL TO ORDER.**

Mayor Virginia F. Fallon called the meeting to order.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE.**

Village Manager Andy Wilkison led in an invocation followed by the Pledge of Allegiance to the American flag led by Mayor Fallon.

**3. PRESENTATION.**

Councilmember Fiorillo presented a Resolution and a paperweight bearing the emblem of the Pinehurst Centennial to Mr. Arthur J. Lindon honoring his service as a member of the Community Appearance Commission. (Copy of Resolution #10-06 is in the 2010 Resolution Book.)

**4. APPROVAL OF CONSENT AGENDA.**

**All items listed below were considered routine or had been discussed at length in previous meetings and were enacted by one motion. No separate discussion was held except on request by a member of the Village Council.**

- A. Approval of Draft Minutes:  
Work Sessions of February 9 and 23, 2010  
Closed Sessions of February 9 and 23, 2010
- B. Public Safety Reports:  
Police Department  
Fire Department
- C. Scheduling of Regular Meeting for Tuesday, April 27, 2010 at 1:00 p.m.

**End of Consent Agenda.**

Councilmember Lapins moved to approve all the items listed and considered routine on the Consent Agenda. The motion was seconded by Councilmember Fiorillo and the Consent Agenda was unanimously approved.

**MINUTES OF  
VILLAGE COUNCIL REGULAR MEETING  
MARCH 23, 2010**

**5. BUDGET AMENDMENTS REPORT TO COUNCIL.**

Council noted that there were no budget amendments processed for the period February 15, 2010-March 15, 2010, and thus there is no Budget Amendment Report.

**6. RECESS REGULAR MEETING AND ENTER INTO A PUBLIC HEARING.**

Councilmember Parson moved to recess the Regular Meeting and enter into a Public Hearing on Planning and Zoning and Other Matters. The motion was seconded by Councilmember Lapins and carried unanimously.

**7. PUBLIC HEARING #1:** Official text amendment to the Pinehurst Development Ordinance Section 13.1.3.3 increasing the maximum density from 5.25 to 6.75 dwelling units per acre in the VR (Village Residential) zoning district. The applicant is The Traditions of Old Town, LLC.

Comments:

**Director of Planning and Inspections Andrea Correll** introduced the Public Hearing referencing her memo dated March 3, 2010 in which she stated that the Planning and Zoning Board voted to deny the request for the text amendment. (Copy of the memo from Director of Planning and Inspections Andrea Correll dated March 3, 2010 is in the Minute File.)

**Ms. Correll** also entered into the record a statement that the proposed amendments to the Pinehurst Development Ordinance are not consistent with the 2003 Comprehensive Long-Range Village Plan. (Copy of the Comprehensive Plan Consistency Statement dated March 23, 2010 is in the Minute File.)

**John Root**, Pinehurst resident, asked what will happen to the buildings to make an increase in density possible.

**Michael Doninger**, Managing Partner, The Tradition of Old Town, LLC, explained that the request for 6.75 dwelling units per acre will not increase the size of the footprint or change the exterior look of the buildings. He will change the three-family units and make them six-family units. The increase is only two units; the price of these would be reduced. Parking would be underground.

**Mayor Fallon** asked what he would do with the property if the text amendment is not approved.

**Mr. Doninger** replied that he would begin construction in April as he had planned, but it would take longer to sell the last units because they are larger. There is a market for \$450,000 to \$500,000 units but not for \$900,000 to \$1,000,000 units.

**Councilmember Lapins** noted that the area is zoned R-10 Single Family. To encourage cluster, Council had previously increased the density. We did not intend this to be a \$1,000,000 development but instead a transitional type unit.

**Councilmember Fiorillo** asked if Mr. Doninger could just reduce the price of all the units.

**Mr. Doninger** replied that he has reduced the prices from a range of 1 to 1½ million dollars to a range of \$900,000 to 1 million dollars. He stated that if he reduces the size of the units, he will have to go through all the submission process again.

**Ms. Correll** explained that the Planning Department could work with Mr. Doninger regarding changes, but the changes will need to be noted.

**MINUTES OF  
VILLAGE COUNCIL REGULAR MEETING  
MARCH 23, 2010**

**Mr. Doninger** explained that there will be more families but that the parking would be contained. He would decrease the impervious surface since the free standing garages will be eliminated for these units. The only units to be changed are the ones facing Caddell.

**Mr. Root** noted that increasing the density would change the make-up of that community. The Historic Preservation Commission is disturbed by the interface with homes on Caddell and the decrease in property values.

**Doug Middaugh**, Pinehurst resident, added that the Pinehurst Development Ordinance states that the Planner is not to accept applications that will increase the density. The language is black and white.

**Ms. Correll** noted that the language Mr. Middaugh is referencing is referring to rezoning, not a text amendment.

**Mr. Doninger** stated that no additional housing is needed in the inventory of Pinehurst, but his proposal is far beyond anything currently being offered here on the market. It will open up a new market not currently being served.

**John Marcum**, Pinehurst resident, detailed a history of the project and recommended that Council deny the text amendment. He insisted that the project should go forth- clean up the area and begin construction. He also advocated that conditions be added to the permit to include revocation if the entire project was not completed by a certain date.

**Jeanne Casinella**, Pinehurst resident, asked why time limits could not be included on permits. She also addressed the parking challenges presented if someone has a party.

**Bob Hawkins**, Pinehurst resident, noted that the Village has already made concessions to the property owner, and he feels there are more things he could do to reduce the price of the units instead of continually returning to Council. He does not want to open the door to other developers to do the same thing.

**Mena Holloway**, Pinehurst resident, asked if Council granted this for one building and Mr. Doninger still cannot sell them, will he come back with changes for the rest of the units. She also noted that water has not been discussed- can we take care of this many new residents?

**Wayne Maples** stated that he agrees that bonding is a great idea. He is sick of bail outs.

**Mayor Fallon** asked why we do not require bonding for buildings.

**Ms. Correll** explained that bonding is for homes and how they are built. There is no bonding for infrastructure because it has to be completed prior to platting or building.

**Ms. Casinella** stated that she feels bonding can require all construction to be completed.

8. **PUBLIC HEARING #2:** Official text amendment to the Pinehurst Development Ordinance Section 4.2 Planning and Zoning Board. This amendment would clarify that only sign applications that are required by the PDO to go before the Planning and Zoning Board shall do so. The applicant is the Village of Pinehurst.

Comments:

**Director of Planning and Inspections Andrea Correll** introduced the Public Hearing and entered into the record a statement that the proposed amendments to the Pinehurst Development Ordinance are

**MINUTES OF  
VILLAGE COUNCIL REGULAR MEETING  
MARCH 23, 2010**

consistent with the 2003 Comprehensive Long-Range Village Plan. (Copy of the Comprehensive Plan Consistency Statement dated March 23, 2010 is in the Minute File.)

**9. RE-ENTER REGULAR MEETING.**

There being no further discussion, Councilmember Fiorillo moved to adjourn the Public Hearing and re-enter the Regular Meeting. Councilmember Lapins seconded the motion and it carried unanimously.

**10. OTHER BUSINESS.**

There was none.

**11. COMMENTS FROM ATTENDEES.**

There were none.

**12. RECESS.**

Consensus of Council was return to the Council room to discuss the information presented for Public Hearing #1. Councilmember Lapins moved to recess the Regular Meeting to the Council Conference Room at Village Hall. The motion was seconded by Councilmember Fiorillo and carried unanimously. The Regular Meeting recessed at 2:05 p.m.

**13. CALL TO ORDER.**

Mayor Virginia F. Fallon called the meeting back to order.

**14. DISCUSSION OF INFORMATION PRESENTED IN PUBLIC HEARING #2.**

**Councilmember Lapins** asked for an explanation of downsizing, what is the process? Can we streamline the process?

**Ms. Correll** replied that downsizing reduces the mass but does not change the architecture. A Special Use permit allowed the detached garages; we would need to revisit the permit. If a wall structure is changed to become part of a garage, hearings for the Planning and Zoning Board and the Historic Preservation Commission would be required, but the process would not take another eighteen months to accomplish.

**Mr. Doninger** stated that he has no problem going through that process if it does not take another eighteen months. He feels he can satisfy the Planning and Zoning Board and the Historic Preservation Commission, but he would need assurance that this will ultimately be approved.

**Ms. Correll** added that building permits have not been issued. Changes could be noted on the Major Site Plan and Major Special Use Permit.

**Councilmember Fiorillo** stated that she has empathy for the position Mr. Doninger is in and feels the Village has reviewed this project as much as possible. This area was to be transitional between the residential area and the area of mixed use in New Core. We want to be fair to the applicant, but at the same time, we must consider the recommendations of the Planning staff and the Planning and Zoning Board against the proposed text amendment.

**Councilmember Lapins** added that the Comprehensive Plan does not support the proposed change.

**MINUTES OF  
VILLAGE COUNCIL REGULAR MEETING  
MARCH 23, 2010**

**Mr. Doninger** responded that the Comprehensive Plan did not include provisions for the economic conditions we are now in, but it does say we should be flexible. We are only asking for an increase from 5.25 dwelling units per acre to 6.75.

**Councilmember Parson** stated that he feels there are two issues to remember in deliberations: 1) there is a hole there now with no building, and 2) the developer has not changed the footprint and is only asking for more people.

**Ms. Casinella** asked what would be the guarantee that this project will be finished. Will the economy change soon? Which is worse, an empty space or a project begun and not finished? If the developer does not want to produce new plans, it looks like a financial problem exists.

**Mr. Marcum** asked if Mr. Doninger is very well financed. Perhaps the recession will be over soon; things could get better. Could Mr. Doninger proceed as planned in six months or so? He also noted the lack of parking for the arboretum area now and thinks increased traffic in the area will not help the situation.

**Mayor Fallon** asked Mr. Doninger to elaborate on his statement that he will be producing something not now available in Pinehurst.

**Mr. Doninger** replied that Tryon Villas is being built in Cary. In 2009 the developer sold fourteen units in the \$300,000 to \$600,000 range but he is still having trouble selling the high end units.


**Mayor Fallon** noted that if Mr. Doninger had not completed the infrastructure, Council would not have anything to agonize over.

**Art Chalker**, Chairman of the Planning and Zoning Board, reminded Council that the Planning and Zoning Board had analyzed the information and made a recommendation to Council based on that information. This recommendation is a step in the process of serving the Council.

**15. ADJOURNMENT.**

Mayor Fallon moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Parson and carried unanimously. The Regular Meeting adjourned at 2:50 p.m.

Respectfully Submitted,

  
Linda S. Brown, CMC  
Village Clerk