

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
MARCH 26, 2013**

**395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
1:00 P.M.**

The Village Council of the Village of Pinehurst held a Regular Meeting on Tuesday, March 26, 2013, 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:

Ms. Nancy Roy Fiorillo, Mayor
Mr. Douglas A. Lapins, Mayor Pro-Tem
Mr. John R. Cashion, Councilmember
Mr. Mark W. Parson, Councilmember
Mr. John C. Strickland, Councilmember
Mr. Andrew M. Wilkison, Village Manager and Village Clerk
And approximately 15 attendees, including 3 staff and 1 press

1. CALL TO ORDER.

Mayor Nancy Roy Fiorillo called the meeting to order.

2. INVOCATION AND PLEDGE OF ALLEGIANCE.

Village Manager Andy Wilkison offered the invocation and led everyone in the Pledge of Allegiance.

3. 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 Session of February 12, 2013
 - Closed Session of February 12, 2013
 - Work Session of February 26, 2013
 - Closed Session of February 26, 2013
 - Regular Meeting of February 26, 2013
- B. Public Safety Reports:
 - Police Department
 - Fire Department
- C. Scheduling of Regular Meeting for Tuesday, April 23, 2013 at 1:00 p.m.

End of Consent Agenda.

Councilmember Cashion moved to approve the Consent Agenda. The motion was seconded by Councilmember Parson and passed unanimously with a vote of 5-0.

4. BUDGET AMENDMENTS REPORT TO COUNCIL FOR THE PERIOD FEBRUARY 16, 2013 to MARCH 15, 2013.

Councilmember Strickland moved to approve the Budget Amendments Report as presented. The motion was seconded by Councilmember Lapins and passed unanimously with a vote of 5-0.

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5. RECESS REGULAR MEETING AND ENTER INTO A PUBLIC HEARING.

Councilmember Parson moved that the Village Council recess the Regular Meeting and enter into a Public Hearing. The motion was seconded by Councilmember Lapins and passed unanimously with a vote of 5-0.

6. PUBLIC HEARING #1: Official Text Amendment to the Pinehurst Development Ordinance to amend Section 2.2 Definitions, Section 10.2.1 Table of Permitted and Special Uses and Section 10.2.1.3 Special Requirements to the Table of Permitted and Special Uses. The purpose of this amendment is to define a "Retirement Community" and include it as a permitted use in the OP (Office and Professional) Zoning District and establish special requirements for retirement communities. The applicant is Julie Shea Sutton.

Senior Planner, Bruce Gould, provided an overview of the public hearing item and entered his staff memo into the record which indicates the proposed text amendment adds retirement communities to the permitted uses in the Office and Professional (OP) Zoning District with special requirements. The amendment also proposes to increase the maximum height from 35 feet to 40 feet for retirement communities. Also, it would reduce the number of parking spaces required from 2 spaces per dwelling unit to 1.25 spaces per unit. Bruce Gould also reviewed the staff analysis and indicated the Planning and Zoning Board approved the text amendment.

Comments:

Julie Shea Sutton, the applicant for the text amendment reviewed her application for the text amendment and provided an overview of the proposed development for the senior living apartments.

Kent Loyd, the property owner of 4176 Murdocksville Rd, indicated the development would take 5 acres of the 10-acre property and they would rebuild their home on the other 5 acres. Mr. Loyd indicated he is very supportive of the proposed development.

Heidi Arnett Pittard, representing the Educare Day Care and Preschool, Inc. Learning Center at 4224 Murdocksville Rd., indicated her support and approval of the project and rezoning request.

Mayor Fiorillo indicated the intent is for the property to be annexed into the Village eventually.

Councilmember Lapins inquired about the height limitation changes and Senior Planner Bruce Gould responded to the inquiry.

7. ADJOURN PUBLIC HEARING AND ENTER INTO A QUASI-JUDICIAL HEARING.

Councilmember Lapins moved that the Village Council adjourn the Public Hearing and enter into a Quasi-Judicial Hearing. The motion was seconded by Councilmember Strickland and passed unanimously with a vote of 5-0.

8. QUASI-JUDICIAL HEARING #1: Official Zoning Map Amendment to rezone one parcel of land consisting of approximately 5 acres. This property is addressed as 4176 Murdocksville Rd. This property is further defined as being a part of Moore County LRK # 22010. This property is currently zoned R-10 (Single-family Residential). The proposed map amendment would change the zoning of the property to Conditional Use OP (Office and Professional) for the purpose of developing a "Retirement Community" consisting of 56 units. The applicant for this rezoning is Julie Shea Sutton. The property owner is Kenton R. Loyd.

Senior Planner, Bruce Gould, provided an overview of the quasi-judicial hearing item, which is to rezone approximately 5 acres of the 10 acre parcel from R-10 (Residential) to CU-OP (conditional use office and professional) in order to construct a 56 unit retirement community. He reviewed his staff analysis and entered it into the record. Bruce Gould also indicated the Planning and Zoning Board unanimously approved the conditional use rezoning request.

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Comments:

Councilmember Parson inquired about the watershed intensity allocation. Bruce Gould responded to the inquiry.

Councilmember Strickland inquired of any wetland issues on the site. Bruce Gould responded to the inquiry.

Julie Shea Sutton, the applicant for the text amendment, indicated her partner/builder, Charlie Grant is available to answer any Council questions. She respectfully requested Council approve the amendment to the Pinehurst Zoning Map and the rezoning subject to the six conditions listed in the application submitted.

She indicated the proposed use is consistent with the Village's Comprehensive Long Range Master Plan and land use map. She indicated the project is estimated at \$6.5 million and that the property owner would file for \$533,000 in annual tax credits over 10 years to lower development costs and rents. Ms. Sutton then submitted a copy of written support from John McNeil of Pinehurst Rheumatology, a neighboring business.

Councilmember Strickland inquired of the requirements for the tax credits. Ms. Sutton indicated it is a highly competitive process that is administered by the IRS. Councilmember Strickland also asked how the financing is structured. Ms. Sutton indicated they will have the financing arranged prior to submitting the final application for tax credits in May 2013.

Councilmember Strickland asked why Ms. Sutton selected this location. Ms. Sutton indicated their criteria were walkability, access to amenities, and the availability of water/sewer. Ms. Sutton indicated they initially approached Taylortown, but was told there was no support for the project.

Mayor Fiorillo inquired if Excel Property management currently managed properties of this nature. Ms. Sutton provided the names and locations of other senior living properties managed by Excel Property and presented pictures of a facility similar to the one being proposed.

Mayor Fiorillo inquired what the rent rates would be. Ms. Sutton indicated \$412-\$492 for one bedroom units and \$528-\$629 for two bedroom units.

Ann Hanson, a representative of Excel Property Management, indicated the local property manager and maintenance staff typically live in the same community and can get to the property quickly in the event of an emergency. She indicated the property management company has been in business for 19 years and have never had any issues with tax credit compliance. Ms. Hanson indicated that applicants must be 55 years old, and pass a criminal background check. Excel Property Management also obtains a credit report and verifies income for each applicant. Ms. Hanson also indicated they recertify every resident every year and check their income levels. She then went into details of the lease agreements that are for one year and then convert to a month to month basis.

Councilmember Parson inquired of the amount of time it would take to fill the unit. Ms. Hanson indicated it could range from 2-6 months. Ms. Hanson indicated they utilize a marketing person and work with various organizations to recruit

Ann Hanson indicated that 25% of units would be rented to individuals at 40% of median income and 75% of the units would be rented to individuals at 50% of median income. She also indicated Excel Property Management manages 84 properties in NC, SC, and VA.

Mr. Ken Loyd reiterated his support again for the project.

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9. ADJOURN QUASI-JUDICIAL HEARING AND ENTER INTO A PUBLIC HEARING.

Councilmember Cashion moved that the Village Council adjourn the Quasi-Judicial Hearing and enter into a Public Hearing. The motion was seconded by Councilmember Parson and passed unanimously with a vote of 5-0.

10. PUBLIC HEARING #2: Official Text Amendment to the Pinehurst Development Ordinance to amend Section 10.2.1 Table of Permitted and Special Uses and Section 10.2.1.3 Special Requirements to the Table of Permitted and Special Uses. The purpose of this amendment is to include Churches and Community Centers, as a permitted use in the R-5 (Single-family Residential) Zoning District and to amend the Special Requirements associated with Churches and Community Centers in the R-5 Zoning District. The applicant is the Village of Pinehurst.

Senior Planner, Bruce Gould, provided an overview of the public hearing item to allow churches and community centers in the R-5 zoning district and submitted his staff analysis into the record.

There were no public comments.

11. PUBLIC HEARING #3: Official Text Amendment to the Pinehurst Development Ordinance to amend Section 10.2.1 Table of Permitted and Special Uses. The purpose of this amendment is to include Hotels, Free Standing Parking Garages and Common Wall Parking Garages as a permitted use in the VC (Village Commercial) Zoning District. The applicant is the Village of Pinehurst.

Senior Planner, Bruce Gould, provided an overview of the public hearing item that will allow for parking garages and hotels in the Village Commercial District and submitted his staff analysis into the record. He indicated if approved, the Village will then proceed with rezoning and map amendment requests.

There were no public comments.

12. PUBLIC HEARING #4: Official Text Amendment to the Pinehurst Development Ordinance to amend Section 10.2.4.3 (d) (1) Landscaping and Buffering. The purpose of this amendment is to create a process in which the Village Council may waive some or all of the buffering requirements for developments located within the VC (Village Commercial) Zoning District. The applicant is the Village of Pinehurst.

Senior Planner, Bruce Gould, provided an overview of the public hearing item which would allow the Village Council to waive the landscaping and buffering requirement to ensure the streetscape is consistent with desires of the community and submitted his staff analysis into the record. He indicated any applicant or building owner could apply to waive the buffering requirements.

There were no public comments

13. ADJOURN PUBLIC HEARING AND RE-ENTER THE REGULAR MEETING.

Councilmember Cashion moved that the Village Council close the Public Hearing and re-enter the Regular Meeting. The motion was seconded by Councilmember Strickland and passed unanimously with a vote of 5-0.

14. OTHER BUSINESS.

- Councilmember Parson indicated he liked the architecture and drawings for the Pinehurst Senior Apartments. Mayor Fiorillo indicated the Council would like to go to Holly Springs to see the other property managed by Excel Property Management and vote on the matter on April 9th.
- The Council considered Ordinance #13-11: An Ordinance Amending The Pinehurst Development Ordinance as it Pertains to Section 10.2.1 Table of Permitted and Special Uses and Section 10.2.1.3 Special

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Requirements to the Table of Permitted and Special Uses (Churches and Community Centers in the R-5 Zoning District). Upon the motion of Councilmember Parson, seconded by Councilmember Cashion, Ordinance #13-11 was unanimously approved by a vote of 5-0. (A copy of the ordinance is found in the Ordinance Book)

- The Council considered Ordinance #13-12: An Ordinance Amending the Pinehurst Development Ordinance as it Pertains to Section 10.2.1 Table of Permitted and Special Uses (Hotels And Parking Garages in the Village Commercial District). Upon the motion of Councilmember Strickland, seconded by Councilmember Lapins, Ordinance #13-12 was unanimously approved by a vote of 5-0. (A copy of the ordinance is found in the Ordinance Book)
- The Council considered Ordinance #13-13: An Ordinance Amending the Pinehurst Development Ordinance as it Pertains to Section 10.2.4.3 (D) (1) Landscaping and Buffering (Landscaping and Buffering in the Village Commercial District). Upon the motion of Councilmember Cashion, seconded by Councilmember Strickland, Ordinance #13-13 was unanimously approved by a vote of 5-0. (A copy of the ordinance is found in the Ordinance Book)
- Councilmember Parson indicated he has created a document that depicts the Village's sign pollution that he will forward to the Council.

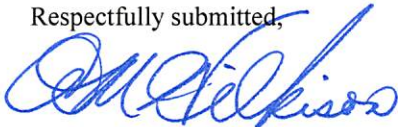
15. COMMENTS FROM ATTENDEES.

- Mr. Dick Bisbe commented that he liked the AV equipment and requested an update on the status of the PDO re-write. He asked that the Village Council consider its mission statement on an annual basis.

16. MOTION TO ADJOURN.

At approximately 2:39 p.m. Councilmember Parson moved to adjourn the meeting. The motion was seconded by Councilmember Cashion and passed unanimously with a vote of 5-0.

Respectfully submitted,



Andrew M. Wilkison
Village Clerk