

**PINEHURST VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF JULY 24, 2007
395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
1:00 P.M.**

1. Call to Order.
2. Presentation
3. Approval of 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:
 - Special Work Sessions of June 5 and 15, 2007
 - Work Sessions of June 12 and 26, 2007
 - Regular Meeting of June 26, 2007
 - Closed Sessions of June 5, 12 and 26, 2007
- B. Public Safety Reports:
 - Police Department
 - Fire Department
- C. Scheduling of Regular Meeting for Tuesday, August 28, 2007 at 1:00 p.m.

End of Consent Agenda.

4. Budget Amendments Report to Council.
5. Recess Regular Meeting and Enter Into a Public Hearing.
6. Public Hearing # 1: Official Text Amendment that would add Chapter 13 Special Village Zoning Districts (formerly known as the Special NewCore Zoning Districts); Purpose, Intent, and Regulations to the Pinehurst Development Ordinance.
7. Public Hearing # 2: Official Text Amendment that would add Section 13.1.1 VMU Village Mixed Use District (formerly known as NCMU NewCore Mixed Use) to the Pinehurst Development Ordinance.
8. Public Hearing # 3: Official Map Amendment to the Zoning Map of the Village of Pinehurst. This map amendment would rezone approximately 25.49 acres of property located in the area of Pinehurst known as the NewCore and located within the vicinity of Magnolia Rd, McCaskill Rd., Rattlesnake Tr., Dundee Rd. and Community Rd.
9. Public Hearing # 4: Official Text Amendment that would add Section 13.1.2 VCP Village Cottage Professional District (formerly known as NCCP NewCore Cottage Professional District) to the Pinehurst Development Ordinance.

10. Public Hearing # 5: Official Map Amendment to the Zoning Map of the Village of Pinehurst. This map amendment would rezone approximately 4.19 acres of property located in the area of Pinehurst known as the NewCore and located within the vicinity of McCaskill Rd., Dundee Rd. and Community Rd.
11. Public Hearing # 6: Official Text Amendment that would add 13.1.3 VR Village Residential District (formerly known as NCR NewCore Residential District) to the Pinehurst Development Ordinance.
12. Public Hearing # 7: Official Map Amendment to the Zoning Map of the Village of Pinehurst. This map amendment would rezone approximately 5.64 acres of property located in the area of Pinehurst known as the NewCore and located within the vicinity of, and bounded by, Magnolia Rd, McCaskill Rd and Caddell Rd.
13. Public Hearing # 8: Official Text Amendment that would add the following definitions to Chapter 2, Definitions of the Pinehurst Development Ordinance: Art Gallery; Artisan Studio; Boutique Shop; Cluster Housing; Cottage Style; Professional Office; and Public Space
14. Adjourn Public Hearing and Re-Enter Regular Meeting.
15. Other Business.
16. Comments from Attendees.
17. Adjournment.

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July 24, 2007**

**ASSEMBLY HALL – VILLAGE HALL
395 MAGNOLIA ROAD
PINEHURST, N. C.
1:00 P.M.**

The Village Council of the Village of Pinchurst held a Regular Meeting on Tuesday, July 24, 2007, at 1:00 p.m. in the Assembly Hall of the Pinchurst Village Hall, 395 Magnolia Road, Pinchurst, North Carolina with the following in attendance:

The Honorable Steven J. Smith, Mayor
The Honorable George E. Hillier, Mayor Pro-Tem
The Honorable Virginia F. Fallon
The Honorable Douglas A. Lapins
The Honorable Lorraine A. Tweed
Mr. Andrew M. Wilkison, Village Manager
Ms. Linda S. Brown, Village Clerk
And approximately 71 persons in the audience.

1. CALL TO ORDER.

Mayor Steven J. Smith called the meeting to order.

2. PRESENTATION.

Mayor Smith presented a Resolution and a paperweight bearing the emblem of the Pinchurst Centennial to Mr. Bob Hyatt honoring his service as a member of the Board of Adjustment. (Copy of Resolution #07-27 is in the 2007 Resolution Book.)

3. 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 Minutes of:

Special Work Sessions of June 5 and 15, 2007
Work Sessions of June 12 and 26, 2007
Regular Meeting of June 26, 2007
Closed Sessions of June 5, 12 and 26, 2007

B. Public Safety Reports- Police and Fire Departments.

C. Scheduling of Regular Meeting for Tuesday, August 28, 2007 at 1:00 p.m.

End of Consent Agenda.

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

4. BUDGET AMENDMENTS REPORT TO COUNCIL.

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Councilmember Lapins moved to receive the Budget Amendments Report to Council for the period June 15, 2007 to June 30, 2007. The motion was seconded by Councilmember Hillier and carried unanimously. It was noted that this report completes the 2006-2007 fiscal year and that there were no budget amendments made to the 2007-2008 budget between July 1, 2007 and July 15, 2007.

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

Councilmember Hillier 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 Fallon and carried unanimously.

6. PUBLIC HEARING #1: Official Text Amendment that would add Chapter 13 Special Village Zoning Districts (formerly known as the Special NewCore Zoning Districts); Purpose, Intent, and Regulations to the Pinchurst Development Ordinance.

Comments:

Director of Planning and Inspections Andrea Correll introduced Public Hearings 1-8. The intent is to establish chapter 13 of the Pinchurst Development Ordinance. The Planning and Zoning Board recommends the proposed text and map amendments. (Document # 1 is located in the Minute File.)

John Hoffmann, 200 Everette Road, addressed the statement that “where there is conflict between the Pinchurst Development Ordinance (PDO) and the regulations established for the Special Village Zoning Districts, the Special Village Zoning District shall control.” After so much work in re-vamping the PDO, he feels its regulations should not be discarded in favor of the new zoning district. (Document #2 is located in the Minute File.)

Andrea Correll explained that this is a special district, which is similar to the older part of town. Their set backs are different. Parking and street parking are similar to Chinquapin and the older parts of town.

7. PUBLIC HEARING #2: Official Text Amendment that would add Section 13.1.1 VMU Village Mixed Use District (formerly known as NCMU- NewCore Mixed Use) to the Pinchurst Development Ordinance.

Comments:

Doug Middaugh, 400 Pine Vista, noted that hotels are excluded as a permitted use and feels that hotels should be included as a permitted use. The maximum of 25,000 square feet for one retail establishment is too large. The wording for shielding of a parking garage is not clear. The 250 feet limit stated in section 13.1.1.3 should have a map with it. There is a contradiction in the explanation of impervious. The language for claiming off-street parking is confusing. The tree preservation criteria exceed similar criteria elsewhere in the PDO. The criteria should match. Section 13.1.1.12 is appropriate for a master developer but could not be used by multiple developers. He also mentioned other permitted uses and requirements as not being similar to other sections of the PDO. (Document # 4 is located in the Minute File.)

8. PUBLIC HEARING #3: Official Map Amendment to the Zoning Map of the Village of Pinchurst. This map amendment would rezone approximately 25.49 acres of property

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located in the area of Pinehurst known as the NewCore and located within the vicinity of Magnolia Rd, McCaskill Rd., Rattlesnake Tr., Dundee Rd. and Community Rd.

Comments:

Doug Middaugh pointed out that the gross area to be rezoned includes a considerable percentage of area that cannot be built on due to right-of-ways, streets and easements. (Document # 4 is located in the Minute File.)

9. **PUBLIC HEARING #4: Official Text Amendment that would add Section 13.1.2 VCP Village Cottage Professional District (formerly known as NCCP- NewCore Cottage Professional District) to the Pinehurst Development Ordinance.**

Comments:

Doug Middaugh stated that many of his comments in Public Hearing # 2 apply in this Public Hearing also. He noted a contradiction between the impervious language in a few sections. He stated that he believes latitude should be shown with the stated criteria of 13.1.2.13 (1) as an intended permitted usage may not necessarily lend itself to the design of a single family residence. (Document # 4 is located in the Minute File.)

Mayor Smith stated that the intent is to look like "single family detached cottages." We want to maintain the cottages as low impact office space.

10. **PUBLIC HEARING #5: Official Map Amendment to the Zoning Map of the Village of Pinehurst. This map amendment would rezone approximately 4.19 acres of property located in the area of Pinehurst known as the NewCore and located within the vicinity of McCaskill Rd., Dundee Rd. and Community Rd.**

Comments:

Art Chalker, Chairman of the Planning and Zoning Board, stated that the Planning and Zoning Board spent a lot of time on this particular issue and worked very hard to try to reach consensus on what the board would recommend to the Council.

Doug Middaugh signed to speak but passed.

Jack Dorsel signed to speak but passed.

11. **PUBLIC HEARING #6: Official Text Amendment that would add 13.1.3 VR Village Residential District (formerly known as NCR- NewCore Residential District) to the Pinehurst Development Ordinance.**

Comments:

Doug Middaugh objected to the paragraph which states that use of the land is to be a "mix" of the residential housing types. This prohibits development of one permitted use only in the district. The tree preservation criteria exceed similar criteria elsewhere in the PDO. He feels the criteria should match. He noted that the density of the district does not take into consideration water and sewer easements. He feels the 5.5 units per acre density is in direct conflict with the Long-Range Comp Plan. (Document # 4 is located in the Minute File.)

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Helen Brissette, Pinehurst, objected to the density also. She noted that this allowed density will result in narrow, tall homes to fit the limited space. She asked about parking- at least two cars per family, where would they park? She also suggested that drainage problems would result from such density.

Mike Doninger, Cary, proposed developer addressed the density issue. His company would like more density but can offer a high quality/high end product, not an urban nightmare. His company has respect for the history of Pinehurst, but building single family units has the drawbacks of many driveways and many trees to be cut. His company has not yet submitted any plans since needed zoning is not in place, but they propose to save trees and offer higher density units which address the drainage challenges. He realizes that there is some fear of the unknown- condos, townhouses, single family dwellings. He welcomes residents to speak with him and will communicate his cell phone number. His company plans public meetings and welcomes comments. Review boards are already in place to protect Pinehurst- the Planning and Zoning Board, the Historic Preservation Commission, the Community Appearance Commission and the Council.

John Marcum, 40 Caddell Road, objected to the 5.64 acres bounded by Caddell, Magnolia and McCaskill Roads being included in the NewCore area, noting that this is a residential area within the Historic District of Old Town zoned R-10. Changing the zoning in this area from R-10 to multifamily or town home will result in more than 25 homes in the small area greatly affecting traffic on both Caddell and Magnolia Roads.

Mr. Marcum noted problems in the 5.64 acres with major sewage spills and asked if an evaluation by the State Environmental authorities might be needed before any building takes place there.

Mayor Smith stated that there is no deep-seated drive to create more density. The ideas for NewCore came from meetings with citizens- wanted high density, multifamily units near the core Village. Changing the zoning would allow keeping the tree buffer along Caddell, Magnolia and McCaskill. R-10 lots do not give room to save these trees.

Dick Bisbe, Pinehurst, noted that that the newspaper ad (Document #3) submitted to the local paper by the Political Action Committee, Concerned Citizens of Pinehurst, was very effective but misleading. What trees were there before? What do we plan to plant now?

John Marcum replied that he lived here in the early 60's and there were trees there at the time.

Gus DeMarco, Pinehurst, noted that land had to be cleared to have a Pinehurst. Tree lovers can make a difference, but we have plenty of trees now.

12. **PUBLIC HEARING #7: Official Map Amendment to the Zoning Map of the Village of Pinehurst. This map amendment would rezone approximately 5.64 acres of property located in the area of Pinehurst known as the NewCore and located within the vicinity of, and bounded by, Magnolia Rd, McCaskill Rd and Caddell Rd.**

Comments:

Doug Middaugh pointed out that in the 5.64 acres a considerable percentage cannot be built on due to right of ways and streets. Easements further reduce the buildable area to approximately 3 acres. (Document # 4 is located in the Minute File.)

Helen Brissette signed to speak but passed.

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Mike Doninger signed to speak but passed.

John Marcum stated that rezoning this property to a higher density violates the Long Range Plan, and an argument could be made that this is spot zoning. He suggested a property exchange with Red Tail Developers or purchase of the property by the Village and a parking lot be built on the property for visitors to the arboretum. (Documents # 3 and 3-A are located in the Minute File.)

13. **PUBLIC HEARING #8: Official Text Amendment that would add the following definitions to Chapter 2, Definitions of the Pinchurst Development Ordinance: Art Gallery; Artisan Studio; Boutique Shop; Cluster Housing; Cottage Style; Professional Office; and Public Space.**

Comments: none

14. **ADJOURN PUBLIC HEARING AND RE-ENTER REGULAR MEETING.**

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

15. **OTHER BUSINESS.**

There was none.

15. **COMMENTS FROM ATTENDEES.**

An unidentified man asked if consideration could be made to take the trees off McCaskill. They present great difficulties for the fire trucks.

Mayor Smith replied that trees are part of the ambiance of Pinchurst.

Councilmember Fallon added that trees act as traffic calmers.

Doug Middaugh noted that the residential portion of property across Magnolia from NewCore has been referred to as part of the moratorium, but that is not accurate. It is not.

16. **ADJOURNMENT.**

Councilmember Fallon moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Tweed and carried unanimously. The Regular Meeting adjourned at 2:25 p.m.

Respectfully Submitted,



Linda S. Brown, CMC
Village Clerk