

PINEHURST VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF November 16, 2010
395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
1:00 P.M.

1. Call to Order.
2. Invocation and Pledge of Allegiance.
3. **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:
 - Retreat of October 5, 2010
 - Work Session of October 12, 2010
 - Special Work Session of October 27, 2010
 - Special Meeting of October 27, 2010
 - Closed Sessions of September 28 and October 12 and 27, 2010
- B. Public Safety Reports:
 - Police Department
 - Fire Department
- C. Scheduling of Regular Meeting for Tuesday, December 14, 2010 at 1:00 p.m.

End of Consent Agenda.

4. **Action:** Motion to Receive Budget Amendments Report to Council for the Period October 15, 2010 to November 12, 2010.
5. **Action:** Motion to Recess Regular Meeting and Enter Into a Public Hearing.
6. **Public Hearing #1:** Official text amendment to the Pinehurst Development Ordinance Section 13.1.3.3 VR Village Residential District Development Standards. This proposed amendment is to increase the minimum amount of open space from 35 to 50 percent and increase the maximum dwelling density from 5.25 to 16 units per acre in the Village Residential (VR) zoning district. The applicant is the Village of Pinehurst.
7. **Public Hearing #2: Official text amendment to the Pinehurst Development Ordinance Section 10.2.15.1 Site Plan Approval Required; Minor Site Plans and Major Site Plans, section (b)(2) referring to Major Site Plans.** This amendment will delete the requirement that site plans requiring a Major Special Use permit or Conditional Use District Rezoning be considered major site plans. The applicant is the Village of Pinehurst.
8. **Action:** Motion to Adjourn Public Hearing and Re-Enter Regular Meeting.
9. Other Business.
10. Comments from Attendees.
11. **Action:** Motion to Adjourn.

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**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, November 16, 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 Joan M. Thurman, Mayor Pro-Tem
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 30 persons in the audience.

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. MOTION TO APPROVE 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:
 - Retreat of October 5, 2010
 - Work Session of October 12, 2010
 - Special Work Session of October 27, 2010
 - Special Meeting of October 27, 2010
 - Closed Sessions of September 28 and October 12 and 27, 2010
- B. Public Safety Reports- Police and Fire Departments.
- C. Scheduling of Regular Meeting for Tuesday, December 14, 2010 at 1:00 p.m.

End of Consent Agenda.

Councilmember Fiorillo 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.

No amendments were made, thus there was no Budget Amendments Report to Council for the period October 15, 2010 to November 12, 2010.

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

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Councilmember Thurman 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 Parson and carried unanimously.

6. **PUBLIC HEARING #1: OFFICIAL TEXT AMENDMENT TO THE PINEHURST DEVELOPMENT ORDINANCE SECTION 13.1.3.3 VR VILLAGE RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS. THIS PROPOSED AMENDMENT IS TO INCREASE THE MINIMUM AMOUNT OF OPEN SPACE FROM 35 TO 50 PERCENT AND INCREASE THE MAXIMUM DWELLING DENSITY FROM 5.25 TO 16 UNITS PER ACRE IN THE VILLAGE RESIDENTIAL (VR) ZONING DISTRICT.**

Comments:

Director of Planning and Inspections Andrea Correll introduced the Public Hearing and entered into the record a statement that the proposed amendment to the Pinehurst Development Ordinance regarding an increase in minimum open space is consistent with the 2010 Comprehensive Long-Range Village Plan and the proposed amendment to the Pinehurst Development Ordinance regarding an increase in maximum density is not consistent with the 2010 Comprehensive Long-Range Village Plan . (Copy of the Comprehensive Plan Consistency Statement dated November 10, 2010 is in the Minute File.)

John Marcum, Pinehurst, summarized the information contained in document #1. See document #1 which is hereby incorporated by reference and made a part of these minutes.

Bill Wetmore, Pinehurst, spoke in favor of increasing the density. He stated that it would Jump start the NewCore area, add a major new dimension to the area, and add tax revenues. He feels this is consistent with new urbanism. He quoted Pat Corso as saying Pinehurst needs to attract a more diverse population in the Village for a walkable life style. He feels diversity is the key.

Wayne Haddock, Pinehurst, read and submitted document #2. See document #2 which is hereby incorporated by reference and made a part of these minutes.

Doug Middaugh, Pinehurst, read and submitted document #3. See document #3 which is hereby incorporated by reference and made a part of these minutes.

Councilmember Fiorillo asked Mr. Doninger if someone from his team could present the concept plan for the project.

Jaclin Wawak presented the concept plan for the project. (Copy of the concept plan for The Tradition of Old Town, labeled document #4, is in the Minute File.)

Councilmember Lapins asked what is the footprint of the buildings now compared to what was originally presented?

Michael Doninger, Managing Partner of The Tradition of Old Town, replied that the footprint now is 56,124 sq. ft.; the original submission had a footprint of 63,000 sq. ft.

Mayor Fallon asked if the buildings will be “green certified”?

Mr. Haddock stated that the buildings would, indeed, be green certified.

Councilmember Fiorillo asked about parking.

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Mr. Doninger replied that there will be two spots per residence, spots outside for visitors and golf carts.

Andy Bleggi, Southern Pines, stated that he used to develop in Pinehurst, and he favors increasing the density. The Council seems to be looking toward the future, but the real issue is, does it look good, not nit pic on a density number. Can people come to Pinehurst to live and raise families?

He feels no developer will come to Pinehurst unless density is changed. He does not feel there is any danger with this developer. If the Council wants to move Pinehurst forward, this is a good place to start.

Jean Casinella, Pinehurst, responded that she does not feel we need developers to tell us what this area needs. Aren't we in a downturn? Developers came because we were outstanding. She does not see that changing.

She feels Council is not listening to their constituents, and that worries her. None of the Council lives in this area, whose ox is being gored? She does not want to see the history of the community destroyed. We should be interested in preserving, holding on to what made us great.

Ron Myers, Pinehurst, has been a real estate broker for 20 years and provided Mr. Doninger information- market data, feasibility study. He suggested that Mr. Doninger not do this project. He does feel Mr. Doninger is committed to this area and has committed money to get this project done.

Councilmember Fiorillo asked Mr. Myers why he suggested that he bail.

Mr. Myers felt he had too much money invested and that he could never make a profit by developing what he had originally proposed. He felt he would lose \$1-2 million. Mr. Myers suggested that Mr. Doninger make changes to reflect architecture of accepted buildings in town.

Susan Clift Brown, Southern Pines, spoke in favor of increasing the density.

John Hoffman, Pinehurst, stated that he has opposed the project since its inception. He favored up zoning to result in fewer driveway cuts. He agrees with John Marcum and Doug Middaugh regarding open space. Open space means a view; buildings would ruin the view shed for NewCore.

Percy Bennett, Planning and Zoning Board Chairmen, explained the thinking of the Planning and Zoning Board: 1) rules and regulations we were working under do not support a change, and 2) why have rule if we don't follow them? We should not change rules in the middle of a process. Would Council make changes for the next developer?

Alan Stagaard, architect, pointed out that a decision to make a change would not affect any other property in Pinehurst except the one at the corner of Caddell and Magnolia. This is the only one zoned Village Residential. He suggested exchanging density for open space- smaller, higher density buildings with more open space. He encouraged approval of the PDO change.

Densel Williams, past president of the Moore County Homebuilders, stated that his position allows him to see other areas. What he is seeing nationally is that Planning and Zoning boards have rules that are unclear and charged with good intentions. This economic cycle is not like anything we have seen before; we are looking at a ten year pull out. We are shifting from an ownership society to a rental society. We have a defined benefit program with retirement life spans increasing, having to use supplemental income to maintain the lifestyle we are accustomed to. Children are staying home until their mid 20's; parents now retire to live with their children. Pinehurst is a "residential retirement community," but things change. The national trend is toward higher density and more open space. Council must decide this. Do the right thing.

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Robert Hayter, the Hayter Firm, asked if there is a better way. In all judgments, consider 1) social equity, 2) environmental stewardship and 3) economic optimization. Codes are written to defend but do not give options (If a sports team has only defensive coaches, what do they do when they get the ball?). He has no opinion on the project but he does favor ordinances to move Pinehurst forward.

Karen Kaplan, Pinehurst, stated that she moved from Florida to escape density. She sees the difficulty getting on to Hwy. 5 and says this is Florida all over again. She requests responsible development. She asked what is driving Pinehurst to make changes to the PDO? Are we in trouble? Is there a solution to what is going on in the downtown? She advised rethinking what we want to do with NewCore.

Mr. Doninger stated that The Tradition of Old Town is a part of NewCore, it is to be an urban destination. He does not feel the density is contrary to the spirit of NewCore. Council had asked when something would begin to happen, and he came back to them to tell them what would be needed to have something happen. He feels the project would indicate vibrancy in the area. His cost savings would come from more units on the same foundation and under the same roof. His project has better architecture than the apartments behind the hotel.

Councilmember Thurman asked Mr. Doninger to explain how density of 16 is the maximum.

Mr. Doninger stated that when a building is 75% occupied, then he would begin a new building. He could construct larger units and sell fewer units, thus the density would be lower. If the economy improves, he would build larger units. It is easy to make larger units since the interior walls in the buildings are not load bearing walls. Right now his investors need assurance that he can sell these units if nothing changes economically.

Mr. Hayter stated two more national facts for consideration: 1) 20% of the population left home to retire elsewhere, and 2) interest in golf has declined. Will these two trends affect the Village?

Ms. Casinella asked how likely the condos would be to sell if they were smaller?

Mr. Doninger replied that the buildings would not change, just the interior.

7. **PUBLIC HEARING #2: OFFICIAL TEXT AMENDMENT TO THE PINEHURST DEVELOPMENT ORDINANCE SECTION 10.2.15.1 SITE PLAN APPROVAL REQUIRED; MINOR SITE PLANS AND MAJOR SITE PLANS, SECTION (B)(2) REFERRING TO MAJOR SITE PLANS. THIS AMENDMENT WILL DELETE THE REQUIREMENT THAT SITE PLANS REQUIRING A MAJOR SPECIAL USE PERMIT OR CONDITIONAL USE DISTRICT REZONING BE CONSIDERED MAJOR SITE PLANS.**

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 consistent with the 2010 Comprehensive Long-Range Village Plan. (Copy of the Comprehensive Plan Consistency Statement dated November 16, 2010 is in the Minute File.)

Doug Middaugh, Pinehurst, read and submitted document #5. See document #3 which is hereby incorporated by reference and made a part of these minutes.

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Ms. Correll replied to Mr. Middaugh that when staff finds an error, we want to correct it as soon as possible. This is simply a cross-reference error.

Mayor Fallon replied to Mr. Middaugh that he is looking for a devious method that is not there.

Mr. Middaugh replied that he does not disagree that the change probably should be made, just not now.

Ms. Correll added that site plans under an acre are reviewed by the Technical Review Committee and decided by the Planner; site plans over an acre must have a Public Hearing and go to Council. The Planning and Zoning Board has recommended that the threshold be raised to 2 acres.

Councilmember Fiorillo noted that there are ten standards listed for approval for the Village Chapel site.

Mayor Fallon stated that there will be not dramatic changes to plans for the Village Chapel site plan.

Ms. Correll agreed. We are trying to be more development friendly. As the process is now, the timing for legal ads makes the process take multiple months.

John Hoffman, Pinehurst, stated that he supports Mr. Middaugh's statements. He feels that size should not be the only deciding factor, impact should be considered also.

Mayor Pro-Tem Thurman, addressing Mr. Middaugh, asked why he feels we are trying to pull a fast one.

Mr. Middaugh replied that it looks bad when the Council changes the rules in the middle of the process.

8. MOTION TO ADJOURN PUBLIC HEARING AND RE-ENTER REGULAR MEETING.

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

9. OTHER BUSINESS.

➤ **Deliberations Regarding Public Hearings.**

Councilmember Fiorillo stated that she admires Mr. Doninger, that he is a professional. She has been impressed with the interest expressed on both sides of the issue. She disagrees with Mr. Corso's statement that we are a "resort, retirement village." We are now a resort, medical, service village.

The Council determines the location, the timing and the intensity of development in the Village of Pinehurst. As for NewCore, we need to be thinking ahead, we want to see something special in this area. The Traditions location was to be the transitional area into NewCore. I am not sure that high density is the way to go to accomplish this.

Mayor Pro-Tem Thurman noted that she would not vote for this unless she felt it was good for the Village of Pinehurst.

Mayor Fallon stated that the additional open space is impressive.

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Councilmember Lapins explained that he was hung up on the density issue when all this began. Now he is far less hung up on density as he is on open space. He favors going ahead with the project rather than leaving it to go into a jungle again.

Councilmember Parson explained that he does not want to leave it as it is. He wants the Council to play offense on this one.

➤ **ORDINANCE 10-60: AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 13.1.3.3 DEVELOPMENT STANDARDS FOR VILLAGE RESIDENTIAL DISTRICT.**

Councilmember Parson moved to adopt Ordinance # 10-60: An Ordinance Amending the Pinehurst Development Ordinance as it Pertains to Section 13.1.3.3 Developmental Standards for Village Residential District based on its being consistent with the 2010 Comprehensive Long-Range Plan and the New Core Master Plan. Specifically the statement in the Comprehensive Plan that states, "Housing units in or near the Village Center area will help create a vibrant center. We should continue to explore ways to provide for more housing in this area with densities and pattern appropriate for a Village Center location." This section indicates that increased density may be supported by the Comprehensive Plan in this vicinity. Also, that the Plan supports open space "for scenic enhancement." Due to the location of the VR zoning district and its proximity to the Arboretum, having additional open space incorporated into development of that district can only enhance the area and would be supported by the Comprehensive Plan. Councilmember Lapins seconded the motion, and Ordinance #10-60 was approved by a vote of 4-1 with Councilmember Fiorillo casting the dissenting vote. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

➤ **MEMO- DIRECTOR OF PLANNING AND INSPECTIONS ANDREA CORRELL- ORDINANCE #10-61 IS CONSISTENT WITH THE 2010 COMPREHENSIVE LONG-RANGE PLAN.**

Councilmember Thurman moved to adopt the memo prepared by Director of Planning and Inspections Andrea Correll, and dated November 16, 2010 as the Council statement that draft Ordinance 10-61 is consistent with the Village of Pinehurst's 2010 Comprehensive Long-Range Plan. Councilmember Lapins seconded the motion, which was unanimously approved by a vote of 5-0. (Copy of the memo is found in the Minute File.)

➤ **ORDINANCE #10-61: AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 10.2.15.1 MINOR SITE PLANS AND MAJOR SITE PLANS.**

Upon the motion of Councilmember Parson, seconded by Councilmember Thurman, Ordinance #10-61 was unanimously approved by a vote of 5-0. (Copy of the ordinance is found in the Ordinance Book and in the Minute File.)

10. COMMENTS FROM ATTENDEES.

Michael Doninger stated that detractors will be happy with what you see and expressed thanks to those with enough foresight to see this through.

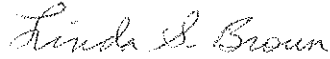
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Jean Casinella expressed thanks to Councilmember Fiorillo for voting her convictions. She stated that she sees a disturbing trend lately that the Council is giving away the community inch by inch. She warned that they will regret it someday.

11. MOTION TO ADJOURN.

Councilmember Thurman moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Lapins and carried unanimously. The Regular Meeting adjourned at 3:30 p.m.

Respectfully Submitted,



Linda S. Brown, CMC
Village Clerk