

ORDINANCE #16-10:

AN ORDINANCE AMENDING THE OFFICIAL PINEHURST ZONING MAP AS IT PERTAINS TO THE REZONING OF CERTAIN LAND LOCATED AT 205 MCCASKILL ROAD.

THAT WHEREAS, the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance and Map on the 8th day of October, 2014, for the purpose of regulating planning and development in the Village of Pinehurst and the extraterritorial area over which it has jurisdiction; and

WHEREAS, said Ordinance and Map may be amended from time to time as circumstances and the best interests of the community have required; and

WHEREAS, a public hearing was held at 4:30 p.m. on May 24, 2016 in the Assembly Hall of the Pinehurst Village Hall, Pinehurst, North Carolina after due notice in the Pilot, a newspaper in Southern Pines, North Carolina, with general circulation in the Village of Pinehurst, and its extraterritorial jurisdiction, for the purpose of considering rezoning of two parcels of land consisting of approximately .11 and 6.4 acres. These properties are addressed as 205 McCaskill Road East. These properties are further defined as being Moore County LRK #'s 00025962 and 00025798. The properties are currently zoned Neighborhood Commercial (NC), Village Mixed Use (VMU) and Public Conservation (PC). This proposed map amendment would change the zoning of the properties to Village Mixed Use-Conditional District (VMU-CD). The property contains a vacant office building and outbuilding. The proposed use of the property is 72 apartment units and a mixed use commercial building containing ±35,000 square feet, at which time all interested citizens, residents and property owners in the Village of Pinehurst and its extraterritorial jurisdiction were given an opportunity to be heard as to whether they favored or opposed the proposed rezoning; and

WHEREAS, the Planning and Zoning Board has recommended the zoning map be amended; and

WHEREAS, the applicant has agreed upon the following condition(s):

- 1. The construction drawings and final approvals are based on the general concept plan submitted for the new buildings, parking areas, landscaping and all other associated improvements.**
- 2. The maximum impervious surface coverage for Phase II and the subsequent subdivision is granted an exception to allow it to exceed the 70% maximum impervious surface allowed. The new maximum impervious shall not exceed 72%.**
- 3. The structures within Phase I and fronting on McCaskill Road East be allowed to exceed the maximum front yard setback requirement of 10 feet.**

4. Multi-family units within Phase I are not required to meet the minimum square footage of 1,500 square feet required in the PDO and may contain no less than 748 square feet per unit.
5. The proposed mixed-use structures in Phase II must come back before the Planning & Zoning Board and Village Council for review and approval.
6. A permanent paved access off of Rattlesnake Trail must be a part of Phase I of the development in addition to the access onto McCaskill Road East.
7. The garage units must be used primarily for vehicular parking.
8. Prepare a detailed landscaping plan which preserves, maintains and enhances the area east of Magnolia Road.
9. Construction of a 5-foot brick paver sidewalk meeting Village standards extending from Magnolia Road along McCaskill Road East to the intersection of Rattlesnake Trail and McCaskill Road East.

WHEREAS, the Village Council, after considering all of the facts and circumstances surrounding the proposed rezoning, have determined that it is in the best interests of the Village of Pinehurst and the extraterritorial jurisdiction that the Development Ordinance and Zoning Map be amended as recommended by the Planning and Zoning Board.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in a work session assembled on this 14th day of June, 2016 as follows:

SECTION 1. That the Pinehurst Zoning Map of the Village of Pinehurst and its extraterritorial zoning jurisdiction be and the same hereby is amended by rezoning of approximately 6.5 acres addressed as 205 McCaskill Road East, further defined as being Moore County LRK #'s 00025962 and 00025798 from Neighborhood Commercial (NC), Village Mixed Use (VMU) and Public Conservation (PC) to Village Mixed Use-Conditional District (VMU-CD).

SECTION 2. The rezoning map and general concept plan is attached hereto as Exhibit A and made a part hereof, the same as if included verbatim.

SECTION 3. This Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 14th day of June, 2016.



Attest:

Lauren M. Craig
Lauren M. Craig, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: Nancy Roy Fiorillo
Nancy Roy Fiorillo, Mayor

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney

EXHIBIT A

