

Village of Pinehurst  
Planning and Zoning Board  
May 5, 2016  
MINUTES

Planning and Zoning Board  
May 5, 2016  
Council Conference Room  
4:00 p.m.



## MINUTES

### Board Members in Attendance:

Fred Engelfried, Chairman  
Joel Shriberg, Vice Chairman  
Richard Ashton, Board Member  
Myles Larsen, Board Member  
Leo Santowasso, Board Member  
Betty Sapp, Board Member

### Board Members Absent:

Carol Henry, Board Member  
David Kelley, Board Member  
Jay Snyder, Board Member

### Staff in Attendance:

Kevin Reed, Planning and Inspections Director  
Bruce Gould, Principal Planner  
Gwendy Hutchinson, Planning and Administrative Assistant

### I. Approval of Minutes: April 7, 2016

*Richard Ashton made a motion to approve the April 7, 2016 Minutes; Myles Larsen seconded the motion, which was unanimously approved.*

### II. Continuation of the proposed 72 apartment units and a mixed use commercial building containing ±35,000 square feet from the April 7, 2016 Meeting

*Chairman Engelfried stated that the Subcommittee members, Jay Snyder, Myles Larsen and Leo Santowasso met on April 20, 2016, to discuss recommendations for approval with staff.*

*Bruce Gould, Principal Planner read the recommendations of the Subcommittee into the record.*

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1. *A permanent driveway off of Rattlesnake Trail be part of the Phase I development.*
2. *Garage units must be used primarily for vehicular parking.*
3. *Site conditions:  
Produce a detailed landscaping plan which preserves, maintains and enhances the area east of Magnolia Road.*
4. *Provide a traffic study including distribution, sight distances and peak hour traffic projections including intersections east and west of the proposed site.*
5. *Provide a "to scale" dimensional front elevation plan to review building height compliance.*
6. *Provide Phase I and Phase II separate impervious calculations including existing conditions.*
7. *Locate the existing monitoring well on site plan for review.*
8. *Provide all building elevations to scale (not renditions) and sample of all exterior Architectural elements to ensure congruency.*
9. *Identify the specific location for all setback exceptions on the site plan for review.*
10. *No unit shall be designed to less than 900sf as defined in the PDO.*

*Chairman Fred Engelfried stated that the Board should review the recommendations and have the applicant discuss their comments.*

*Bob Koontz, KoontzJones Design discussed the comments.*

1. *A permanent driveway off of Rattlesnake Trail be part of the Phase I development.*

*Bob Koontz's response was that the property will be divided into two properties. The Kuester Company will be developing the apartments at the corner of Magnolia Road and McCaskill Road. The other property will be purchased from someone else to develop, Bob Koontz stated that it will be hard as there is no way of knowing where the road will lie. There may be shifts made to the roadway and that could be costly. The developers would like to put in a gravel roadway for construction and pave a driveway after Phase II is complete.*

*The Board responded that no one knows when Phase II will get underway. Leo Santowasso stated that he would not like to have to drive on a gravel road.*

*Joel Shriberg stated that plans call for a paved road.*

*Bob Koontz responded that they will work with the property owner in order to get it paved.*

*Chairman Engelfried suggested that the Board go on to the rest of the conditions and comments and come back for additional discussion of the driveway.*

2. *Garage units must be used primarily for vehicular parking.*

*Bob Koontz responded that there is a Garage/Storage Addendum for the residents to sign and it will be policed by on-site management.*

*Leo Santowasso asked staff if the property is sold will the condition go with the new owner. Staff responded that the condition stays with the property regardless of ownership.*

**3. Site conditions:**

***Produce a detailed landscaping plan which preserves, maintains and enhances the area east of Magnolia Road.***

*Bruce Gould, Principal Planner stated that they are working with staff on this.*

**4. Provide a traffic study including distribution, sight distances and peak hour traffic projections including intersections east and west of the proposed site.**

*Leo Santowasso stated that there needs to be a traffic study to show trip generation count, site view and safety analysis and it should include both Phase I and Phase II.*

*Joel Shriberg stated that the traffic study should be done for Village Council to review at their meeting.*

*Bob Koontz responded that our Village Engineer, Mike Apke has requested a traffic study as well.*

*Bruce Gould, Principal Planner stated that the traffic study would be valuable to Village Council before they vote.*

**5. Provide a "to scale" dimensional front elevation plan to review building height compliance.**

*Bob Koontz has provided this.*

**6. Provide Phase I and Phase II separate impervious calculations including existing conditions.**

*Bob Koontz responded that the impervious surface for Phase I is (+/- 63%) and the impervious surface for Phase II is (+/- 72%).*

**7. Locate the existing monitoring well on site plan for review.**

*Bob Koontz will provide the information for presentation to Village Council.*

**8. Provide all building elevations to scale (not renditions) and sample of all exterior Architectural elements to ensure congruency.**

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*Bob Koontz stated that the architect is putting this together for Phase I.*

*Betty Sapp asked if we knew what we are approving. The six acres are not divided, but three of the six acres will be sold to someone else. Betty Sapp stated that it doesn't make sense that we are approving something that we don't know what will be there.*

*Joel Shriberg stated that there will eventually be two owners of this property.*

**9. Identify the specific location for all setback exceptions on the site plan for review.**

*Bob Koontz responded that he is asking relief in order to save more trees.*

**10. No unit shall be designed to less than 900sf as defined in the PDO.**

*Bob Koontz stated that he felt that requesting a deviation from the PDO was appropriate. As the apartments at Legend's is 834 sq. ft. and Tyler's Ridge is 760 sq. ft. We are asking for the Greens @ Arboretum that a one-bedroom to be 741 sq. ft.*

*Chairman Fred Engelfried stated that the Board's obligations are to the residents.*

*Betty Sapp asked if someone could define the elements that makes this project have "luxury" in its description?*

*Bob Koontz responded that the location, fitness room, meeting room, granite countertops, keyed access, garage and storage areas, an elevator and an outdoor gathering space with a fire pit, seating and grilling; all provide "luxury" to this project.*

*Betty Sapp stated that she saw in the minutes that they have gone down from a one-year lease to a six-month lease. That it is a little concerning with the wear and tear of so many moving in and out.*

*John Allen, Kuester responded that this will not be a Bed and Breakfast. People are wanting a six month lease while they are waiting to have their home built. John Allen also stated that the fixtures, solid flooring, and concrete porches add to the "luxury" of the project.*

*Chairman Fred Engelfried asked for a motion for recommendations #'s 2-10.*

*Joel Shriberg made a motion to approve recommendations #'s 2, 3, 4, 5, 6, 7, 8, 9, and 10 and to forward to Village Council as the motion takes into consideration the changing needs and desires of the community and is therefore deemed to be in accordance with the 2010*

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*Comprehensive Plan amended October 11, 2011; Leo Santowasso seconded the motion, which was unanimously approved.*

*Chairman Engelfried asked that the Board return to recommendation #1.*

**1. A permanent driveway off of Rattlesnake Trail be part of the Phase I development.**

*Joel Shriberg stated that he is concerned with the traffic and the concerns of the community and that the road should be a well maintained road for renters and guests.*

*Leo Santowasso expressed his concerns with emergency access and that luxury apartments should not have dusty, dirty roads onto which to come and go.*

*Chairman Engelfried asked if Kuester were to keep the road properly maintained until Phase II is completed.*

*Bruce Gould, Principal Planner what is "properly maintained."*

*With no further discussion, Leo Santowasso made a motion to approve recommendation #1 that the driveway off of Rattlesnake Trail be permanently paved and that it will be part of Phase I development and to forward to Village Council as the motion takes into consideration the changing needs and desires of the community and is therefore deemed to be in accordance with the 2010 Comprehensive Plan amended October 11, 2011; Betty Sapp seconded the motion, which was unanimously approved.*

*Joel Shriberg stated that he hopes that Village Council will take into consideration the time, work and efforts of the Planning and Zoning Board in coming to this decision and will seriously consider its recommendations. Joel Shriberg also stated that this Board has listened to the concerns of the community and tried to take those into consideration in developing its recommendations.*

*Kevin Reed, Planning and Inspections Director thanked the Board for all of their work in reaching this decision.*

*Brian Deaton, resident on McCaskill Road questioned why the Board would recommend approval without having all of the information first; namely a traffic study. Brian Deaton stated that he hopes that the traffic study takes into consideration possible changes "downstream" from McCaskill such as the Traditions on the corner of Magnolia and McCaskill.*

*Chairman Engelfried responded that it is ultimately up to Village Council to set conditions and that it would have to review all of that information before deciding whether to grant final approval of the rezoning.*

*Carol Coates, resident questions allowing a 72-unit apartment on three acres, saying that the density is too much for the Village; and zoning is supposed to protect the citizens and the land. It is not what we expect in the Village.*

*Sam Carubba, resident on Midland Road and owns a rental home on McCaskill, questioned why the Village would rezone the land for the multi-use building until something specific is proposed. The Board is getting the cart before the horse. This is a concern to us.*

*Leo Santowasso replied that the project is in compliance with the development ordinance and if we were to deny it; we'd be in front of a judge. The Board has added conditions to its approval.*

*Jim Lewis, resident and Chairman of the Historic Preservation Commission (HPC) asked if there is another buyer for the proposed project, is there anything the Village can do to prevent the new owner from removing the trees along Magnolia Road that help block out the view from the Arboretum.*

*Bruce Gould, Principal Planner responded that the conditions run with the land regardless of who owns it.*

*Judy Davis, resident and member of the HPC thanked the Board for requiring a paved 9 driveway off of Rattlesnake Trail as making left turns onto McCaskill Road is dangerous.*

*Chairman Engelfried stated that the Board tried to take into consideration all of the concerns of the residents.*

### **III. New Business**

#### **Fencing**

*Kevin Reed, Planning and Inspections Director discussed with the Board that Village Council is considering making some changes in what is currently allowed for fencing and is asking that the Planning and Zoning Board take into consideration what those changes could or should be.*

*Bruce Gould, Principal Planner has prepared for the Board the Village of Pinehurst's current regulations on fencing as well as examples from Southern Pines, Whispering Pines,*

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*Town of Aberdeen, Town of Cornelius, Davidson, Holly Springs, Hilton Head Island, SC, and Cary for your review.*

*Jim Lewis, Chairman of the HPC stated that the Historic Guidelines are stricter than the PDO.*

*Chairman Engelfried stated that a sub-committee should look into this and come back to the Board with their recommendations. The sub-committee shall seek assistance from the Community Appearance Committee (CAC) and from the HPC.*

*Staff, Leo Santowasso, Myles Larsen and Fred Engelfried as an alternate, will serve on the sub-committee.*

*Myles Larsen questioned if this is needed?*

*Kevin Reed, Planning and Inspections Director responded that there are differences in types of fencing and that neighbor to neighbor the fencing isn't always the same. The current regulations could benefit from some tweaking and changes.*

**IV. Next Meeting Date: June 2, 2016**

**V. Comments from attendees**

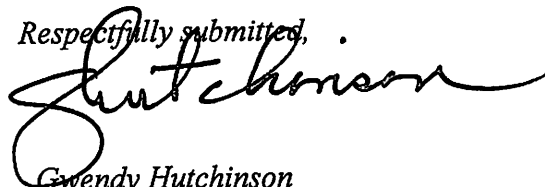
*(See above)*

**VI. Motion to Adjourn**

*Bruce Gould, Principal Planner thanked Betty Sapp for her time on the Board and that she has served this Board well.*

*Joel Shriberg made a motion to adjourn the meeting. The motion was seconded by Fred Engelfried and carried unanimously. The meeting adjourned at 5:50 pm.*

*Respectfully submitted,*



*Gwendy Hutchinson  
Planning and Administrative Assistant  
Village of Pinehurst*