

January 25, 2021

To: Council members; Jeff Sanborn, Natalie Hawkins, Jeff Batton, Darryn Burich.

From: John Strickland

Ref: Discussion document, proposed Planning and Zoning Board/Board of Adjustment meeting

This memorandum is to provide some background for our January 26, 2021 Council Work Session discussion. During the last year it has become apparent that it would be useful for Council to meet from time to time with the Planning Board and the Historic Preservation Commission. I have mentioned this to the Chairs of P&Z/ BOA and HPC and all are interested. It seems to me that meeting with P&Z is more urgent due to the current discussions Council and staff are having on PDO updates and Small Area Plans. Going forward, other topics can be subjects for discussion with the various boards.

Some topics to review on January 26, and for later discussion with P&Z/BOA.

- 1. Training needs and plans for 2021. Council supports training for all of the boards. What has been scheduled to date, and what other kinds of training opportunities might be needed?**
- 2. P&Z's role in PDO amendment process. Over the last year, a number of items for urgent review have surfaced. The P&Z can help with some of these. A committee of one or two Council members, a few members of the P&Z and a Staff member might be formed to work directly on these amendments, with a timeline of bringing them to Council for action before June 30, 2021. A list of these initial items, together with PDO Section 3.2 describing the P&Z's role in this regard, is attached as Exhibit A. Some of the items are of particular importance to ensuring appropriate development in Focus Area 5, others have arisen during zoning applications and planning discussions. The Board might work on other amendment matters in the future.**
- 3. Process for interviewing and appointing members of the P&Z/BOA. We have informally made some changes already. These should be formalized. The concept is to give Council members the opportunity to know the candidate(s) and his/her credentials before approval.**

The proposal is for the interview process to begin 90 days in advance of the appointment date or immediately upon the existence of a vacancy. The selection team will include two council members; Planning Department Director, Village Manager, and Chair of P&Z, or their respective designees. A quorum of three can conduct the interviews so long as at least one is a council member. Information on the candidate(s) being recommended to Council will be circulated to Council 30 days prior to the Council meeting appointment date. Also, to conform with Village Code, the five primary members of the Board of Adjustment are to be appointed by Council. The selection team will include the Mayor or designee, Planning Department Director or designee, Chair of the P&Z, and Chair of the BoA. See attached Exhibit B.

- 4. Brief P&Z on the status of the Small Area Plans for Focus Areas 2 and 4, and moratoriums.**
- 5. Meeting Date - Council and P&Z Members. TBD. May be possible on February 4, following the P&Z meeting, and if the NPS Focus Group call at 3:30pm has been completed. Otherwise as part of Council's February 9 Work Session.**

EXHIBIT A

Working with the PZB on PDO Updates

There a number of PDO updates that are important to address promptly. These include protections for Focus Area 5 on Hwy 211, as well as certain matters that have come to our attention during recent applications to the Council.

Focus Area 5 is a 67 - acre tract on the south side of Hwy 211, in the Village's ETJ. It is currently zoned Office Professional. As noted in the Balancing Conservation and Growth section of the 2019 Comp Plan, pages 101 and 116, this stretch of Hwy 211 is a Gateway Corridor to the Village, and the Village should identify corridor standards for it - they were expected to be considered by Council in 2020. As well, Focus Area 5 abuts Pinewild's established residential neighborhood; its development will directly impact Pinewild.

Focus Area 5 is not as complex as Focus Areas 2 or 4 at this time, but the Comprehensive Plan does contemplate (page 103) the area developing with "general office uses ... similar in style and intensity to Turnberry Wood on Morganton Road. Some medical office uses may be included...". This will take some assistance from zoning amendments as set forth in Section II, below.

With development pressure generally, interest in new commercial activity due the arrival of the USGA, and the proposed moratoriums in two other commercial areas of the Village, These steps should be taken quickly.

Other important updates that deserve immediate attention are three that arose during recent zoning applications and other matters before the Council. Three of them are set out in Section III, below. Providing adequate open space in new subdivisions, controlling stormwater in new developments, and ensuring adequate parking for new projects have all been subjects of public concern, as well as concern to the Village Staff, PZB and Council.

Some simple adjustments to our regulatory standards can go a long way toward improving these aspects of new development.

Seeking help from the PZB. Section 3.2 of the PDO sets out the purposes of the Planning and Zoning Board:

The Planning and Zoning Board shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

(A) To review all proposed amendments to this Ordinance, all proposed General Concept Plans associated with a Major Site Plan and preliminary plats for a Major Subdivision and to make recommendations to the Village Council for final action thereon;

(B) To perform studies and surveys of the present conditions and probable future development of the Village and its environs, including but not limited to studies and surveys of land uses, population, economic base, school needs, park and recreation needs, traffic, parking and redevelopment needs;

(C) As requested by the Village Council, to formulate and recommend the adoption or amendment of plans and policies for the purpose of achieving the coordinated and harmonious development of the Village, in accordance with the purposes contained in Section 1.3;

(D) To review the terms of this Ordinance periodically and at other times as it deems appropriate, and to recommend to the Village Council any changes that the Board considers necessary to properly regulate the development and use of land, buildings and structures;

(E) To prepare recommended zoning and subdivision regulations for the Village;

(F) Such additional powers and duties as may be set forth for the Planning and Zoning Board elsewhere in the Ordinance and other Ordinances of the Village.

The Planning and Zoning Board is an appropriate partner to work with the Council on PDO updates, and this work can have the added benefits of providing training opportunities for Board Members, and of bringing another perspective to the Board's review of future applications. In addition, this work will prepare Board Members to review zoning amendments proposed by others, whether consultants or applicants, in the future.

The Board may elect to establish a committee, perhaps including one or more Council Members as well as Staff, to work on some updates.

A list of initial proposals for PDO updates is attached. In light of their importance to Village character, and the pressure of new development, these proposals should be brought to Council by the end of the 2021 Fiscal Year (June 30, 2021).

Initial PDO Updates

I. Make an inventory of undeveloped land and review for potential re-zoning. (Staff)

II. Items of particular relevance to Focus Area 5 on Hwy. 211 - but also relevant Village - wide.

1. Review the list of permitted zoning uses for compatibility with current vision.
2. Require special use review for all buildings or groups of buildings on a single lot totaling 10,000 sq. ft. or more in floor area.
3. Require opaque landscape screening to block sight and sound between uses of differing intensities.
4. Increase regulation of lighting to prevent trespass lighting and glare; shield light sources.
5. Review impervious coverage.

III. Other items of immediate importance.

6. Require at least a 15% set-aside for open space in all subdivisions and partitions of land. This area should be deducted from the buildable area of the tract. There should be no reduction in the minimum lot size or other incentive on account of this, and land required for roads, stormwater facilities and other infrastructure should also be deducted from zoning area/density.
7. Require stormwater design to the 25 - year storm. Prohibit change in the direction or volume of surface water flows due to construction, as well as point-source discharge of stormwater.
8. Review and improve minimum numbers of parking spaces for all uses, as well as handicap space requirements, and sizes of spaces and aisles.

EXHIBIT B

VOP Municipal Code Title III **Appointment of PZB and ZBOA**

Planning and Zoning Board

Section 31.20 - Created

Pursuant to authority contained in G.S. Chapter 160A, Art. 19, there is hereby created a Planning and Zoning Board for the Village, with all of the powers and authority granted to the Board in Article 19.

Section 31.21 - Members; Appointment

(A) *Number of Members.* The Planning and Zoning Board shall consist of nine members, eight of whom shall be residents of the village at the time of appointment; and at least one of whom shall be a resident of the extraterritorial zoning jurisdiction of the Village.

(B) *Appointment of Members.* The village members shall be appointed by the Village Council. The members shall be appointed for a term of three years. Vacancies occurring for reasons other than the expiration of terms shall be filled by the Village Council as they occur for the period of the unexpired term. Faithful attendance at all meetings of the Board is considered a prerequisite for the maintenance of membership.

(C) *Members from the Extraterritorial Jurisdiction.* The members of the Board from the extraterritorial jurisdiction shall be appointed, in accordance with G.S. Section 160A-362, by the County Board of Commissioners, upon a recommendation by the Village Council; and the term shall be three years, or until a successor is appointed and qualified. These member(s) shall sit as voting members of the Board concerning all matters within the extraterritorial jurisdiction and the corporate limits of the village. A vacancy shall be filled by the County Board of Commissioners, upon the recommendation of the Village Council.

(D) *Election of Chairperson and Other Officers.* The Village Council shall designate a Chairperson from the membership of the Board to serve at the pleasure of the Village Council. Other officers as the Board deems necessary may be elected by the Board from its membership.

(Sections 31.22 - Meetings, 31.23 - Compensation, 31.24 - Duties in Regard to Zoning, and 31.25 - Duty in Regard to Subdivision Regulations, have not been reprinted here but are available on the Village website.)

Zoning Board of Adjustment

Section 31.40 - Created

Pursuant to authority contained in G.S. Section 160A-388, there is hereby created a Zoning Board of Adjustment for the village with all the powers and authority granted to the Board in Section 3.3.1 of the Pinehurst Development Ordinance, as may be amended from time to time.

Section 31.41 Members; Appointment

(A) *Number of Members.* The Zoning Board of Adjustment shall consist of five members, at least one of whom shall be a resident of the extraterritorial zoning jurisdiction of the village.

(B) *Appointment of Members.* The village members shall be appointed by the Village Council. The members shall be appointed for a term of three years. Vacancies occurring for reasons other than expiration of terms shall be filled by the Village Council as they occur for the period of the unexpired term. Faithful attendance at all meetings of the Board is considered a prerequisite for the maintenance of membership.

(C) *Members from the Extraterritorial Jurisdiction.* Member(s) of the Board from the extraterritorial jurisdiction shall be appointed, in accordance with G.S. Section 160A-362, by the County Board of Commissioners, upon the recommendation of the Village Council; and the term of this member shall be three years, or until a successor is appointed and qualified. Member(s) shall sit as voting member(s) of the Board concerning all matters within the extraterritorial jurisdiction and the corporate limits of the village. A vacancy shall be filled by the County Board of Commissioners, upon the recommendation of the Village Council.

(D) *Election of Chairperson and Other Officers.* The Village Council shall designate a Chairperson from the membership of the Board to serve at the pleasure of the Village Council. Other officers as the Board deems necessary may be elected by the Board from its membership.

(Sections 31.42 - Meetings, and 31.43 - Compensation, are not reprinted here but are available on the Village website.)

Combination of Planning and Zoning Board and Zoning Board of Adjustment

Section 31.50 - Creation

The Planning and Zoning Board and the Zoning Board of Adjustment may be combined into one board in regard to membership.

Section 31.51 - Members; Appointment

Members will be appointed as stated in Sections 31.20 and 31.40 by the Village Council. Of the total board members, only five will serve on the Zoning Board of Adjustment. Zoning Board of Adjustment members serve in ex-officio capacity as Planning and Zoning Board members; members appointed to the Zoning Board of Adjustment shall also serve on the Planning and Zoning Board. All other members of the combined board will be named as alternates to the Zoning Board of Adjustment. At least one representative on each board must be a resident of Pinehurst's extraterritorial jurisdiction; this may be the same member for each board.

(Section 31.52 - Meetings is not reprinted here but is available on the Village website.)