



MEMORANDUM

To: Mayor Strickland and Village Council
From: Darryn Burich, Director of Planning and Inspections
Date: September 22, 2022
Subject: Moratorium Extension for the Village Place/Rattlesnake Trail Corridor and the Pinehurst South/NC Highway 5 Commercial Area

The proposed moratorium currently in effect in the Small Area Plan areas (Village Place and Pinehurst South) is set to expire October 6th, 2022. The Village Place Small Area Plan has been approved by both the Planning and Zoning Board and Council. The Pinehurst South Small Area Plan has been approved by the Planning and Zoning Board and has been under consideration by Council and taken up again at its September 27th meeting. The Planning and Zoning Board has commenced work on the form based code and zoning updates to implement the land use and development aspects of the Village Place Plan. The Planning and Zoning Board has not yet taken up work on the form based code and zoning updates on the Pinehurst South Plan because the Plan has not yet been approved by Council.

This would be the fourth extension of the moratorium that if approved, would have the planning areas under moratorium since February 10th, 2021 and would be approaching 2 years if extended. This process has taken considerably longer than staff anticipated when the original moratorium ordinance was adopted. While there are no statutory limitations on the length of a moratorium, any moratorium length must be justified in the context of moving forward to solve the problems necessitating establishment of the moratorium. The initial reason for requesting the moratorium was to preserve the area from inappropriate development in the context of the 2019 Comprehensive Plan. The Village Place Plan has been approved and Pinehurst South should be approved by the time the moratorium expires on October 6th. The PDO code amendments will not be adopted by time of expiration of the moratorium.

The Planning and Zoning Board has scheduled special work sessions to consider the zoning updates and has made progress on the Village Place updates but work still remains and will continue while also recognizing that the cumulative impact of all the extra meetings can be a strain on members of the Planning and Zoning Board. Much of the work being done on the Village Place form based code and zoning updates will be used for corresponding zoning updates and form based code for Pinehurst South so the time frame to develop Pinehurst South *should* theoretically be shorter. Staff anticipates the time frame to adopt any zoning code updates to implement the plans may take considerable longer once public hearings are scheduled and deliberations commence prior to adoption of any actual PDO amendments.

The 2019 Comprehensive Plan goal of creating two small area plans should be accomplished by the time the moratorium expires. The two plans envision creation of compact mixed use areas based on development in and around the Village center. Existing zoning does not effectively implement that development pattern and should be an incentive for property owners wishing to develop (or redevelop) to support Village initiated zone changes or to initiate zone changes themselves.

Extending the moratorium for another 120 days as proposed will continue to move towards the goal of adopting the corresponding PDO updates to implement the small area plans. Staff will continue to work with the Planning and Zoning Board to develop such PDO updates. However, staff cannot provide a reasonable estimation regarding how long that will take nor an estimate once the code updates are developed how long it will take to adopt any of the proposed updates. Should Council not want to extend the moratorium staff will continue to develop the code updates as expeditiously as possible