



**VILLAGE COUNCIL  
AGENDA FOR REGULAR MEETING OF SEPTEMBER 11, 2018  
ASSEMBLY HALL  
395 MAGNOLIA ROAD  
PINEHURST, NORTH CAROLINA  
4:30 PM**

1. Call to Order.

2. Reports:

Manager

3. 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. Consider a resolution honoring Doug Tuxbury for his service with the Community Watch Program
- B. Approval of Draft Village Council Meeting Minutes.
  - August 14 Regular Meeting
  - August 14 Work Session
- C. Budget Amendments Report

End of Consent Agenda.

- 4. Discuss and consider an ordinance to amend Section 9.5.1.2.D.1 of the Pinehurst Development Ordinance (Requirements for Planted Buffers: Application)- Text amendment request from Vincent Wade application.
- 5. Consider a resolution appointing Julia Latham as the Chairperson of the Board of Adjustment.
- 6. Consider a ordinance to repeal ordinance #93-35
- 7. Consider a resolution delegating the Police Department to oversee the administration of the Community Watch Program.
- 8. Consider options and provide staff direction relative to the request by Spring Lake Hills Condominium Homeowner's to accept their roads.
- 9. Other Business.
- 10. Comments from Attendees.
- 11. Motion to Adjourn.

*Vision: The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions.*

*Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.*

*Values: Service, Initiative, Teamwork, and Improvement.*



**CONSIDER A RESOLUTION HONORING DOUG TUXBURY FOR HIS  
SERVICE WITH THE COMMUNITY WATCH PROGRAM  
ADDITIONAL AGENDA DETAILS:**

**FROM:**

Beth Dunn

**CC:**

Jeff Sanborn

**DATE OF MEMO:**

9/5/2018

**MEMO DETAILS:**

Attached is a resolution honoring Doug Tuxbury for his service with the Community Watch Program. Doug was appointed as the Chairperson on May 26, 2015, and served continuously and faithfully from that time. We will invite Bob to a future Council meeting to be recognized by Council.

**ATTACHMENTS:**

Description

- Resolution honoring Doug Tuxbury Community Watch

**RESOLUTION 18-20:**

**A RESOLUTION HONORING THE SERVICE OF MR. DOUG TUXBURY TO THE VILLAGE OF PINEHURST COMMUNITY WATCH PROGRAM.**

**THAT WHEREAS,** the Village Council of Pinehurst, North Carolina, wishes to acknowledge and express its appreciation to Mr. Doug Tuxbury for his dedicated service to the citizens of Pinehurst as the Chairperson of the Village of Pinehurst Community Watch Program; and

**WHEREAS,** Mr. Tuxbury was appointed as the Chairperson of the Village of Pinehurst Community Watch Program on May 26, 2015, and served continuously and faithfully from that time; and

**WHEREAS,** Mr. Tuxbury was instrumental in the efficient operation of the Community Watch Program, always conducting the Village's business in a courteous, professional manner; and

**WHEREAS,** Mr. Tuxbury was involved in many decisions affecting the Community Watch Program, each time exhibiting sound judgement and concern for the health, safety for welfare of the Village of Pinehurst and it's residents; and

**WHEREAS,** upon Mr. Tuxbury's appointment as Chairperson, he identified opportunities to improve and enhance the operations of the program to maximize efficiencies in order to make Pinehurst a safer and well-informed community.

**NOW, THEREFORE, BE IT RESOLVED** by the Village Council of Pinehurst, North Carolina, in a regular meeting assembled this 11th day of September, 2018 as follows:

**SECTION 1.** That the Village Council hereby expresses on behalf of the citizens of Pinehurst, deep appreciation and gratitude for the gifts of time, ability, and determination given as the Chairman of the Community Watch Program.

**SECTION 2.** That the Village Manager is hereby directed to have a copy of this Resolution presented to Mr. Tuxbury as a token of our gratitude.

**THIS RESOLUTION** passed and adopted this 11th day of September, 2018.

VILLAGE OF PINEHURST  
VILLAGE COUNCIL

(Municipal Seal)

By: \_\_\_\_\_  
Nancy Roy Fiorillo, Mayor

Attest:

Approved as to Form:

\_\_\_\_\_  
Beth Dunn, Village Clerk

\_\_\_\_\_  
Michael J. Newman, Village Attorney





**APPROVAL OF DRAFT VILLAGE COUNCIL MEETING MINUTES.  
ADDITIONAL AGENDA DETAILS:**

August 14 Regular Meeting  
August 14 Work Session

**FROM:**

Beth Dunn

**CC:**

Jeff Sanborn

**DATE OF MEMO:**

8/23/2018

**MEMO DETAILS:**

See attachments for draft minutes.

**ATTACHMENTS:**

Description

- ☐ 08-14 Regular Meeting Minutes
- ☐ 08-14 Work Session Minutes



**VILLAGE COUNCIL  
MINUTES FOR REGULAR MEETING OF AUGUST 14, 2018  
ASSEMBLY HALL  
395 MAGNOLIA ROAD  
PINEHURST, NORTH CAROLINA  
4:30 PM**

The Pinehurst Village Council held a Regular Meeting at 4:30 p.m., Tuesday, August 14, 2018 in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Ms. Nancy Roy Fiorillo, Mayor  
Mr. John Bouldry, Treasurer  
Ms. Judy Davis, Councilmember  
Mr. Kevin Drum, Councilmember  
Mr. Jeffrey M. Sanborn, Village Manager  
Ms. Beth Dunn, Village Clerk

Excused Absence: Mr. John R. Cashion, Mayor Pro Tem

And approximately 29 attendees, including 12 staff and 1 press.

**1. Call to Order.**

Mayor Nancy Roy Fiorillo called the meeting to order. Mayor Fiorillo introduced Beth Dunn as the new Village Clerk and she gave an update on John Cashion's surgery.

**2. Invocation and Pledge of Allegiance.**

Dr. Stillman of Trinity Christian Fellowship gave the invocation and Mayor Fiorillo led everyone in the Pledge of Allegiance.

**3. Reports:  
Manager**

- Jeff Sanborn shared an update from NCDOT Division 8 regarding improvements proposed a few months ago and these are moving forward to request funding.
- We were contacted by residents this summer that the traffic light at NC 2 and Hwy 5 was causing unnecessary congestion for southbound travelers turning left on NC 2 and NCDOT has evaluated and made adjustments. NCDOT will return to reevaluate once school starts back.

**Council**

- Mayor Fiorillo participated in US kids parade and states this was a remarkable experience.
- Councilmember Drum said the US Kids event was so awesome.
- Councilmember Bouldry said at the end of the month Moore Co. Transportation Committee will be meeting and will follow with additional opportunities for feedback to finalize the transportation master plan.
- Councilmember Davis said August 29 there will be visioning sessions at 10am and 6pm for two hours for the LRCP.

**4. 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. Public Safety Reports.  
Police Department  
Fire Department
- B. Approval of Draft Village Council Meeting Minutes.

**End of Consent Agenda.**

Upon a motion by Councilmember Drum, seconded by Councilmember Davis, Council unanimously approved the Consent Agenda by a vote of 4-0.

**5. Motion to Recess Regular Meeting and Enter into a Public Hearing.**

Upon a motion by Councilmember Bouldry, seconded by Councilmember Drum, Council approved to recess the regular meeting and enter into a public hearing by a vote of 4-0.

**6. Public Hearing No. 1**

Alex Cameron, Senior Planner, explained applicant Vincent Wade is proposing this text amendment to the Pinehurst Development Ordinance (PDO). He noted this amendment will add the OP (Office Professional Development District) and NC (Neighborhood Commercial District) to the already included districts in which Village Council can waive some or all of the required planted buffer requirements. He noted the Planning and Zoning Board held a public hearing and voted unanimously to recommend to the Village Council that the proposed amendment be approved. Mr. Cameron gave background information on this text not being included in the Pinehurst Development Ordinance at its last review and update in 2014.

**Public Comments:**

- Jane Hogeman at 18 Lochdon Court speaking in opposition to this text amendment. She quoted the Village's comprehensive plan regarding landscaping. She said the standard in the PDO is not specific and this request was made by one applicant because of a specific location. She asked what development criteria we are talking about and what would this waiver protect for the community. She suggested before extending this waiver to these districts, we need to know the impact across those districts and articulate when waivers are justified. She does not believe the Village is ready for this text amendment. She said with the new Comprehensive Plan underway, could this not be part of that larger process.
- Bob Bramwell resident for 22 years said this proposes to combine two commercial zones with the four Village zones and will give Council ability to waive all or some buffering requirements or negotiate alternate requirements in these six zones. He said the buffering requirement was recognized to impose different requirements for a reason. He thinks some standards would be helpful to everyone and they don't exist today. He suggested throwing this into the Comprehensive Planning process.
- Perry Harrison at 145 Fox Run Road in Pinehurst representing Vincent Wade who is the applicant for the text amendment. He explained this is requesting for the right of the property owner to be heard by the Council and for the Council to judge all waivers on a case-by-case basis. He explained this is not a removal of landscaping requirements, but an opportunity to make an appeal. He said certain circumstances cannot be anticipated even in a well written ordinance. He shared information on a particular project that his client has under site plan approval in Trotter Hills. He quoted the Pinehurst Development Ordinance on the purpose of text amendments, making planning and zoning decisions, and statement of intent. He urged the Council to consider this text amendment.
- Bob Bramwell discussed the current buffering along Highway 211 near Pinewild.
- Alan Staagard an architect in Pinehurst said relief from the buffering would help and there are still plans to do a significant amount of landscaping around the building being discussed. He said this is a contextual issue that needs to be addressed, particularly in the Trotter Hills location.
- Leo Santowasso, Chairman of the Planning and Zoning Board, said if you are going to develop a commercial property like the one for the basis of this request, you want to have exposure. He thinks each situation should be considered on a site-by-site basis. He noted this specific site has a lot of mature longleaf pines where the P&Z Board thought the idea of waiving certain requirements of the buffering would merit a waiver. He said that having the opportunity to have flexibility would be important for commercial properties.
- Mayor Fiorillo suggested having some sort of guidelines for these decisions if it was left to the Village Council.
- Councilmember Drum said approval of this does not mean approval of a case. He said buffering is a thick blockage and it doesn't mean you can't require intense landscaping.
- Councilmember Davis suggested looking at the NC and OP zoning districts and their requirements as a whole and perhaps we should relook at these districts.
- Manager Jeff Sanborn said with regard to the Class 3 buffering requirement, this is not an extension of waiver, it's a creation of a waiver opportunity. He said if you approve this text amendment, you are approving an opportunity for applicants to apply for a waiver of all other landscaping requirements that are also listed there, not just the Class 3. He also said the NC and OP zoning districts are all, but one, existing on the corridor where the Class 3 buffering is already the requirement.
- Councilmember Bouldry noted he looks forward to the development of Trotter Hills. He asked about the process for considering a waiver if this was approved and Alex noted it would be unchanged. Councilmember Bouldry stated he

would like to have the rules the same for when these waivers come in and have reasonable flexibility.

- Council held a discussion and determined not to take action on this text amendment and to set up site visits for this particular property. They discussed alternative ways to address this concern in these zoning districts.
- Alan Staagard asked what his client should expect regarding this process and Mayor Fiorillo said the client should take everyone on a site visit and help educate Council on the current buffering requirements.

**7. Motion to Adjourn Public Hearing and Re-Enter Regular Meeting.**

Upon a motion by Councilmember Davis, seconded by Councilmember Bouldry, Council approved to adjourn the public hearing and re-enter the regular meeting by a vote of 4-0.

**8. Discuss and consider Ordinance 18-18 amending the Pinehurst Development Ordinance for Requirements for Planted Buffers.**

Council determine not to take action on this Ordinance at this meeting, tabled item.

**9. Update on the Status of the FY 2018 Strategic Operating Plan Implementation.**

Lauren Craig, Performance Management Director, presented Council with an update on the FY 2018 Strategic Operating Plan Implementation through June 30, 2018. Ms. Craig shared the status of the 10 Initiative Action Plans and metrics associated with each. She noted overall, the Village ended FY 2018 well with 90% of Initiative Action Plans achieving targeted results compared to last year's 77% achievement rate. Council thanked all those involved.

**10. Discuss and consider changes to the Position Classification and Pay Plan.**

Village Manager Jeff Sanborn explained Management's efforts to review positions and pay grades and the policy outlining the administration of our pay plan for the Village of Pinehurst. Angie Kantor, Human Resources Director, shared the Village contracted with The MAPS Group, Inc. to perform a partial classification and pay study and are in the process of reviewing their recommendations with the Managers. Ms. Kantor explained the recommendations to increase all pay grades by 2.1% based on the Consumer Price Index and several pay grade and title changes.

Ms. Kantor also shared the following recommendations to the policy: (1) offer a cost of living adjustment to all employees based on the CPI annual average for the previous calendar year with an effective date of July 1<sup>st</sup>, (2) continue to offer merit pay based on performance for the fiscal year, and (3) if a position is reclassified to a higher pay grade, employees in the position who earn less than the midpoint of the new grade would receive a 5% increase per grade up to 10% or the midpoint of the new grade whichever is lower. She discussed the impact to this year's budget.

Council held a discussion about these recommendations and the Manager provided context for these recommendations. Upon a motion by Councilmember Bouldry, seconded by Councilmember Drum, Council unanimously approved Resolution 18-18 amending the Policy on the Administration of the Position Classification and Pay Plan for the Village of Pinehurst by a vote of 4-0.

**11. Other Business.**

- Councilmember Davis noted she received a question from a resident regarding the procedures for selecting food trucks at Live After 5 and Mark Wagner, Director of Parks and Recreation, explained the process.

**12. Comments from Attendees.**

- Joanne Duncan is a member of the League of Women Voters and they are working hard to get NC to ratify the legal rights amendment so it can go into the constitution. She shared they are getting signatures on a petition to take this to Raleigh soon.
- Jason Howk said the inspections for the back flow prevention valves are currently underway and it has come to his attention that freezing weather during the winter breaks the valves. Two plumbers said there are at least 20 cases in Moore County that they are aware of this happening. He asked what can be done about this issue. Council held a discussion about this and informed Mr. Howk that they have already taken the concern to the County and that the Village couldn't change the current requirements because the water system belongs to the County and mandated by the State of NC.
- Tom Campbell, gave some history about signage requirements regarding realtors and other developments in the area, in regards to the public hearing item. He wonders if signs and buildings sell the services.

**13. Motion to Adjourn.**

Upon a motion by Councilmember Davis, seconded by Councilmember Bouldry, Council approved to adjourn the Regular Meeting by a vote of 4-0 at 6:33pm.

Respectfully Submitted,

Lauren M. Craig,  
Village Clerk

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DRAFT



**VILLAGE COUNCIL  
MINUTES FOR WORK SESSION OF AUGUST 14, 2018  
ASSEMBLY HALL  
395 MAGNOLIA ROAD  
PINEHURST, NORTH CAROLINA**

**IMMEDIATELY FOLLOWING REGULAR MEETING**

The Pinehurst Village Council held a Work Session at 6:40 p.m., Tuesday, August 14, 2018 in the Assembly Hall of Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Ms. Nancy Roy Fiorillo, Mayor  
Mr. John Bouldry, Treasurer  
Ms. Judy Davis, Councilmember  
Mr. Kevin Drum, Councilmember  
Mr. Jeffrey M. Sanborn, Village Manager  
Ms. Lauren M. Craig, Village Clerk

Excused Absence: Mr. John R. Cashion, Mayor Pro Tem

And approximately 12 attendees, including 6 staff and 1 press.

**1. Call to Order.**

Mayor Nancy Roy Fiorillo called the meeting to order.

**2. Discuss August 29<sup>th</sup> Visioning Sessions for Comprehensive Plan.**

Assistant Village Manager Natalie Hawkins updated Council with the format for the August 29<sup>th</sup> Visioning Sessions scheduled as part of the Envision the Village project to update the Village's Comprehensive Long Range Plan. She explained the Village has published an art contest for Envision the Village. The public will select the winners during Planapalooza Week. She explained staff updated the outreach and engagement strategy after feedback from the Think Tank and Council. She explained the Visioning Sessions will be heavily promoted soon and will be held on Wednesday, August 29 at 10:00am and 6:30pm. She explained the format of the Visioning Sessions.

**3. Harness Track Marketing Update.**

Mark Wagner, Director of Park and Recreation, and Melissa Holt, Communications Specialist, presented Council with an update on the marketing efforts undertaken to promote the Harness Track and recruit Standardbred trainers and owners. Mr. Wagner shared the objectives to increase stall rentals and to increase brand recognition for the Harness Track. They shared the new magazine-style print brochures that were created to highlight the track and efforts to get this distributed. They shared a promotional video that was created and the performance after posting it on Facebook. They noted plans for digital ads to run from August-October and a Google ads campaign to also run from August-October targeting Standardbred owners. They also shared a promotional video will be coming soon featuring interviews of trainers and owners who currently winter at the Harness Track in order to sell the cost, area, and facility. He also discussed a "Trot Cast" production campaign proposal from an outside agency and Council and staff agreed to share this concept with the Driving and Training Club to see what they think. Council held a discussion on these marketing efforts. Marty McKenzie shared the importance of marketing the area to the owners and trainers of the race horses. He shared an economic impact study of the Harness Track that was done years ago and the importance to get more owners of race horses who live in Pinehurst.

**4. Discuss NCDOT historic sign rules.**

Moved to the next work session.

5. **Discuss short term rentals.**

Mayor Fiorillo said we have an opportunity to work with Partners and Progress who is putting together a list of people who own short-term rentals in the area. They are gathering for a meeting on September 13 facilitated by John McLean and the Mayor suggests putting this discussion off until this meeting so the Village can work together with this group.

6. **Work Session Business.**

- None to Report

7. **Motion to Adjourn.**

Upon a motion by Councilmember Bouldry, seconded by Councilmember Drum, Council approved to adjourn the Work Session by a vote of 4-0 at 7:41pm.

Respectfully Submitted,

Lauren M. Craig,  
Village Clerk

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**BUDGET AMENDMENTS REPORT  
ADDITIONAL AGENDA DETAILS:**

**FROM:**

Brooke Hunter

**CC:**

Jeff Sanborn & Natalie Hawkins

**DATE OF MEMO:**

9/5/2018

**MEMO DETAILS:**

Attached is the report of budget amendments approved by the Budget Officer as required for the current period.

**ATTACHMENTS:**

Description

□ Budget Amendments Report - FY 2019





**VILLAGE OF PINEHURST  
BUDGET AMENDMENTS APPROVED BY BUDGET OFFICER  
FOR THE PERIOD AUGUST 8 - SEPTEMBER 5, 2018**

Under Village of Pinehurst Ordinance #18-08, the Village Council grants the Budget Officer, or Village Manager, the ability to transfer appropriations under specific conditions. These conditions allow transfers of up to \$10,000 between departments (including contingency) of the same fund for the FY 2019 Budget. The Budget Officer may not transfer monies between funds at any time.

According to Section 159-15 of The Local Government Budget and Fiscal Control Act, "any such transfers shall be reported to the governing board at its next regular meeting and shall be entered in the minutes." Listed below are the amendments authorized by the Budget Officer for the period specified above.

Note: Since appropriations are made at the department level, line item adjustments within the same department may be made without limit and do not require a report since they do not actually amend the adopted budget ordinance.

	<u>ACCOUNT NUMBER</u>	<u>DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>	<u>APPROVED DATE</u>
1	10-80-620-7220	Harness Track - Capital Outlay: B&G Building Charges	\$ 3,500		8/15/2018
	10-80-620-5904	Harness Track - B&G Maintenance ISF Charges		\$ 3,500	
	10-00-970-7200	Buildings & Grounds - Capital Outlay: Buildings	\$ 3,500		
	10-00-970-5900	Buildings & Grounds - Repairs & Maintenance		\$ 3,500	
		<i>(Transfer funds from operating to capital expenditures to cover Harness Track Barn 16 renovation costs.)</i>			



**DISCUSS AND CONSIDER AN ORDINANCE TO AMEND SECTION  
9.5.1.2.D.1 OF THE PINEHURST DEVELOPMENT ORDINANCE  
(REQUIREMENTS FOR PLANTED BUFFERS: APPLICATION)- TEXT  
AMENDMENT REQUEST FROM VINCENT WADE APPLICATION.  
ADDITIONAL AGENDA DETAILS:**

**FROM:**

Will Deaton

**CC:**

Jeff Sanborn

**DATE OF MEMO:**

9/6/2018

**MEMO DETAILS:**

This agenda item is for the Council to further discuss and consider the application from Vincent Wade for Official Text Amendments to the Pinehurst Development Ordinance. Specifically, Section 9.5.1.2.D.1 (Requirements for Planted Buffers: Application) to add the OP & NC Zoning Districts to allow the Village Council the ability to waive some or all of the buffer requirements in the OP and NC districts as well as the VC, VMU, VCP and VR districts.

Attached to this agenda item are:

- Maps indicating the impact of this amendment on properties in the Village
- The staff report
- Language proposed by the applicant to amend the PDO
- Two ordinance options for Council to consider, if Council decides to approve the amendment request:  
Option #1) Approve the text amendment, indicating it IS consistent with the Comprehensive Plan, and  
Option# 2) Approve the text amendment, indicating it IS NOT consistent with the Comprehensive Plan.

**ATTACHMENTS:**

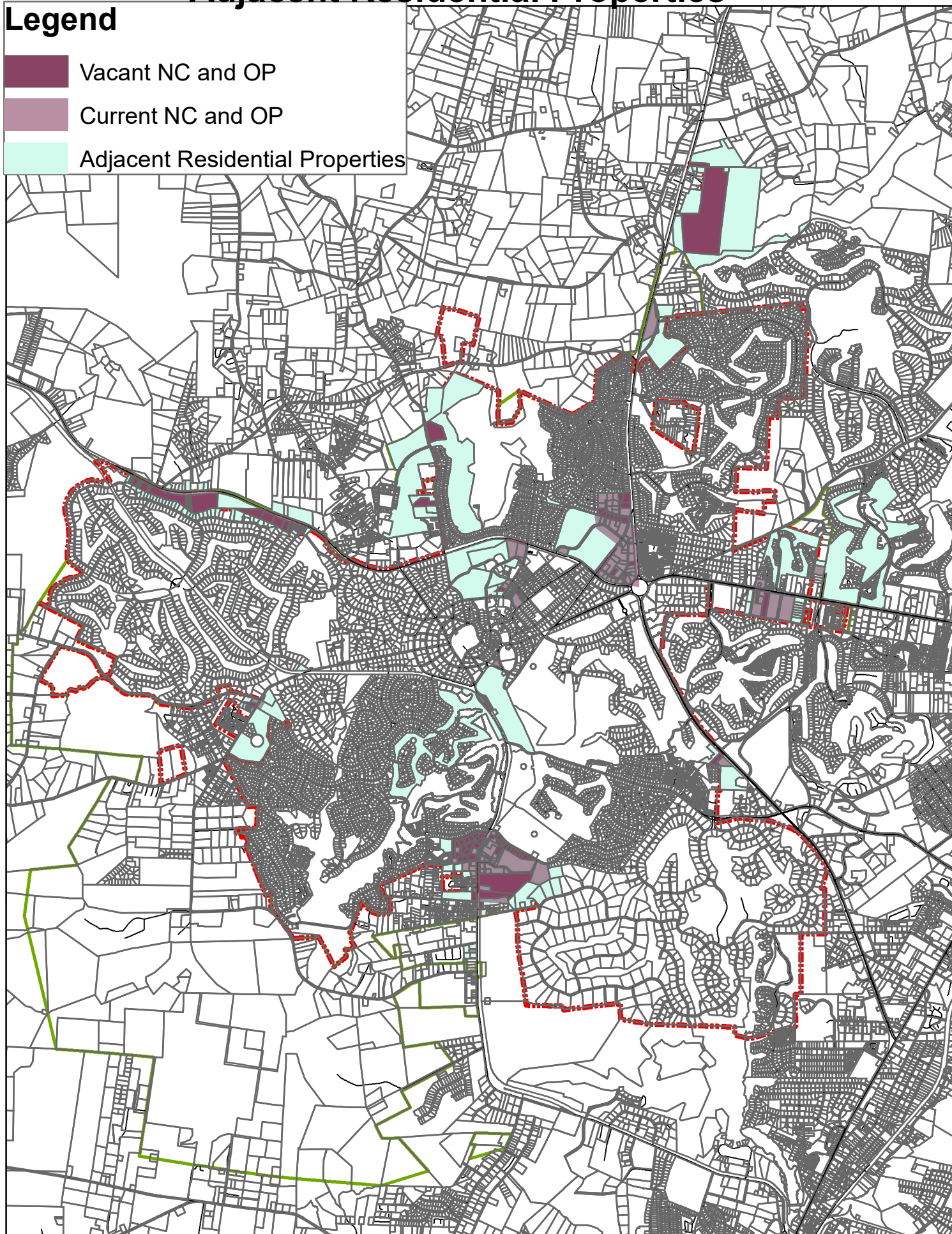
Description

- ▢ Adjacent Residential Map
- ▢ HWY 2
- ▢ HWY 5
- ▢ HWY 211
- ▢ HWY 15-501
- ▢ Staff Report
- ▢ Proposed Text
- ▢ Ordinance 18-18 - Option 1 (IS consistent with the Comp Plan)
- ▢ Ordinance 18-18 - Option 2 (is NOT consistent with the Comp Plan)

# Adjacent Residential Properties

## Legend

- Vacant NC and OP
- Current NC and OP
- Adjacent Residential Properties



# HWY 2/Midland Rd East Area

## Legend

- NC and OP 2 ft Countours
- Vacant NC and OP
- Current NC and OP





# HWY 5 South Area

## Legend

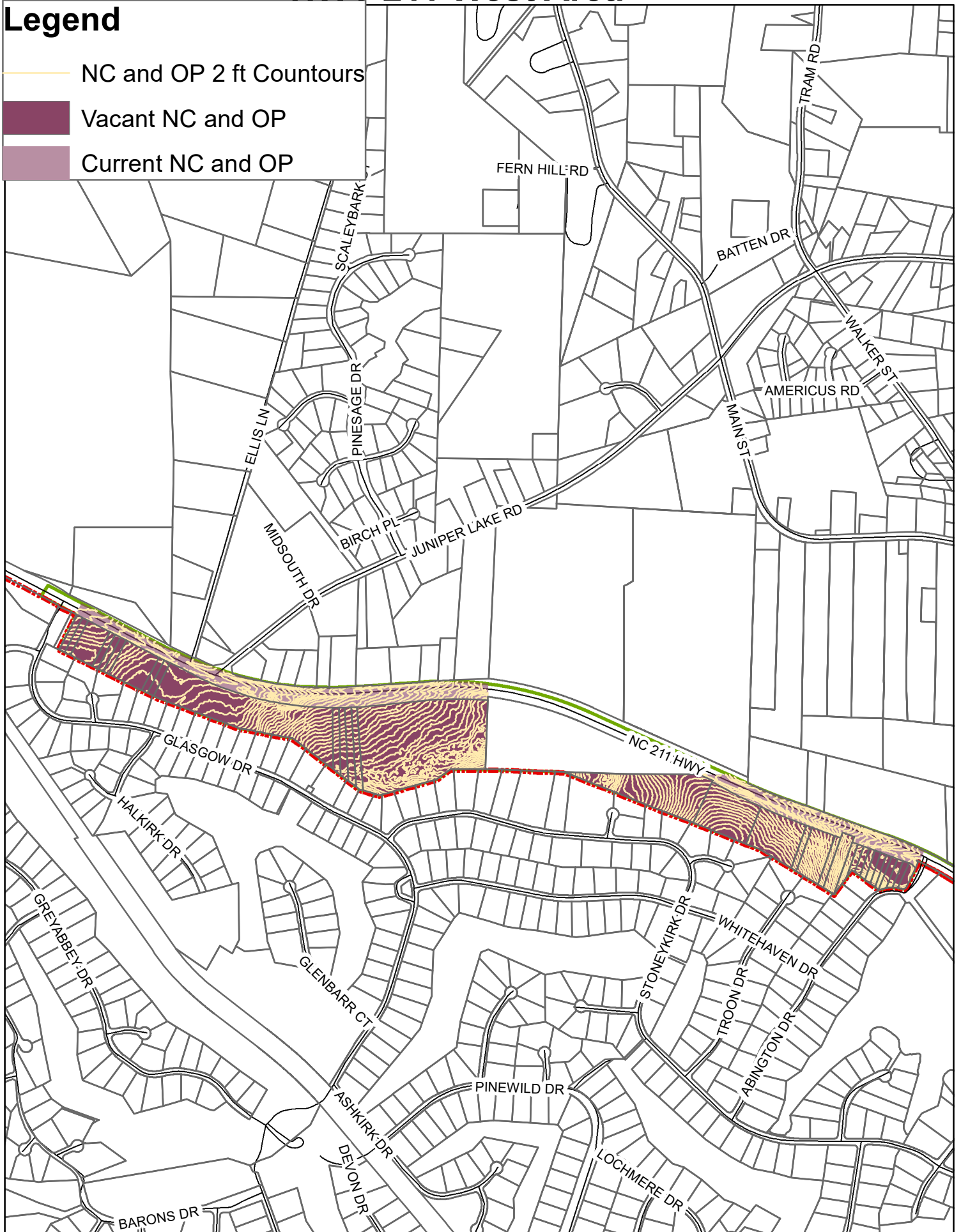
- NC and OP 2 ft Countours
- Vacant NC and OP
- Current NC and OP



# HWY 211 West Area

## Legend

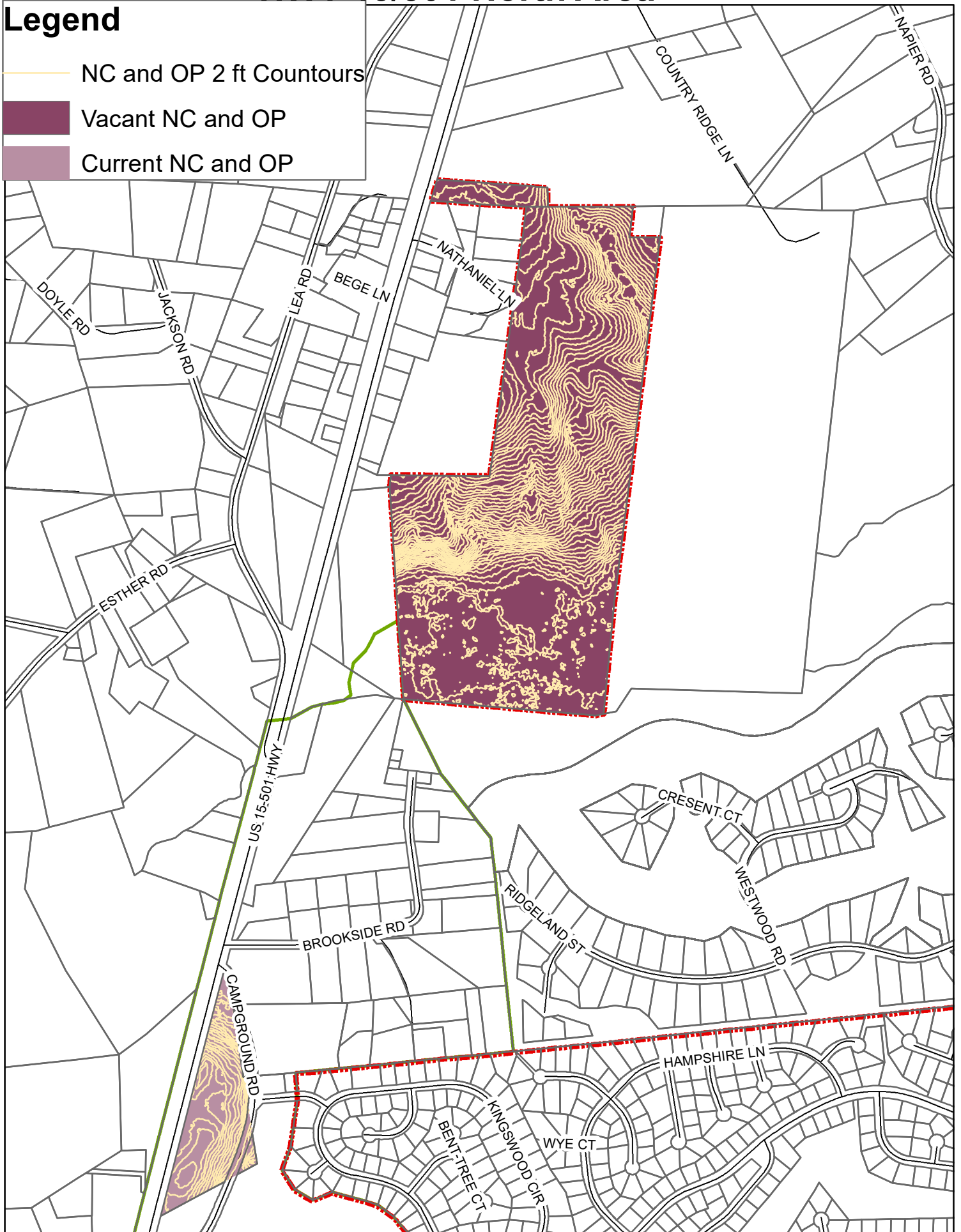
- NC and OP 2 ft Countours
- Vacant NC and OP
- Current NC and OP



# HWY 15/501 North Area

## Legend

- NC and OP 2 ft Countours
- Vacant NC and OP
- Current NC and OP







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## PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

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**To:** Mayor Fiorillo and Village Council

**From:** Alex Cameron, Senior Planner

**Cc:** Jeff Sanborn, Village Manager  
Will Deaton, Director of Planning and Inspections  
Beth Dunn, Village Clerk

**Date:** August 6, 2018

**Subject:** **Public hearing, staff report and statement of text amendment consistency with the 2010 Comprehensive Long-Range Village Plan. Requirements for Planted Buffers**

### **SECTION 9.5.1.2 Planted Buffers (D) Application (1):**

Vincent Wade is proposing this text amendment to the Pinehurst Development Ordinance (PDO). This amendment will add the **OP** (Office Professional Development District) and **NC** (Neighborhood Commercial District) to the already included districts in which Village Council can waive some or all of the required planted buffer requirements.

#### **Proposed text:**

These standards apply to all non-residential and multi-family uses (including townhouse unit development) located within the Village of Pinehurst and its extraterritorial jurisdiction except for properties containing only museums and/or libraries as the primary use and located within the PC zoning district. Additionally, the Village Council may waive some or all of these standards for developments and uses located within the **OP, NC, VC, VMU, VCP and VR Zoning Districts** when determined to be in the best interest of the public. In waiving these standards, the Village Council may require an alternate means of buffering if agreed upon by the property owner. When nonresidential and multi-family

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uses submit a site plan for locations next to property zoned for primarily residential use, planted buffers shall be provided near the perimeter of the nonresidential or multi-family property. One half of the planted buffers requirements shall apply when a public street or railroad right-of-way separates a nonresidential or multi-family uses from a residential property. If a greenway passes through a landscape buffer the area of the greenway shall be subtracted from the total buffer area for plant count purposes.

### **Recommendation**

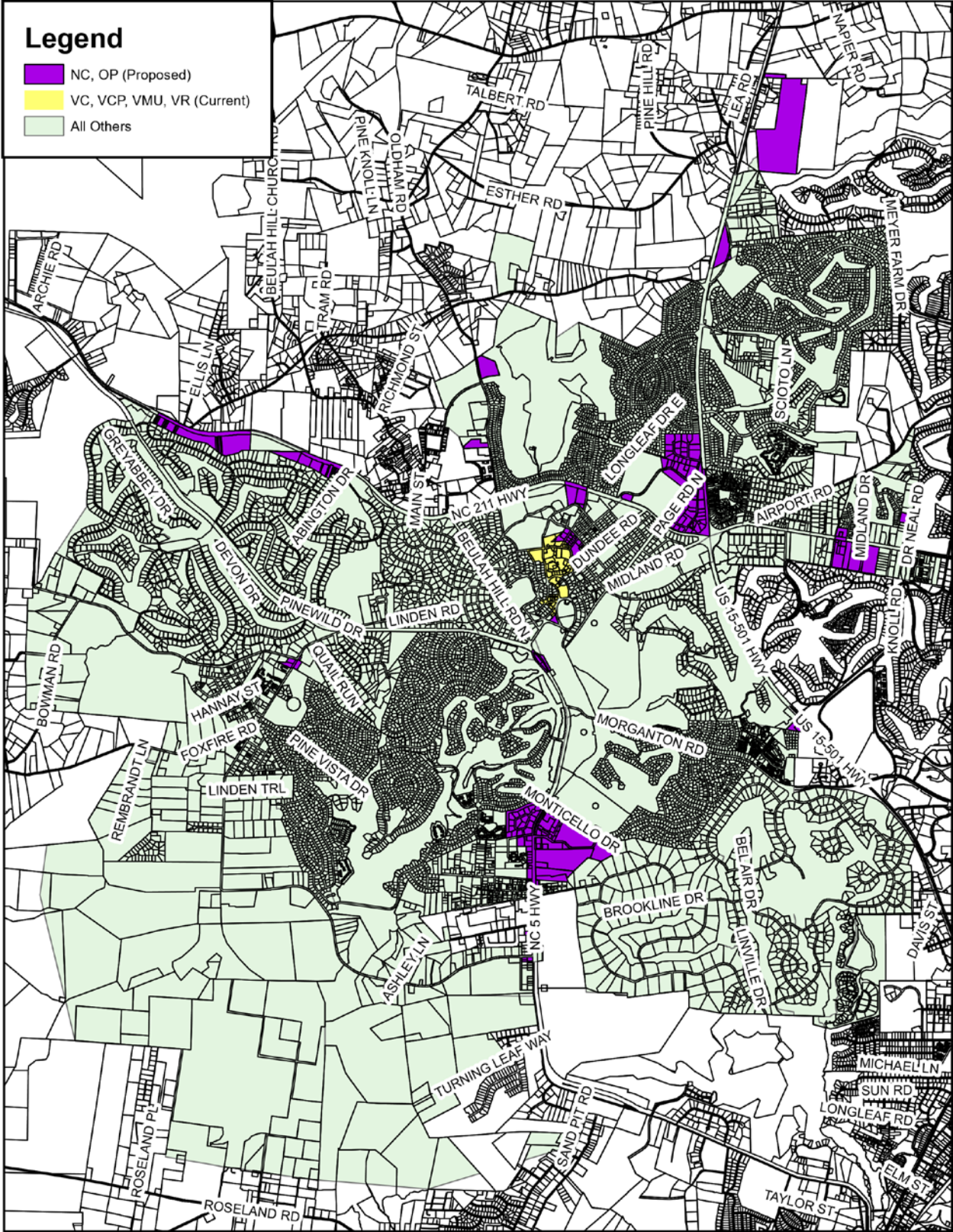
The Planning & Zoning Board held a public hearing on July 5, 2018 to hear and discuss the proposed amendment. Perry Harrison, PLA with LKC Engineering and representing Mr. Wade presented points for the proposed amendment. Following the discussion the P&Z board voted unanimously to recommend to the Village Council that the proposed amendment be approved.

### **Comprehensive Plan Consistency Statement/Conclusion**

Pages 18-21 of the 2010 Village of Pinehurst Comprehensive Plan states the importance of landscaping and vegetation to the overall appearance of Pinehurst and the perception of community character. To achieve the comprehensive goal stated on page 18 to “maintain and enhance the overall character and ambience of Pinehurst,” several strategies to “enhance landscaping” and “shield/buffer/screen” areas are identified. “In the future, we must make sure that appropriate landscaping is a high priority on any projects undertaken within the Village or its extra-territorial areas,” states the 2010 Village of Pinehurst Comprehensive Plan.

Staff concludes this amendment may be consistent with the above mentioned goal and strategies detailed in the Comprehensive Plan and the proposed amendment may be considered reasonable and in the best interest of the public. Existing regulations in the PDO allow the Village Council to waive landscape buffer standards in certain zoning districts. This amendment would allow the Council to grant waivers of landscape buffer requirements in the OP and NC non-residential zoning districts, which are located mainly on highway corridors.

(Map attached)





## **Request for Text Amendment to the Village of Pinehurst Development Ordinance**

### **Current Text:**

#### **PDO Section 9.5.1.2.D.1 (Requirements for Planted Buffers: Application)**

These standards apply to all non-residential and multi-family uses (including townhouse unit development) located within the Village of Pinehurst and its extraterritorial jurisdiction except for properties containing only museums and/or libraries as the primary use and located within the PC zoning district. Additionally, the Village Council may waive some or all of these standards for developments and uses located within the VC, VMU, VCP and VR Zoning Districts when determined to be in the best interest of the public. In waiving these standards, the Village Council may require an alternate means of buffering if agreed upon by the property owner. When non-residential and multi-family uses submit a site plan for locations next to property zoned for primarily residential use, planted buffers shall be provided near the perimeter of the non-residential of multi-family property. One half of the planted buffer requirements shall apply when a public street or railroad right-of-way separates non-residential or multi-family uses from a residential property. If a greenway passes through a landscape buffer the area of the greenway shall be subtracted from the total buffer area for plant count purposes.

### **Proposed Text:**

#### **PDO Section 9.5.1.2.D.1 (Requirements for Planted Buffers: Application)**

These standards apply to all non-residential and multi-family uses (including townhouse unit development) located within the Village of Pinehurst and its extraterritorial jurisdiction except for properties containing only museums and/or libraries as the primary use and located within the PC zoning district. Additionally, the Village Council may waive some or all of these standards for developments and uses located within the VC, **OP, NC**, VMU, VCP, VR Zoning Districts when determined to be in the best interest of the public. In waiving these standards, the Village Council may require an alternate means of buffering if agreed upon by the property owner. When non-residential and multi-family uses submit a site plan for locations next to property zoned for primarily residential use, planted buffers shall be provided near the perimeter of the non-residential of multi-family property. One half of the planted buffer requirements shall apply when a public street or railroad right-of-way separates non-residential or multi-family uses from a residential property. If a greenway passes through a landscape buffer the area of the greenway shall be subtracted from the total buffer area for plant count purposes.

### **Reason for Requested Change:**

The text change to the Landscape Section of the PDO is requested so that the Village Council will have the ability to waive some or all buffer requirements in the OP and NC districts as well as the VC, VMU, VCP and VR districts. This would give the Council a greater ability to consider contextual situations, both natural and man-made, to determine what type of buffering is appropriate, if any, in a given circumstance.

**Chapter 6** of the PDO explains the need for text amendments as a way “to make adjustments to the text of this Ordinance ... that are necessary in light of changed conditions, adopted plans or changes in public policy, or that are necessary to advance the general welfare of the Village and are in furtherance of **Section 1.2** of this Ordinance.” In **Section 1.2 Statement of Intent of This Ordinance**, general guidance is given for making planning and zoning decisions. This Section states that “the continued conservation of the environmental and aesthetic character of Pinehurst as it grows and develops will be controlled and accomplished by land use regulation made with reasonable consideration given to, among other things, the character of the various areas of the Village and its environs ...” The Village Council should have the ability to consider context of an area and its particular character, to determine if a landscape requirement is appropriate when applied in a specific instance. Currently the Village Council can only make this determination for a few districts. This recommended text amendment gives the Village Council the ability to waive part or all of the buffer requirements in more districts if those prescriptive buffer requirements are determined to be inappropriate given the context of the area.

**ORDINANCE #18-18 (OPTION 1 – IS Consistent):**

**AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 9.5.1.2 FOR PLANTED BUFFERS.**

**THAT WHEREAS,** the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance on the 8<sup>th</sup> 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 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 August 14, 2018, 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 proposed amendments to the Pinehurst Development Ordinance, 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 text amendments; and

**WHEREAS,** the Planning and Zoning Board has recommended the Village Council amend Section 9.5.1.2 of the Pinehurst Development Ordinance; and

**WHEREAS,** after considering all of the facts and circumstances, the Village Council has determined it is reasonable and in the best interest of the public to approve the proposed amendment to Section 9.5.1.2 of the Pinehurst Development Ordinance.

**WHEREAS,** after considering all of the facts and circumstances, the Village Council has determined the proposed amendment to Section 9.5.1.2 of the Pinehurst Development Ordinance is consistent with the goals of the 2010 Comprehensive Plan.

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED** by the Village Council of the Village of Pinehurst, North Carolina in the regular meeting assembled on the 14th day of August, 2018, as follows:

**SECTION 1.** That the Pinehurst Development Ordinance of the Village of Pinehurst and its extraterritorial zoning jurisdiction be and the same hereby is amended by adding the following text amendment to Section 9.5.1.2 “Planted Buffers”:

**Amend Section 9.5.1.2 “Planted Buffers” to read as follows:**

**(D) Application:**

(1) These standards apply to all non-residential and multi-family uses (including townhouse unit development) located within the Village of Pinehurst and its extraterritorial jurisdiction except for properties containing only museums and/or libraries as the primary use and located within the PC zoning district. Additionally, the Village Council may waive some or all of these standards for developments and uses located within the **NC, OP**, VC, VMU, VCP and VR Zoning Districts when determined to be in the best interest of the public. In waiving these standards, the Village Council may require an alternate means of buffering if agreed upon by the property owner. When nonresidential and multi-family uses submit a site plan for locations next to property zoned for primarily residential use, planted buffers shall be provided near the perimeter of the nonresidential or multi-family property. One half of the planted buffers requirements shall apply when a public street or railroad right-of-way separates a nonresidential or multi-family uses from a residential property. If a greenway passes through a landscape buffer the area of the greenway shall be subtracted from the total buffer area for plant count purposes.

**SECTION 2.** That all ordinances or sections thereof in conflict herewith are hereby repealed and declared null and void from and after the date of adoption of this ordinance.

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

**THIS ORDINANCE** passed and adopted this 11th day of September, 2018.

(Municipal Seal)

VILLAGE OF PINEHURST  
VILLAGE COUNCIL

By: \_\_\_\_\_  
Nancy Roy Fiorillo, Mayor

Attest:

Approved as to Form:

\_\_\_\_\_  
Beth Dunn, Village Clerk

\_\_\_\_\_  
Michael J. Newman, Village Attorney

**ORDINANCE #18-18 (Option 2 – IS NOT Consistent):**

**AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 9.5.1.2 FOR PLANTED BUFFERS.**

**THAT WHEREAS,** the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance on the 8<sup>th</sup> 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 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 August 14, 2018, 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 proposed amendments to the Pinehurst Development Ordinance, 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 text amendments; and

**WHEREAS,** the Planning and Zoning Board has recommended the Village Council amend Section 9.5.1.2 of the Pinehurst Development Ordinance; and

**WHEREAS,** after considering all of the facts and circumstances, the Village Council has determined it is reasonable and in the best interest of the public to approve the proposed amendment to Section 9.5.1.2 of the Pinehurst Development Ordinance in order to allow .

**WHEREAS,** after considering all of the facts and circumstances, the Village Council has determined the proposed amendment to Section 9.5.1.2 of the Pinehurst Development Ordinance is not consistent with the goals of the 2010 Comprehensive Plan.

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED** by the Village Council of the Village of Pinehurst, North Carolina in the regular meeting assembled on the 14th day of August, 2018, as follows:

**SECTION 1.** That the Pinehurst Development Ordinance of the Village of Pinehurst and its extraterritorial zoning jurisdiction be and the same hereby is amended by adding the following text amendments to Section 9.5.1.2 “Planted Buffers”:



**Amend Section 9.5.1.2 “Planted Buffers” to read as follows:**

**(D) Application:**

(1) These standards apply to all non-residential and multi-family uses (including townhouse unit development) located within the Village of Pinehurst and its extraterritorial jurisdiction except for properties containing only museums and/or libraries as the primary use and located within the PC zoning district. Additionally, the Village Council may waive some or all of these standards for developments and uses located within the **NC, OP**, VC, VMU, VCP and VR Zoning Districts when determined to be in the best interest of the public. In waiving these standards, the Village Council may require an alternate means of buffering if agreed upon by the property owner. When nonresidential and multi-family uses submit a site plan for locations next to property zoned for primarily residential use, planted buffers shall be provided near the perimeter of the nonresidential or multi-family property. One half of the planted buffers requirements shall apply when a public street or railroad right-of-way separates a nonresidential or multi-family uses from a residential property. If a greenway passes through a landscape buffer the area of the greenway shall be subtracted from the total buffer area for plant count purposes.

**SECTION 2.** That all ordinances or sections thereof in conflict herewith are hereby repealed and declared null and void from and after the date of adoption of this ordinance.

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

**THIS ORDINANCE** passed and adopted this 11th day of September, 2018.

(Municipal Seal)

VILLAGE OF PINEHURST  
VILLAGE COUNCIL

By: \_\_\_\_\_  
Nancy Roy Fiorillo, Mayor

Attest:

Approved as to Form:

\_\_\_\_\_  
Beth Dunn, Village Clerk

\_\_\_\_\_  
Michael J. Newman, Village Attorney





**CONSIDER A RESOLUTION APPOINTING JULIA LATHAM AS THE  
CHAIRPERSON OF THE BOARD OF ADJUSTMENT.**

**ADDITIONAL AGENDA DETAILS:**

**FROM:**

Beth Dunn

**CC:**

Jeff Sanborn

**DATE OF MEMO:**

8/23/2018

**MEMO DETAILS:**

Fred Engelfried's term as Chairperson of the Board of Adjustment for the Village of Pinehurst is expiring on October 31, 2018. Julia Latham has expressed interest in the Chairperson position and staff is recommending Ms. Latham be considered for this appointment. Attached is a resolution appointing Julia Latham as the new Chairperson for the Board of Adjustment.

**ATTACHMENTS:**

Description

- Resolution 18-19 to Appoint Julia Latham as BOA Chairperson

**RESOLUTION #18-19:**

**A RESOLUTION APPOINTING A CHAIRMAN FOR THE VILLAGE OF PINEHURST  
BOARD OF ADJUSTMENT.**

**THAT WHEREAS,** the Village of Pinehurst has established a Planning and Zoning Board and a Board of Adjustment as required by its Development Ordinance and authorized by North Carolina General Statutes 160A-361 and 160A-388; and

**WHEREAS,** on the 13<sup>th</sup> day of March, 2012, the Pinehurst Village Council adopted Ordinance #12-10 to amend Chapter 31 of the Pinehurst Municipal Code to combine the Planning and Zoning Board and the Board of Adjustment; and

**WHEREAS,** the Chairperson seat for the Board of Adjustment needs to be filled as the previous Chairperson's term expires on October 31, 2018; and

**WHEREAS,** the Village Council of the Village of Pinehurst is desirous of making an appointment to fill the vacant seat of Chairperson of the Board of Adjustment.

**NOW, THEREFORE, BE IT RESOLVED** by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 11<sup>th</sup> day of September, 2018, as follows:

**SECTION 1.** That the following appointment is hereby made to the Village of Pinehurst Board of Adjustment for the term indicated:

Ms. Julia Latham shall be appointed as Chairperson of the Board of Adjustment, effective November 1, 2018, to serve at the pleasure of the Council until the end of her term on October 31, 2020.

**SECTION 2.** That the appointee shall continue serving until a replacement is appointed and qualified.

**THIS RESOLUTION** passed and adopted this 11<sup>th</sup> day of September, 2018.

VILLAGE OF PINEHURST  
VILLAGE COUNCIL

(Municipal Seal)

By: \_\_\_\_\_  
Nancy Roy Fiorillo, Mayor

Attest:

Approved as to Form:

\_\_\_\_\_  
Beth Dunn, Village Clerk

\_\_\_\_\_  
Michael J. Newman, Village Attorney



**CONSIDER A ORDINANCE TO REPEAL ORDINANCE #93-35  
ADDITIONAL AGENDA DETAILS:**

**FROM:**

Beth Dunn

**CC:**

Jeff Sanborn

**DATE OF MEMO:**

8/31/2018

**MEMO DETAILS:**

After research, staff has determined that an ordinance was not required to establish a Community Watch Program. All other volunteer boards and committee's have been established with a resolution. Council will need to rescind the current ordinance so that a resolution can be adopted for the Community Watch Program. Any changes going forward can be handled with a resolution as well.

**ATTACHMENTS:**

Description

- ☐ Ordinance to repeal ordinance #93-35
- ☐ Ordinance 93-35

**ORDINANCE #18-19:**

**AN ORDINANCE REPEALING AN EXISTING ORDINANCE SHALL APPEAR AS SHOWN BELOW.**

**ORDINANCE #93-95**

**An ordinance establishing a Community Watch Program for The Village of Pinehurst.**

**NOW, THEREFORE, BE IT RESOLVED** by the Village Council of the Village of Pinehurst, North Carolina, a regular meeting assembled this 11<sup>th</sup> day of September, 2018, as follows:

**SECTION 1.** The ordinance #93-95 of the Village of Pinehurst Code is hereby repealed.

**SECTION 2.** Copies of this ordinance shall be furnished to the Clerk to the Village Council, Village Manager and Police Chief for their direction and implementation.

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

**THIS ORDINANCE** passed and adopted this 11th day of September, 2018.

VILLAGE OF PINEHURST  
VILLAGE COUNCIL

(Municipal Seal)

By: \_\_\_\_\_  
Nancy Roy Fiorillo, Mayor

Attest:

Approved as to Form:

\_\_\_\_\_  
Beth Dunn, Village Clerk

\_\_\_\_\_  
Michael J. Newman, Village Attorney

**ORDINANCE #93-35:**

**AN ORDINANCE ESTABLISHING A COMMUNITY WATCH PROGRAM  
FOR  
THE VILLAGE OF PINEHURST, NORTH CAROLINA**

**THAT WHEREAS,** the Village Council is desirous of maintaining a safe and peaceful atmosphere for the citizens of Pinehurst; and

**WHEREAS,** the Village Council understands that a valid means to provide for this atmosphere is an effective Community Watch Program; and

**WHEREAS,** the Village Council recognizes that an effective Community Watch Program is accomplished through an active and informed citizenry; and

**WHEREAS,** a Public Hearing was held at 4:00 p.m., on September 20, 1993, in the Village Hall Meeting Room at Pinehurst, North Carolina after due notice in The Pilot, A newspaper in Southern Pines, North Carolina, with general circulation in the Village of Pinehurst at which time all interested citizens, residents and property owners in the Village of Pinehurst were given an opportunity to be heard as to whether they favored or opposed the ordinance, and no objections were raised:

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED** by the Village Council of the Village of Pinehurst, North Carolina, in Regular Session assembled on the 25th day of October, 1993, as follows:

**SECTION 1.** There is hereby created a Community Watch Program of the Village of Pinehurst, North Carolina.

**SECTION 2.** The Community Watch Program will be carried out by an all volunteer organization. The organization will be headed by a Chairman and two Vice Chairmen. The Chairman and Vice Chairmen will be nominated by the Watch membership and submitted to the Village Council for approval.

The Chairman and Vice Chairmen shall serve in that capacity initially for two years, and may be re-nominated after that term from year to year.

**SECTION 3.** The responsibilities of the Pinehurst Police Department and the Community Watch are defined in broad terms in the document "Community Watch", dated October 25, 1993 which is attached hereto and made a part hereof.

**SECTION 4.** That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

**SECTION 5.** Adopted this 25th day of October, 1993.

(Municipal Seal)

VILLAGE OF PINEHURST  
VILLAGE COUNCIL

By: Albert L. Bethel  
Albert L. Bethel, Mayor

Attest:

Mary McGraw  
Mary McGraw, Village Clerk

Approved as to form:

Warwick Fay Neville  
Warwick Fay Neville, Village Attorney

October 25, 1993

## **COMMUNITY WATCH**

### **Objectives of the Village Council:**

1. To maintain a safe and peaceful atmosphere for the citizens of Pinehurst.
2. To enhance and maintain the effectiveness of the Community Watch as an agency to assist in achieving the first Objective.

### **What the Village Council would like to see:**

1. An improvement in communication and cooperation between the Pinehurst Police Department and the Community Watch.
2. Sufficient "formalization" of the Community Watch organization that it is always clear to the Village Council, the Village Manager and the Police Department who is in charge of the Community Watch and what the organization looks like.
3. A definition of the responsibilities of the PPD with respect to the Community Watch.
4. An enumeration of the actions to which the Community Watch commits to keep Village authorities informed about the activities of the Watch.

### **Responsibilities of the Pinehurst Police Department:**

1. Police Chief to designate a member of PPD to be the principle point of contact with the Community Watch.
2. Provide monthly to the Community Watch Director a copy of the same monthly PPD report as is furnished to the Village Council.
3. Provide picture identification for Chairman, Vice Chairmen, and Block Captains.
4. Provide computer and clerical support to the Community Watch.
5. The PPD Liaison Officer work with the Watch leaders to establish a pro forma calendar of annual events including periodic meetings of Watch members, periodic liaison meetings between PPD and Watch leaders, light-up night, etc.

### **Responsibilities of the Community Watch:**

1. To maintain an up-to-date (at least twice a year) roster of the Watch and provide a copy to the PPD.
2. In cooperation with the PPD Liaison Officer, prepare a pro forma calendar of annual events.
3. Establish and implement a public information program for the benefit of the citizens of Pinehurst, so they will know of the existence of the Watch and occasionally be reminded of it.
4. The Community Watch management structure will hold regular quarterly meetings.



**CONSIDER A RESOLUTION DELEGATING THE POLICE DEPARTMENT  
TO OVERSEE THE ADMINISTRATION OF THE COMMUNITY WATCH  
PROGRAM.**

**ADDITIONAL AGENDA DETAILS:**

**FROM:**

Beth Dunn

**CC:**

Jeff Sanborn

**DATE OF MEMO:**

9/4/2018

**MEMO DETAILS:**

Consider a resolution to give the Village of Pinehurst Police Department the authority to administer the Community Watch Program.

**ATTACHMENTS:**

Description

- Resolution 18-21 delegating the Police Department to oversee the administration of the Community Watch Program.

**RESOLUTION #18-21:**

**A RESOLUTION DELEGATING ADMINISTRATION OF THE COMMUNITY WATCH PROGRAM.**

**THAT WHEREAS**, the Village of Pinehurst repealed ordinance #93-95, which established and formalized the structure of the program.

**WHEREAS**, the Village Council is to delegate administration of the Community Watch Program to the Pinehurst Police Department.

**NOW, THEREFORE, BE IT RESOLVED** by the Village Council of the Village of Pinehurst, North Carolina, in the regular meeting assembled this 11<sup>th</sup> day of September, 2018, as follows:

**SECTION 1.** The Village Police Department is authorized to administer the Community Watch Program for the residents of Pinehurst.

**SECTION 2.** The Pinehurst Police Chief shall name a staff member who will be assigned oversight of the program.

**SECTION 2.** Copies of this resolution shall be furnished to the Clerk to the Village Council, to the Village Manager, and to the Police Chief for their direction and implementation.

**THIS RESOLUTION** passed and adopted this 11<sup>th</sup> day of September, 2018.

VILLAGE OF PINEHURST  
VILLAGE COUNCIL

(Municipal Seal)

By:

\_\_\_\_\_  
Nancy Roy Fiorillo, Mayor

Attest:

Approved as to Form:

\_\_\_\_\_  
Beth Dunn, Village Clerk

\_\_\_\_\_  
Michael J. Newman, Village Attorney





**CONSIDER OPTIONS AND PROVIDE STAFF DIRECTION RELATIVE TO  
THE REQUEST BY SPRING LAKE HILLS CONDOMINIUM  
HOMEOWNER'S TO ACCEPT THEIR ROADS.  
ADDITIONAL AGENDA DETAILS:**

**FROM:**

Jeff Batton

**CC:**

Jeff Sanborn

**DATE OF MEMO:**

9/4/2018

**MEMO DETAILS:**

As you may recall, residents of Spring Lake Hills Condominiums, located across the street from the north entrance to #6 neighborhood, have requested the Village consider accepting their roads as publicly dedicated right-of-ways.

In April, staff presented a report at a Council work session on the roads (herein attached) as reference material for the development and the roads. Council was informed the roads do not meet Village standards due a hump placed across the road to act as a stormwater diversion. The Village does not allow these on public roads.

After June meeting at the direction of Council, the Village had an engineering estimate prepared that indicates the cost of the removal of the asphalt diversion and installation of catch basins and pipes is estimated between \$23,000 and \$30,000.

The Homeowner's Association has informed me that they do not wish to incur this cost as they feel the diversion works and should be accepted as an existing stormwater measure. Mr. Bill Wood, HOA President, will be present to request Village Council to accept the roads under the current condition and not require the roads come into full compliance with Village requirements. Staff has informed the HOA that it doesn't feel it's appropriate to accept the roads with the existing issue, nor does staff have authority to waive the requirements.

Council has five options available.

Option #1 - Council could elect not to accept the roads as they were developed as private roads and therefore should remain as such.

Option #2 - Require the removal of the diversion and installation of the catch basins and pipes as a condition of acceptance.

Option #3 – Accept the main road and not accept the loop road as long as the diversion is present.

Option #4 – Accept the roads and accept the diversion of the as an existing condition.

Option #5 – Direct staff to undertake some other course of action.

Staff requests Council provide their direction of its desires based on the above information.

Thanks.

**ATTACHMENTS:**

Description

□ Original Report



## **Existing Private Road Dedication Evaluation Spring Lake Hills Condominiums 3/21/18**

Spring Lake Hills Condominium Association (SLHCA), located at 120 Spring Lake Drive submitted a letter requesting that the Village assume ownership and maintenance responsibilities for their existing private roads within the subdivision.

Pursuant to the written request from SLHCA, and in compliance with Village policy for Existing Street Dedication Evaluations, staff has completed this report on the condition and potential challenges associated with acceptance of the Spring Lake Hills roads into the Village's network.

This report is organized into Existing Conditions, Compliance with the Village Standards, and an appendix with supporting documents.

### **Existing Conditions**

- Based on the Register of Deeds, it appears that Spring Lake Hills was platted in 2001. The subdivision is built-out containing 12 structures, each with two units for a total of 24 condominiums.
- The subdivision currently includes approximately 785 lf (0.15 miles) of asphalt roadways dedicated for public use on the recorded plat. Based on the development date, the roads would have complied with the Village Engineering Standards when constructed. An investigation at edge of pavement reveals at least 5" of stone and 2.5" of asphalt.
- Moore County GIS (Appendix A1) and recorded plat (Appendix A2) records indicate that the roads are located on SLHCA property without an established right-of-way width.
- One entrance provides access into the subdivision from Spring Lake Drive. A subdivision sign (Appendix B - Photograph 1) is located at the entrance on SLHCA property and there is no street sign at the entrance.
- Existing roadway widths are 20' wide and do not have curb and gutter.
- There is no posted speed limit within the subdivision.
- The only regulatory sign present is the stop sign at the exit of the subdivision.
- Drainage facilities include two overgrown stormwater basins (Appendix B - Photographs 2 and 3). The majority of streets transfer stormwater to the road shoulder and eventually to the stormwater basins. Defined side ditches are not present and most of the flow appears to reach the basins by sheet flow or via a rock-lined ditch that starts at the edge of pavement and then progresses between two buildings to a basin (Appendix B – Photograph 4). A speed hump (Appendix B – Photograph 5) is used to direct the flow from the road surface to the rock-lined ditch. Along the cul-de-sac, there is a rock flume (Appendix B – Photograph 6) and two speed bumps that appear to be attempts to slow and direct stormwater flow (Appendix B – Photograph 7).
- One on-street guest parking area is present consisting of 5 parking spaces.

- Water mains and gravity sewer lines are owned and maintained by MCPU. Appendix C shows line and manhole locations. Existing fire hydrants (3) are periodically spaced along the road shoulder.
- The Village currently provides trash and recycling pickup services with individual carts assigned to units.
- Each condominium unit has its own mailbox and an asphalt driveway with garage.
- There's one landscape timbered wall adjacent to the pavement (Appendix B - Photograph 8).

### **Compliance with Village Standards**

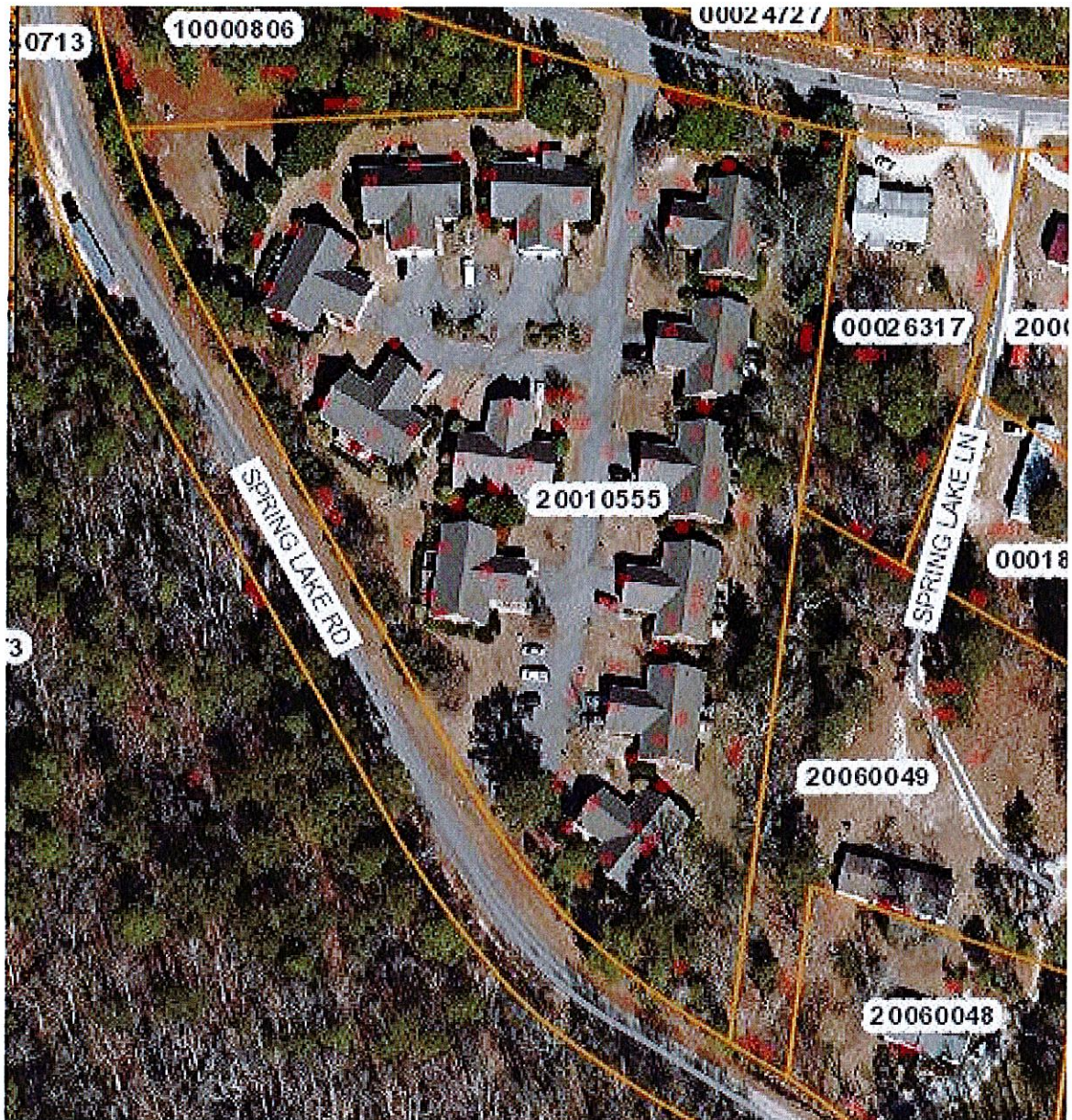
- The roads likely met Village standards in place at the time of development for sub-base and asphalt thickness and staff would estimate the PCR between 50 and 60. Only one turning radius meets Village standards (Appendix D).
- The ability to meet the Engineering Standards for right-of-way width is not possible. Right-of-way would have to be established using a customized approach such as width of paved road plus five feet from edge of pavement.
- The existing drainage basins would remain the property and maintenance responsibility of the SLHCA. The two speed bumps and one speed hump present for stormwater would need to be removed to meet standards and an alternative means to control stormwater runoff would be necessary.
- The paved width of 20' would meet the requirement to qualify for Powell Bill eligibility.
- The Village would have to enact a speed limit if it accepted the roads and should post one speed limit sign. Estimated cost is \$75.
- A Village street name sign would need to be installed at the entrance and one internal to the subdivision. Estimated cost is \$150.
- Private utilities for irrigation and decorative street lights would have to be granted an encroachment agreement in order to remain if they fell within a proposed right-of-way. The existing decorative street lamps exceed the Village's standard for neighborhoods and would remain the SLHCA responsibility if not switched to the Village's standard neighborhood street light. There is a provision in the street light policy that would permit a reimbursement for eligible lights at the standard light rate with excess cost being borne exclusively by the SLHCA.
- The existing mailboxes can remain on the main drive. The mailboxes in the median on the side street within the development should be relocated to the condominium side of the road if possible.
- The landscape timbered wall could only remain if an encroachment agreement were granted.

The primary areas that require the most consideration by the VOP when deliberating whether or not to accept the SLHCA roads are:

- Acceptance of an augmented right-of-way;
- Whether to grant encroachment agreements for the various private structures/appurtenances that would be in a newly designated right-of-way; and,
- Benefit and fairness to all taxpayers of Pinehurst (roads were intended to be private initially and do not connect or provide access to any other area).



## Appendix A1 - GIS Aerial





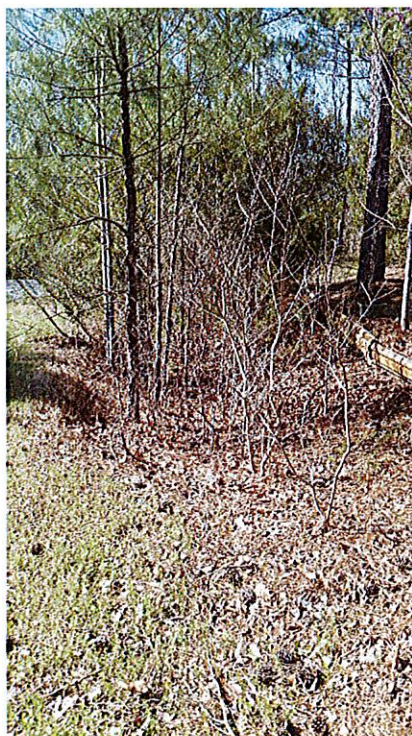


## Appendix B – Photographs

Photograph 1 – Sign



Photograph 2 – Basin 1





## Appendix B Con't.

Photograph 3 – Basin 2



Photograph 4 – Rock-lined ditch





## Appendix B Con't.

Photograph 5 – Speed Hump



Photograph 6 – Cul-de-Sac Flume





## Appendix B Con't.

Photograph 7 – One of Two Speed Bumps

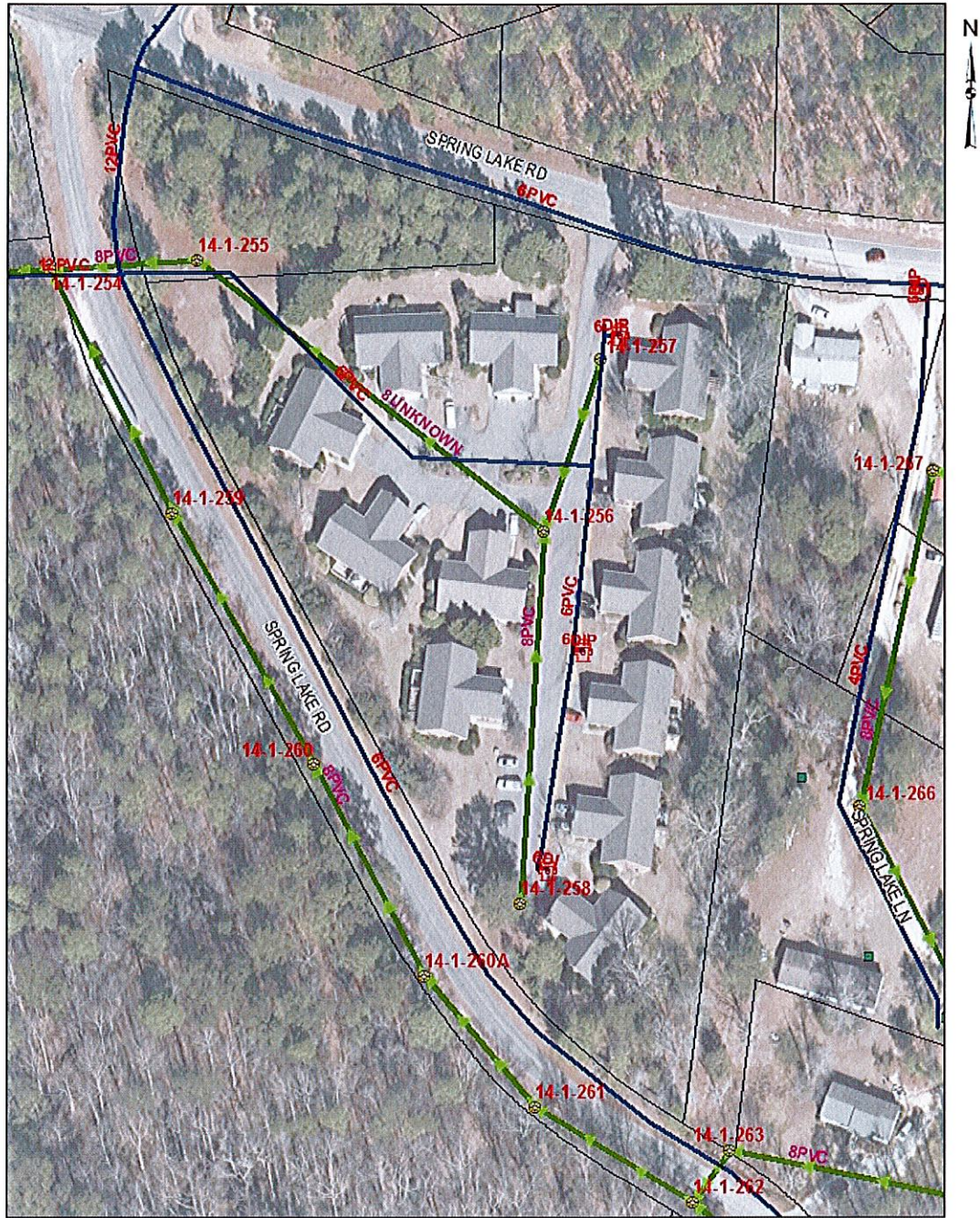


Photograph 8 – Timbers





## Appendix C – Water/Sewer Lines



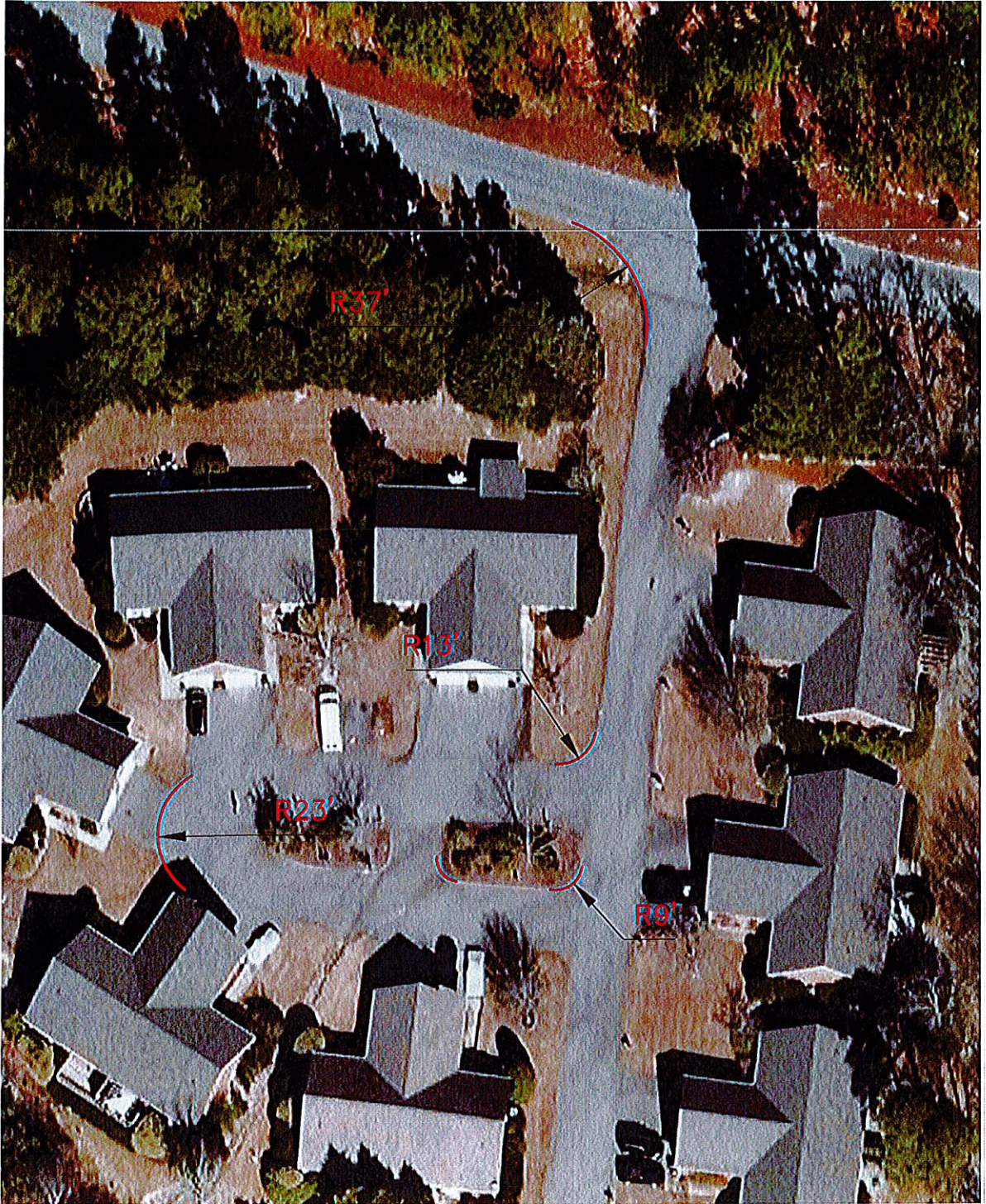
1 inch = 100 feet

**Moore County Utilities**

Moore County Utilities  
All the information on this map was obtained from the Moore County Utilities Department and is for informational purposes only. It is not intended to be used for any other purpose. The Moore County Utilities Department is not responsible for any errors or omissions on this map. The Moore County Utilities Department is not responsible for any damages or losses resulting from the use of this map. The Moore County Utilities Department is not responsible for any claims or liabilities resulting from the use of this map. The Moore County Utilities Department is not responsible for any claims or liabilities resulting from the use of this map.



## Appendix D – Turning Radius





## Additional Information

Evaluation Checklist - Spring Lake Hills Condos

Pg 2 of 3

<b>Road Conditions:</b>	The requesting party shall pay for up to one core sampling for every tenth of a mile being petitioned for acceptance to determine if roads meet VOP standards and to determine what is necessary to bring up to meet the standards.			
Item	Standard	Existing	Meet Standard (Y/N)	Comments
Core sample	6"/2.5"	5"/2"	N	As near we can tell from a edge of pavement investigation, it appears there's at least 5" of stone and 2" of asphalt. Staff's best estimate fro a PCR would 50 to 60.
Right-of-way width	50'/60'	None	N	There are no right-of-ways identified on the plat
Utility strip	8'	Unknown	N	All utilities are underground.
Lane widths *	20'	20'	Y	
Turning radii	30'	Varies		The main entrance road meets the standard, the remaining internal turning raidus do not meet standard.
Medians		Yes	N	Two landscaped medians are present plus one landscaped cul-de-sac
Road signs/Pavement markings	MUTCD/VOP	Yes	Y	Stop sign meets standards. No pavement markings
Sight triangles	10' x 70'	Yes	Y	No sight line issues present
On-street parking	Varies	Yes	Y	Five on-street guest parking spaces are pesent
Drainage	10 yr event	Yes	Y	RCP crosspipe exists at entrance and two unmaintained stormwater basins are present
Curb and gutter present		None	Y	
Utility strip	8'	Unknown	Unknown	All utilities are underground but unknown where they lie.
Public utilities present		Yes	Unknown	
Private utilities present				
Mailboxes (ind.)	12"/24"	Yes	N	One section has the mailboxes in the median.
Mailboxes (cluster)	Not in ROW	No	N/A	
Neighborhood name signs in ROW	Not in ROW	Yes	Y	Not located in the ROW.

\* Min 16' for 2 lanes for Powell Bill eligibility

<b>Planning/Zoning Conditions:</b>	Field evaluation(s) and review of plats will be conducted to determine presence of, requirements for the list below. This list may be amended as needed on a case by case basis.			
Item	Standard	Existing/Presence	Meet Standard (Y/N)	Comments
Corporate limits			Y	
Sidewalks	5'	No	N/A	No sidewalks present but shoulder is open enough to add
Common areas		Yes		HOA Maintains
Road(s) platted/private		Private		Roads are part of common grounds. Two speed bumps present in cul-de-sac.
Streetlights	Per policy	Yes	N	One standard light at entrance and four decorative lamps within
# of homes (present)		24		
# of homes (future)		0		Build out complete.
Floodplains		No		
Interconnectivity to other development(s)		No		
Condominiums		Yes		
Townhomes		No		
Individual driveways to each unit		Yes		Each building has a garage for each unit
Roadside landscaping		Yes		Mostly grass. There 3 landscaped islands, landscape present at entrance sign