

PLANNING AND ZONING BOARD MARCH 7, 2019 ASSEMBLY HALL 395 MAGNOLIA RD. PINEHURST, NORTH CAROLINA 4:00 PM

- I. Call to Order
- II. Approval of Minutes
 - A. February 7, 2019 Draft Minutes
- III. New Business
 - A. Public Hearing No. 1

The purpose of the public hearing is to consider an Official Zoning Map Amendment. This map amendment would include one parcel of land consisting of approximately 1.142 acres further identified as Moore County PID # 00039843 into the Village of Pinehurst Extraterritorial Jurisdiction (ETJ) and zone that property R-15-CD (Medium Density Residential – Conditional District). The property is currently zoned RS-3 (Residential Single-Family) by the Town of Southern Pines. This proposed map amendment follows an amendment to the adopted Annexation Agreement Between the Village of Pinehurst, NC and the Town of Southern Pines, NC for the Mutual Boundary Line Between These Two Municipalities.

The proposed use of the property is a two lot single family subdivision to be included with the previously approved seven lot subdivision. The property is currently vacant. The applicant and property owner is Village Developers, Inc.

- IV. General Business
- V. Next Meeting Date
 - A. April 4, 2019
- VI. 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.



FEBRUARY 7, 2019 DRAFT MINUTES ADDITIONAL AGENDA DETAILS:

ATTACHMENTS:

Description

☐ February 7, 2019 Draft Minutes



PLANNING AND ZONING BOARD FEBRUARY 7, 2019 COUNCIL CONFERENCE ROOM 395 MAGNOLIA ROAD PINEHURST, NORTH CAROLINA 4:00 P.M.

Board Members in Attendance:

Leo Santowasso, Chair Cyndie Burnett, Board Member Jeramy Hooper, Board Member David Kelley, Vice-Chair Julia Latham, Board Member Mike Marsh, Vice-Chair Paul Roberts, Board Member

Board Member Absent:

Joel Shriberg, Board Member

Staff in Attendance:

Alex Cameron, Senior Planner Gwendy Hutchinson, Planning and Administrative Assistant

I. Call to Order

Chair Santowasso confirmed that there was a quorum present and called the meeting to order.

II. Approval of Minutes

January 3, 2019 Draft Minutes

Cyndie Burnett made a motion to approve the January 3, 2019 Minutes as amended; David Kelley seconded the motion, which was unanimously approved.

III. New Business

View Learning Module from UNC School of Government

The Board viewed and discussed the Conditional Zoning Learning Module by Professor Adam Lovelady from the School of Government in Chapel Hill, NC that provided information on the following: Rezoning, Duties of the Planning and Zoning Board, Giving Proper Notice, and other related topics.

IV. General Business

The Board did not have any discussions under General Business.

V. Next Meeting Date

March 7, 2019

VI. Motion to Adjourn

David Kelley made a motion to adjourn the meeting. The motion was seconded by Paul Roberts and carried unanimously. The meeting adjourned at 4:48 pm.

Respectfully Submitted,

Gwendy Hutchinson Planning and Administrative Assistant Village of Pinehurst

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PUBLIC HEARING NO. 1 ADDITIONAL AGENDA DETAILS:

The purpose of the public hearing is to consider an Official Zoning Map Amendment. This map amendment would include one parcel of land consisting of approximately 1.142 acres further identified as Moore County PID # 00039843 into the Village of Pinehurst Extraterritorial Jurisdiction (ETJ) and zone that property R-15-CD (Medium Density Residential – Conditional District). The property is currently zoned RS-3 (Residential Single-Family) by the Town of Southern Pines. This proposed map amendment follows an amendment to the adopted Annexation Agreement Between the Village of Pinehurst, NC and the Town of Southern Pines, NC for the Mutual Boundary Line Between These Two Municipalities.

The proposed use of the property is a two lot single family subdivision to be included with the previously approved seven lot subdivision. The property is currently vacant. The applicant and property owner is Village Developers, Inc.

ATTACHMENTS:

Description

- Application to Amend Zoning Map
- Staff Report
- General Concept Plan Approved on September 25, 2018
- Annexation Agreement with the Town of Southern Pines



Application for Amendment to Zoning Map

(revised 3/14/17)

Applicant			
Name: F. Calvin Riddle Jr.	Telephone: 910 322 8706		
Address: 519 Valley Rd Fayetteville, NC 28305 Email: Ca	alvin@riddlecap.com		
Signature:	Date: 12/18/2018		
Note: If more than one applicant, please provide a separate document lis	ting all applicant information and		
their signatures.	XI		
Parcel ID #: 00039843 PIN 857210377063			
(attach separate list if necessary)			
Present zoning classification: Not Zoned - Currently in Souther	n Pines ETJ		
Requested zoning classification: R-15 CD			
Current Land Use: Vacant			
Number of parcels: 1 Approximate size of area: 1.14 AC			
Physical location of area: Fronts Knoll Road			
Are public utilities available?: Yes	-		
Reason for map amendment: WE PURCHASED THE ABOVE PARCEL 857200375392 CONTAINING 3.59 AC.	EFERENCED DARCELALONG WITH		
PARCEL 857200375392 CONTAINING 3.59 AC.	THE 3.59 AC. DARKEL LOCATED		
WITHIN PINEHURST ETJ WAS SUBMITTED FOR R	EZONING AND APPROVED BY		
ALE ADE SELES ON ALA SIE THIS THE ACT	ON SEPTEMBER 25, 2018.		
REGULATION SONIAL RISED AS ON	AF AND RESPECT FULLY		
WITHIN PINETURET ETJ WAS SUBMITTED FOR REZONING AND APPROVED BY THE PINETURET VILLAGE COUNCIL FOR R-15CD ON SEPTEMBER 25, 2018. WE ARE DEVELOPING THE TWO PARCELS AS ONE AND RESPECT FULLY REQUEST THE SIMILAR ZONING RIS-CD. WE ARE VOLUNTEERING UNEXATION OF OUR NEW 9 LOT DEVELOPMENT TO DINETURET. Note to Applicant By signing and submitting this application you are hereby certifying that this application and			
1Note to Applicant by signing and submitting this application you are hereby certifying that this application and			

submittal, including all additional items, to be complete and accurate.



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Planning and Zoning Board **From:** Alex Cameron, Senior Planner

Cc: Natalie Hawkins, Assistant Village Manager

Date: February 28, 2019

Subject: Staff Report for the Proposed Conditional District Zoning of PID # 00039843 and

amendment of the previously approved General Concept Plan for PID #00032232 to include

two additional lots.

Applicant: Village Developers, Inc./Calvin Riddle

Owners: Village Developers, Inc.

Property Location: Knoll Rd. adjacent to 140 Knoll Rd.

Rezoning: Current Zoning:

RS-3 (Residential Single Family) District is established as a district in which to allow primarily very low-density Single-Family residential land

uses. This is a Town of Southern Pines Zoning District.

Proposed Zoning District:

R-15-CD (Residential Medium Density-Conditional District) is

established as a district in which the principal use of land is for mediumdensity residential uses. This district is further intended to discourage any use which would be detrimental to the predominately mediumdensity residential nature of the areas included within the district.

Current Land Use: Vacant

Proposed Land Use: 2 lot single family subdivision to accompany the previously approved 7

lot single family subdivision approved by Village Council on September

25, 2018 (Ordinance #18-22).

The applicant requests a conditional district rezoning of +/- 1.142 acres currently zoned RS-3 (Residential Single Family) to R-15-CD (Residential Medium Density-Conditional District) in order to develop the property with two additional single family lots as a whole with the adjacent parcel that was previously approved as a seven lot single family subdivision with the same proposed zoning. The applicant and

property owner is Calvin Riddle (Village Developers, Inc.) Included in the documentation for the Conditional District Rezoning request are the application and General Concept Plan.

As you may recall, the applicant also proposed to rezone the adjacent property with the same Zoning (R-15 CD) along with a seven lot subdivision which was approved by Village Council on September 25, 2018. That lot is currently located within the Village of Pinehurst ETJ. The subject property was just previously located within the Town of Southern Pines ETJ and zoned RS-3. In January 2019, both the Town of Southern Pines and the Village of Pinehurst amended their annexation agreement to place this particular lot on the Village's side of the Annexation Agreement boundary line (VOP Ordinance #19-02). With that now the case, a Village Zoning designation needs to be placed on the parcel.



Zoning Map

Analysis:

The proposed development consists of two lots on the parcel in question to accompany the other seven lots that were shown on the previously approved general concept plan. A concrete sidewalk is proposed on one side of the interior street. The access to the nine lot subdivision will be off this parcel included with the rezoning request. The applicant has submitted a petition for voluntary annexation into the Village.

The surrounding properties contain multiple zoning designations and land uses. (See the zoning map above)

The property to the west is zoned RMF and is currently a mixed dwelling townhome residential development known as Walker Station and is within the Pinehurst Corporate Limits.

The adjacent properties to the north, east and south are located within the Town of Southern Pines ETJ. These properties are zoned RS-3 Residential Single Family (30,000 sf lots). Per the Town of Southern Pines Unified Development Ordinance (UDO), the RS-3 district is established to allow primarily very low-density Single Family residential land uses (approximately 1.4 dwelling units per acre).

In addition to the open space provided near the northern point of the properties, additional open space, approximately 0.96 acres or 20.3%, is being shown along Knoll Rd. This open space will meet the view shed requirement of the PDO and exceeds the required 15% minimum amount of required open space for major subdivisions zoned R-15 cited in section 9.17.1.11 of the PDO. Also, section 9.17.1.11 of the PDO allows for reduced setbacks and minimum lot size for residential subdivisions that meet the required open space regulation. The proposal reflects the allowed dimensional standards as well as the setbacks associated with the proposed condition.

The applicant has indicated that utilities will be served by Moore County Public Utilities via an easement coming from the adjacent property to the west (Walker Station development). If this opportunity does not work out, the applicant has indicated that a connection can be made within the Midland Rd. right-of-way. This site contains no floodplains, wetlands or other environmental constraints that are known.

The applicant has indicated one stormwater control measure will be provided on-site to address runoff and meet the requirements of NCDEQ and the Village.

The applicant is asking for the following conditions which were the agreed upon conditions with the approved R-15 CD Rezoning approved by Council on September 25, 2018:

- 1. All lots to have one 5' side setback and one 19' side setback, such that no two 5' side setbacks share a common lot boundary.
- 2. A 10' landscape buffer will be provided along the properties that front Knoll Rd.

Recommendation:

The Planning Staff recommends approval of the rezoning request for PID# 00039843 to R-15 CD (Residential Medium Density-Conditional District) as submitted and approval of the amended General Concept Plan.

Based on the surrounding zoning and built environment the proposed uses would be consistent with the existing adjacent uses and zoning.

The R-15, R-20, and R-30 Residential District is established as a district in which the principal use of land is for medium-density residential uses. This district is further intended to discourage any use which would be detrimental to the predominately medium-density residential nature of the areas included within the district.

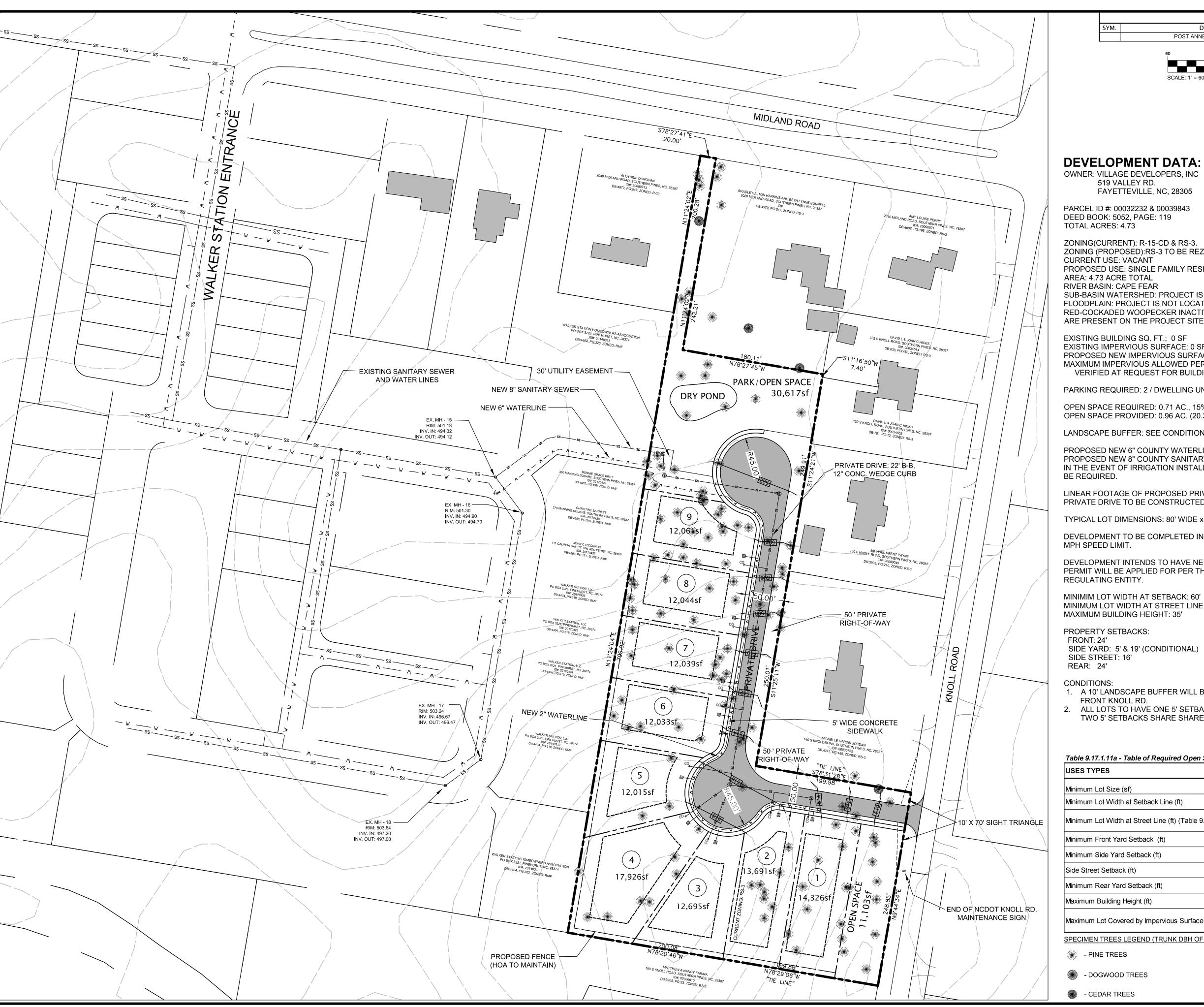
The proposed use will meet all the requirements of the R-15 CD (Conditional District) Zoning and the PDO at the time of site plan approval as well as the general concept plan and any other agreed to or submitted conditions associated with this conditional district rezoning proposal. This staff recommendation is based on the submitted exhibits attached.

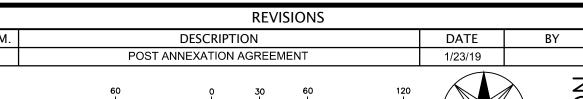
Comprehensive Plan Consistency Statement:

Page 56 of the 2010 Comprehensive Long Range Plan identifies the preference for the future development of the areas with the current extra-territorial jurisdiction (and possible additional future areas) is to promote open space development patterns since it will help preserve meaningful open space, help promote water recharge and retain the overall character of the community.

Page 59 of the 2010 Comprehensive Long Range Plan indicates a major strategy of the community should be to consider ways to meet the long-term housing needs of the residents of Pinehurst and their families. It states that the development pattern of Pinehurst did not anticipate some of the changing desires and needs of a residential community (larger homes, larger lots, housing for an aging population, etc.).

This proposal takes into consideration the need for additional housing needed of the residents of Pinehurst and the preference for future development in the ETJ to promote open space as mentioned in the Comprehensive Plan. Achieving goals in accordance with the Comprehensive Plan and other planning documents of the village is considered reasonable and in the best interest of the public.





SCALE: 1" = 60'-0"

NORTH

VICINITY MAP NTS

519 VALLEY RD. FAYETTEVILLE, NC, 28305

PARCEL ID #: 00032232 & 00039843 DEED BOOK: 5052, PAGE: 119

ZONING(CURRENT): R-15-CD & RS-3. ZONING (PROPOSED):RS-3 TO BE REZONED TO R-15-CD. CURRENT USE: VACANT PROPOSED USE: SINGLE FAMILY RESIDENTIAL AREA: 4.73 ACRE TOTAL RIVER BASIN: CAPE FEAR

SUB-BASIN WATERSHED: PROJECT IS NOT IN A DELINEATED WATERSHED FLOODPLAIN: PROJECT IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN RED-COCKADED WOOPECKER INACTIVE PARTITION: SOPI 109. NO CAVITY TREES ARE PRESENT ON THE PROJECT SITE, PER US FISH AND WILDLIFE.

EXISTING BUILDING SQ. FT.; 0 SF EXISTING IMPERVIOUS SURFACE: 0 SF PROPOSED NEW IMPERVIOUS SURFACE: 29,000 SF (0.67 ac.) MAXIMUM IMPERVIOUS ALLOWED PER LOT: 45% (IMPERVIOUS COVERAGE TO BE VERIFIED AT REQUEST FOR BUILDING PERMIT PER LOT)

PARKING REQUIRED: 2 / DWELLING UNIT = 18 SPACES REQUIRED

OPEN SPACE REQUIRED: 0.71 AC., 15% OF TRACT (4.73 x 0.15 = 0.71 ACRE) OPEN SPACE PROVIDED: 0.96 AC. (20.30%)

LANDSCAPE BUFFER: SEE CONDITION #1

PROPOSED NEW 6" COUNTY WATERLINE: TBD PROPOSED NEW 8" COUNTY SANITARY SEWER LINE: TBD IN THE EVENT OF IRRIGATION INSTALLATION, AN ADDITIONAL WATER METER WILL

LINEAR FOOTAGE OF PROPOSED PRIVATE DRIVE: 731 If PRIVATE DRIVE TO BE CONSTRUCTED TO VILLAGE OF PINEHURST STANDARDS

TYPICAL LOT DIMENSIONS: 80' WIDE x 150' DEEP (AVG.), 12,000 SF (AVG.)

DEVELOPMENT TO BE COMPLETED IN ONE PHASE. DEVELOPMENT TO HAVE 15

DEVELOPMENT INTENDS TO HAVE NEIGHBORHOOD ENTRANCE SIGN. A SIGN PERMIT WILL BE APPLIED FOR PER THE DEVELOPMENT ORDINANCE OF THE

MINIMIM LOT WIDTH AT SETBACK: 60' MINIMUM LOT WIDTH AT STREET LINE: 20' MAXIMUM BUILDING HEIGHT: 35'

SIDE YARD: 5' & 19' (CONDITIONAL)

- 1. A 10' LANDSCAPE BUFFER WILL BE PROVIDED ALONG THE PROPERTIES THAT
- 2. ALL LOTS TO HAVE ONE 5' SETBACK AND ONE 19' SETBACK, SUCH THAT NO TWO 5' SETBACKS SHARE SHARE A COMMON LOT BOUNDARY.

Table 9.17.1.11a - Table of Required Open Space - Dimensional Requirements

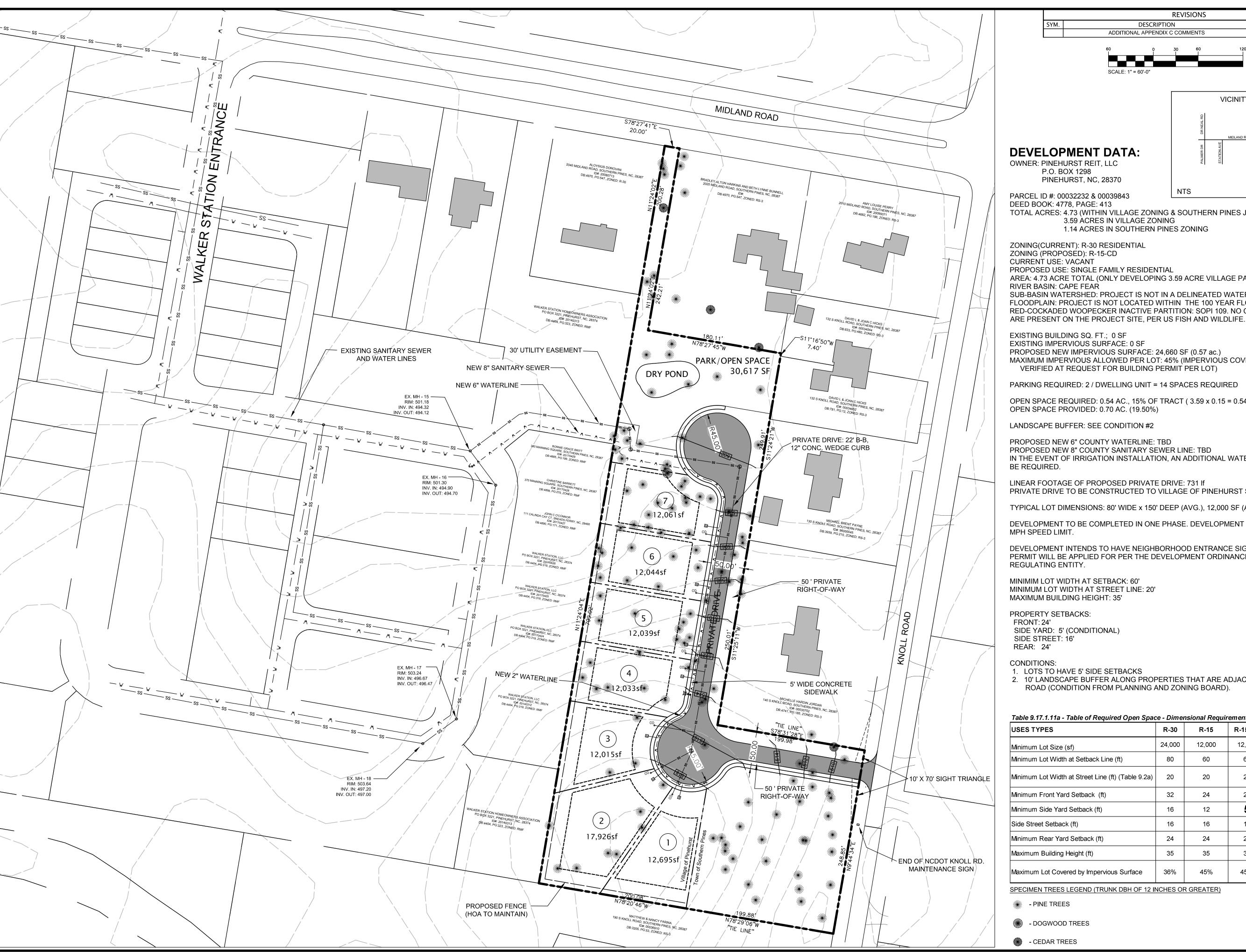
USES TYPES	R-30	R-15	R-15 CD
Minimum Lot Size (sf)	24,000	12,000	12,000
Minimum Lot Width at Setback Line (ft)	80	60	60
Minimum Lot Width at Street Line (ft) (Table 9.2a)	20	20	20
Minimum Front Yard Setback (ft)	32	24	24
Minimum Side Yard Setback (ft)	16	12	5
Side Street Setback (ft)	16	16	16
Minimum Rear Yard Setback (ft)	24	24	24
Maximum Building Height (ft)	35	35	35
Maximum Lot Covered by Impervious Surface	36%	45%	45%

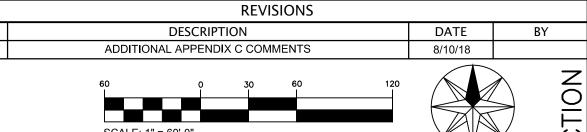
SPECIMEN TREES LEGEND (TRUNK DBH OF 12 INCHES OR GREATER)

4 **GEN**

DATE: JULY, 2018

DESIGNED: DRAWN: CHECKED:





SCALE: 1" = 60'-0" NORTH VICINITY MAP

DEVELOPMENT DATA:

OWNER: PINEHURST REIT, LLC P.O. BOX 1298 PINEHURST, NC, 28370

PARCEL ID #: 00032232 & 00039843

TOTAL ACRES: 4.73 (WITHIN VILLAGE ZONING & SOUTHERN PINES JURISDICTION) 3.59 ACRES IN VILLAGE ZONING

NTS

1.14 ACRES IN SOUTHERN PINES ZONING

ZONING(CURRENT): R-30 RESIDENTIAL ZONING (PROPOSED): R-15-CD

PROPOSED USE: SINGLE FAMILY RESIDENTIAL AREA: 4.73 ACRE TOTAL (ONLY DEVELOPING 3.59 ACRE VILLAGE PARCEL)

SUB-BASIN WATERSHED: PROJECT IS NOT IN A DELINEATED WATERSHED FLOODPLAIN: PROJECT IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN RED-COCKADED WOOPECKER INACTIVE PARTITION: SOPI 109. NO CAVITY TREES

PROPOSED NEW IMPERVIOUS SURFACE: 24,660 SF (0.57 ac.) MAXIMUM IMPERVIOUS ALLOWED PER LOT: 45% (IMPERVIOUS COVERAGE TO BE VERIFIED AT REQUEST FOR BUILDING PERMIT PER LOT)

PARKING REQUIRED: 2 / DWELLING UNIT = 14 SPACES REQUIRED

OPEN SPACE REQUIRED: 0.54 AC., 15% OF TRACT (3.59 x 0.15 = 0.54 ACRE) OPEN SPACE PROVIDED: 0.70 AC. (19.50%)

LANDSCAPE BUFFER: SEE CONDITION #2

PROPOSED NEW 6" COUNTY WATERLINE: TBD PROPOSED NEW 8" COUNTY SANITARY SEWER LINE: TBD IN THE EVENT OF IRRIGATION INSTALLATION, AN ADDITIONAL WATER METER WILL

LINEAR FOOTAGE OF PROPOSED PRIVATE DRIVE: 731 If PRIVATE DRIVE TO BE CONSTRUCTED TO VILLAGE OF PINEHURST STANDARDS

TYPICAL LOT DIMENSIONS: 80' WIDE x 150' DEEP (AVG.), 12,000 SF (AVG.)

DEVELOPMENT TO BE COMPLETED IN ONE PHASE. DEVELOPMENT TO HAVE 15

DEVELOPMENT INTENDS TO HAVE NEIGHBORHOOD ENTRANCE SIGN. A SIGN PERMIT WILL BE APPLIED FOR PER THE DEVELOPMENT ORDINANCE OF THE REGULATING ENTITY.

MINIMIM LOT WIDTH AT SETBACK: 60' MINIMUM LOT WIDTH AT STREET LINE: 20' **MAXIMUM BUILDING HEIGHT: 35'**

PROPERTY SETBACKS:

SIDE YARD: 5' (CONDITIONAL)

1. LOTS TO HAVE 5' SIDE SETBACKS

2. 10' LANDSCAPE BUFFER ALONG PROPERTIES THAT ARE ADJACENT TO KNOLL ROAD (CONDITION FROM PLANNING AND ZONING BOARD).

Table 9.17.1.11a - Table of Required Open Space - Dimensional Requirements				
USES TYPES	R-30	R-15	R-15 CD	
Minimum Lot Size (sf)	24,000	12,000	12,000	
Minimum Lot Width at Setback Line (ft)	80	60	60	
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Minimum Front Yard Setback (ft)	32	24	24	
Minimum Side Yard Setback (ft)	16	12	5	
Side Street Setback (ft)	16	16	16	
Minimum Rear Yard Setback (ft)	24	24	24	
Maximum Building Height (ft)	35	35	35	
Maximum Lot Covered by Impervious Surface	36%	45%	45%	

SPECIMEN TREES LEGEND (TRUNK DBH OF 12 INCHES OR GREATER)

- DOGWOOD TREES

П

GE

DATE: JULY, 2018 DESIGNED: DRAWN: CHECKED:

ORDINANCE #19-02

AN ORDINANCE MODIFYING AN ANNEXATION AGREEMENT BETWEEN THE VILLAGE OF PINEHURST, NORTH CAROLINA AND THE TOWN SOUTHERN PINES, NORTH CAROLINA FOR THE MUTUAL BOUNDARY LINE BETWEEN THESE TWO MUNICIPALITIES

- WHEREAS, North Carolina General Statutes (N.C.G.S.) Chapter 160A, Article 4A, Part 6 authorizes two or more cities to enter into binding agreements regarding future annexation in order to enhance orderly planning by such cities; and
- WHEREAS, the governing boards of the Village of Pinehurst and the Town of Southern Pines seek to carry out plans for future land uses; provision of important public facilities such as sewer and water services, roadways, and recreation; and the protection of open space and other sensitive areas; and
- WHEREAS, potential conflict and confusion may occur along the interface between two jurisdictions when the future municipal boundaries between the two are unclear; and
- WHEREAS, both the Village of Pinehurst and the Town of Southern Pines desire to foster good intergovernmental relations; and
- WHEREAS, the governing boards and the staffs of these two communities had engaged in a process of discussion that led to determination of a municipal and utility service boundary between the two communities; and
- WHEREAS, that ordinance was adopted following independent public hearings by the Village of Pinehurst on July 28, 2009 and the Town of Southern Pines on August 11, 2009, with notice provided in accordance with N.C.G.S. 160A-31(c); and
- WHEREAS, the governing boards of the Village of Pinehurst and the Town of Southern Pines have agreed to modify the boundary as set out in that agreement; and
- WHEREAS, this ordinance has been adopted following independent public hearings by the Village of Pinehurst on January 22, 2019 and the Town of Southern Pines on January 8, 2019;
- NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Pinehurst. North Carolina and the Town Council of the Town of Southern Pines, North Carolina:
- **SECTION 1. Boundary.** The areas to be included within the modified annexation agreement are depicted on Exhibit "A" of this document.
- SECTION 2. Notice of Adjacent Annexations. That each participating municipality which proposes any annexation of property immediately adjacent to the boundary line that is established by this agreement must give written notice to the other municipality of such

annexation, at least 60 days before the adoption of any such annexation ordinance. The notice shall be in compliance with N.C.G.S. 160A- 58.24(a) (5) and (b) and shall be sent by mail to the Manager of the other municipality. Either Municipality may waive the time period for notice by giving a written waiver to the other party.

SECTION 3. Replacement of Prior Agreement. This agreement supersedes any previously adopted annexations that are in effect at the adoption date of this ordinance.

SECTION 4. Effective Date. That this Agreement shall become effective immediately following its adoption by ordinance by the governing board of both the Village of Pinehurst and the Town of Southern Pines.

SECTION 5. Modifications or Amendments. That this ordinance may be modified or amended with a subsequent agreement entered into by both participating municipalities pursuant to G.S. 160A-58.24(d). All modifications and amendments to this agreement shall be approved by ordinance and adopted after public hearings by both municipalities.

SECTION 6. Term of Agreement. That the term of this agreement shall be for a period of 20 years from the latest adoption of this ordinance dated below.

SECTION 7. Termination of Agreement. That this agreement may be terminated by either town in the manner prescribed by G.S. 160A-58.24(f). This agreement shall be effective until such termination occurs or 20 years, whichever comes first.

SECTION 8. Applicability of regulations. The Town of Southern Pines regulations and powers of enforcement shall remain in effect until the Village of Pinehurst has applied its regulations and powers of enforcement to the area that was within the jurisdiction of the Town of Southern Pines before the adoption of this ordinance.

Adopted this 22nd day of January, 2019.

VILLAGE OF PINEHURST VILLAGE COUNCIL

(Municipal Seal)

Attest:

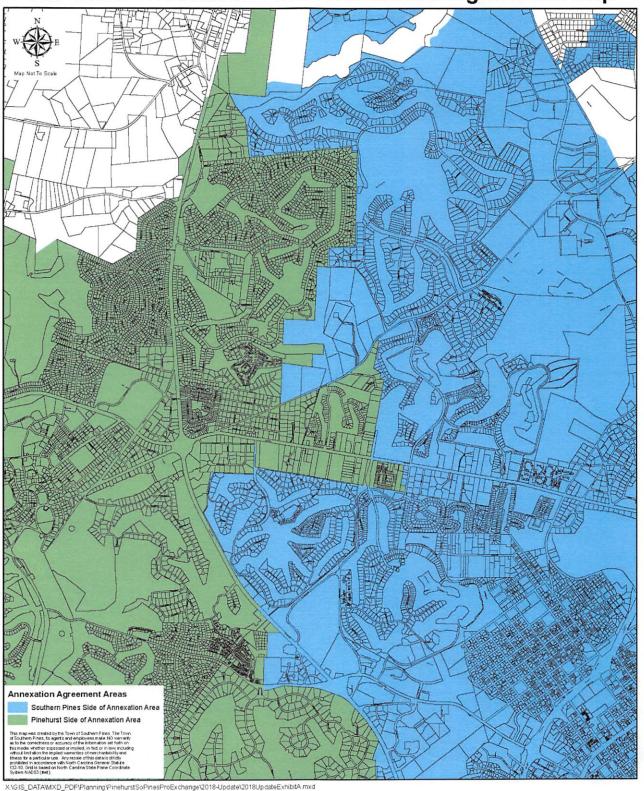
Approved as to Form:

Nancy Roy Fiorillo, Mayor

Michael J. Newman, Village Attorney

Beth Dunn, Village Clerk

Exhibit A: The Village of Pinehurst & The Town of Southern Pines Annexation Agreement Map



Adopted by the Town of Southern Pines:	January 8, 2019
	David McNeill Mayor Town of Southern Pines

Agreement Effective on:

January 22, 2019

Date