



**PLANNING AND ZONING BOARD  
OCTOBER 3, 2019  
ASSEMBLY HALL  
395 MAGNOLIA RD.  
PINEHURST, NORTH CAROLINA  
4:00 PM**

I. Call to Order

II. Approval of Minutes

- A. 09-05-19 Regular Meeting Draft Minutes
- B. 09-10-19 Special Joint Meeting Draft Minutes
- C. 09-23-19 Special Meeting 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 includes two parcels of land consisting of approximately 41.26 acres further identified as Moore County PID #'s 00046241 and 00046287 and would zone those properties RMF-CD (Residential Multi-Family-Conditional District). The properties are currently zoned NC (Neighborhood Commercial District) and R-5 (High Density Residential District). The proposed use of the properties is a 160 dwelling unit single family development with amenities. The property is currently vacant. The applicant is The Cottages at Legacy Lakes, LLC and property owners are Lisa Mahaley and Howard & Georgia Arnette.

IV. General Business

V. Next Meeting Date

- B. November 7, 2019 Regular Meeting

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.*



**09-05-19 REGULAR MEETING DRAFT MINUTES  
ADDITIONAL AGENDA DETAILS:**

**FROM:**

Kelly Brown

**CC:**

Darryn Burich

**DATE OF MEMO:**

9/25/2019

**MEMO DETAILS:**

Attached are the 09-05-19 Regular Meeting Draft Minutes for your review.

**ATTACHMENTS:**

Description

▣ 09-05-19 Regular Meeting Draft Minutes



**PLANNING AND ZONING BOARD  
REGULAR MEETING MINUTES  
SEPTEMBER 5, 2019  
ASSEMBLY HALL  
395 MAGNOLIA RD.  
PINEHURST, NORTH CAROLINA  
4:00 PM**

The Pinehurst Planning and Zoning Board held a Regular Meeting at 4:00 p.m., Thursday, September 5, 2019, in the Assembly Hall, at 395 Magnolia Road, Pinehurst, North Carolina.

**Board Members in Attendance:**

Leo Santowasso, Chairman  
Julia Latham, Board Member  
Jeremy Hooper, Board Member  
Cyndie Burnett, Board Member  
Paul Roberts, Board Member  
Joel Shriberg, Board Member  
Sonja Rothstein, Board Member  
David Kelley, Vice-Chairman

**Staff in Attendance:**

Darryn Burich, Planning and Inspections Director  
Alex Cameron, Senior Planner  
Beth Dunn, Village Clerk

In addition, there were 15 members of the public, 1 staff and 1 member of the press in attendance.

**I. Call to Order**

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

**II. Motion to Recess Regular Meeting and Enter Into a Public Hearing.**

Upon a motion by Board Member Cyndie Burnett, seconded by Board Member Sonja Rothstein, the Board unanimously approved to recess its regular meeting and enter into a Public Hearing by a vote of 7-0.

**III. Public Hearing No. 1**

Alex Cameron, Senior Planner, stated the Village of Pinehurst is the applicant of this text amendment to the Pinehurst Development Ordinance (PDO), and this amendment would change section 9.7.1.6 Signs Not Requiring a Permit (G) Occupant/Street Number Signs. Mr. Cameron explained this amendment would change the text in the PDO to be consistent with language in the Pinehurst Municipal Code and the North Carolina Building Code. Mr. Cameron stated a BIRDIE team was assembled to identify ways to improve both the efficiency and effectiveness of the Fire Department's Emergency Response processes. The team reviewed the requirements from the NC State Fire Codes, NC Building Codes, Pinehurst Development Ordinance and the Pinehurst Municipal Code and ultimately concluded that they all be consistent with their language and requirements.

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

Upon a motion by Board Member Joel Shriberg and seconded by Board Member Jeramy Hooper, the Board unanimously voted to adjourn the public hearing and to re-enter into the regular meeting by a vote of 7-0.

**V. Discuss and Consider a Text Amendment.**

Upon a motion by Board Member Cyndie Burnett and seconded by Board Member Sonja Rothstein, the Board unanimously approved to recommend approval of the text amendment, specifically section 9.7.1.6 Signs Not Requiring a Permit (G) Occupant/Street Number Signs, to the Pinehurst Village Council, as this proposed amendment is consistent with the 2010 Comprehensive Long-Range Village Plan, achieving goals in accordance with the Comprehensive Plan is considered reasonable and in the best interest of the public, by a vote of 7-0.

*Board Member David Kelley joined the meeting after voting was concluded at 4:10 pm.*

**VI. Motion to Recess Regular Meeting and Enter Into a Public Hearing.**

Upon a motion by Board Member David Kelley, seconded by Board Member Sonja Rothstein, the Board unanimously approved to recess its regular meeting and enter into a Public Hearing by a vote of 8-0.

**VII. Public Hearing No. 2**

Leo Santowasso, Chairman, swore in Phillip Picerno, Travis Fluitt, Dr. Dan Barnes, Mickey Foster, Michael Satterfield, and Geoffrey Poluzny, all giving testimony. Chairman Santowasso asked if any Board Members had any conflict of interest. Board Member Joel Shriberg indicated he is a volunteer at the current Cancer Center, is on the Finance Committee for the hospital, and also participated in a focus group for this project. Board Member David Kelly asked if he was involved in developing the project in anyway. Board Member Shriberg stated he was only on a focus group that helped determine the need for a comprehensive Cancer Center.

Alex Cameron, Senior Planner, explained the purpose of the public hearing is to consider an Official Zoning Map Amendment, which includes three parcels of land consisting of approximately 6.32 acres further identified as Moore County PID #'s 00025088, 00019165 & 00022886 and would zone the properties HD-CD (Hospital Development District – Conditional District). The property is currently zoned OP (Office Professional Development District). The proposed use of the property is a four-floor outpatient cancer center and four-level parking deck. Mr. Cameron stated the property is currently vacant and the applicant and property owner is First Health of the Carolinas, Inc. Due notice has been set on the property and proper legal notices published for the public hearing. Mr. Cameron explained the applicant has requested the following conditions:

- 1) Maximum building height up to one-hundred (100) feet.
- 2) Four (4) level parking deck.
- 3) Parking space ration of .71.
- 4) Minimum lot size of 6.32 acres.
- 5) Rear yard setback of fifty (50) feet.
- 6) Lot width of two-hundred sixty (260) feet.
- 7) Accessory building placement in front yard.
- 8) No screening on the proposed solar panels.

Mr. Cameron stated the property across Page Road North is also owned by FirstHealth, is zoned HD and is the site of numerous medical clinics and offices including Moore Regional Hospital and



the Reid Heart Center. The properties to the north, south and east are all zoned OP and include many outpatient medical clinics and offices. Mr. Cameron noted the applicant did hold a neighborhood meeting, as required prior to submitting their application.

Dr. Dan Jones, Vice President of Oncology at FirstHealth, explained the need for the new Cancer Center and how a consolidated center would be beneficial. Phillip Picerno, LKC Engineering, explained the site is 6.32 acre site and relatively flat and the proposed rezoning to Hospital District (HD) would be consistent with the 86 acre tract that FirstHealth's campus currently occupies. The storm water discharge will be on the southern portion of the site, where it drains currently, and main access to the site will be on Page Road North. The applicant has proposed 637 parking spaces, pending approval of the requested parking condition, which would be a net gain of 43 additional parking spaces. Mr. Picerno explained the 8 conditions being requested by the applicant. Geoffrey Poslusny, consultant with Walker Parking, explained the study conducted to determine the amount of parking needed for the site at .71 spaces per 200 square feet. Mr. Poslusny stated that studies show the larger the Cancer Center a lesser parking demand was generated.

Board Member David Kelley asked how they determined the size of the 120,000 square foot building proposed. Dr. Dan Jones explained that they currently serve up to 17 counties and even have patients in South Carolina coming to Moore County for treatment. All the other facilities, currently at the Pinehurst campus, would be consolidated into one facility. Mickey Foster, FirstHealth CEO, stated that they are not a patient centric facility now and oncology services are so disjointed.

Travis Fluitt, Traffic Engineer with Kimley-Horn, reviewed the traffic impact analysis and stated the site is projected to produce 150 new am peak trips and 250 new pm peak trips. All intersections are projected to operate appropriately. Michael Satterfield, Architect, reviewed the renderings of the building with the Board. He explained the solar panels on top of the parking deck will provide shelter and shade for the vehicles as well as provide all the power needed to operate the parking deck. Tillman Hagen, Green State Power, stated the solar panels would be on the southern side of the building.

Board Member Julia Latham asked about the traffic impact on Avimore Drive and if they planned any additional traffic analyses. Mr. Fluitt stated they have completed an additional study of 4 intersections, but they have not received the traffic counts back yet. Chairman Santowasso stated he would like to have the study submitted with the site plan application. Board Member Jeramy Hooper asked about the requested condition for rear yard setback and what is currently behind the proposed Cancer Center. Mr. Picerno explained there is one and half acre lot owned by Mr. Frank Maser, which includes at least one building and there is 175 feet in between the Cancer Center to the nearest building on that property. Mr. Picerno stated that there is also a stand of pines, hardwoods, and undergrowth between those buildings. Board Member Paul Roberts asked how far out do they plan ahead for the plantings. Dr. Dan Jones stated they plan ahead for 10 years and have accounted for future growth with this Cancer Center.

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

Upon a motion by Board Member David Kelley and seconded by Board Member Cyndie Burnett, the Board unanimously voted to adjourn the public hearing and to re-enter into the regular meeting by a vote of 8-0.

**IX. Discuss and Consider a Request to Amend the Official Zoning Map.**

The Board discussed the various conditions they would like to see such as wrapping the parking structure, landscaping requirements to the rear of the building, screening options for the solar panels on the parking deck. Darryn Burich, Planning and Inspections Director, reviewed examples of wrapping on parking decks to soften the look. Board Member Hooper explained that Mr. Maser, the adjacent property owner, stated during the neighborhood meeting that the 50% reduction in the rear setback would overshadow his property. The Board discussed adding a landscaping buffer to lessen the rear setback.

**X. Motion to Recess the Regular Meeting and Re-enter Public Hearing No. 2.**

Upon a motion by Board Member Julia Latham and seconded by Board Member Sonja Rothstein, the Board unanimously voted to recess the regular meeting and re-enter Public Hearing No. 2 by a vote of 8-0.

**XI. Public Hearing No. 2**

Upon further discussion, FirstHealth agreed to withdraw their request for no screening on the solar panels, condition number 8. FirstHealth representatives stated should they have solar panels on the parking deck, they will screen them. The applicant agreed to wrap the front west elevation and the south elevation up to the stair tower, and 36 feet along the north side of the parking structure. The applicant also agreed provide a sight distance study on Aviemore Drive, to provide a traffic impact analysis with the site plan submittal, and to plant a buffer behind the Cancer Center building.

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

Upon a motion by Board Member David Kelley and seconded by Board Member Cyndie Burnett, the Board unanimously voted to adjourn the public hearing and to re-enter into the regular meeting by a vote of 8-0.

**XIII. Discuss and Consider a Request to Amend the Official Zoning Map.**

Upon a motion by Board Member Joel Shirberg, seconded by Board member Jeramy Hooper, the Board unanimously approved that the Planning and Zoning Board recommend the Pinehurst Village Council approve this zoning map amendment as this proposed amendment is consistent with the 2010 Comprehensive Long-Range Village Plan as described in the staff memo prepared by Alex Cameron dated August 28, 2019, achieving goals in accordance with the Comprehensive Plan is considered reasonable and in the best interest of the public by a vote of 8-0, with the following conditions agreed upon by the applicant and the Planning and Zoning Board:

1. The maximum building height be allowed to be 100 feet.
2. Parking deck have a maximum of 4 levels.
3. Parking for the Outpatient Cancer Center be provided at .71 spaces per 200 square feet of building.
4. Minimum lot size be reduced to 6.32 acres.
5. Rear Yard Setback be 50 feet.
6. Minimum Lot Width at Setback Line be 260 feet.
7. Allow Accessory Building in Front Yard.
8. Final architectural design of the parking structure from the front building line of the Outpatient Cancer Center building along the Page Rd. side to the first bay on the north side (approximately 36 feet) be consistent with Special Requirement (SR) 27 of Section 8.6 of the Pinehurst Development Ordinance.
9. A sight distance study be completed for the Aviemore Dr. area.

10. A Traffic Impact Analysis be included as part of the initial Site Plan submittal.
11. A Class 1, 10 foot wide planted buffer be added along the rear property line of the Outpatient Cancer Center building.

Mr. Kelley	Yes
Ms. Latham	Yes
Ms. Burnett	Yes
Mr. Shriberg	Yes
Mr. Santowasso	Yes
Mr. Marsh	Yes
Mr. Hooper	Yes
Mr. Roberts	Yes

**XIV. New Business**

Darryn Burich, Planning and Inspections Director, stated that the Comprehensive Plan consultants will present the draft 2019 Comprehensive Plan to Council and the Planning and Zoning Board at a joint meeting on September 10, 2019 at 4:30 pm. The Board agreed have a special meeting to receive public comments on the Comprehensive Plan on September 23, 2019 at 4:00 pm.

**XV. Next Meeting Date**

- Joint meeting with Village Council on Tuesday, September 10, 2019 at 4:30 pm.
- Regular Meeting on Thursday, October 3, 2019 at 4:00 pm.

**XVI. Approval of Minutes**

- July 31, 2019 Special Meeting Minutes
- August 1, 2019 Regular Meeting Minutes
- August 7, 2019 Special Meeting

Upon motion by Board Member Cyndie Burnett, seconded by Board Member Sonja Rothstein, the Board unanimously approved the minutes, with corrections, by a vote of 7-0.

**XVII. Motion to Adjourn**

Upon a motion by Board Member David Kelley, the Board unanimously approved to adjourn the regular meeting by a vote of 7-0 at 7:10 pm.

Respectfully Submitted,

Beth Dunn  
Village Clerk  
Village of Pinehurst

*A videotape of this meeting is located on the Village website: [www.vopnc.org](http://www.vopnc.org).*

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DRAFT



**09-10-19 SPECIAL JOINT MEETING DRAFT MINUTES  
ADDITIONAL AGENDA DETAILS:**

**FROM:**

Kelly Brown

**CC:**

Darryn Burich

**DATE OF MEMO:**

8/28/2019

**MEMO DETAILS:**

Attached are the 09-10-19 Joint Meeting Draft Minutes for your review.

**ATTACHMENTS:**

Description

- ▣ 09-10-19 Special Joint Meeting Draft Minutes



**PLANNING AND ZONING BOARD  
SPECIAL MEETING MINUTES  
SEPTEMBER 10, 2019  
ASSEMBLY HALL  
395 MAGNOLIA RD.  
PINEHURST, NORTH CAROLINA  
4:30 PM**

The Pinehurst Planning and Zoning Board held a Special Joint meeting with Village Council at 4:30 p.m., Tuesday, September 10, 2019, in the Assembly Hall, at 395 Magnolia Road, Pinehurst, North Carolina.

**Board Members in Attendance:**

Leo Santowasso, Chair  
Jeremy Hooper, Board Member  
Sonja Rothstein, Board Member  
Joel Shriberg, Board Member

**Board Members Absent:**

Cyndie Burnett, Board Member  
Paul Roberts, Board Member  
Joel Shriberg, Board Member  
David Kelley, Vice-Chair  
Julia Latham, Board Member

**Staff in Attendance:**

Natalie Hawkins, Assistant Village Manager  
Darryn Burich, Planning and Inspections Director  
Beth Dunn, Village Clerk  
Kelly Brown, Administrative Specialist

In addition, there were approximately 20 members of the public, 8 staff and 1 member of the press in attendance.

**I. Call to Order**

Chair Leo Santowasso called the meeting to order.

**II. Presentation of the 2019 Comprehensive Plan**

Assistant Village Manager Natalie Hawkins explained that consultants Matt Noonkester and Brian Wright of Town Planning & Urban Design Collaborative and City would be giving a presentation on the proposed 2019 Comprehensive Plan (Comp Plan) to members of the Village Council and the Planning & Zoning Board.

Ms. Hawkins stated that the Comp Plan had been modified to incorporate feedback from the public, Village Council, the Planning & Zoning Board, and Village staff since the Community Open House held in mid-June 2019. In addition, the Village Council and the Planning & Zoning Board held several work sessions in July and August 2019 to discuss and make recommendations on the draft Comp Plan.

Mr. Wright provided an overview of the Comp Plan process up to this point. He stated there were 6,861 total engaged residents in the planning process. Mr. Wright reviewed the 7 Guiding Principles, which are the overarching framework of all the different elements of the Plan. Mr. Wright reviewed the top 10 Strategic Opportunities of the Plan and the factors that went into developing these.

Mr. Noonkester, reviewed the Five Focus Areas, which include the existing southwest Extra-Territorial Jurisdiction (ETJ), NC Highway 5 Commercial Area, Medical District, Village Place/Rattlesnake Trail Corridor, and NC Highway 211 Commercial Area. These areas have been identified as opportunities for infill, redevelopment that is more in keeping with the Pinehurst, and/or retrofit. Mr. Noonkester explained impact analysis is included for all Five Focus Areas to help staff and Council make informed decisions about the future of the Village, which are presented at the highest level of impact they would anticipate. Mr. Wright explained the key theme of the plan is to retain the small-town charm and rural feel of the Village. Recommendations to retain the small town charm include: managing scale and intensity of development, preserve and enhance the Historic Village Center, preserve and enhance open spaces and landscaping, expand cultural resources, events, and gathering spaces.

Ms. Hawkins explained the need to be very diligent in updating the Plan after it is adopted by Council. She explained the process to update the Plan would begin in November 2019 at Council's pre-retreat meeting. Staff would provide Council with an annual Comprehensive Plan report to show any changes generated by the implementation of strategies. Council would then review the implementation matrix and update as necessary in February of each year, in order to provide direction into the next fiscal year as the Village begins preparing the budget.

Ms. Hawkins stated the first public hearing on the Comprehensive Plan would be held by the Planning and Zoning Board on September 23, 2019 at 4:00 pm in Assembly Hall and the Council's Public Hearing would follow in early October 2019.

### **III. Motion to Adjourn**

Upon a motion by Board Member Sonja Rothstein, seconded by Board Member Jeramy Hooper, the Board unanimously approved to adjourn the special meeting by a vote of 3-0 at 5:25 pm.

Respectfully Submitted,

Kelly Brown  
Administrative Specialist  
Village of Pinehurst

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**09-23-19 SPECIAL MEETING DRAFT MINUTES  
ADDITIONAL AGENDA DETAILS:**

**FROM:**

Kelly Brown

**CC:**

Darryn Burich

**DATE OF MEMO:**

8/28/2019

**MEMO DETAILS:**

Attached are the 09-23-19 Special Meeting Draft Minutes for your review.

**ATTACHMENTS:**

Description

▣ 09-23-19 P&Z Minutes





**PLANNING AND ZONING BOARD  
REGULAR MEETING  
SEPTEMBER 23, 2019  
ASSEMBLY HALL  
395 MAGNOLIA RD.  
PINEHURST, NORTH CAROLINA  
4:00 PM**

The Pinehurst Planning and Zoning Board held a Special Meeting at 4:00 p.m., Monday, September 23, 2019 in the Assembly Hall, at 395 Magnolia Road, Pinehurst, North Carolina.

**Board Members in Attendance:**

Leo Santowasso, Chair  
Joel Shriberg, Board Member  
Julia Latham, Board Member  
Jeremy Hooper, Board Member  
Sonja Rothstein, Board Member  
Cyndie Burnett, Board Member

**Board Members with Excused Absences:**

David Kelley, Vice-Chair  
Paul Roberts, Board Member

**Staff in Attendance:**

Natalie Hawkins, Assistant Village Manager  
Darryn Burich, Planning and Inspections Director  
Kelly Brown, Administrative Specialist

There were approximately 27 members of the public, six staff and one press in attendance.

**I. Call to Order**

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

**II. General Business**

Planning and Inspections Director Darryn Burich stated the purpose of this meeting was to receive public comment on the 2019 Comprehensive Plan. He gave a brief presentation on the Comprehensive Plan, which included a timeline of the adoption process, a review of the Top 10 Strategic Opportunities and Seven Guiding Principles, a review of the Five Focus Areas and Key Themes, and an overview of the implementation and updating process.

**A. Receive Public Comments on the Comprehensive Plan**

Mr. Santowasso stated the Board would receive public comment. The following members of the public provided comments:

Bart Reuter of 3 Sodberry Court supported enforcing a maximum of one single residence per five acres of development in the ETJ.

Jim Fisher of 15 Carolina Vista Drive read a letter on behalf of Kaye Pierson of 45 Brandon Trail. Ms. Pierson recommended delaying the approval of the Comprehensive Plan until after the mayor and Council elections in November 2019. Ms. Pierson stated the draft Comprehensive Plan fails to accurately represent citizens' preferences based on voting at the Open House.

Jackie Curley of 915 St. Andrews Drive supported waiting until after the new Council is elected to adopt the Comprehensive Plan. She expressed concern over the traffic issues on Route 5. She recommended being better partners with the County, State and Resort.

Bill Colmer of 34 Pomeroy Drive stated there are three areas that need to be worked on before adopting the Comprehensive Plan: whether the principle of new urbanism is appropriate for the Village, the Plan lacking the rigor needed to provide guidance to future planning boards and councils, and the lack of appropriate financial guidance. He suggested removing concept drawings, particularly in Focus Area 5.

Jane Hogeman of 18 Lochdon Court suggested prioritizing the rural nature of the ETJ, taking a look at the impact on the existing Monticello neighborhood before designing a major employment center on Route 5, and removing all of the renderings from the Comprehensive Plan, and address highways leading into the Village.

Bruce Geddes of 232 Bowman Road stated he was an opponent of Western Connector. He stated that the Plan does not accurately reflect public input. Mr. Geddes recommended delaying adoption of the Comprehensive Plan until people get a chance to review it, or take the opinions from the last public meeting and integrate them into the Comprehensive Plan. Mr. Geddes stated that the map on page 69 of the draft Comprehensive Plan incorrectly shows his property and others as undeveloped instead of developed.

Mr. Campbell of Saddle Place supported removing the renderings from the Comprehensive Plan. He remarked on high density housing in the ETJ.

John Webster stated that the projected population growth used to justify ETJ annexation and high density multi-family housing has decreased, however the draft Comprehensive Plan continues to reflect a high density bias. Mr. Webster stated that municipal expenditure is growing faster than inflation and that adding lower than average value housing will put further downward pressure on existing property values and spur the need for rising tax rates. Mr. Webster stated the Comprehensive Plan needs further revision before adoption.

Stuart Mills of 75 Shaw Road stated the Comprehensive Plan should be amended to add a stated objective to reduce traffic congestion in the Village of Pinehurst.

Bob Hanson of 120 Midland Road expressed concern over multi-family housing and stated that it is not needed for a quaint village. He stated that the greatest restraint on leadership is to do nothing.

## **B. Discuss and Consider a Recommendation on the 2019 Comprehensive Plan**

Mr. Santowasso stated the public comment session was over. He explained the Board could now come to a resolution to vote on the recommendation to adopt Comprehensive Plan, add conditions

to the recommendation, or make no recommendation and study the problems before coming together at special meeting to finalize what is to be sent to Village Council.

Board Member Jeramy Hooper suggested starting a discussion on the comments heard by the Board. He stated he heard a lot of passion around the ETJ, having the renderings removed, the lack of citizen input, and concern over multi-family housing and being driven toward growth.

Board Member Julia Latham stated her greatest concern was for the ETJ. She stated that she understood growth is going to occur in the ETJ in order to relieve pressure in Village Center; however, she expressed concern over the lack of specificity in the Comprehensive Plan leading to a potential open door for something different than what residents wanted, specifically in the ETJ.

Board Member Joel Shriberg stated that Strategic Opportunity #2 directly addresses the traffic concerns in the Village. He stated he understood that people want to retain the heart and soul of the Village and not see apartments or multi-family housing, however there is not much open space in the Village proper.

Board Member Sonja Rothstein supported the idea of keeping Village the way it is and stated that progress has to be controlled.

Board Member Cyndie Burnett supported keeping 50% open space in the ETJ. She stated that moving development out on Highway 5 where there is already development would not be out of character. Ms. Burnett stated she would like to take the public comments and go back through the document.

Mr. Santowasso suggested reviewing the Comprehensive Plan every five years. Mr. Santowasso stated that he does not agree that action should be delayed until after the election. He stated that the Western Connector is a necessary evil in order alleviate pressure on Highway 5. Mr. Santowasso recommended removing the renderings. Mr. Santowasso recommended a more definitive description of what form based zoning is.

Mr. Shriberg suggested allowing six story buildings on the side of Page Road across from the Medical District, specifically the property bound by Page Road N, Aviemore Drive, Memorial Drive and Highway 211, as shown on page 91 of the Comprehensive Plan. The Board discussed the proposal and conducted a straw poll. When asked if they supported the suggestion, the Board stated the following:

Julia Latham	Do Not Support
Jeramy Hooper	Do Not Support
Joel Shriberg	Support
Sonja Rothstein	Do Not Support
Cyndie Burnett	Support

Mr. Santowasso stated the suggestion was defeated.

The Board discussed strengthening language in the Comprehensive Plan to provide a backstop to development and protect open space the ETJ. The Board agreed to modify the Comprehensive Plan to add language stating there be a minimum of 40% open space for conservation neighborhoods in the ETJ. The Board recommended modifying the language of the Implementation Strategy 2.1 to not consider allowing conservation neighborhoods until there are agreed upon standards that have gone through the public input process.

The Board discussed modifying and/or removing the visual renderings in the Comprehensive Plan. The Board recommended modifying the Comprehensive Plan to add more descriptive verbiage to the Focus Area 5 rendering, if it were to be removed. The Board recommended adding American Planning Association approved examples of suburban standard development or subdivisions versus conservation neighborhoods, in reference to Focus Area 1: ETJ. Ms. Latham stated the renderings on pages 72, 75 and 76 of the Comprehensive Plan needed context.

The Board and Mr. Burich discussed character-based zoning. The Board recommended adding form-based zoning, character-based zoning and pattern book to the glossary.

Ms. Latham was excused from the meeting by Mr. Santowasso without a vote.

Mr. Santowasso called a five minute recess.

Upon a motion by Mr. Shriberg and seconded by Mr. Hooper, the Board unanimously approved the motion to allow Chair Leo Santowasso to vote by a vote of 4-0.

Upon motion by Ms. Burnett and seconded by Mr. Hooper, the Board unanimously approved to recommend to Village Council to adopt the 2019 Comprehensive Plan by a vote of 5-0, subject to minor editorial and formatting changes and the following modifications:

- Use more appropriate illustrations and/or more descriptive verbiage for Focus Areas.
- Update Strategy 2.1 to include standards for conservation neighborhoods.
- Update text for Focus Area 1: ETJ to limit conservation open space at a minimum of 40 percent.
- More clearly define character-based zoning or form-based zoning and pattern books.

**III. Next Meeting Date**

Regular Meeting on October 3, 2019 at 4:00 pm.

**IV. Motion to Adjourn**

Upon a motion by Ms. Rothstein and seconded by Ms. Burnett, the Board unanimously approved the motion to adjourn the special meeting by a vote of 5-0 at 6:14 pm.

Respectfully Submitted,

Kelly Brown  
Administrative Specialist  
Village of Pinehurst

*A videotape of this meeting is located on the Village website: [www.vopnc.org](http://www.vopnc.org).*

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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 includes two parcels of land consisting of approximately 41.26 acres further identified as Moore County PID #'s 00046241 and 00046287 and would zone those properties RMF-CD (Residential Multi-Family-Conditional District). The properties are currently zoned NC (Neighborhood Commercial District) and R-5 (High Density Residential District). The proposed use of the properties is a 160 dwelling unit single family development with amenities. The property is currently vacant. The applicant is The Cottages at Legacy Lakes, LLC and property owners are Lisa Mahaley and Howard & Georgia Arnette.

**FROM:**

Alex Cameron

**CC:**

Darryn Burich

**DATE OF MEMO:**

9/25/2019

**MEMO DETAILS:**

Please see the attached documents related to this public hearing.

**ATTACHMENTS:**

Description

- ☐ Staff Report
- ☐ Submittal Package
- ☐ General Concept Plan
- ☐ Elevations



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## PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

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**To:** Planning and Zoning Board  
**From:** Alex Cameron, Senior Planner  
**Cc:** Darryn Burich, Planning & Inspections Director  
**Date:** September 26, 2019  
**Subject:** Staff Report for the Proposed Conditional District Rezoning of Parcel ID#'s 00046241 & 00046287.

**Applicant:** The Cottages at Legacy Lakes, LLC.

**Current Zoning** Parcel ID #00046241: NC (Neighborhood Commercial District) is established as a district in which the principal use of land is for small scale commercial, retail, office and service uses to serve the surrounding residential districts. This district is further intended to discourage any use which would be detrimental to the predominately low-intensity commercial nature of the areas included within the district.

Parcel ID #00046287: R-5 (High Density Residential District) is established as a district in which the principal use of land is for high-density residential uses. This district is further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.

**Proposed Zoning:** R-MF-CD (Residential Multi-Family – Conditional District) is established as a district in which the principal use of land is for multi-family and/or single-family dwellings. This district is further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.

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The applicant requests an official zoning map amendment for a conditional district zoning of two parcels of land currently zoned NC (Neighborhood Commercial District) and R-5 (High Density Residential District) to RMF-CD (Residential Multi-Family-Conditional District). The proposed use of the area is an up to 160 dwelling unit single family development with a clubhouse and amenities.

Included with this conditional district rezoning request are an application for a zoning map amendment, general concept plan application, project narrative, neighborhood meeting summary, trip generation, hydrant flow test, ISO calculations, Biological Assessment for Red-Cockaded Woodpecker active partition, general concept plan, and elevations.

### **Background and Analysis:**

The subject area is defined as being Moore County Parcel ID#'s 00046241 & 00046287. The subject parcels total to approximately 41.26 acres in size. The properties are currently within the Village's Extra Territorial Jurisdiction (ETJ) and borders the Village's Corporate Limits. The properties are adjacent to Blake Boulevard, Olivia Lane and NC Highway 5 (along the Railroad right-of-way).

<b>Adjacent Land Use and Zoning</b>		
Area	Existing Uses	Zoning
North	Professional Offices and Residential	NC
South	Single Family Residential and Vacant	R5, R210, and OP
East	Single Family Residential and Health Care	R210 & NC
West	Retail and Office	NC
<b>Comprehensive Plan Land Use Designation</b>		
Parcel ID #00046241	Commercial "Other Business Area"	
Parcel ID #00046287	Residential "Higher Density"	

(See attached map)

A neighborhood meeting was required of the applicant prior to submitting the request. Please find the results of that meeting as reported by the applicant attached.

A 20 foot planted landscape buffer is required along the adjacent residential zoned properties and is shown on the General Concept Plan. A planted landscape buffer is not required adjacent to the non-residential zoned properties but the applicant is providing a 10 foot wide planted landscape buffer as shown on the General Concept Plan. A six foot tall screen fence is also shown on the General Concept Plan along the property adjacent to the Railroad right-of-way.

This site contains no floodplains or wetlands. The site does appear to contain an active partition cluster for Red-Cockaded Woodpeckers (RCW). The applicant has provided a Biological Assessment from Dr. J.H. Carter III & Associates, Inc., Environmental Consultants that states no cavity trees are on site and the proposed development would have no impact on suitable or potentially suitable RCW foraging.

A portion of the site is located within the WS-II Watershed Protection Overlay District therefore, a Special Intensity Allocation (SIA) will be required for this proposal. A SIA can be granted in accordance with the Village's policy and shall be granted if the Conditional District Rezoning request is approved by Village Council and a subsequent voluntary annexation petition is submitted and approved by Council.

A total number of 160 residential units are proposed with this development. The R-MF district has a maximum allowable density of six units per acre. The proposed density is compliant with the requirement. The proposed residential units are shown as detached single family homes with zero lot lines meaning the individual residential unit building footprint (approximately 40'x70') would be the lot and the remaining area would be common area and maintained by a property owners association. The applicant indicates the proposed size of the homes would range from 1,500 – 1,900 square feet. The applicant has provided proposed elevations of the homes with this submittal (see attached materials). A clubhouse, swimming pool and other recreational areas are shown as amenities to serve the residential units. The applicant proposes the development would be broken down into three phases and those phases are delineated on the General Concept Plan.

The proposal shows two access points to the development from Blake Blvd and a gated emergency access off Olivia Lane. The applicant is requesting a waiver from the requirement of 24" curb and gutter and to be allowed to utilize 24" valley gutter in lieu of the curb and gutter requirement in the Engineering Standards and Specifications Manual (ESSM). The Village's Public Services and Engineering Director has stated that if the proposal were approved, the valley gutter would be acceptable due to the amount of driveway cuts that would be needed. The internal streets are proposed to be dedicated as public streets. New sidewalks are required and are proposed within the development as shown on the General Concept Plan. Adequate parking per section 9.4 of the Pinehurst Development Ordinance (PDO) is provided and shown on the General Concept Plan serving the residential units and the amenities.

The applicant indicates that a Traffic Impact Analysis (TIA) is currently being prepared by Ramey Kemp and Associates (RKA). A conference call was held on August 7<sup>th</sup>, 2019 with RKA, Village staff and NCDOT staff to discuss the scope. A development was approved within the Town of Aberdeen's jurisdiction known as Blake Village which included over 300 single family units. A TIA was completed and dated April 8, 2019 and estimated decreased Levels of Service at the NC Highway 5 and Dawkins/Olivia Lane intersection and notes that the expected long delays would give that intersection a Level of Service 'F', the lowest rating. A trip generation analysis was required and provided by the applicant (see attached materials) which indicated approximately 1,600 new daily trips would be associated with the proposal. The calculated AM peak trips for entering would be 30 trips and 91 trips exiting. The calculated PM peak trips for entering would be 103 trips and 60 trips exiting.

The applicant is proposing a stormwater management area at the southeast portion of the property with retention areas in the northern section as shown on the General Concept Plan. A Soil and Erosion Control Permit will be required since the total site disturbance is greater than one acre and will need to be issued by the North Carolina Department of Environmental Quality (NCDEQ).

Public water and sewer are available and will be provided by Moore County Public Utilities (MCPU). MCPU have reviewed the General Concept Plan and deemed it be satisfactory at the conceptual stage of review and approval. A hydrant flow test was performed and showed that adequate projected fire flow is available for this development.

The rest of the Technical Review Committee (TRC) has reviewed the proposal and have minor comments that could be better determined and considered during the full site plan and construction drawing review phase if the proposal is approved by Village Council.



### **Conditions:**

The applicant is proposing the following conditions:

1. Side Setback of the parent tract be 20' as opposed to the required 15' Side Setback.
2. Provide a 10' wide Class 1 planted buffer along common property line of adjacent properties zoned NC and OP.
3. Provide a minimum of 10' separation between buildings.
4. The applicant petition for voluntary annexation into the Village's Corporate Limits.
5. Allowance for up to 160 dwelling units.
6. Use of valley gutter in lieu of curb and gutter per the Village's detail in the Engineering Standards and Specifications Manual (ESSM).

### **Planning and Zoning Board Action:**

After holding a public hearing on the proposed zoning map amendment, the Planning and Zoning Board must adopt a consistency statement describing how the proposed amendment is or is not consistent with the Long Range Comprehensive Plan. Following adopting a statement of consistency, the Planning and Zoning Board may recommend approval or denial of the proposed map amendment to Village Council. If the Board recommends approval of the proposed amendment but adopts a statement of inconsistency with the Long Range Comprehensive Plan, then the Plan is deemed to be amended if it is ultimately approved by the Village Council.

The Planning and Zoning Board can recommend that Village Council and the applicant consider and mutually agree to more restrictive conditions that are not included with submitted proposal. The more restrictive conditions should be reasonable related to concerns about the proposed development and to mitigate any potential impacts on adjacent properties or the community. However, no changes can be made to the proposed conditions that are less restrictive than those stipulated in the initial request. The applicant must also submit in writing that they agree to the conditions.

If there are more questions or concerns that need to be addressed, the Planning and Zoning Board could continue the public hearing to a specific date, place and time, however if a recommendation is not forwarded to Village Council within 30 days of the first scheduled public hearing, then the Village Council may choose to consider the request without a recommendation by the Board.

Planning staff recommends the Planning and Zoning Board make two separate motions:

Motion #1: To adopt one of the attached Village of Pinehurst Planning and Zoning Board Comprehensive Long Range Plan Consistency statements and authorize its Chairman to execute the document.

Motion #2: Make a motion to recommend approval or denial to the Village Council the proposed Conditional Rezoning request from NC (Neighborhood Commercial District) and R-5 (High Density Residential District) to RMF-CD (Residential Multi-Family-Conditional District) with conditions.

## **Consistency with the 2010 Comprehensive Long Range Plan:**

### **Option #1:**

#### **Proposal IS Consistent and Recommend Approval:**

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.).

Page 55 of the 2010 Comprehensive Long Range Plan states that over time, Pinehurst should also seek to annex lands into the corporate limits through a voluntary process (the landowner requests to be annexed) or an involuntary process (the land area meets statutory criteria allowing it to be annexed). Voluntary annexation is preferred to involuntary annexation.

This proposal takes into consideration the need for additional housing needed of the residents of Pinehurst and the ability to annex land into the corporate limits and having more influence over the area. Therefore, this amendment *is* consistent with the goals of the 2010 Comprehensive Long Range Plan and 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. This also is deemed an amendment to the Future Land Use Plan (map) to show the area as “Higher Density Residential.”

### **Option #2:**

#### **Proposal IS NOT Consistent and Recommend Denial:**

Page 60 of the 2010 Comprehensive Long Range Plan indicates that business areas serve different needs in the community and a goal to guide business development would be to promote and assist business vitality in all the commercial districts. The Future Land Use Plan (map) on page 86 shows the main parcel as “Other Business Area” and therefore the request as proposed is not consistent with the Comprehensive Plan.

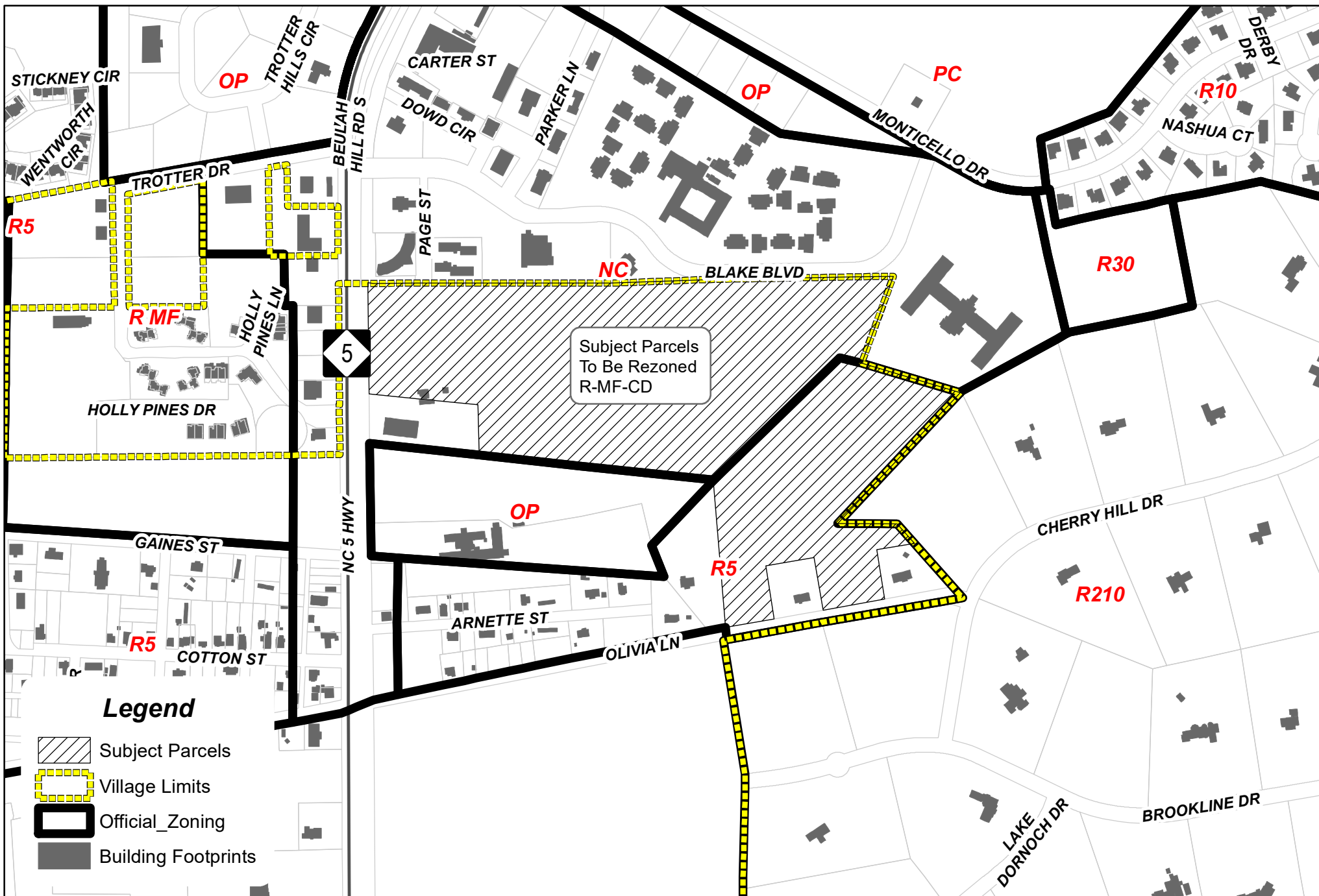
Additionally, this proposal would not promote the existing commercial zoned (Other Business) area and would not aid or adequately manage traffic congestion from the development as identified in the 2010 Long Range Comprehensive Plan. Therefore this amendment *is not* consistent with the goals of the 2010 Comprehensive Long Range 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.

## **Recommendation:**





Staff recommends the Planning and Zoning Board consider *Option #2* given the 2010 Comprehensive Land Use recommendation for the area. Additionally, the 2019 Comprehensive Plan currently undergoing review does not indicate that stand alone residential uses are appropriate for this area (Focus Area 2).

**Attachments:**

- Planning and Zoning Board Consistency Statement – Recommend Approval
- Planning and Zoning Board Consistency Statement – Recommend Denial
- Area Zoning Map
- Aerial Map with Existing Conditions
- Aerial Map with Depiction of Proposal



## Legend

-  Subject Parcels
-  Village Limits
-  Official\_Zoning
-  Building Footprints

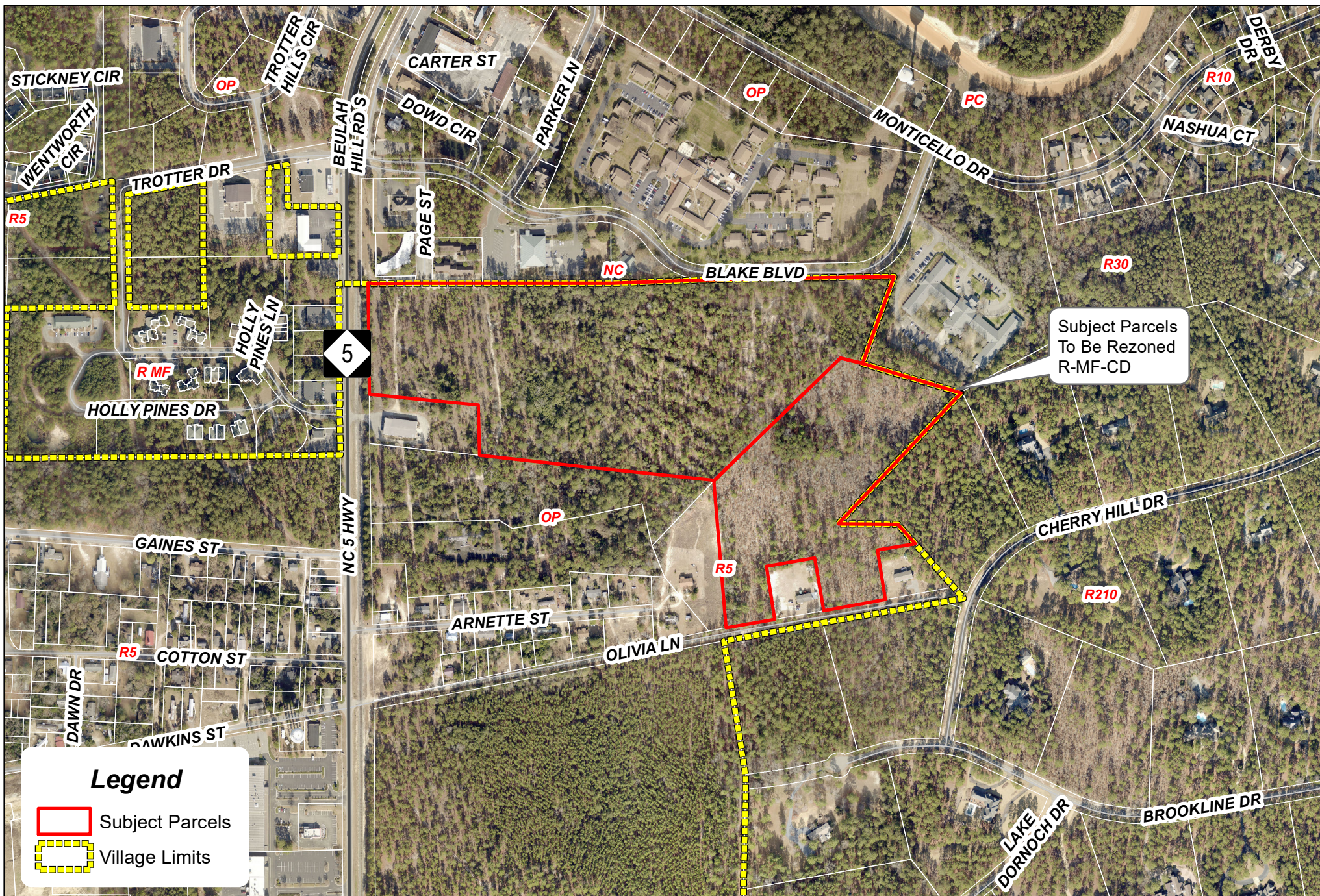
# Pinehurst South Cottages Proposed Rezone



Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed.  
 The maps have been created from information provided by various government and private sources at various levels of accuracy.  
 The data is provided to you "as is" with no warranty, representation or guaranty  
 as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein.  
 It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner.  
 Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10.  
 Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).  
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 9/25/2019







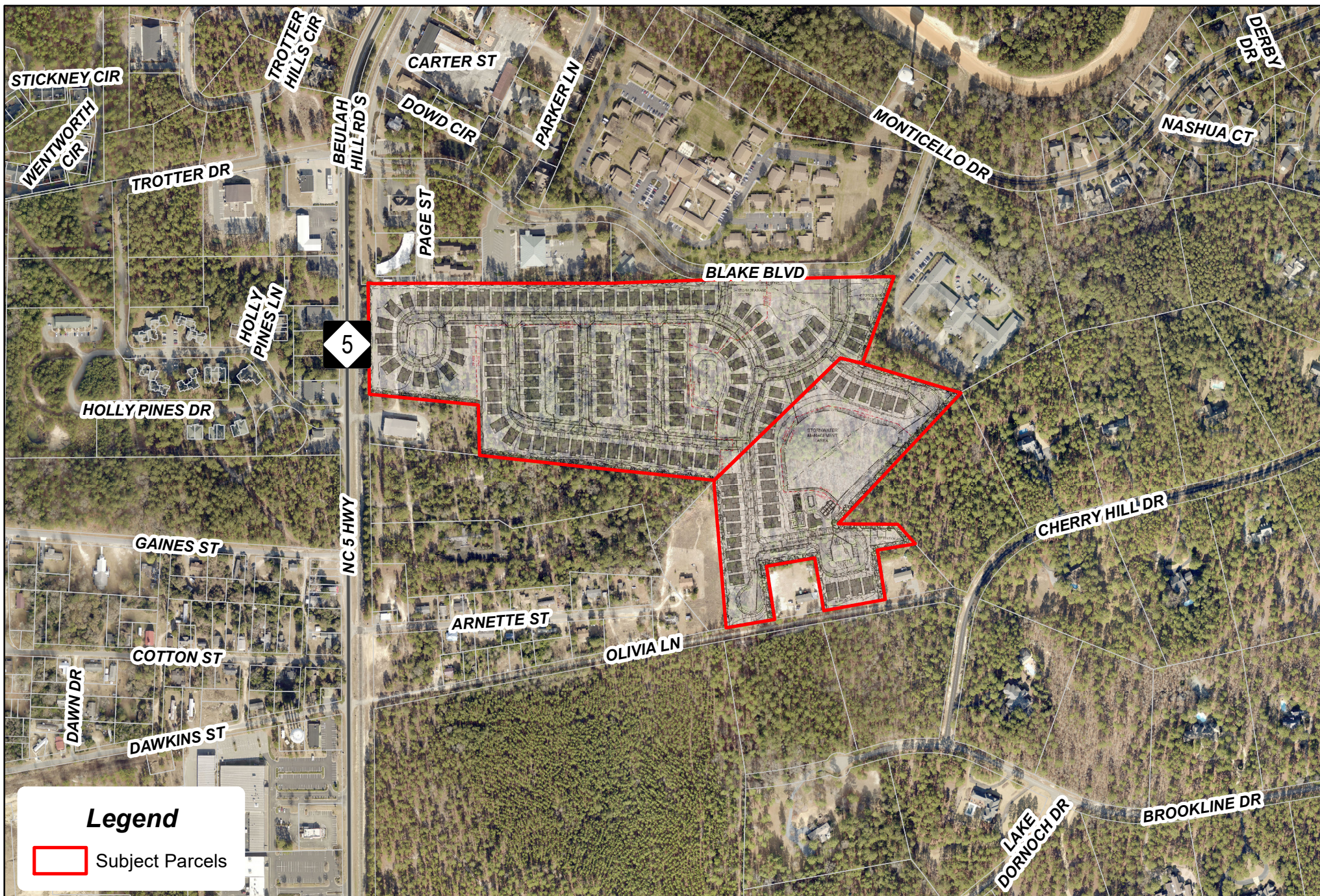
## Pinehurst South Cottages Proposed Rezone



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9/25/2019

0 150 300 600 900 1,200 Feet





## Pinehurst South Cottages Proposed Rezone



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0 150 300 600 900 1,200 Feet





HISTORY, CHARM, AND SOUTHERN HOSPITALITY

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**PLANNING AND ZONING BOARD STATEMENT OF CONSISTENCY  
WITH THE LONG RANGE COMPREHENSIVE PLAN  
OCTOBER 3, 2019 REGULAR MEETING**

**Conditional District Rezoning Request  
NC (Neighborhood Commercial District) and R-5 (High Density Residential District)  
to  
RMF-CD (Residential Multi-Family-Conditional District)**

**Property Location:** Blake Blvd. and Olivia Ln.  
**Parcel ID#’s:** 00046241 & 00046287

The Village of Pinehurst Planning and Zoning Board finds that:

The proposed conditional rezoning **IS** consistent with the following goals in the 2010 Comprehensive Long Range Plan:

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.).

Page 55 of the 2010 Comprehensive Long Range Plan states that over time, Pinehurst should also seek to annex lands into the corporate limits through a voluntary process (the landowner requests to be annexed) or an involuntary process (the land area meets statutory criteria allowing it to be annexed). Voluntary annexation is preferred to involuntary annexation.

This proposal takes into consideration the need for additional housing needed of the residents of Pinehurst and the ability to annex land into the corporate limits and having more influence over the area. This also is deemed an amendment to the Future Land Use Plan (map) to show the area as “Higher Density Residential”.

Therefore, the Village of Pinehurst Planning and Zoning Board recommends **APPROVAL** of the conditional rezoning from NC (Neighborhood Commercial District) and R-5 (High Density Residential District) to RMF-CD (Residential Multi-Family-Conditional District) with conditions.



HISTORY, CHARM, AND SOUTHERN HOSPITALITY\_\_\_\_\_

This is the \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
**Chair of the Planning and Zoning Board**

**Ruling filed with the Village of Pinehurst:**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**Kelly Brown**  
**Clerk to the Planning and Zoning Board**

Cc: Darryn Burich  
Alex Cameron  
Kelly Brown





HISTORY, CHARM, AND SOUTHERN HOSPITALITY

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**PLANNING AND ZONING BOARD STATEMENT OF CONSISTENCY  
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**Conditional District Rezoning Request  
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to  
RMF-CD (Residential Multi-Family-Conditional District)**

**Property Location:** Blake Blvd. and Olivia Ln.  
**Parcel ID#’s:** 00046241 & 00046287

The Village of Pinehurst Planning and Zoning Board finds that:

The proposed conditional rezoning **IS NOT** consistent with the following goals in the 2010 Comprehensive Long Range Plan:

Page 60 of the 2010 Comprehensive Long Range Plan indicates that business areas serve different needs in the community and a goal to guide business development would be to promote and assist business vitality in all the commercial districts. The Future Land Use Plan (map) on page 86 shows the main parcel as “Other Business Area” and the proposed stand alone single family residential development is not consistent with this land use recommendation.

Therefore, the Village of Pinehurst Planning and Zoning Board recommends **DENIAL** of the conditional rezoning from NC (Neighborhood Commercial District) and R-5 (High Density Residential District) to RMF-CD (Residential Multi-Family-Conditional District) with conditions.



HISTORY, CHARM, AND SOUTHERN HOSPITALITY\_\_\_\_\_

This is the \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
**Chair of the Planning and Zoning Board**

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\_\_\_\_\_  
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**Clerk to the Planning and Zoning Board**

Cc: Darryn Burich  
Alex Cameron  
Kelly Brown



Engineering  
Landscape Architecture  
Surveying

## **Pinehurst South Cottages – 41 ACRE CONDITIONAL DISTRICT REZONING**

### **August - 2019**

#### **Project Narrative**

The development of the subject parcels include to existing parcels described as the Mahaley Tract being a 28 acre tract currently zoned Neighborhood Commercial (NC) and an adjoining tract known as the Arnett Tract being a 13 acre parcel zoned R-5. The two tracts combined are 41 acres and abut Blake Boulevard to the north and Olivia Lane to the south. As currently zoned the NC zoning on Mahaley tract would yield approximately 180,000 sf of buildings as allowed in the NC zoning district. Likewise, the Arnett tract zoned R-5 would yield approximately 50 single family units, both of these parcels. The current zoning of the Mahaley Tract (NC) is consistent with the surrounding zoning of NC and OP while the R-5 zoning of the Arnett Tract is consistent with the adjoining residential zoning to the west and east of the subject parcel. Both tracts would be considered high density zoning within VOP, and the zoning districts surrounding the subject parcels are also considered high density zoning, with the exception of CCNC to the east (R210). The CLRP recognizes that the areas in the “Pinehurst South” are intended to be higher densities as the areas are located out of the Village Core and other areas traditionally considered low density. The CLRP also references higher residential densities in the outer corporate limits of the Village.

The proposed project would include the construction of approximately 160 single family detached homes that range from 1,500 sf to 1,900 sf of heated space. To construct this project a Conditional District Rezoning of the combined parcels is necessary. The two tracts comprise approximately 41 acres and the product is intended to be a “Zero Lot Line” product leaving the remaining lands as common space to the Property Owners Association (POA). To proceed this project, it is the intent to seek a RMF-CD zoning for the combined parcels. The project as proposed to RMF-CD of the combined parcels would be a far less dense zoning than what is currently allowed in the NC and R5 districts as it relates to built upon area and generation of traffic.

The Village of Pinehurst is in the process of completing a new Comprehensive Land Use Plan. The Draft Comprehensive Plan currently available to the public, addresses the need for senior housing to support an aging population, empty nesters, “half-backs” and retirees. The draft plan addresses the 65-74 age group as the largest in Pinehurst and having a shortage of housing opportunities that caters to the needs of this group. The draft plan also mentions current opportunities that exist in the project area relating to retirement and extended care at Quail Haven and Pinehurst Care and Rehab Center. The Draft Comp Plan goes on to mention reduced square footages, single story living, outside maintenance and proximity to the Village and amenities.

While this project is not age restricted it is a product that lends itself to empty nesters, or residents that desire living options that include outside maintenance, “master down” and single level housing while providing amenities with active and passive recreation opportunities all within close proximity to the Village, hospital, medical care and the Pinehurst Resort. The product being offered would reach a variety



of home buyers, from the single professional to the retiree that is looking to down size and enjoy the benefits of a smaller footprint.

It should be noted that the Comprehensive Plan is a draft and has not officially been adopted by the Village of Pinehurst.

The design of this project will adhere to the Pinehurst Development Ordinance (PDO) and will follow the RMF zoning conditions as well as establishing a Conditional District.

### **Existing Conditions**

The site is located south of Blake Blvd. and north of Olivia Lane and consists of two tracts totaling 28 and 13 acres. The site has moderate slope, generally sloping from west to east to a low point in the south east quadrant of the site; elevations range from 540' to 510'. The site is bordered to the north by Blake Boulevard (Village Street) and to the south by Olivia Lane, which is an unimproved gravel road that has water and sewer owned by MCPU. Olivia Lane is currently used as an emergency access route into CCNC as well as access to homes along that street.

No existing structures, wetlands, streams, flood zones are present on the site. The western portion of the site as it abuts to the ACW RR right of way includes approximately 4.8 acres located of the Drowning Creek WS II BW high quality watershed. However, it appears that the watershed that crosses the RR right of way is incorrectly represented as the RR acts as a dam that would not allow water from the site to cross into this watershed. As it is currently shown it is intended that a SNIA permit would be applied for this portion of the site. The site is located within an active partition of SOPI 108 and 054 cluster of the red-cockaded woodpecker (RCW), however a Biological Assessment performed by Dr. J.H. Carter III & Associates, Inc. concluded "No RCW cavity trees occur on the proposed single-family residential community project site and no suitable or potentially suitable RCW foraging within SOPI Cluster 108 will be impacted by the project." The report went on to conclude "This project will have no effect on the RCW." The report also evaluated the presence of Michaux's sumac and concluded no impact. The survey also found no evidence of wetlands or any other environmentally sensitive species.

### **Project Design**

The proposed development would include the development of approximately 41 acres of the site, the product being proposed are single family detached residential homes having "zero lot lines," meaning an owner of the home would own the building footprint and the balance of the site would be common property and under the control of a Property Owners Association (POA) (excluding road rights of ways). The POA would have dues and covenants that would include maintenance of yards, and all other common space. "Zero Lot Lines" are not allowed in any other residential zoning districts of the Village of Pinehurst and thus the reason for pursuing RMF-CD zoning.

#### **Density**

As mentioned previously in this narrative the current parcels are zoned NC (28 acres) and R5 (13 acres) and the intent to obtain an RMF Conditional District rezoning. The RFM district allows 6 units per acre or 246 units on the combined 41 acre development parcel. The proposed

development plan is seeking 160 lots that equates to 3.9 units per acre which is considerably less or approximately 65% of the allowable density in the RMF district.

#### Site Development

The site will be constructed in three phases as shown on the General Concept Plan. The homes will range from 1,500 sf to 1,900 sf and will generally be a one story with gabled second floors. The primary living space will be downstairs (Master Down) and will be constructed as slab on grade products. The building pads will be approximately 40ft by 70ft with a ten foot separation between the buildings. It is important in this type of construction that the grading and drainage is carefully done to ensure that the management of stormwater and drainage of the and between the buildings. It would be the intent to clear and grade by phase to the extent that is practical in balancing cut and fill sections.

#### Streets and Access

The main entrance to the site will be two site accesses connecting to Blake Blvd. An emergency access point is shown on Olivia Lane. Internal site circulation will include internal streets with curb and gutter (valley curb) and will be constructed in accordance with Village Standards. Streets will include utility corridors for water, sewer, storm drainage, and dry utilities. Sidewalks will be included on both sides of the streets.

It is the intent that the internal subdivision streets will be dedicated as public streets (VOP). A Traffic Impact Analysis (TIA) is currently being prepared by Ramey Kemp and Associates (RKA), it is expected that the TIA will be completed before the P&Z meeting but are awaiting traffic counts while school is in progress. RKA did prepare a Trip Generation Analysis that yielded approximately 1,600 new daily trips based upon 160 residential lots. The AM peaks were stated as 30 trips entering and 91 trips exiting and PM peaks with 103 trips entering and 60 trips exiting. It is worth noting that that under the current zoning for 28 acres of Neighborhood Commercial (NC) Zoning and 13 acres of R-5 zoning the total estimated new trips is between 7,000 to 10,000 trips with the vast majority of these being generated by approximately 180,000 sf of NC establishments.

#### Parking

The Parking requirements are considered in this plan for the proposed units and associated amenities. The parking requirement is stated as 2 spaces per dwelling unit, 1 space per 200sf of the Clubhouse, 1 space per 75sf of pool area, and other recreation facilities requiring 22 spaces. The total parking required is 350 spaces with 351 spaces provided on the plan that include 306 garage spaces, 43 standard spaces and 2 handicap spaces.

#### Pedestrian Connectivity

Sidewalks are shown along all internal streets on each side of the proposed streets. Additionally, the plan provides for walking trails in the Amenity areas. The neighborhood will be completely walkable however there are no external connecting sidewalks or greenways.



### Open Space

In the RMF zoning district Open Space is not required, however with the “zero lot line” arrangement within the development, other than the home footprint all areas are considered Common Area. In addition to the common space the site is fairly well amenitized with usable recreation space (pool, walking trails and other amenities as shown). This application is not proposing dedicated public open space, but the equivalent of common space being provided by the POA serves similar purpose for the residents.

### Setbacks and Building Height

Dimensional requirements and setbacks were configured using the RMF zoning district requirements. Lot width and setback requirements apply to the Parent Tract or Tracts prior to development.

Min. Lot Size:	5,500sf
Min. Lot Width:	36ft
Min. Lot Width at setback:	50ft
Front Setback:	30ft
Side Setback:	15ft <b>(Condition 20ft)</b>
Side Street Setback:	20ft
Rear Setback:	25ft
Maximum Building Ht.	35ft

### Lighting

Site lighting will be provided per the PDO and will obtain a site lighting plan from Duke Energy.

### Utility Service

This project will connect to the existing Moore County Public Utilities Water Main and 8” Sanitary Sewer Main on Blake Blvd. A second water main connection may be included on Olivia Lane subject to review by MCPU. Internal water mains will be a network 8” and 6” diameter mains to support the domestic and fire flow requirements. The site will include a network of 8” gravity sewer mains with the southern portions of the site flowing to a new sewer pump station and force main that will pump back to Blake Blvd.

Moore County Public Utilities recently performed a hydrant flow test that yielded an adequate projected fire flow for this project. ISO Needed Fire Flow Calculations are included in this General Concept Plan Submittal that addresses the fire flow requirements with building size and setbacks taken into consideration. It appears that the available fire flow is adequate to construct the homes. More detail will be obtained during the detailed design phase of the project.

### Stormwater

Stormwater runoff will meet the requirements of the State and Village as required. The post-development runoff rate will be equal to or less than the pre-development runoff rate for a 10-year design storm. The project proposes traditional stormwater conveyance methods and stormwater management area(s) to retain and control stormwater to meet these requirements. The stormwater

management devices are intended to be located on the southeastern side of the property. Runoff will be collected on-site via a network of catch basins and stormwater device(s). The discharge will be at the southern low point of the site with flared end sections and rip-rap velocity dissipaters. A portion of the property is located in "High Quality Waters" and a SNIA will be applied for as part of the conditions of approval. Additional impervious areas will be accounted for in the detailed design phase of stormwater control measures.

Impervious Surface:

The maximum impervious area for site is 60% of the site or 24.76 ac. It is not anticipated that the impervious area will exceed the maximum allowable impervious for the RMF-CD District.

Soil Erosion and Sediment Control

A Soil and Erosion Control Permits will be obtained for the site through NCDEQ as the site will disturb more than one contiguous acre.

Development Conditions

The following Conditions are being requested as part of this Conditional District rezoning:

1. Provide 20' side yard setbacks, current Village of Pinehurst Development Ordinance requires 0' side setbacks (15' setbacks for detached) for RMF Zoning.
2. Provide 10' Class 1 buffer along common property line of adjacent property zoned NC and OP.
3. Provide a minimum of 10' between buildings.
4. With Conditional District approval, a special Non-Residential Intensity Allocation shall be granted in accordance with adopted Village of Pinehurst policies. The Village's policy states that the property shall be within the Village's Corporate Limits or an active Voluntary Annexation be on file.
5. Maximum density for project to be limited to 160 dwelling units and clubhouse.
6. Property Owner to apply for Voluntary Annexation into the Village of Pinehurst.
7. 2'-0" Valley Gutter is to be used in lieu of standard 2'-0" Curb and Gutter.



## Rezoning/Rezoning - Conditional

(Revised 04/01/19)

### Permit Information

Section 6.1 of the Pinehurst Development Ordinance (PDO) describes the process and requirements to amend the Official Zoning Map, or re-zone property. Applications for rezoning to a conditional district may only be initiated by the owner(s) of the property (or their representatives) and includes proposed conditions and/or use limitations that are more restrictive than would otherwise be allowed in the corresponding general use district.

This application must be completed in full and submitted with the associated fee listed in the Village's Fees and Charges Schedule, which can be accessed at [www.vopnc.org](http://www.vopnc.org).

### Intake Information

Property Address	
Street Address	Blake Blvd. & Olivia Ln.
City, State, Zip Code	Pinehurst, NC 28374
Parcel ID #	Mahaley Tract - 00046241, Arnette Tract - 00046287

Owner Information	
Name	1. Lisa Marlene Mahaley      2. Howard & Georgia Arnette
Street Address	1. 6040 6th Street      2. 2782 Monticello Pl. #205
City, State, Zip Code	1. Surf City, NC 28445      2. Orlando, FL 32835
Mobile Phone #	
Business Phone #	
Other Phone #	
Email	

Applicant	
Name	The Cottages at Legacy Lakes, LLC
Street Address	101 Bradford Village Ct.
City, State, Zip Code	Southern Pines, NC 28387
Mobile Phone #	910-585-0618
Other Phone #	
Email	marcel@goneauconstruction.com





## Rezoning/Rezoning - Conditional

(Revised 04/01/19)

### General Information

<input type="checkbox"/> Rezoning <input checked="" type="checkbox"/> Conditional District Rezoning			
Project Description	Single Family Residential Development consisting of 160 homes. This development proposes "zero lot line" detached homes that range from 1,500 sf to 1,900 sf. The building pads will be approximately 40' x 70' with a minimum ten foot of separation between them. The development will be known as Pinehurst South Cottages.		
Current Zoning District	NC - (Neighborhood Commercial) and R-5 (High Density Residential)		
Proposed Zoning District	R-MF-CD (Residential Multi-Family - Conditional District)		
Reason for Rezoning Request	To allow for a "zero lot line" Single Family Residential Development		
Legal Basis for Application	<input type="checkbox"/> Property Owner in Village Planning Jurisdiction (Required for Conditional Rezoning) <input checked="" type="checkbox"/> Agent, Lessee, or Contract Purchaser Authorized by Property Owner(s) <input type="checkbox"/> Owner of a Legal Equitable Interest in Property in Village Planning Jurisdiction		
Number of Parcels to be Rezoned	2	Number of Acres to be Rezoned	41.26
Existing Use		Proposed Use	
<input checked="" type="checkbox"/> Vacant		<input type="checkbox"/> Vacant	
<input type="checkbox"/> Single Family Low Density		<input type="checkbox"/> Single Family Low Density	
<input type="checkbox"/> Single Family Medium Density		<input type="checkbox"/> Single Family Medium Density	
<input type="checkbox"/> Single Family High Density		<input checked="" type="checkbox"/> Single Family High Density	
<input type="checkbox"/> Multi-Family Development		<input type="checkbox"/> Multi-Family Development	
<input type="checkbox"/> Office		<input type="checkbox"/> Office	
<input type="checkbox"/> Retail		<input type="checkbox"/> Retail	
<input type="checkbox"/> Lodging		<input type="checkbox"/> Lodging	
<input type="checkbox"/> Recreational		<input type="checkbox"/> Recreational	
<input type="checkbox"/> Institutional		<input type="checkbox"/> Institutional	
<input type="checkbox"/> Medical		<input type="checkbox"/> Medical	
<input type="checkbox"/> Industrial		<input type="checkbox"/> Industrial	
<input type="checkbox"/> Services		<input type="checkbox"/> Services	
Conditions of Rezoning - Requested (If Any)	1. Provide 20' side yard setbacks, current Village of Pinehurst Development Ordinance requires 0' side setbacks (15' setbacks for detached) for R-MF Zoning. 2. Provide 10' Class 1 Buffer along common property line of adjacent property zoned NC and OP. 3. Provide a minimum of 10' between buildings. 4. A Special Intensity Allocation (SNIA) of 5 acres will be required for the project.		
Rezoning Results in an Increase in Density or Intensity of Uses	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Adjacent Property Owner Meeting (If Increased Density/Intensity of Uses)	8/21/19
Other Information			



## Rezoning/Rezoning - Conditional

(Revised 04/01/19)

### Location Information

Overlay District	<input type="checkbox"/> Historic Preservation Overlay District <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Pinehurst South Overlay District
Roads	<input checked="" type="checkbox"/> Public <input type="checkbox"/> Private
Water Provider	MCPU
Sewer Provider	MCPU

### Required Documents

- ☒ Summary Report of Meeting with Adjacent Property Owners (If Increased Density/Intensity of Uses)
- ☒ General Concept Plan Application, with Required Documents (If a Conditional District Rezoning)
- ☒ Written authorization of property owner (If submitted by an owner's representative)

### Certification

I hereby certify that the information contained in this application is accurate and complete. I also confirm that I have read and understand the requirements that must be met in order to obtain approval for a rezoning.

Applicant Signature:

Date:

8/23/2019



## General Concept Plan

(Revised 07/01/19)

### General Concept Plan Information

A general concept plan is required prior to a Major Site Plan approval, per Section 9.16.1.5 of the Pinehurst Development Ordinance (PDO). Appendix C of the PDO indicates required information for a General Concept Plan.

This application must be completed in full and submitted with the associated fee listed in the Village's Fees and Charges Schedule, which can be accessed at [www.vopnc.org](http://www.vopnc.org).

### Intake Information

Property Address	
Street Address	Blake Blvd. & Olivia Ln.
City, State, Zip Code	Pinehurst, NC 28374
Parcel ID #	Mahaley Tract - 00046241, Arnette Tract - 00046287

Owner Information			
Name	1. Lisa Marlene Mahaley 2. Howard & Georgia Arnette	Home Phone #	
Street Address	1. 6040 6th Street 2. 2782 Monticello Pl. #205	Mobile Phone #	
City, State, Zip Code	1. Surf City, NC 28445 2. Orlando, FL 32835	Business Phone #	
Email			

Licensed Professionals	
(License #s must include all letters and numbers as filed with the NC Licensing Board)	
	Engineer (Required)
License #	043255
Name	Philip A. Picerno
Street Address	140 Aqua Shed Court
City, State, Zip	Aberdeen, NC 28315
Phone #	910-420-1437
Email	Philip@lkceengineering.com



## General Concept Plan

(Revised 07/01/19)

Applicant			
Name	The Cottages at Legacy Lakes, LLC	Other Phone #	
Email	marcel@goneauconstruction.com	Street Address	101 Bradford Village Ct.
Mobile Phone #	910-585-0618	City, State, Zip Code	Southern Pines, NC 28387

### General Information

Site Description	Site, currently vacant, consists of an approximate 28-acre parcel and 13-acre parcel. These parcels are proposed to become the site of a Single Family Residential Development.		Associated with: <input checked="" type="checkbox"/> Major Site Plan <input type="checkbox"/> Subdivision
Existing Use		Proposed Use	
<input checked="" type="checkbox"/> Vacant		<input type="checkbox"/> Vacant	
<input type="checkbox"/> Single Family Low Density		<input type="checkbox"/> Single Family Low Density	
<input type="checkbox"/> Single Family Medium Density		<input type="checkbox"/> Single Family Medium Density	
<input type="checkbox"/> Single Family High Density		<input checked="" type="checkbox"/> Single Family High Density	
<input type="checkbox"/> Multi-Family Development		<input type="checkbox"/> Multi-Family Development	
<input type="checkbox"/> Office		<input type="checkbox"/> Office	
<input type="checkbox"/> Retail		<input type="checkbox"/> Retail	
<input type="checkbox"/> Lodging		<input type="checkbox"/> Lodging	
<input type="checkbox"/> Recreational		<input type="checkbox"/> Recreational	
<input type="checkbox"/> Institutional		<input type="checkbox"/> Institutional	
<input type="checkbox"/> Medical		<input type="checkbox"/> Medical	
<input type="checkbox"/> Industrial		<input type="checkbox"/> Industrial	
<input type="checkbox"/> Services		<input type="checkbox"/> Services	

### Project Information

Site Description	Single Family Residential Development consisting of 160 homes. This development proposes "zero lot line" detached homes that range from 1,500 sf to 1,900 sf. The building pads will be approximately 40' x 70' with a minimum ten foot of separation between them.		
Total Acres of Project Area	41.26	Number of Acres Disturbed	Majority of Site will be disturbed.
Number of Lots - Existing	0	Number of Lots - Proposed	160
Number of Non-Residential Units - Existing	0	Number of Non-Residential Units - Proposed	1 Clubhouse
Number of Residential Units - Existing	0	Number of Residential Units - Proposed	160
Number of Parking Spaces - Required	350	Number of Parking Spaces - Proposed	351
Impervious Surface % - Existing	0	Impervious Surface % - Proposed	60% of 41.26 AC. or less
Non-Residential Building Floor Area - Existing	0	Non-Residential Building Floor Area - Proposed	Clubhouse Size TBD



## General Concept Plan

(Revised 07/01/19)

Special Conditions (If Any)	See General Concept Plan and Rezoning Application for Conditions being requested with this rezoning.
Other Information	

### Location Information

Zoning District	Existing - NC and R-5, Proposed - R-MF-CD
Overlay District	<input type="checkbox"/> Historic Preservation Overlay District <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Pinehurst South Overlay District
Watershed Protection Overlay District	<input checked="" type="checkbox"/> WS-II <input type="checkbox"/> WS-III <input type="checkbox"/> N/A
Project Requires a Special Intensity Allocation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
In a Flood Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Site Contains Wetlands	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Red Cockaded Woodpecker on Site	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Roads	<input checked="" type="checkbox"/> Public <input type="checkbox"/> Private
Water Provider	MCPU
Sewer Provider	MCPU

### Required Documents (See Appendix C of the PDO for Requirements)

<input checked="" type="checkbox"/> General Concept Plan <input checked="" type="checkbox"/> ISO Calculations <input checked="" type="checkbox"/> Trip Generation Calculations <input checked="" type="checkbox"/> Building Elevations *
---

\*Requirement may be waived by the Village Planner

### Certification

I hereby certify that the information contained in this application is accurate and complete. I also confirm that I have read and understand the requirements for a General Concept Plan approval.

Applicant Signature:

Date:

8/23/2019

**August 13, 2019**

**Adjacent Property Owners to Mahaley Tract and Arnette Tract**

RE: Neighborhood Meeting Request for proposed Single-Family Development  
Mahaley Parcel (Parcel ID# 00046241) and Arnette Parcel (Parcel ID# 00046287)

Dear Neighbor,

My name is Marcel Goneau with The Cottages at Legacy Lakes, LLC and we are the potential developers of the subject 43-acre (combined) parcels that abut NC Hwy 5, Blake Blvd., and Olivia Ln. As part of a pending rezoning a neighborhood meeting will be held to discuss the plans for the project and for the opportunity to meet with you to address any questions and/or comments you may have. This rezoning request would change the current High-Density Zoning District NC (Neighborhood Commercial District) and High-Density Residential District R-5 to R-MF-CD (Residential Multi-Family District – Conditional District). The change in zoning with the “Conditional District” will provide for specific uses and conditions for the Property within the requested Zoning District which is illustrated on the land plan showing a detached single-family residential community.

The Neighborhood Meeting is scheduled for 6:00 pm to 7:00 pm on August 21, 2019 in the meeting chambers of the Village of Pinehurst Town Hall at 395 Magnolia Road in Pinehurst. The project team and I will be conducting the meeting and will have a copy of the conceptual plan for the site as well as architectural renderings of the proposed homes. Your comments and feedback are important to us as this process continues.

We look forward to seeing you on the 21<sup>st</sup>.

Sincerely,



Marcel O. Goneau  
The Cottages at Legacy Lakes, LLC  
PO Box 4839  
Pinehurst, NC 28374



**Blake Blvd. - Rezoning  
Neighborhood Meeting Address List**

1 Threexland, LLC C/O The Moser Group	231 Post Office Dr., Unit B8	Indian Trail	NC	28079
2 Randy Thomas	5906 Barrington	Charlotte	NC	28215
3 Marguerite Ingram	PO Box 3033	Pinehurst	NC	28374
4 Benjamin Bethea & Ronda Locklear	PO Box 3706	Pinehurst	NC	28374
5 James & Peggy Rogers	100 Cherry Hill Dr.	Pinehurst	NC	28374
6 Pinehurst Nursing Center, Inc. C/O Triad Med SVS	PO Box 969	Yadkinville	NC	27055
7 Quail Haven Properties of Pinehurst, LLC	2334 S 41st Street	Wilmington	NC	28403
8 ZF Properties, LLC	1088 Princeton Dr.	Longmont	CO	80503
9 US Postal Service	475 L'enfant Plaza, SW Room 4012	Washington	DC	20260-2200
10 Stone Holding Company, LLC	PO Box 83	Pinehurst	NC	28374
11 Dembosky Holdings, LLC	921 Yadkin Road	Southern Pines	NC	28387
12 Tumbleweed, LLC	PO Box 1495	Pinehurst	NC	28370
13 Matthewson Properties, LLC	6680 Beulah Hill Chruch Rd.	West End	NC	27376
14 Tuanson & Hongdao Huynh	880 Saint Andrews Dr.	Pinehurst	NC	28374
15 Broad Street Management, LLC	2315 Midland Rd.	Pinehurst	NC	28374
16 Roy Schneiderman & Corinne Cochran	655 Lake Dornoch Dr.	Pinehurst	NC	28374
17 Jon & Molly McClain	70 Belair Dr.	Pinehurst	NC	28374
18 828 Investments, LLC	1501 NC 5 Hwy.	Pinehurst	NC	28374

# BLAKE BLVD. SINGLE-FAMILY RESIDENTIAL DEVELOPMENT

## SIGN-IN

<u>NAME</u>	<u>ADDRESS</u>	<u>EMAIL</u>
Tim Carpenter	140 Aquag Shd Ct Aberdeen	tim@1kengineering.com
Philip Picerno	140 AAA Shd Ct.	philip@1kengineering.com
Bertha Patterson	121 Olivia Ln	
Marguerite Ingram	2950 Olivia Ln	
Rinda Bethea	333 Olivia Lane	betheasheart7565@gmail.com
Benjamin Bethea	333 Olivia Lane	
MARCEL GONEAU	125 Williams Rd	marcel@goneauconstruction.com
Blake Webb	245 Rembrandt Ln	Blake@Carolina-Commercial.com



# **PINEHURST SOUTH COTTAGES**

## **SINGLE FAMILY RESIDENTIAL DEVELOPMENT**

### **Neighborhood Meeting Minutes**

August 21, 2019

Meeting conducted by Tim Carpenter of LKC Engineering, PLLC and The Cottages at Legacy Lakes, LLC developer, Marcel Goneau. Neighborhood Meeting Attendees list is attached.

#### **Meeting called to order.**

Tim Carpenter began the meeting by welcoming the attendees. He then explained the existing conditions of the site, the current zonings, and what uses are allowed within the current zonings. He then explained the proposed rezoning to R-MF-CD and summarized in detail the General Concept Plan. He explained the next steps after the Neighborhood Meeting were Planning and Zoning Board Meeting and Village Council Meeting that both involved Public Hearings.

#### **Q: What is the difference in traffic and greenspace between existing zoning and proposed zoning?**

A: Tim explained that according to NCDOT and the Trip Generation Manuals they use, the existing NC (Neighborhood Commercial) property has the potential of generating up to 10,000 trips per day compared to the 1,600 trips per day generated by a 160-unit single family residential development that is being proposed. He then explained the parking requirements for commercial development and how that would cut into the greenspace for the property. The proposed development would have more greenspace and the lighting fixtures will be less intense than what would be required in a commercial development.

#### **Q: What is a landscape buffer?**

A: Tim – it's a vegetative buffer with a mix of large/small story trees and shrubs that acts as a shield or boundary. It helps reduce visibility, noise, lighting bleed over, and is a requirement by Village of Pinehurst when development abuts residential property.

**Comment: I was concerned about the stormwater with this development before seeing the conceptual plan.**

A: Tim – The stormwater will be collected in a stormwater network via catch basins and will be routed to a stormwater pond at the low point of the site. The post-development runoff rate must be equal to or less than the pre-development runoff rate for a 10-year design storm.

**Q: Are septic tanks going to be used?**

A: Tim – No, the development will utilize Moore County Public Utilities. He explained the connection of sanitary sewer to the main line on Blake Blvd. and the connection of the water to the main lines on Blake Blvd. and Olivia Ln.

**Comment: We are on Southern Pines water but not public sewer, just septic tanks.**

A: Marcel – If you would like to be on public sewer there may be the ability to tie into the proposed pump station given your proximity to it. Explained that the Engineers would investigate the feasibility of this happening.

**Q: Can you elaborate on the traffic impact again?**

A: Tim explained the trip generation differences between Neighborhood Commercial property and the proposed development again. He also noted that Ramey Kemp & Associates are in the process of performing a more robust Traffic Impact Analysis (TIA). The TIA will conclude with a report that details the effect on surrounding intersections and roadways based on the proposed development traffic.

**Comment: I'd rather have residential neighbors than commercial neighbors.**

Marcel explained that he is local developer that takes a great deal of pride in his work and is looking forward to the opportunities that this development presents. He thanked everyone for attending the meeting and for their questions/comments. He told the attendees to feel free to reach out to him or the design team with any questions.

**Meeting adjourned.**

**A list of notified surrounding property owners is attached as well as the sign-in sheet for the meeting of those in attendance.**

August 27, 2019

Mike Apke, P.E.  
Public Services Director  
Village of Pinehurst  
395 Magnolia Road  
Pinehurst, NC 28374

Subject: Mahaley Land – **Trip Generation Letter**  
Pinehurst, North Carolina

Dear Mr. Apke:

This letter provides an estimate of the trip generation for the proposed residential development located east of NC 5 between Blake Boulevard and Olivia Lane in Pinehurst, North Carolina. The proposed development is anticipated to consist of approximately 160 single-family homes. The current zoning for the development would allow for 187,000 square feet (s.f.) of commercial development and 50 single family homes.

### **Trip Generation**

Average weekday daily, AM, and PM peak hour trips for the proposed development were estimated for the current and proposed zoning using methodology contained within the *ITE Trip Generation Manual*, 10th Edition utilizing the most recent (July 1, 2018) North Carolina Department of Transportation (NCDOT) Congestion Management rates vs. equation spreadsheet. Refer to Table 1 for a summary of the trip generation summary.

**Table 1: Site Trip Generation Summary – Current Zoning**

Land Use (ITE Code)	Intensity	Weekday Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Single-Family Detached Housing (210)	50 units	500	10	30	33	19
Shopping Center (820)	187,000 s.f.	9,200	152	93	415	449
<b>Total</b>		<b>9,700</b>	<b>162</b>	<b>123</b>	<b>448</b>	<b>468</b>

Under the current zoning, the proposed site could have the potential to generate approximately 9,700 trips during a typical 24-hour weekday period. Of the daily site trips, it is anticipated that 285 total trips (162 entering and 123 exiting) will occur during the weekday AM peak hour and 916 total trips (448 entering and 468 exiting) will occur during the weekday PM peak hour.

**Table 2: Site Trip Generation Summary – Proposed Zoning**

Land Use (ITE Code)	Intensity	Weekday Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Single-Family Detached Housing (210)	160 units	1,600	29	89	101	59

As shown in Table 2, based on the ITE *Trip Generation Manual*, 10th Edition, it is estimated that the site is expected to generate approximately 1,600 trips during a typical 24-hour weekday period under the proposed zoning. Of the daily site trips, it is anticipated that 118 total trips (29 entering and 89 exiting) will occur during the weekday AM peak hour and 160 total trips (101 entering and 59 exiting) will occur during the weekday PM peak hour.

### **Findings and Summary**

Based on the trip generation results and coordination with the Village of Pinehurst (Village), a Traffic Impact Analysis (TIA) will be conducted for this development. It should be noted that the required TIA for this development has been scoped out with the Village and the North Carolina Department of Transportation (NCDOT) and is currently underway.

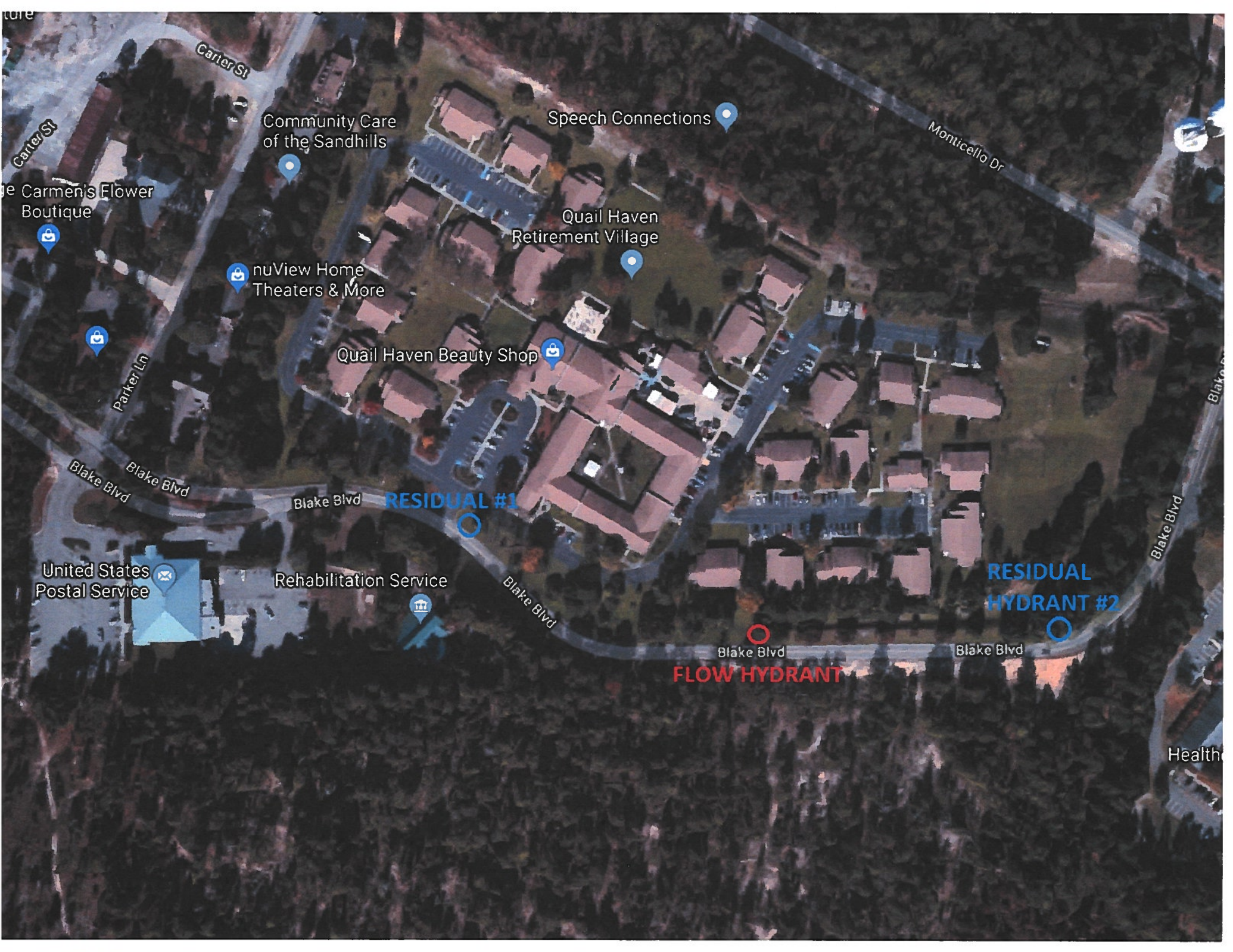
If you should have any questions, please feel free to contact me at (919) 872-5115.

Sincerely,

Joshua Reinke, P.E.  
Transportation Manager  
***Ramey Kemp & Associates, Inc.***

NC Corporate License # C-0910





Carter St

Carter St

Carman's Flower Boutique

Community Care of the Sandhills

Speech Connections

Monticello Dr

Quail Haven Retirement Village

nuView Home Theaters & More

Quail Haven Beauty Shop

Parker Ln

Blake Blvd

Blake Blvd

RESIDUAL #1

United States Postal Service

Rehabilitation Service

Blake Blvd

Blake Blvd

FLOW HYDRANT

Blake Blvd

RESIDUAL HYDRANT #2

Blake Blvd

Health

## HYDRANT FLOW TEST REPORT

LOCATION: Blake Blvd

DATE: 7/18/2019

TIME: 9:53 AM

TEST MADE BY: Robbie Baker

REPRESENTATIVE OF: MOORE COUNTY PUBLIC UTILITIES

WITNESS: Chris Fuller, Darrell Andrews

PURPOSE OF TEST: Fire Flow

CONSUMPTION RATE DURING TEST: \_\_\_\_\_ GPM

IF PUMPS AFFECT TEST, INDICATE PUMPS OPERATING:

FLOW HYDRANT #s	A <sup>1</sup>	A <sup>2</sup>	A <sup>3</sup>
	<u>6-94</u>		
SIZE NOZZLE:	<u>2 1/2</u>	<u>IN</u>	
PITOT READING:	<u>38</u>	<u>PSI</u>	
TOTAL GPM:	<u>1040</u>	<u>GPM</u>	

RESIDUAL HYDRANT # Res1 6-93

STATIC <sub>B</sub> 60 PSI

RESIDUAL <sub>B</sub> 53 PSI

PROJECTED RESULTS AT 20 PSI RESIDUAL 2666 GPM

REMARKS: Tank levels: Monticello 16.1, Cannon 27.5

BPS status: Dawkins, Midland, HWY 73, McCaskill Running, Thurlow 2 pumps running

All wells running



## HYDRANT FLOW TEST REPORT

LOCATION: Blake Blvd

DATE: 7/18/2019

TIME: 9:53 AM

TEST MADE BY: Robbie Baker

REPRESENTATIVE OF: MOORE COUNTY PUBLIC UTILITIES

WITNESS: Chris Fuller, Darrell Andrews

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IF PUMPS AFFECT TEST, INDICATE PUMPS OPERATING:

FLOW HYDRANT #s	A <sup>1</sup>	A <sup>2</sup>	A <sup>3</sup>
	<u>6-94</u>		
SIZE NOZZLE:	<u>2 1/2</u>	<u>IN</u>	
PITOT READING:	<u>38</u>	<u>PSI</u>	
TOTAL GPM:	<u>1040</u>	<u>GPM</u>	

RESIDUAL HYDRANT # Res2 6-95

STATIC <sub>B</sub> 56 PSI

RESIDUAL <sub>B</sub> 49 PSI

PROJECTED RESULTS AT 20 PSI RESIDUAL 2518 GPM

REMARKS: Tank levels: Monticello 16.1, Cannon 27.5

BPS status: Dawkins, Midland, HWY 73, McCaskill Running, Thurlow 2 pumps running

All wells running

## LKC Engineering, PLLC

140 Aqua Shed Court \* Aberdeen, NC 28315 \* Phone (910) 420-1437

License # P-1095

### Pinehurst South Cottages

#### Needed Fire Flow Calculation

Refer to GUIDE FOR DETERMINATION OF NEEDED FIRE FLOW (EDITION 06-2014)

$$NFFi = (Ci)(Oi)[1.0 + (X+P)i]$$

NFFi= the needed fire flow in gallons per minute  
Ci = a factor related to the type of construction and effective area  
Oi = a factor related to the type of occupancy  
X = a factor related to the exposure hazard of the adjacent buildings  
P = a factor related to the communication hazard with adjacent buildings

- 1 Predominant construction type and the factor (F)
- 2 Effective area (A)
- 3 Substitute values for F and A in the formula  $C=18F(A^{0.5})$
- 4 Round Construction factor (C) to nearest 250gpm
- 5 Occupancy Type and factor (O)
- 6 exposure building factor (X)
- 7 factor related to communications between buildings is (P)
- 8

F= 1.5 (Class 1-Frame)  
A= 1,883 sf (largest footprint)  
C=  $18 * F(A^{0.5}) = 1,171.63$

Oi = 0.85

Table 330A(1) for X = 0.14

P = 0

Need Fire Flow:  $NFFi = (Ci)(Oi)[1.0 + (X+P)i] = 1,135.3 \text{ gpm}$   
Rounded to nearest 250gpm **1,250 gpm**

F = factors for construction class

- 1.5 Class 1 (Frame)
- 1 Class 2 (Jointed Masonry)
- 0.8 Class 3 (Non-combustible)
- 0.8 Class 4 (Masonry Non-combustible)
- 0.6 Class 5 (Modified Fire Resistive)
- 0.6 Class 6 (Fire Resistive)

O = Occupancy Factors

- 0.75 C-1 (Noncombustible)
- 0.85 C-2 (Limited Combustibility)
- 1 C-3 (Combustible)
- 1.15 C-4 (Free Burning)
- 1.25 C-5 (Rapid Burning or Flash Burning)

Calculations by:



8/22/19

Date



**RED-COCKADED WOODPECKER  
AND MICHAUX'S SUMAC SURVEY REPORT  
FOR A RESIDENTIAL COMMUNITY PROJECT,  
PINEHURST, MOORE COUNTY, NORTH CAROLINA**

**Prepared By:  
Ms. Jeanette M. Sabo and Dr. J.H. Carter III  
Dr. J.H. Carter III & Associates, Inc.  
Environmental Consultants  
515 F Midland Road  
Southern Pines, North Carolina 28387**

**Submitted 20 August 2019  
To:**

**Legacy Lakes Cottages, LLC  
P.O. Box 4839  
Pinehurst, NC 28374**

# **RED-COCKADED WOODPECKER AND MICHAUX'S SUMAC SURVEY REPORT FOR A RESIDENTIAL COMMUNITY PROJECT, PINEHURST, MOORE COUNTY, NORTH CAROLINA**

## **1. INTRODUCTION**

Legacy Lakes Cottages, LLC, plans to develop approximately  $\pm 41.68$  acres (ac.) for a single-family residential community on North Carolina (NC) Highway (Hwy.) 5 in Pinehurst, Moore County, North Carolina (NC). The proposed project will minimally impact foraging habitat associated with one active cluster (SOPI 108) and 2 abandoned clusters (SOPI 69-113 and 54) of the federally Endangered red-cockaded woodpecker (*Dryobates borealis* = *Picoides borealis*) (RCW). This assessment evaluates the impacts of this project on the RCW pursuant to Section 9 of the Endangered Species Act (ESA), as amended.

## **2. PROJECT AREA**

The project is located in the Greater Sandhills of south-central NC (Figure 1), an area characterized by pine-forested, gently rolling topography and sandy soils. Elevations in the immediate project area range from 400-500 feet (ft.) above mean sea level. Upland soils are well drained and consist predominately of Candor sand and Ailey and Vacluse loamy sands (United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) 2019). The most widespread wetland soil is Bibb loam. The project area is located in the Lumber River Basin. Major hydrological features include Lake Pinehurst, Watson Lake, Horse Creek, Aberdeen Creek and unnamed tributaries thereof.

Historically, upland vegetative communities in the project area were predominately Xeric Sandhill Scrub, Pine-Scrub Oak Sandhill and Mesic Pine Savanna. The most widespread palustrine communities were Streamhead Pocosin and Coastal Plain Small Stream Swamp.

The Xeric Sandhill Scrub community had a longleaf pine (*Pinus palustris*) overstory, turkey oak (*Quercus laevis*) understory and a Carolina wiregrass (*Aristida stricta*) ground cover. It occurred on very dry sandy sites such as ridges. The Pine-Scrub Oak Sandhill community had

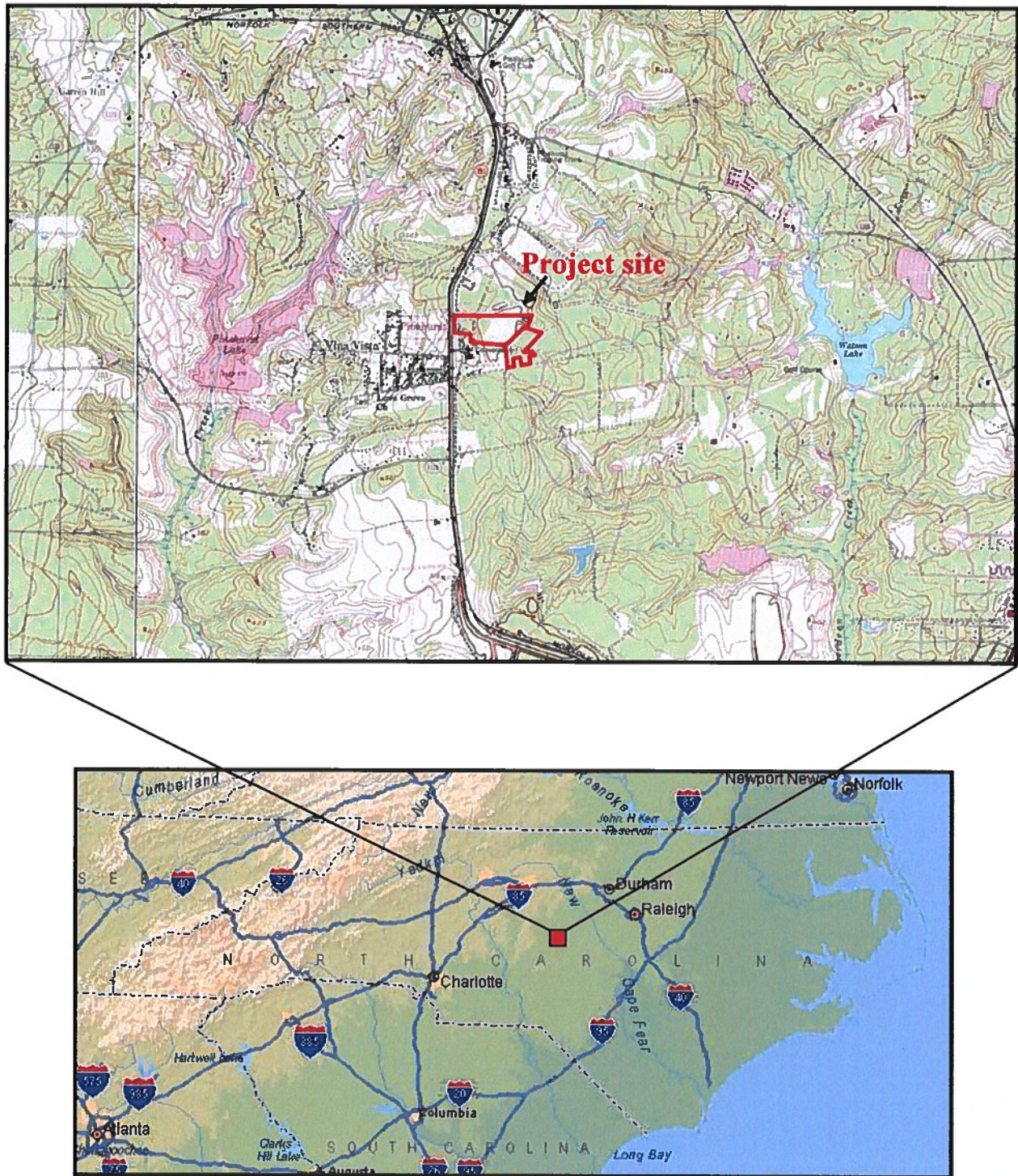


Figure 1. Location of the proposed single-family residential community project in Pinehurst, Moore County, North Carolina.

a longleaf pine overstory, mixed scrub oak (*Quercus* spp.) or xeric hardwood understory and an often diverse ground cover dominated by Carolina wiregrass.

Mesic Pine Savanna on frequently burned, undisturbed sites typically had a canopy of longleaf pine and an open or sparse midstory of mesic hardwoods, especially sweetgum (*Liquidambar styraciflua*). The ground cover was dominated by Carolina wiregrass and a very diverse assemblage of herbaceous plants. In unburned or rarely burned sites, the midstory was sparse to dense and the ground cover was sparser and less diverse, sometimes dominated by bracken fern (*Pteridium latiusculum*).

Streamhead Pocosins occurred in small drainages, on poorly drained flats and along some of the larger streams. Dense thickets of shrubs and vines characterized this habitat, along with an overstory of pond pine (*P. serotina*), sometimes mixed with loblolly pine (*P. taeda*), tulip poplar (*Liriodendron tulipifera*), swamp blackgum (*Nyssa biflora*) and red maple (*Acer rubrum*). Typical understory vegetation consisted of red bay (*Persea palustris*), fetterbush (*Lyonia lucida*), sweet gallberry (*Ilex coriacea*), inkberry (*I. glabra*), titi (*Cyrilla racemiflora*), sweet pepperbush (*Clethra alnifolia*), switch cane (*Arundinaria tecta*) and laurel-leaved greenbrier (*Smilax laurifolia*). Cinnamon fern (*Osmundastrum cinnamomeum*) was common in the sparse herb layer. Small stands of Atlantic white cedar (*Chamaecyparis thyoides*) sometimes occurred in these communities.

Coastal Plain Small Stream Swamp communities were found along small to medium-sized streams and were predominately forested with swamp blackgum, red maple, tulip poplar and pond pine. Midstory species included red maple, sweetbay magnolia (*Magnolia virginiana*) and titi and understory species include coastal fetterbush (*Leucothoe axillaris*), Virginia sweetspire (*Itea virginica*) and yellowroot (*Xanthorhiza simplicissima*). The ground cover included cinnamon fern and netted chain-fern (*Lorinseria areolata*).

The Sandhills area contains the second largest metapopulation of RCWs and is a designated Primary Core Recovery Population (US Fish and Wildlife Service (USFWS) 2003). This metapopulation includes RCWs on the Fort Bragg Military Reservation (FB), Camp Mackall (CM), Sandhills Game Land (SGL), Calloway Tract, McCain Tract, Carver's Creek State Park, Weymouth Woods Sandhills Nature Preserve and on private lands around Southern Pines and Pinehurst (SOPI). In 2005, the Sandhills East Primary Core Population, which includes FB, reached its population goal of 350 potential breeding groups (pbgs) (USFWS 2006)



and the Sandhills West Essential Support Population, which includes the SGL and CM, reached its population goal of 100 pbgs in 2002 (NC Sandhills Conservation Partnership, unpublished data).

### **3. PROJECT SITE**

The proposed single-family residential community project is located east of NC Hwy. 5, north of Olivia Lane and south of Blake Boulevard in southern Moore County, NC (Figure 2).

The project site consists of 2 parcels (LRK #s 46287 and 46241) totaling  $\pm 41.68$  ac. The site is bordered to the east by the Pinehurst Healthcare and Rehab Center and the Country Club of North Carolina, the US Postal Service and NC Department of Motor Vehicles Rehabilitation Service to the north and forested private lands to the south (Figure 2). It is bordered to the west by NC Hwy. 5, Flooring Gallery and Interiors, residential homes and other private lands.

### **4. PROJECT DESCRIPTION**

The conceptual design for the proposed single-family residential community project consists of 145 small homesites with driveways, a clubhouse, swimming pool, 2 pickleball courts, a shuffleboard court, a bocce ball court, a pump station, a stormwater detention area and associated access roads on a total of  $\pm 41.68$  ac. (Figure 3).

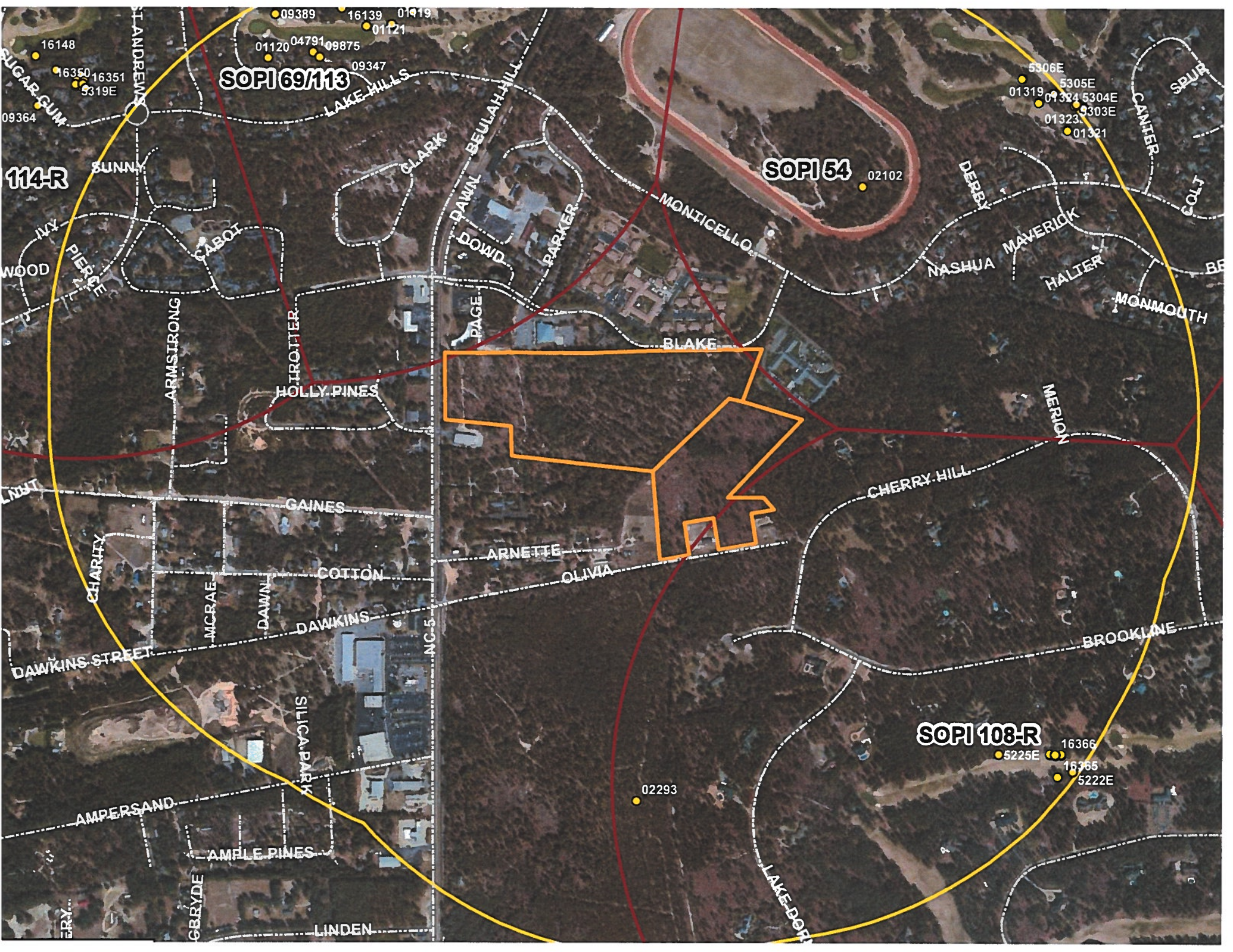
### **5. METHODS**

A variety of resources were utilized in preparation for field surveys, including aerial photographs, topographic maps, the NC Natural Heritage Program database (NCNHP 2019) and the Soil Survey of Moore County, North Carolina (USDA NRCS 2019). Natural communities were classified according to Schafale (2018) and plant nomenclature follows Weakley (2018).

#### **5.1. RCW Survey**

JCA biologists conducted ground surveys for RCW cavity trees within the project site and within a 0.5-mi. radius of the project site in August 2019. The activity status of all known RCW cavity trees within active SOPI Cluster 108, inactive clusters SOPI 69-113 and abandoned







SOP1 54 (JCA and Sandhills Ecological Institute (SEI) unpublished data) were updated in April 2019.

Potential RCW nesting habitat was defined as pine or pine-hardwood stands >60 years of age (USFWS 2003). Commercial and residential areas were checked by vehicle and large forested tracts with potentially suitable habitat were surveyed on foot using parallel transects. Habitats not suitable for RCWs were ground checked in order to obtain accurate descriptions and classifications of natural communities and habitat conditions.

If new RCW cavity trees were found, they were flagged and their locations were documented using a Trimble® GeoXT 2008 GPS unit and plotted on an aerial photograph.

## **5.2. Michaux's Sumac Survey**

Surveys for Michaux's sumac were conducted in August 2019 on the project site during the optimal survey window for the species. Surveys utilized foot transects depending on habitat. Surveys focused on periodically disturbed habitats, including roadsides, field margins, powerline ROWs and open woodlands.

# **6. RESULTS**

## **6.1. Red-cockaded Woodpecker**

*Dryobates borealis*

**Family:** Picidae

**Federal Status:** Endangered

**Date Listed (Endangered):** October 13, 1968

The RCW is a small black and white woodpecker with horizontal bars on its back, spotted flanks and a white belly. The cap and chin stripe are black and the male has a small, difficult to see, red spot on each side of the black cap. It is most easily identified by the large white cheek patches that distinguish it from similar species (USFWS 2003).

The RCW is endemic to mature, fire-maintained pine forests in the southeastern United States, where it was historically common. Prime nesting habitat for RCWs includes open, mature southern pine forests dominated by longleaf, loblolly, pond, slash (*Pinus ellioti*) or other southern pine species greater than 60 years of age with little or no mid- or understory. Pine flatwoods and pine-dominated savannas, which have been maintained by frequent fires, serve as ideal nesting and foraging habitat for RCWs. Potential foraging habitat is defined as open pine

or pine/ hardwood stands 30 years of age or older (USFWS 2003). Logging, fire exclusion and conversion of forestlands for agricultural and other uses have destroyed most of this species' habitat (USFWS 2003).

#### **6.1.1. RCW Survey**

The southeastern portion of the RCW project site (LRK #46287) consisted of a sparse, second-growth overstory of longleaf and loblolly pines and a dense midstory of 15-25 ft. tall turkey oak. Approximately 1.88 ac. occur within the 0.5-mile radius foraging partition for active SOPI Cluster 108. Forested habitat within the partition was considered future potential habitat due to the sparse number of pines  $\geq 10$  inches in dbh. A foraging habitat analysis was not required for active SOPI Cluster 108 due to the classification of foraging habitat as future potential (Susan Miller, USFWS, personal communication, 31 July 2019).

The northern and western portions of the project site consisted of dense, second-growth loblolly and longleaf pine with a dense midstory of 15-25 ft. tall mockernut hickory (*Carya tomentosa*), blackjack oak, sand live oak and loblolly pine regeneration. Approximately 0.15 ac. of potentially suitable, pine-forested habitat occurs within the 0.5-mile radius foraging partition for abandoned SOPI Cluster 54. Approximately 0.03 ac. of potentially suitable, pine-forested habitat and 0.03 ac. of non-foraging habitat (powerline right-of-way) occurs within the 0.5-mile radius foraging partition for inactive SOPI Cluster 69-113.

The middle of the project site consisted of a dense pine-hardwood canopy, a dense midstory of loblolly pine regeneration, red maple, sacred-bamboo (*Nandina domestica*) and a moderately dense ground cover of muscadine grape (*Muscadinia rotundifolia*) and Carolina jessamine (*Gelsemium sempervirens*). No RCW cavity trees were found on the project site and no new RCW cavity trees were found in the RCW survey area.

#### **6.1.2. RCW Clusters Impacted**

Active SOPI Cluster 108 contained 6 trees with cavities in various stages of completion and suitability (Table 1). Three cavities are currently active. The cluster has been active since 2015 and the group fledged 2 nestlings in 2019 (JCA unpublished data).



Table 1. Location and status of red-cockaded woodpecker (*Dryobates borealis*) cavity trees in SOPI Clusters 54, 69-113 and 108, Pinehurst, Moore County, North Carolina, 2019.

Cluster	Tree Number	Activity	Status	Stage	Easting	Northing
SOPI 54	1319	Relic	Entrance enlarged	Cavity	640401	3893577
SOPI 54	1321	Relic	Healed over	Cavity	640460	3893522
SOPI 54	1323	Relic	Healed over	Cavity	640473	3893571
SOPI 54	1324	Relic	Enlarged	Cavity	640492	3893567
SOPI 54	2102	Relic	Enlarged	Cavity	640047	3893398
SOPI 54	5303E	Inactive	Healing over	Drilled cavity	640473	3893572
SOPI 54	5304E	Inactive	Normal	Insert	640477	3893575
SOPI 54	5305E	Inactive	Normal	Insert	640431	3893595
SOPI 54	5306E	Inactive	Normal	Insert	640367	3893625
SOPI 69-113	1107	Relic	Enlarged	Cavity	638840	3893934
SOPI 69-113	1111	Relic	Healed over	Advanced start	638736	3893877
SOPI 69-113	1112	Relic	Enlarged	Cavity	638880	3893860
SOPI 69-113	1113	Relic	Enlarged	Cavity	638882	3893852
SOPI 69-113	1114	Relic	Enlarged	Cavity	638871	3893848
SOPI 69-113	1115	Relic	Enlarged	Cavity	638869	3893847
SOPI 69-113	1120	Relic	Enlarged	Cavity	638836	3893635
SOPI 69-113	4791	Relic	Enlarged	Cavity	638927	3893649
SOPI 69-113	5213	Relic	Enlarged	Cavity	638758	3893744
SOPI 69-113	5230	Inactive	Normal	Cavity	638817	3893793
SOPI 69-113	9347	Relic	Normal	Cavity	638995	3893599
SOPI 69-113	9389	Inactive	Normal	Start	638848	3893724
SOPI 69-113	9394	Relic	Healed over	Advanced start	638888	3893910
SOPI 69-113	9395	Inactive	Normal	Cavity	638850	3893745
SOPI 69-113	9875	Inactive	Normal	Start	638941	3893639
SOPI 69-113	16138	Relic	Healed over	Start	638870	3893862
SOPI 69-113	16167	Inactive	Normal	Start	638899	3893789
SOPI 69-113	1116	Relic	Healed over	Cavity	639072	3893790
SOPI 69-113	1117	Relic	Enlarged	Cavity	639119	3893744
SOPI 69-113	1118	Inactive	Enlarged	Cavity	639127	3893734
SOPI 69-113	1119	Relic	Healed over	Start	639085	3893708
SOPI 69-113	1121	Relic	Healed over	Advanced start	639034	3893703
SOPI 69-113	1124	Relic	Enlarged	Cavity	639020	3893894
SOPI 69-113	1126	Relic	Healed over	Cavity	639020	3893883
SOPI 69-113	1127	Relic	Enlarged	Cavity	639126	3893893
SOPI 69-113	1129	Relic	Enlarged	Cavity	639142	3893970
SOPI 69-113	1130	Relic	Normal	Cavity	639144	3893997
SOPI 69-113	3114	Relic	Enlarged	Cavity	639199	3893944
SOPI 69-113	16139	Inactive	Normal	Start	638983	3893739
SOPI 69-113	16151	Relic	Enlarged	Advanced start	638985	3893804
SOPI 69-113	368E	Inactive	Normal	Drilled cavity	638884	3893862
SOPI 108	5222E	Active	Normal	Insert	640501	3892215
SOPI 108	5223E	Active	Normal	Insert	640477	3892249
SOPI 108	5224E	Active	Normal	Insert	640455	3892249
SOPI 108	5225E	Relic	Healing over	Insert	640350	3892247
SOPI 108	16365	Relic	Atypical	Cavity	640471	3892204
SOPI 108	16366	Relic	Healing over	Substart	640466	3892248

Safe Harbor Recruitment Cluster SOPI 54 contained 9 trees with cavities in various stages of completion and suitability and has been abandoned for over 40 years (Table 1). No new RCW cavity trees were found. SOPI 69-113 contained 18 cavities in various stages of completion and suitability and has been inactive since 2017. No new RCW cavity trees were found.

## **6.2. Michaux's sumac**

*Rhus michauxii*

**Family: Anacardiaceae**

**Federal Status: Endangered**

**Date Listed: September 28, 1989**

Michaux's sumac is a rhizomatous, densely hairy shrub with erect stems 1 to 3 ft. in height. The compound leaves contain evenly serrated, oblong to lanceolate, acuminate leaflets. The flowers are small, greenish-yellow to white, 4-5 parted and are borne in a terminal, erect, dense cluster. Flowering usually occurs from June to July and the fruit is a dull red drupe that ripens from August through October. Most plants are dioecious, however, recent observations have revealed plants with both male and female flowers. Male flowers and fruits are solitary and female flowers and fruits are grouped in 3 to 5 stalked clusters (USFWS 1993).

Michaux's sumac is endemic to the Inner Coastal Plain and lower Piedmont of Georgia, the Carolinas and Virginia.

In general, this species occurs in sandy or rocky open woods, sometimes in association with circumneutral soils, and is dependent upon some form of disturbance to maintain the open quality of its habitat. Historically, periodic fires provided that disturbance. Currently, Michaux's sumac survives in areas that are artificially disturbed, such as highway and railroad ROWs, edges of cultivated fields and other cleared areas (USFWS 1993), in addition to regularly burned longleaf pine woodlands.

In the Sandhills region, naturally occurring populations of Michaux's sumac are restricted to slightly loamy, but still well-drained sites which are scattered throughout pine-scrub oak-wiregrass woodlands. Loamy soils are usually found in slight depressions, swales or along lower slopes with a high diversity of herbs, especially legumes, composites and grasses (USFWS 1993). This species is shade intolerant and declines in vigor when its habitat is fire suppressed and a dense mid- or overstory develops (USFWS 1993b).

### **6.2.1. Survey Results**

All suitable and potentially suitable habitats within the project site were intensively surveyed with negative results. Suitable habitat for Michaux's sumac was scattered on uplands throughout the project site. The closest known extant record of Michaux's sumac is 5.7 mi. east of the project site on Weymouth Woods Sandhills Nature Preserve (NCNHP 2019).

## **7.0 CONCLUSIONS**

No RCW cavity trees occur on the proposed single-family residential community project site and no suitable or potentially suitable RCW foraging habitat within SOPI Cluster 108 will be impacted by the project. The impacts to the 0.50-mi. radius foraging partitions for clusters SOPI 54 and 69/113 are negligible due to the minimal amount of pine habitat that will be removed and their activity status as abandoned and inactive, respectively. This project will have **no effect** on the RCW.

There will be no impacts to the federally Endangered Michaux's sumac.

**Biological Conclusion**

**No Effect**

## 8.0 LITERATURE CITED

NC Natural Heritage Program. 2019. North Carolina Natural Heritage Program database (accessed 12 August 2019). Raleigh, N.C.

Schafale, Michael P. 2018 working draft. Guide to the natural communities of North Carolina: 4<sup>th</sup> approximation. NC Natural Heritage Program, Department of Environment and Natural Resources. Raleigh, North Carolina. 217 pp.

United States Department of Agriculture, Natural Resources Conservation Service. 2019. USDA website (<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>). Accessed 12 August 2019.

United States Fish and Wildlife Service. 1993. Michaux's sumac recovery plan. Atlanta, GA. 30 pp.

\_\_\_\_\_. 2003. Red-cockaded woodpecker recovery plan: 2<sup>nd</sup> revision. US Fish and Wildlife Service, Atlanta, Georgia. 296 pp.

------. 2006. Fort Bragg reaches recovery milestone for the endangered red-cockaded woodpecker five years earlier than expected. <http://www.fws.gov/southeast/news/2006/r06-035.html>. Accessed 10 November 2014.

Weakley, Alan S. 2018. Flora of North Carolina (subset of Flora of the South): Working Draft of 4 October 2018. UNC-Chapel Hill, Chapel Hill, NC. 1069 pp.





September 24, 2019

RE: Authorization to Rezone

We, the OWNER'S/SELLER'S, of the property referenced below acknowledge the applicant, THE COTTAGES at LEGACY LAKES, LLC is seeking to rezone the subject parcel. The applicant, at their expense, is authorized to submit the application and has our full support in the request to rezone.

PREMISE: OLIVIA LN., PINEHURST, NC  
PID #: 00046287  
PIN#: 856109068665

LEGAL DESCRIPTION: N & S RY

DocuSigned by:  
*Georgia Arnette*  
0CB2DC2116424B2...

SELLER: GEORGIA ARNETTE

9/24/2019

DATE:



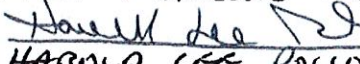
September 25, 2019

RE: Authorization to Rezone

We, the OWNER'S/SELLER'S, of the property referenced below acknowledge the applicant, THE COTTAGES at LEGACY LAKES, LLC is seeking to rezone the subject parcel. The applicant, at their expense, is authorized to submit the application and has my full support in the request.

PREMISE: NC 5 HWY  
PID #: 00046241  
PIN#: 855112979037

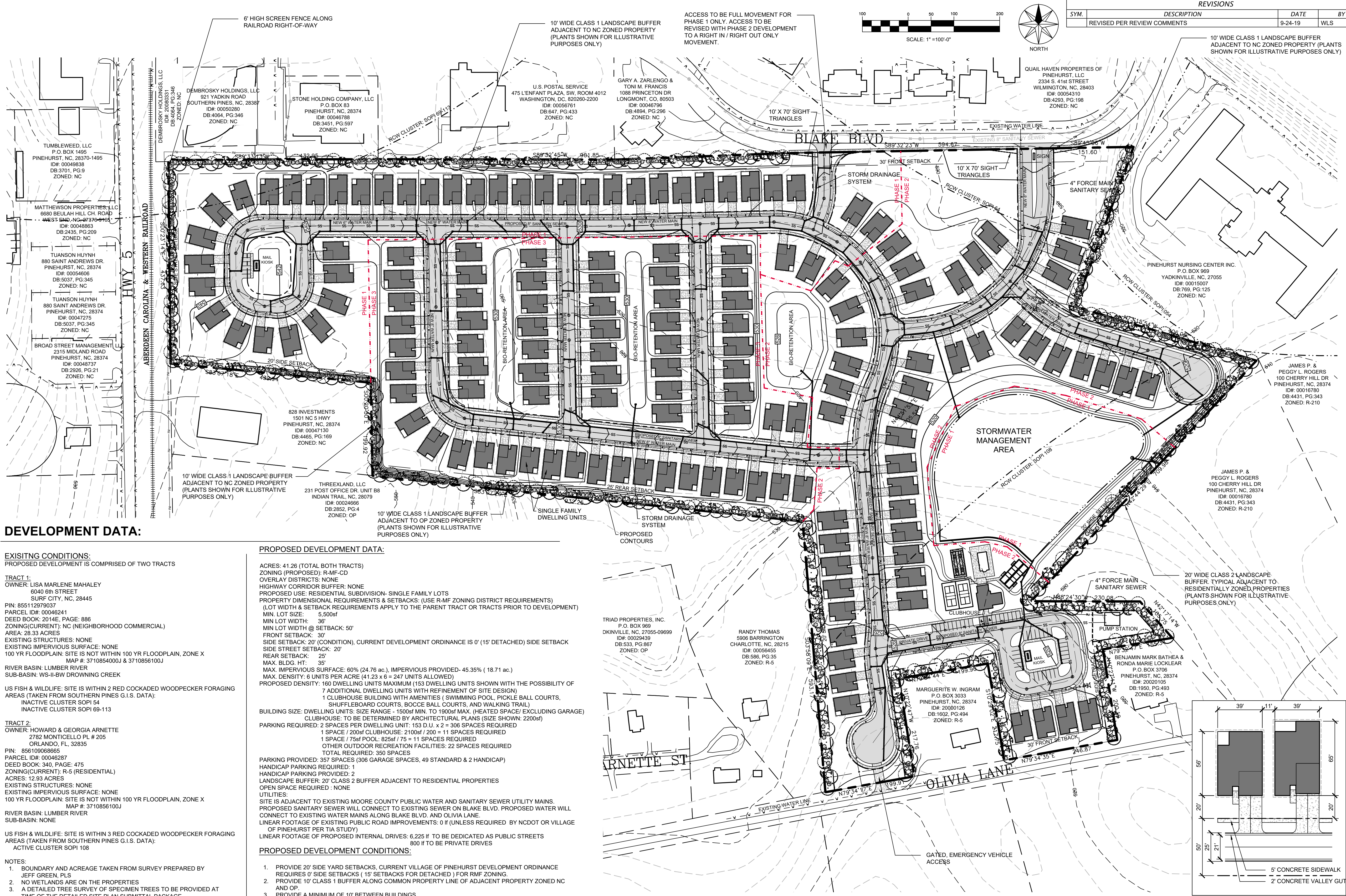
LEGAL DESCRIPTION: LEHRER LAND

LISA MARLENE MAHALEY By  
  
HAROLD LEE POLLOCK, FIF  
Son:

SELLER: LISA MARLENE MAHALEY

9-26-19  
DATE:





DEVELOPMENT DATA:

**EXISTING CONDITIONS:**  
PROPOSED DEVELOPMENT IS COMPRISED OF TWO TRACTS

**TRACT 1:**  
OWNER: LISA MARLENE MAHALEY  
6040 6th STREET  
SURF CITY, NC, 28445  
PIN: 855112979037  
PARCEL ID#: 00046241  
DEED BOOK: 2014E, PAGE: 886  
ZONING(CURRENT): NC (NEIGHBORHOOD COMMERCIAL)  
AREA: 28.33 ACRES  
EXISTING STRUCTURES: NONE  
EXISTING IMPERVIOUS SURFACE: NONE  
100 YR FLOODPLAIN: SITE IS NOT WITHIN 100 YR FLOODPLAIN, ZONE X  
MAP #: 371085400J & 3710856100J  
RIVER BASIN: LUMBER RIVER  
SUB-BASIN: WS-II-BW DROWNING CREEK  
US FISH & WILDLIFE: SITE IS WITHIN 2 RED COCKADED WOODPECKER FORAGING AREAS (TAKEN FROM SOUTHERN PINES G.I.S. DATA):  
INACTIVE CLUSTER SOP1 54  
INACTIVE CLUSTER SOP1 69-113

**TRACT 2:**  
OWNER: HOWARD & GEORGIA ARNETTE  
2782 MONTICELLO PL # 205  
ORLANDO, FL, 32835  
PIN: 856109068695  
PARCEL ID#: 00046287  
DEED BOOK: 340, PAGE: 475  
ZONING(CURRENT): R-5 (RESIDENTIAL)  
ACRES: 12.93 ACRES  
EXISTING STRUCTURES: NONE  
EXISTING IMPERVIOUS SURFACE: NONE  
100 YR FLOODPLAIN: SITE IS NOT WITHIN 100 YR FLOODPLAIN, ZONE X  
MAP #: 3710856100J  
RIVER BASIN: LUMBER RIVER  
SUB-BASIN: NONE  
US FISH & WILDLIFE: SITE IS WITHIN 3 RED COCKADED WOODPECKER FORAGING AREAS (TAKEN FROM SOUTHERN PINES G.I.S. DATA):  
ACTIVE CLUSTER SOP1 108

**NOTES:**  
1. BOUNDARY AND ACREAGE TAKEN FROM SURVEY PREPARED BY JEFF GREEN, PLS  
2. NO WETLANDS ARE ON THE PROPERTIES  
3. A DETAILED TREE SURVEY OF SPECIMEN TREES TO BE PROVIDED AT TIME OF THE DETAILED SITE PLAN SUBMITTAL PACKAGE.

PROPOSED DEVELOPMENT DATA:

ACRES: 41.26 (TOTAL BOTH TRACTS)  
ZONING (PROPOSED): R-MF-CD  
OVERLAY DISTRICTS: NONE  
HIGHWAY CORRIDOR BUFFER: NONE  
PROPOSED USE: RESIDENTIAL SUBDIVISION- SINGLE FAMILY LOTS  
PROPERTY DIMENSIONAL REQUIREMENTS & SETBACKS: (USE R-MF ZONING DISTRICT REQUIREMENTS) (LOT WIDTH & SETBACK REQUIREMENTS APPLY TO THE PARENT TRACT OR TRACTS PRIOR TO DEVELOPMENT)  
MIN. LOT SIZE: 5,500sf  
MIN LOT WIDTH: 36'  
MIN LOT WIDTH @ SETBACK: 50'  
FRONT SETBACK: 30'  
SIDE SETBACK: 20' (CONDITION), CURRENT DEVELOPMENT ORDINANCE IS 0' (15' DETACHED) SIDE SETBACK  
SIDE STREET SETBACK: 20'  
REAR SETBACK: 25'  
MAX. BLDG. HT: 35'  
MAX. IMPERVIOUS SURFACE: 60% (24.76 ac.), IMPERVIOUS PROVIDED- 45.35% ( 18.71 ac.)  
MAX. DENSITY: 6 UNITS PER ACRE (41.23 x 6 = 247 UNITS ALLOWED)  
PROPOSED DENSITY: 160 DWELLING UNITS MAXIMUM (153 DWELLING UNITS SHOWN WITH THE POSSIBILITY OF 7 ADDITIONAL DWELLING UNITS WITH REFINEMENT OF SITE DESIGN)  
1 CLUBHOUSE BUILDING WITH AMENITIES ( SWIMMING POOL, PICKLE BALL COURTS, SHUFFLEBOARD COURTS, BOCCIE BALL COURTS, AND WALKING TRAIL)  
BUILDING SIZE: DWELLING UNITS: SIZE RANGE - 1500sf MIN. TO 1900sf MAX. (HEATED SPACE/ EXCLUDING GARAGE)  
CLUBHOUSE: TO BE DETERMINED BY ARCHITECTURAL PLANS (SIZE SHOWN: 2200sf)  
PARKING REQUIRED: 2 SPACES PER DWELLING UNIT: 153 D.U. x 2 = 306 SPACES REQUIRED  
1 SPACE / 200sf CLUBHOUSE: 2100sf / 200 = 11 SPACES REQUIRED  
1 SPACE / 75sf POOL: 825sf / 75 = 11 SPACES REQUIRED  
OTHER OUTDOOR RECREATION FACILITIES: 22 SPACES REQUIRED  
TOTAL REQUIRED: 350 SPACES  
PARKING PROVIDED: 357 SPACES (306 GARAGE SPACES, 49 STANDARD & 2 HANDICAP)  
HANDICAP PARKING REQUIRED: 1  
HANDICAP PARKING PROVIDED: 2  
LANDSCAPE BUFFER: 20' CLASS 2 BUFFER ADJACENT TO RESIDENTIAL PROPERTIES  
OPEN SPACE REQUIRED: NONE  
UTILITIES:  
SITE IS ADJACENT TO EXISTING MOORE COUNTY PUBLIC WATER AND SANITARY SEWER UTILITY MAINS.  
PROPOSED SANITARY SEWER WILL CONNECT TO EXISTING SEWER ON BLAKE BLVD. PROPOSED WATER WILL CONNECT TO EXISTING WATER MAINS ALONG BLAKE BLVD. AND OLIVIA LANE.  
LINEAR FOOTAGE OF EXISTING PUBLIC ROAD IMPROVEMENTS: 0 IF (UNLESS REQUIRED BY NCDOT OR VILLAGE OF PINEHURST PER TIA STUDY)  
LINEAR FOOTAGE OF PROPOSED INTERNAL DRIVES: 6,225 IF TO BE DEDICATED AS PUBLIC STREETS 800 IF TO BE PRIVATE DRIVES

**PROPOSED DEVELOPMENT CONDITIONS:**

1. PROVIDE 20' SIDE YARD SETBACKS. CURRENT VILLAGE OF PINEHURST DEVELOPMENT ORDINANCE REQUIRES 0' SIDE SETBACKS ( 15' SETBACKS FOR DETACHED ) FOR RMF ZONING.
2. PROVIDE 10' CLASS 1 BUFFER ALONG COMMON PROPERTY LINE OF ADJACENT PROPERTY ZONED NC AND OP.
3. PROVIDE A MINIMUM OF 10' BETWEEN BUILDINGS
4. WITH CONDITIONAL DISTRICT APPROVAL, A SPECIAL NON-RESIDENTIAL INTENSITY ALLOCATION SHALL BE GRANTED IN ACCORDANCE WITH ADOPTED VILLAGE POLICIES. THE VILLAGE'S POLICY STATES THAT THE PROPERTY SHALL BE WITHIN THE VILLAGE'S CORPORATE LIMITS OR AN ACTIVE VOLUNTARY ANNEXATION BE ON FILE.
5. MAXIMUM DENSITY FOR PROJECT TO BE LIMITED TO 160 DWELLING UNITS AND CLUBHOUSE.
6. PROPERTY OWNER TO APPLY FOR VOLUNTARY ANNEXATION INTO THE VILLAGE OF PINEHURST.
7. 2'-0" VALLEY GUTTER IS TO BE USED IN LIEU OF STANDARD 2'-0" CURB AND GUTTER.

1 L-1 CONCEPTUAL SITE PLAN SCALE: 1" = 100'-0"

2 L-1 TYPICAL LOT LAYOUT NOT TO SCALE

PRELIMINARY – DO NOT USE FOR CONSTRUCTION

LKC Engineering, pllc  
140 Aqua Shed Court  
Aberdeen, NC 28315  
O: 910.420.1437  
F: 910.637.0096  
lkengineering.com  
License No. P-1095

Engineering  
Landscape Architecture  
Surveying

LKC

CONCEPTUAL  
SITE PLAN

PINEHURST SOUTH  
COTTAGES

Pinehurst, North Carolina

DATE: August 15, 2019  
DESIGNED:  
DRAWN:  
CHECKED:  
NO.

L-1











