

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
NOVEMBER 14, 2005
7:00 P.M.

Mayor Nancy R. May called the meeting to order and gave invocation.

ATTENDANCE

Members present: Mayor Nancy R. May, Commissioners Max G. Cotten, Burnice Griffin, Jr., Clinton E. Bryan, Jr., and Gene T. Brooks. Commissioner Chris Walker was absent.

Other staff present: Manager David Hughes, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr. and Planner David Monroe.

AGENDA APPROVAL

Motion made by Commissioner Bryan seconded by Commissioner Griffin to approve the agenda as presented. Vote Aye-4 Nay-0

CONSENT AGENDA

Motion made by Commissioner Cotten seconded by Commissioner Bryan to approve the consent agenda.

- Minutes of October 24, 2005 Board of Commissioners regular meeting.
- Set a public hearing on November 28, 2005 for a rezoning request from William R. Foushee. Mr. Foushee is asking that the northern half of parcel 9751-09-27-4060 (approximately .323 acres) be rezoned from R-10 to C-2. The property is identified as 996 Thompson Street. The southern half of the parcel (fronting on US 64 Business) is currently zoned C-2. Property is located behind Steve Cooper Enterprises/SASCO Rental.
- Set a public hearing on November 28, 2005 to consider a rezoning request from Thomas Cochran, dba Platinum Holdings, LLC. to rezone parcel 9751-01-27-4143 from O&I to C-2. Mr. Cochran is currently constructing an office building on the site. The parcel is located at 984 Thompson Street.

- Set a public hearing on November 28, 2005 to consider a rezoning request from John Blair to rezone parcels 9762-51-3093.000 and 9762-40-1867.000 from RA-5 to MUPD. The parcels are located on the north side of US Hwy 64 across from the intersection with Foxfire Trace (approximately ¼ mile east of the exit for Business 64).
- Approve ordinance amending the 2005-2006 operating budget. Amendment will add \$500.00 donated by the Wal-Mart Corporation to the General Fund Revenues for community policing.
- Approve the North Carolina League of Municipalities Membership Agreement and Resolution. The Agreement and Resolution are required for participation in the League's North Carolina Interlocal Risk Management Agency, the worker's compensation insurance and property/liability programs administered by the NCLM. In July a similar resolution was approved for the Town's short term disability coverage. Vote Aye-4 Nay-0

CITIZENS MATTERS

None

OLD BUSINESS

None

NEW BUSINESS

CHATHAM FOREST MASTER PLAN – REVISION

Consider a revision to the Chatham Forest Master Plan. The revision reconfigures lots in Phase 9 and also relocates the park area.

Planner Monroe reported that Mr. Voller had asked to realign some of the lots in Phase 9 and to relocate the area intended to be a dedicated park and he felt the request exceeded a threshold at which he felt comfortable performing an administrative review.

Virtually all of the lot sizes would be modified from the Phase 9 Preliminary Plat, but all of them would exceed the minimum lot size in the R-12 district.

There would still be 23 lots in the phase but a tract between lots 204 and 205 (lot A) is intended to be held in reserve to potentially provide access to a tract to the east if the Stone Massie Lee heirs decide to sell some of their land to Mr. Voller.

An overhead power line easement crossing lots 191, 192 and 193 would be abandoned because the line has been relocated underground in that area.

The 4.28 acre tract that had been formerly identified as “Future Park Dedication” would now be reserved for future development. A newly acquired 5.0 acre tract would become the dedicated parkland.

All land identified as “Reserved for Future Development” would not be submitted for preliminary plat review until the moratorium is lifted.

The Planning Board recommended approval provided that a note be affixed to the plan indicating that Lot A revert to a building lot if it has not been needed for access in three years.

Commissioner Bryan asked about it showing Fox Chapel Lane joining Springdale Drive. He wanted to make sure that all the conditions required for joining the streets are met if the street is to be opened to through traffic.

Motion made by Commissioner Cotten seconded by Commissioner Griffin to approve the Master Plan revision for Chatham Forest with the Planning Board’s recommendation that a note be affixed to the plan indicating that the parcel revert to a building lot if it has not been needed for access. Vote Aye-4 Nay-0

FINAL PLAT – CHATHAM FOREST PHASE 9

Consider Chatham Forest Phase 9 Final Plat.

Planner Monroe reported that the plat conforms to the revised Master Plan with the exception that lot 208 should be relocated to front on Bellemont Road.

Curb and gutter and the base coat of asphalt have been installed on Bellemont Road and Bellemont Ridge Road (formerly Overlook Drive). This asphalt was applied by the contractor after a rain and before the ABC was proof rolled again; as a result, Manager Hughes has asked for and Mr. Voller has provided a two year warranty on the improvements (rather than the usual one year warranty).

As a result of the revisions to the Master Plan, the following dollar amount has been added to the work to be completed.

Park access road	\$163,291.00
Raise manholes	1,500.00
Sidewalk on Bellemont	8,000.00

Completed work is approximately 73% of the required improvements. Mr. Voller will have to provide a financial instrument in the amount of \$215,989 in order for the plat to be released.

The Planning Board voted to recommend approval of the Phase 9 Final Plat with the following conditions:

- Lot 208 is to be relocated to Bellemont Road frontage;
- A note is to be affixed to Lot A indicating it is to revert to a building lot in three years if not needed for access;
- Before the Final Plat is released for recording, a financial instrument in keeping with the zoning ordinance in the amount of \$215,989 is to be provided to the town to guarantee installation of required improvements.

Motion made by Commissioner Cotten seconded by Commissioner Griffin to approve Chatham Forest Phase 9 Final Plat subject to the Planning Board's recommendation that:

- Lot 208 is to be relocated to Bellemont Road frontage;
- A note is to be affixed to Lot A indicating it is to revert to a building lot in three years if not needed for access;
- Before the Final Plat is released for recording, a financial instrument in keeping with the zoning ordinance in the amount of \$215,989 is to be provided to the town to guarantee installation of required improvements.

Vote Aye-4 Nay-0

SITE PLAN – AQ CONTRACTING PHASE 1

Consider a site plan from AQ Contracting for Phase I of a 25 unit apartment complex at the intersection of Chatham and Small Streets.

Planner Monroe stated the developer will provide affordable housing for the area.

Planner Monroe reported that the Planning Board found, based on calculations submitted by Mr. Bahho that the stormwater management plan satisfied the requirements of the ordinance. In addition, a note attached to the plan indicated that the proposed first floor elevation of the buildings will be at least two feet above the calculated 100 year storm elevation in the ditch west of the property.

The applicant was informed that if this project is approved he would be able to construct the infrastructure but could only build one building at this time because of the moratorium.

After discussing potential landscaping and lighting plans for the site, the Planning board voted to recommend approval of the plan with the following conditions:

- A Soil Erosion Sediment Control plan must be approved by DENR before any grading can begin;

- A landscaping plan shall be submitted to and approved by the planner prior to release of a certificate of occupancy;
- A lighting plan shall be submitted to and approved by the planner prior to release of a certificate of occupancy.

The Planning Board further asked that the Commissioners authorize the planner to administratively release subsequent phase whenever the moratorium would permit it.

Commissioner Brooks stated the property is zoned for apartments. But, he feels the shoulders are narrow on both Small and Chatham Street. He also has concerns about the amount of traffic that will be added to the roads, both vehicular and pedestrian.

There was discussion about the developer being responsible for the widening of Small and Chatham Streets.

Commissioner Bryan agreed that it is something that needs to be looked at.

Manager Hughes suggested that staff follow up with the developer before approving this.

Commissioner Cotten stated he agrees that Chatham and Small Street need to be widened, but he has a concern about the provision for administratively releasing subsequent phases. He does not feel that should be included.

Motion made by Commissioner Brooks seconded by Commissioner Cotten to table until staff can meet with the developer and go over the boards concerns.

Vote Aye-4 Nay-0

COMMERCIAL SITE PLAN PHASE 1 – MAIN STREET STATION

Consider a commercial site plan for Phase I of Main Street Station (formerly Pittsboro Ice and Fuel).

Planner Monroe stated this is a revised site plan for Main Street Station. The principal revisions include: reducing the number of buildings from four to three; relocating the buildings to the east side of the site and redesigning the parking area in a way that significantly reduces the number of potential vehicles using Salisbury Street to enter and exit the site.

Mr. Williamson proposes to build the project in three phases; the center building and supporting parking constituting Phase I. Support documents submitted with the plan indicate that this phase would require less than the 1800 gallons of wastewater capacity cap established by the moratorium.

The Planning Board reviewed plan details in light of concerns that had been expressed by nearby residents during a review of a previous iteration of this revised plan. It found that most of the strongest felt concerns had been favorably addressed. The plan that the Planning Board reviewed did not have specific details of what was intended to replace the aging underground corrugated pipe. Mr. Williamson was asked to add the detail to the plan. During this discussion there were questions about a note on the property north of Salisbury Street. This note indicated that Mr. Williamson intends to remove most of the trees on that site, channelize the stream flow and reseed or stone the balance of the property. Neighborhood residents had expressed grave concern over this proposal. Attorney Andrews presented a letter indicating that Mr. Williamson is not the owner of that property and that the note should be deleted. After considerable discussion, the Planning Board recommended that the Commissioners approve the site plan for Main Street Station with the following conditions:

- A minor subdivision must be submitted and approved before Phase 2 submittal;
- If Phase 2 development is proposed before the moratorium is lifted, evidence of conveyance of ownership must be provided to the town;
- Details of the stormwater management system must be incorporated into the plan;
- The proposed fire hydrant must be relocated or eliminated;
- A lighting plan must be approved by the planner prior to issuance of a building permit;
- NCDOT must approve the driveway prior to issuance of a building permit;
- Detail of the timing of installation of the landscaping must be added to the plan;
- The note referring to work on the Salisbury Street site must be eliminated.

The revised plan presented tonight has not shown relocation or removal of the fire hydrant. In addition, the note reference in Ms. Andrew's letter has been removed only from Sheet 2; it remains on Sheets 3-6. The stormwater system details that have been added to Sheet 5 clearly show Mr. Williamson's intent to channelize the stream flow and denude the Salisbury Street site. It is my opinion that if this information had been presented to the Planning Board it would not have recommended approval of the plan. He would recommend that it be sent back to the planning board for further discussion.

Attorney Andrews read the following letter:

Before you this evening is consideration of the site plan for Main Street Station. After review by Town Planner David Monroe and just prior to the planning board's consideration last week, it was brought to my attention that the plan contained a "General Note" indicating work to be performed on the lot North of the subject tract and across Salisbury Street. I indicated verbally and in writing to the Planning Board at their

meeting that my client's intention for the lot to house Main Street Station does not require alteration to the property North of Salisbury Street and in fact, as my client is not the owner of that property, such notation on the plan was inadvertent and could be disregarded.

My client attempted to submit a revised plan deleting the note that was cause for concern and adding detail regarding the storm water drainage replacement plan. I learned that the submission of this detail caused Mr. Monroe to question the relocation of the storm water drainage system and the potential need for channelizing a stream on the lot North of Salisbury Street. The engineer on this project has again revised the plan and provided a letter to clarify that no additional property outside of the current project under application requires modification to building Main Street Station. The relocation of the storm water piping is accomplished because an existing catch basin exists at the intake end of the pipes to be constructed. I believe Mr. Monroe can verify this information, either on-site or by conversation with the engineer upon review of the clarified plans.

I do not believe that this is submission of new information but an attempt to satisfy and provide detail to remedy concerns. I hope that the board will approve this site plan. I would not oppose, and feel it might be appropriate, to condition my client's ability to obtain building permits on Mr. Monroe's confirmation and approval of the engineers clarification of this one issue. We intend to comply with requests to provide information in furtherance of the project as necessary.

Commissioner Brooks stated he agrees with Mr. Monroe and made a motion to refer it back to the planning board for recommendation, seconded by Commissioner Cotten.

Vote Aye-4 Nay-0

STAFF REPORTS

Manager Hughes stated the Police Chief Assessment was completed today and he will probably make an offer this week.

Commissioner Cotten asked that board members be notified when a decision is made.

Manager Hughes stated that some paving repairs are being made.

COMMISSIONER CONCERNS

Commissioner Brooks stated he has received many positive comments about the street fair.

FYI

- Voluntary Water Conservation Measures
- Quarterly Budget Update

ADJOURNMENT

Motion made by Commissioner Brooks seconded by Commissioner Bryan to adjourn.
Vote Aye-4 Nay-0

Nancy R. May, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk