

**TOWN OF PITTSBORO
PLANNING BOARD
REGULAR MEETING
JANUARY 7, 2008**

Chairman Hoyle called the meeting to order at 7:00 pm.

ATTENDANCE: Ken Hoyle, Ethel Farrell, Jimmy Collins, Harold Howard, and Shannon Plummer.

Mr. Hoyle called the first item on the agenda: **Election of Officers. Mr. Collins nominated the sitting officers (Ken Hoyle, Chair; Ethel Farrell, Vice Chair). Mr. Plummer seconded the motion; it passed unanimously.**

DISPOSITION OF THE MINUTES:

of the Regular Meeting of November 7, 2007. **Ms. Farrell made a motion to approve the minutes as presented. Mr. Howard seconded the motion; it passed unanimously.**

of the Regular Meeting of December 3, 2007. **Ms. Farrell made a motion to approve the minutes as presented. Mr. Howard seconded the motion; it passed unanimously.**

Mr. Hoyle introduced **Old Business**, the request from the Crosland Group for consideration of a Special Use Permit for a PUD. He said there were a number of questions raised at the last meeting and there remain several issues as pointed out by Monroe. Monroe said that at the last meeting there were substantive discussions and a number of issues that had been raised were fairly well resolved. He said the two issues that seem to be lingering still and worthy of discussion are the location and design of the full interchange entrance/exit and the stormwater management plan as it relates to Mr. Crutchfield's property. Monroe said he had also raised one more alert to the applicant regarding the Recreation Fee. He said the applicant has a response to that issue in particular and the set of proposed conditions that have been presented for your consideration.

Mr. Hoyle said that before we proceed any farther he wanted to know if the other members of the Board received the four pages he faxed at 4:15 this afternoon. Monroe replied that they had not. Mr. Hoyle said he did not feel comfortable discussing the document since the other members had not received it. Mr. Bradshaw said he had copies and would be happy to distribute them with his permission. Mr. Hoyle agreed to have a look at them for information (the document is attached to these minutes). He said there are some details that will need a response. Mr. Bradshaw said that Monroe had prepared the base

document and the changes that they are recommending are shown with a double underline or text that has been struck through. He said he realized that they just got it but he received it on the afternoon of last Wednesday and they worked as quickly as they could to come up with what they thought were reasonable modifications and he is prepared to go through it item by item. Mr. Hoyle asked for a moment for the Board members to scan it before proceeding.

Mr. Bradshaw said the changes in item one were minor; he said everyone would assume that any required buffers could be breached by roads or utility crossing but they just wanted to make that explicit.

Item 2 is that any alleys must be approved by the Pittsboro Fire Chief and he said that is acceptable to the applicant. He said that in number three Monroe has proposed a condition that a twelve-inch water line be installed from Russell Chapel Road southerly along Old Graham Road to a proposed full interchange for the project. The applicant proposes that the next sentence read that this line shall be designed to be looped from the northerly entrance/exit to the full interchange at the completion of the project. He said the reason for the change there is just to clarify that they wouldn't have to loop that line right at the beginning of the construction of the project but it will be designed to be looped; and as the community is built during the five-year build-out, that line will be looped at the completion. He said the last few sentences he added were just to provide credit to the applicant against Access Fees and Capital Recovery Fees for the extra charges that they incur to oversize the line.

Mr. Hoyle asked Mr. Bradshaw what constitutes over-sizing lines; he wondered who determines what size line should go in to a development of this nature. Mr. Bradshaw replied that that could be objectively determined by the applicant's engineers and the town's engineers; he said Monroe might have thoughts as well. Monroe said he thought it would be appropriated for the engineers to confer and come to an agreement about the size that would be the base. Mr. Bradshaw said the legal philosophical basis for that being the appropriate thing to do is that under state law the town doesn't have the authority to impose conditions on this project that aren't related to the impacts that this project will have. Therefore, if the town wants a line that is larger than would be required to serve this project then it is appropriate to credit that amount against the fees that the applicant would have to pay.

Mr. Bradshaw said that the next two items (four and five) as Monroe drafted them related to run-off issues on the Crutchfield property that is to the east of the project. He said they are proposing to make number four a bulleted item under the original number five. He said the lines that they have added just provide that the applicant will make these improvements if permitted by the Crutchfields and by any applicable governmental agency unless some other control measures are mutually agreed upon by the planning director and the applicant and found to be adequate.

Mr. Hoyle said that at the last meeting Mr. Ashness posed the concept of the possibility of internally controlling the run off on this property. He said it was indicated that it could be controlled in two ways; either on the Crutchfield property or within the confines of this proposed development. He said that here Mr. Bradshaw had only mentioned the Crutchfield solution and has not indicated doing anything internally. Mr. Bradshaw said he could speak to that a little bit and then he would defer to the engineers. He said that what they have done is in the last bulleted item, which had been Monroe's item four. It reads that "a stormwater plan shall be developed to distribute water quality and water quantity ponds if and to the extent necessary to control peak flow from the project at the Crutchfield property." He said the idea they had in the way they proposed to re-organize this condition is that the first three measures can be undertaken and his client believes that that might take care of Mr. Crutchfield's problem; but if that doesn't they hold out the possibility with the stormwater plans of doing more within the confines of the site. Mr. Hoyle asked who would push the button to get that done if it is necessary; he wondered if the burden would fall on Mr. Crutchfield if it does not work. Mr. Bradshaw said he assumed the way that would play out is that Mr. Crutchfield would bring it to the attention of the town that would bring it to his attention or Crosland's attention. Mr. Plummer asked how it would be enforceable at a later date. Mr. Bradshaw said that if it is a condition of the zoning approval then it is an enforceable condition of the Conditional Use Permit.

Mr. Ashness said this is very similar to the issue regarding the waterline sizing. He said they generally submit plans to Hydrostructures and they will look at the proposed model and either concur or disagree. He said his firm did the oversize line that runs along Russell Chapel to Chapel Ridge and Hydrostructures concurred with what they did there. The same can be done for the stormwater as far as how the proposed controls work. Mr. Ashness said they would submit a master-modeling plan and they will review that to concur or suggest adjustments. He said from their viewpoint they would want the town to look at that and have some concurrence so that it wouldn't be an issue down the road. He reminded the Board that this property is only a small percent of the watershed that drains to Mr. Crutchfield's property and obviously and they can't be held accountable for every development or things that will occur over time within that watershed as other projects are contemplated. He said what they do want to do is submit a plan that will be reviewed by the town's engineer and they would concur that what they would be doing would be at acceptable levels of control.

Mr. Bradshaw continued on to the next condition that Monroe proposed; it is that 'NCDOT approve the location and design of the full interchange and examine the potential need for a northbound left-turn holding lane". He noted that is one of the two issues Monroe pointed out remaining from the last meeting. He noted that the condition is acceptable to the applicant.

The next point he referred to relates to the cemetery. He said that Monroe's note says it shall remain accessible to the public and he proposes to change that to read as required by North Carolina law. The cemetery is not currently accessible to the public but there is state law that governs who has access to cemeteries and under what conditions and he proposes that the developer continue the status quo on that. He said he thinks the state law preempts any authority the town may have on the matter anyway.

Mr. Bradshaw read item seven "the site plan submitted for the project shall be modified as shown on Exhibit A attached hereto. The maximum number of residential lots that shall be allowed in the project shall be 199". He referred to the versions he handed out which has Exhibit A, attached, that shows a proposed modification to the site plan to add eleven additional single family residential units in order to help Crosland recoup some of the cost of extending that water line down Old Graham Road as well as some of the stormwater improvements they are going to have to make off site on the Crutchfield property. He said he did not think that was a significant change to the site plan and it doesn't have any impact on adjoining property owners. He said he thinks it is consistent with what is already in the ordinance which says that the mix of lot types in the community- and there are basically two types; Hamlet lots which are smaller and there are larger lots in the rest of the community.

He said what they are proposing in this condition is that, as long as it is approved by the Planning Director and approved by the town in its regular subdivision review and approval process, the mix of the number and location of those types of lots can be changed as the project goes along depending on the needs of the market; all of that would be subject to approval by the town through its subdivision process.

The last point relates to an item Monroe pointed out in his memo-that if the applicant does not deed recreational space to the town that he would need to pay \$500 per lot for a Recreation Fee. He said this is a situation much like others the town has encountered (such as Powell Place and River Oaks); in this project they are proposing much more open space and recreational area than the town's ordinance would require. He said what they are suggesting is that those areas be owned by a property owners association so the town would not have maintenance responsibilities for that. He said with this condition, he is proposing that Crosland not be required to pay the Recreation Fees. In the alternative, out of the 26 acres of open space and 11 acres of amenities Crosland could deed some of that to the town, but then the town would have maintenance responsibilities for that land.

Mr. Hoyle asked if the recreation area would be open to the public outside of the development. Mr. Bradshaw said that if it was owned by the property owners' association it would be for the members of this community; but the requirement in the ordinance, as state law requires it to be, is to provide recreational areas primarily to serve the residents of this neighborhood. State law allows the town

to approve requirements that are necessary to address the impacts created by this neighborhood; it is very similar to the concept that we talked about with the water line. He said he thinks the purpose of the reservation of the recreation area is served by doing it the way the applicant is proposing and it saves the town the cost of having to maintain that.

Mr. Hoyle said he thought he heard Mr. Bradshaw say that by adding additional eleven lots it helps defray the cost of the larger pipe too. Mr. Bradshaw it would defer the cost of the extension of the pipe because this community could be served without extending that line down Old Graham Road and the water system could be looped within the community without extending it down.

Mr. Hoyle said he knew the Board did not have a lot of time to absorb the material that has been submitted to them by Mr. Bradshaw. He said he did not feel comfortable with going much farther with this until we have had the view of the town attorney in response to the matter of not paying the recreation fee and the credit with regard to the water line. Mr. Hoyle asked Monroe his feelings with regards to this. Monroe said that he sent Mr. Messick a copy of the e-mail from Mr. Bradshaw right after he received it and he did not receive a response from Mr. Messick before the meeting. Mr. Hoyle said that since the attorney had not had a chance to respond he felt the Board ought to deal with this in the same manner.

Mr. Hoyle asked Monroe if all of the issues he raised at the last meeting had been addressed. Monroe said that was correct. Mr. Hoyle said he did not feel comfortable with going forward with this until the Board has a response from Mr. Messick on the two items he cited.

Mr. Plummer said he felt that the applicant had been communicating with Mr. Crutchfield and he asked if Mr. Crutchfield had seen the latest e-mail. Monroe said he hadn't sent a copy to Mr. Crutchfield. Mr. Bradshaw said that the issues had been discussed between Mr. Anderson and Mr. Crutchfield and it is not the first time the ideas had been raised. Mr. Crutchfield said that was right. Mr. Plummer said he just wanted to be sure that Mr. Crutchfield was okay with the idea. Mr. Crutchfield said he and Mr. Anderson did discuss the ideas and they all got together on his property but this was the first time he had actually seen them in writing. He said he understands what they are after on this but he hasn't seen the plans so he is not sure exactly how they are going to approach the changes. He is in agreement with how they might work and he talked about his other lot (number 40) and said that they may be able to use that for a detention pond to store some of the storm water if they were willing to consider such an idea. He said it was in the northwest corner of his property said he hadn't seen what has been proposed in the final details at this point but they have been willing to work with him. He said he would like to see it in more detail. Mr. Hoyle asked him if he was comfortable with the general idea. Mr. Crutchfield said he was, in general. Mr. Ashness said they are looking at the same concept and they don't have the details for the timber bridge but they both agree that existing culvert

has to come out and a timber bridge constructed and that that would be a good first step. He said they had gone out and surveyed his property, they have the drawings done and they are laying out the topography and the design now. Mr. Crutchfield asked if the design of the logging bridge would be such that it would not hold water. Mark Ashness said that was correct. He said they are at the concept phase now; and they would do the modeling of the stormwater and they would submit that to the town and include the details of what they would propose to do on Mr. Crutchfield's property. He said the kind of timber bridge he has envisioned is similar to what you would see on a golf course which would go across a small swale and they are loaded so that a pick-up truck or a small vehicle could drive over it. He said that would actually allow more water to move through because right now, it just has a three-foot culvert and that is backing the water up when we have a large rain.

Mr. Plummer asked if these changes would be made in the beginning of the project. Mr. Ashness said it was similar to traffic improvements, they would anticipate when they need to be made; certainly improvement to his property will be done earlier in the project; but he couldn't say they would be the first thing. The timing would be determined after they did the overall modeling because going out there and developing a few hundred feet of road isn't going to change his situation. He said there is a pressure point and they would want to have improvements done on his property well in advance of that. He said they would stipulate when the improvement would need to happen. Mr. Plummer said he used to live out there and he has seen Mr. Crutchfield's backyard in heavy rain and he knows it can't stand much more run-off being delivered there. Mr. Crutchfield asked if the area of his back yard was a flood plain. Mr. Ashness responded it was not, that it was further downstream. He said it was not too far downstream but on the FEMA maps, it is further downstream. He said this is a wet weather draw that flows in the winter, is dry in the summer, but as well defined as it is it carries a good amount of water.

Mr. Collins asked if it was any threat to Mr. Crutchfield's septic system. Mr. Crutchfield replied it was not; the septic system is located upland of the house. He said the septic area was in the northwest corner of his property and about 150 feet from the creek. Mr. Ashness, in summary, said the real details of the improvements on Mr. Crutchfield's property wouldn't really be undertaken until they got into the construction-drawing phase and they would submit that information to the town. The town engineer would review that information along with the other stormwater modeling. Mr. Bradshaw said that FEMA Flood Hazard Area maps for Mr. Crutchfield's subdivision showed a 100-foot flood hazard setback along that creek.

Mr. Hoyle asked Mr. Crutchfield what happened on his property following the last rain. He said that the water made it just over the top of the bank but it pulled back. He said that it was high in the area that Mr. Ashness is talking about at the culvert.

He said what they are proposing in this condition is that, as long as it is approved by the Planning Director and approved by the town in its regular subdivision review and approval process, the mix of the number and location of those types of lots can be changed as the project goes along depending on the needs of the market; all of that would be subject to approval by the town through its subdivision process.

The last point relates to an item Monroe pointed out in his memo-that if the applicant does not deed recreational space to the town that he would need to pay \$500 per lot for a Recreation Fee. He said this is a situation much like others the town has encountered (such as Powell Place and River Oaks); in this project they are proposing much more open space and recreational area than the town's ordinance would require. He said what they are suggesting is that those areas be owned by a property owners association so the town would not have maintenance responsibilities for that. He said with this condition, he is proposing that Crosland not be required to pay the Recreation Fees. In the alternative, out of the 26 acres of open space and 11 acres of amenities Crosland could deed some of that to the town, but then the town would have maintenance responsibilities for that land.

Mr. Hoyle asked if the recreation area would be open to the public outside of the development. Mr. Bradshaw said that if it was owned by the property owners' association it would be for the members of this community; but the requirement in the ordinance, as state law requires it to be, is to provide recreational areas primarily to serve the residents of this neighborhood. State law allows the town to approve requirements that are necessary to address the impacts created by this neighborhood; it is very similar to the concept that we talked about with the water line. He said he thinks the purpose of the reservation of the recreation area is served by doing it the way the applicant is proposing and it saves the town the cost of having to maintain that.

Mr. Hoyle said he thought he heard Mr. Bradshaw say that by adding additional eleven lots it helps defray the cost of the larger pipe too. Mr. Bradshaw it would defer the cost of the extension of the pipe because this community could be served without extending that line down Old Graham Road and the water system could be looped within the community without extending it down. Mr. Hoyle said he knew the Board did not have a lot of time to absorb the material that has been submitted to them by Mr. Bradshaw. He said he did not feel comfortable with going much farther with this until we have had the view of the town attorney in response to the matter of not paying the recreation fee and the credit with regard to the water line. Mr. Hoyle asked Monroe his feelings with regards to this. Monroe said that he sent Mr. Messick a copy of the e-mail from Mr. Bradshaw right after he received it and he did not receive a response from Mr. Messick before the meeting. Mr. Hoyle said that since the attorney had

not had a chance to respond he felt the Board ought to deal with this in the same manner.

Mr. Hoyle asked Monroe if all of the issues he raised at the last meeting had been addressed. Monroe said that was correct. Mr. Hoyle said he did not feel comfortable with going forward with this until the Board has a response from Mr. Messick on the two items he cited.

Mr. Plummer said he felt that the applicant had been communicating with Mr. Crutchfield and he asked if Mr. Crutchfield had seen the latest e-mail. Monroe said he hadn't sent a copy to Mr. Crutchfield. Mr. Bradshaw said that the issues had been discussed between Mr. Anderson and Mr. Crutchfield and it is not the first time the ideas had been raised. Mr. Crutchfield said that was right. Mr. Plummer said he just wanted to be sure that Mr. Crutchfield was okay with the idea. Mr. Crutchfield said he and Mr. Anderson did discuss the ideas and they all got together on his property but this was the first time he had actually seen them in writing. He said he understands what they are after on this but he hasn't seen the plans so he is not sure exactly how they are going to approach the changes. He is in agreement with how they might work and he talked about his other lot (number 40) and said that they may be able to use that for a detention pond to store some of the storm water if they were willing to consider such an idea. He said it was in the northwest corner of his property said he hadn't seen what has been proposed in the final details at this point but they have been willing to work with him. He said he would like to see it in more detail. Mr. Hoyle asked him if he was comfortable with the general idea. Mr. Crutchfield said he was, in general. Mr. Ashness said they are looking at the same concept and they don't have the details for the timber bridge but they both agree that existing culvert has to come out and a timber bridge constructed and that that would be a good first step. He said they had gone out and surveyed his property, they have the drawings done and they are laying out the topography and the design now. Mr. Crutchfield asked if the design of the logging bridge would be such that it would not hold water. Mark Ashness said that was correct. He said they are at the concept phase now; and they would do the modeling of the stormwater and they would submit that to the town and include the details of what they would propose to do on Mr. Crutchfield's property. He said the kind of timber bridge he has envisioned is similar to what you would see on a golf course which would go across a small swale and they are loaded so that a pick-up truck or a small vehicle could drive over it. He said that would actually allow more water to move through because right now, it just has a three-foot culvert and that is backing the water up when we have a large rain.

Mr. Plummer asked if these changes would be made in the beginning of the project. Mr. Ashness said it was similar to traffic improvements, they would anticipate when they need to be made; certainly improvement to his property will be done earlier in the project; but he couldn't say they would be the first thing. The timing would be determined after they did the overall modeling

because going out there and developing a few hundred feet of road isn't going to change his situation. He said there is a pressure point and they would want to have improvements done on his property well in advance of that. He said they would stipulate when the improvement would need to happen. Mr. Plummer said he used to live out there and he has seen Mr. Crutchfield's backyard in heavy rain and he knows it can't stand much more run-off being delivered there. Mr. Crutchfield asked if the area of his back yard was a flood plain. Mr. Ashness responded it was not, that it was further downstream. He said it was not too far downstream but on the FEMA maps, it is further downstream. He said this is a wet weather draw that flows in the winter, is dry in the summer, but as well defined as it is it carries a good amount of water.

Mr. Collins asked if it was any threat to Mr. Crutchfield's septic system. Mr. Crutchfield replied it was not; the septic system is located upland of the house. He said the septic area was in the northwest corner of his property and about 150 feet from the creek. Mr. Ashness, in summary, said the real details of the improvements on Mr. Crutchfield's property wouldn't really be undertaken until they got into the construction-drawing phase and they would submit that information to the town. The town engineer would review that information along with the other stormwater modeling. Mr. Bradshaw said that FEMA Flood Hazard Area maps for Mr. Crutchfield's subdivision showed a 100-foot flood hazard setback along that creek.

Mr. Hoyle asked Mr. Crutchfield what happened on his property following the last rain. He said that the water made it just over the top of the bank but it pulled back. He said that it was high in the area that Mr. Ashness is talking about at the culvert and that is what makes the idea they are discussing so interesting. Mr. Crutchfield said he would like to see the idea put on paper so he would have some kind of assurance. He said he would like a copy in the file at the town; and he said he would like the improvement done quicker than they seem to be contemplating.

Ms. Farrell referred to item 1, the required 30-foot stream buffer shall be undisturbed, and asked what happens if they get disturbed. She asked if there were penalties for a developer going in and just clearing it out. Monroe said they would have to be revegetated with native vegetation. He said the point of the buffer is to give stormwater the opportunity to infiltrate before it gets to the creek so that it can be filtered. When vegetation is removed from a buffer area, run-off can move with more velocity and carrying sediment. Mr. Bradshaw pointed out that the developer has volunteered to do seventy additional feet of buffer.

Mr. Plummer asked what intersection item five referred to. Mr. Bradshaw replied that it referenced the full interchange. He said the question had been raised about where that would be best located and as Monroe said last time or at the public hearing, DOT would allow that to be within approximately a 100-foot area; so,

obviously, that would have to be approved by DOT. He also said that Monroe had added to that that DOT evaluate the need for a left-turn lane.

Mr. Hoyle pointed out to members of the Board that since this review involves a Special Use Permit they must consider the five Findings of Fact listed in the ordinance. He read them to the Board:

1. The Board finds that the uses set forth in the application and shown on the site plan attached hereto and incorporated by reference, if approved as a Special Use pursuant to the provisions of the zoning ordinance would be suitable for the property proposed for rezoning under the conditions attached to the Special Use Permit.

2. The submittal satisfies or exceeds the provisions of the PUD section of the zoning ordinance.

3. The rezoning of this parcel shall not result in diminishing the values of the nearby properties.

4. The proposed rezoning should not result in lessening the enjoyment of the nearby properties as a result of the proposed stormwater mitigation plan.

5. The submittal has adequately addressed concerns about traffic and the environment.

Monroe said that Mr. Crutchfield reminded him that at the last meeting there was a discussion of a concern expressed by the residents of the area about the street lighting plan and the affects that might have on the diminution of their enjoyment of the night sky. He suggested that the Board consider a requirement that the street lighting plan be pedestrian rather than focused on the roadway.

Mr. Plummer asked if the development would not be subject to the Lighting Ordinance. Monroe said it would but the subdivision lighting standards allow a fixture smaller than the residents of Brooks Creek would prefer to see. Mr.

Bradshaw asked if this would be a variance from the lighting ordinance. Monroe said it would not, that the residents have asked for a reduction in height for the lighting fixtures. Mr. Plummer asked if this would be more restrictive than the

25- page Lighting Ordinance. Monroe said that the Subdivision Lighting ordinance is different from the Lighting Ordinance, which applies mostly to commercial applications.

Mr. Howard said he does not feel like just going on putting off a recommendation and he feels that the suggestion of Mr. Messick's' opinion about the recreation fee could be a condition. He said that based on his experience ~~developing in the county~~, a \$500 fee doesn't seem too bad to him. Mr. Bradshaw objected to the comparison. Mr. Hoyle said that the Board could put conditions that these issues be resolved as a part of their recommendation.

Mr. Howard made a motion that the Board approve the Resolution of Approval and send it to the Commissioners with those conditions stipulated.

Mr. Hoyle clarified that this referred to the water line and the Recreation Fee as well as the lighting. **Mr. Collins seconded the motion; the motion passed unanimously.**

Mr. Hoyle introduced the **CVS Pharmacy** commercial site plan. Monroe noted that this plan was associated with Outparcel 1 at Bellemont Station. He said the site plan has been presented for the Board's consideration and he has asked that a few minor changes be made.

Monroe referred to the plan and pointed to the second driveway entrance. He said he asked that the throat of the driveway be narrowed in order to prevent people turning into the lot and going directly to the drive-thru window thereby creating a conflicting turning movement.

Mr. Hoyle asked for the location of Hwy 15-501. Monroe identified its location and that of Lowe's Drive to orient members.

Monroe said that he has asked that the curb shown on the plan be moved further to the north to prevent conflicting turn movements.

He said he also asked for an explanation for the record of why two sewer connections are shown on the plan.

He asked a note be added to the plan that a lighting plan will be submitted and approved before a Building Permit is sought.

Mr. Hoyle asked for a representative of the CVS group to respond to these requests. Mr. Hoyle asked if these gentlemen had done the CVS at Cole Park Plaza. They indicated they had no association with that site.

Mr. Hoyle said that this plan was totally unacceptable from a landscaping point of view. He said he noted that there is some shrubbery shown on the plan but he asked if it were possible to create a berm at the edge of the property so that it could shield the view into the parking lot in front of the building. He said this is the main entrance to the town. He said that the people doing the KFC have agreed to do more than a minimal plan and this issue is a real concern for the Planning Board and residents at large. Rather than just plan it like the one at Cole Park Plaza where they have such tiny trees; he said if he lives to be 150, they will finally block the view. He said he doesn't think it will cost that much more to do a good landscaping plan and now is the time to do it. He said that landscaping makes the whole place much more appealing to the public. Monroe added that right now Mr. Spoon has a great deal of available dirt and it could probably be obtained at a very good price. Mr. Hoyle said that the town does not have a landscaping ordinance but we are prevailing upon people who are coming in to the town to do something constructive because it helps us all

Mr. Josh Lambert asked if the intent of the Board was to screen the parking in front of the store. Mr. Hoyle said it would be his preference to screen the parking from both Hwy 15-501 and Lowe's Drive. Mr. said there was two ways they could accomplish this: they could do it with landscaping and they could use some type of berm. He said that the berm could be considered and would be defined by the area they had to create it. He said they might be able to put some different types of vegetation in to accomplish the concept.

Mr. Hoyle asked how many parking spaces were proposed for the project. Mr. Lambert said there were 68 spaces.

Mr. Hoyle asked Monroe if there would be a conflict with the drive thru entrance at KFC and the pharmacy. Monroe said there would be no conflict there but if the design of the pharmacy drive thru is not altered, there could be a conflict at the windows and that is what he is trying to correct here. Monroe said he was trying to ensure that there would be no conflicting traffic movements at the drive-thru windows. Mr. Lambert said that they understood Monroe's concern and they had extended the curb at that location which will make people entering that drive go around the building to enter the drive-thru window aisle.

Mr. Plummer asked if the drive throat were constricted would people still be able to get out. Mr. Lambert replied that they would. Mr. Plummer asked the extent of the change. Mr. Lambert said the drive went from 59 feet to 37 feet wide, which is an acceptable width for such a drive.

Mr. Hoyle asked if the basic design of the building would be the same for the majority of CVS pharmacies. Mr. Lambert said that was basically true. Mr. Wainwright said they took this project over from a firm that was in Atlanta. He said they had designed several of them but none are actually in construction yet. Mr. Collins asked what size this store would be. Mr. Wainwright said this would be 13,225 square feet; it is one of their larger stores.

Mr. Hoyle asked if they would agree to create a berm along the front and the side. Mr. Wainwright said he would have to qualify that because they would have to go back through CVS to make sure they were in agreement with that idea. Mr. Collins asked what would happen if the corporate headquarters said no; he asked who wins this ballgame. Mr. Hoyle said this Board does because they don't recommend approval unless this is done. Mr. Collins said that the Board has to also add that plantings be maintained because you can look at the Lowe's site and see so many of the plantings that have died. He said it is a wonderful store but the site is just disappointing. Mr. Wainwright said that from what he has seen with CVS is that they put in an irrigation system; they put all this money in to landscaping and they want to make sure the plants don't die.

Ms. Farrell said she felt it was important to make this site comparable to the rest of the property. Mr. Plummer said that Chairman Hoyle was hoping it would be a little better than the example Lowe's set. Mr. Hoyle said that the KFC/Taco Bell agreed to do better and he hoped that would continue. **Ms. Farrell made a motion that the Board recommend approval of this plan with the condition listed in Monroe's memo. Mr. Plummer seconded the motion.** Mr. Hoyle asked if the motion was going to include anything with regard to the landscaping. Mr. Collins said he thinks it should. Ms. Farrell said that in looking at Monroe's comments he noted that the landscaping plan is very good. Mr. Plummer asked Monroe if very good meant adequate. Monroe said that the landscaping plan that was submitted is better than the one developed for Taco Bell and is certainly better than the plan for Lowe's. He said a berm could certainly improve that if it can be fitted on the property. **Ms. Farrell amended her motion to include a**

berm if it fits. Mr. Plummer amended his second; the motion passed unanimously.

Mr. Hoyle introduced the Pittsboro Commons rezoning request from R-A2 to C-2CU. He said that the packets contained lots of information and Monroe had many questions. He asked Monroe to begin the discussion. Monroe asked that all the materials submitted in the packets be incorporated into the record. Mr. Hoyle concurred.

Monroe said that it might be a good idea to begin with the Traffic Impact Analysis because there are changes that he has suggested and they would have to be reflected on the site plan in order to be consistent.

Monroe said that since this application was submitted, the applicant has taken the opportunity to meet with David Moody of the Chatham County Schools to show him the application and to hear his concerns regarding the affects this project would have on school traffic. He said that most of the problems identified at Northwood are on-site; they are not problems from off-site. He said the problems relate primarily to the way students are dropped off and picked up. He said an analysis was done by DOT (and a copy is in the packet) where they took a look at traffic patterns in the school property and made a number of suggestions for ways that the traffic could be improved and reduce the back and bottle-neck that is occurring on Northwood Drive.

He said that at the public hearing there were a number of concerns expressed by Commissioners with regard to special events and the affects that increased traffic as a result of the proposed development would have. Monroe said he has asked the traffic consultant to take a look at that. He said he has asked for responses to the four items raised in the memo on the TIA and get those reconciled with the review prepared by Rob Stone of DOT.

Earl Lewellyn of John R. McAdams Company said that he prepared the Traffic Impact Analysis. He said that since meeting with the Board they had provided an update to the Traffic Study, which addresses the issues that Mr. Monroe has indicated as well as some others. He said they had revised the projected build-out date to 2011 and accounted for several recently approved projects that weren't included in the original plan. He said the revised plan also addresses the preliminary comments from NCDOT although he noted that those comments were based on the original traffic study for which the access to the property was different. He said DOT now has their revised traffic study and the addendum. He said this document clarifies the access to US15-501. He referred to the plan and indicated that the northernmost drive on the site would be a right-in/right-out only and that the drive mid-site would be right-in/right-out and left over access.

Mr. Hoyle asked if the right-in/right-out access was in a curve. Mr. Lewellyn said there does begin to be a curve north of the drive but that sight distance should be very clear.

Monroe said he did ask for consideration of a deceleration and acceleration lane from the two driveways on 15-501. Mr. Lewellyn said they are proposing those lanes. He handed out a list of improvements that they are agreeing to noting that the items in bold type are the improvements they are recommending. He said that at the north end of the site they would construct a right-in/right-out drive with an inclusionary right turn lane. At the mid-site drive he said they would be adding a right turn lane and a left turn lane of appropriate storage based on DOT's review of the traffic study. At Russet Run they propose to modify the signal to accommodate a four lane cross-section and to allow for dual left turns coming out, one lane in and a shared through/right lane. He said they would also add a right turn lane going to Suttles Road. He said they would be improving a three-lane cross-section on Russet Run and adding a round a bout at the edge of the CLLC property. He noted that something that is not shown on the sheet is that at the westbound ramp intersection with 15-501, a signal is recommended at that intersection when warranted and approved by DOT and he said it is his understanding that that is a commitment of Powell Place at a certain phase.

Mr. Hoyle asked for a clarification of where the traffic signal would be located. Mr. Lewellyn corrected himself and said that it would be at the eastbound US64 ramp and the 15-501 intersection. Mr. Plummer asked if Powell Place was putting that in place. Mr. Lewellyn said it was part of the Powell Place approval. He said it is one of those things where DOT will look at a traffic studies as the individual projects come in and determine who is responsible for installing an improvement or determining who will share the cost at the discretion of DOT. Mr. Hoyle asked if they were going to take care of the cost of upgrading the signal at Northwood. Mr. Lewellyn said they would be responsible for that. Monroe asked Mr. Lewellyn if he had said Mr. Stone's review was based on the original TIA. Mr. Lewellyn said that was correct. Monroe noted that that impact analysis did not include the pharmacy on the south side of Russet Run. Mr. Lewellyn said that was correct. Monroe asked how Mr. Stone's suggestion of a concrete barrier at Suttles Drive affects the pharmacy traffic. Mr. Lewellyn said that was a very good point and he actually mentioned it to Mr. Stone a couple of days ago when they talked on the phone. He said that Mr. Stone hadn't seen the updated TIA of November and he made him aware that it was coming and explained what they were concerns were. He said that what they would recommend is that if DOT wants to have this right-in/right-out that they allow left-over to allow anyone living along this section to build it to go to the center and come back otherwise there is no way of getting back. He said that in the Traffic Study they analyze it both ways with this being a full movement operation and with it being right-in/right-out and a left turn being allowed. He said that they believe that one of the factors that should be taken into account is that they are now proposing dual left turns from Russet Run to 15-501 and that reduces the stacking that would affect Suttles Drive otherwise.

Mr. Hoyle asked for a clarification; he wondered if Mr. Lewellyn was suggesting dual left turns opposite Northwood Drive. Mr. Lewellyn said that was correct. He said that with those improvements the analysis confirms that all of the intersections in the study area will operate with good levels of service. He noted that they had met with Mr. David Moody, the Assistant Superintendent of Schools and he understood that their project would not have adverse impacts on school traffic. Mr. Hoyle asked Mr. Lewellyn to repeat that statement. Mr. Lewellyn said they had spoken to Mr. Moody and he agreed that their traffic would not be an adverse impact on school traffic. He said they talked about the recommendations of the report from NCDOT, about how to improve on-site circulation and they also asked him about the funds that were allocated by Speaker Hackney. There were originally \$313,000 and they understand that is now \$125,000 and it is their understanding that the school is currently working out a re-imbusement agreement through NCDOT that will allow some improvements to be done that facilitate some on-site improvements, and that is on-going right now. He said the only other recommendation that Mr. Moody had was for them to request that NCDOT reduce the speed limit in the area on 15-501 through the interchange to the center of the AAC site and they said they would gladly do that. Mr. Hoyle asked what type of background information Mr. Moody had to make that request. Mr. Lewellyn said he did not know if Mr. Moody had looked at the analysis specifically but he had looked at the site plan displayed, he was familiar with the recommendations of the study, and they had also hired another traffic consultant to look at a phasing of improvements. He said Mr. Moody was well aware of what the recommended solutions were and how to implement them. Mr. Hoyle said that apparently, Mr. Moody had never been out there in the morning or afternoon but he would talk to him about that. Mr. Lewellyn said that they did discuss the fact that traffic from the school does impact the intersection. He said what they were discussing was that AAC traffic would not be impacting those movements, they will not be adding any northbound lefts or southbound rights and with the laneage that they are proposing here and the signal applications there will be no adverse affect on traffic at the intersection. He said that the problem at the school is really an internal issue. The capacity of this intersection is sufficient, there is plenty of capacity to deal with the capacity out there; the problem is internal circulation and the funds that Mr. Hackney has allocated will be used for that. Mr. Hoyle asked Monroe if Mr. Lewellyn had addressed his concerns. Monroe replied that he had; Monroe said that he would simply like to note that the changes Mr. Lewellyn presented tonight should be reflected on the site plan before the Board acts on that plan. Mr. Hoyle said that sounds good, everything needs to be in writing.

Mr. Hoyle said that he knows this group did not create the problem that we have at this intersection but when we are considering what you are proposing to do there, when you add a few more cars the situation can become treacherous.

Mr. Hoyle said that Mr. Lewellyn has addressed all of the items in Monroe's December 21 memo. Monroe said that was correct. Monroe said that the only other thing he would like clarification on is the proposed length of the southbound stacking lane for the left fly-over. Mr. Lewellyn said that the analysis indicated one hundred and fifty feet of storage but he said that would be determined by NCDOT. He said they understand that will have to be addressed. Mr. Hoyle asked the distance from the stop light to the first entrance into the project. Mr. Lewellyn said he believes that is about 800 feet. Mr. Hoyle asked the distance to the next drive. Monroe said the TIA indicated that the first drive is 720 feet north of the signalized intersection. Mr. Lewellyn said there is roughly 400 feet between the intersections.

Mr. Hoyle said that before the Board goes any farther he had a general comment. He said that he was at the public hearing and he concurs with what Mr. Brooks brought up and noted that he had gotten 76 e-mails concerning this project and most of them came from the relatives of people at the Autism Center. He said they must have done a fantastic job convincing those people that everything is okay now. He said they were to be commended because this is one of the world renowned centers for autistic people.

Monroe said that he had a conversation with Mr. Gene Bober who is a planner with the University of North Carolina. He is working with Ms. Nancy Richle who is Director of CLLC and they would both like it made very clear on the record that they have no opposition to this project; they are not endorsing it but they do not oppose it. Monroe said it is a great step forward from the original position they had. Monroe said the mitigation plan that has been proposed is in the packet; it offers additional buffering by means of vegetation on the west side of the CLLC property as well as the east side of the AAC site. AAC has offered a reduced level of lighting on the shopping center site. They have also proposed to relocate the multipurpose building to a location where it would be much more internal on the site and related to the other buildings. And finally, the installation of a landscaping fence made of materials of CLLC's choice to physically separate the CLLC property from the AAC site. He said that Mr. Bober wishes to remind the Board the Ms. Richle has no legal authority to approve that mitigation plan because CLLC leases the property from UNC; so the final say on the offer lies with attorneys with UNC and they are currently examining the document.

Monroe said that his memo makes it clear that the requirements of the Major Transportation Corridor Overlay District apply to this property since it is not yet in the corporate limits of Pittsboro. He said the MTC begins at the overpass on 15-501 and heads north to the Haw River. This fact establishes a requirement for a buffer area and the ordinance specifies that the buffer can be no less than 5 nor more than 100 feet. It also says that the existing vegetation will remain in a natural state and no landscaping or additional plantings shall be allowed unless

such land disturbing activity or alteration is indicated on a site plan for the subject property and is approved by the town. The buffer area shown on the plan is considerably less than 100 feet and more than 5 feet but it shows the existing vegetation removed. He said he would like to see some consideration of the more mature trees, particularly in front of the mobile home park site, being allowed to remain. He said it would certainly be worth the effort to protect some of those trees.

The ordinance requires that developments generating more than 500 vehicle trips per day must construct turn lanes off the major thoroughfare. The regulations also stipulate that driveway widths shall not exceed 36 feet; he said he is not sure of the reason for this. Since the ordinance says that we will have to address the issue of the primary driveway design because that driveway exceeds 36 feet due to the very nice median which serves to separate inbound and outbound traffic. He said it was conceivable to read that to mean 36 feet of travel width rather than the overall width. He said he would encourage some discussion on that item.

Monroe pointed out that owners other than AAC have been identified on a parcel in the center of the project but they have not been included as signers of the application. He said he suspects they were the former owners but a correction is needed since the plan represents the official record.

Monroe said he has some concerns about the rear of some of the buildings facing the streets and not having much landscaping to soften the view of those buildings. He said he would like that discussed since there are five buildings in that condition; two on Russet Run and the others visible on 15-501.

Monroe said there were several retail locations that do not have dumpsters near them and he would like some discussion about that.

Monroe said there is no indication of the impervious surface for Lot 4 and the ordinance requires that be identified. He noted, additionally, that there are no handicapped parking spaces shown and that should be corrected.

Monroe said the plans show a culvert running under Russet Run but further into the set of plans it is not shown. He said he thinks it got left off and he would like that clarified and would like the plans to correctly identify if it is there. He said the culvert was serving a useful purpose and this should be explained.

Monroe said more information needs to be provided about the wastewater treatment facility and the soil's suitability for drip irrigation.

Mr. Hoyle referred back to Monroe's comment about the culvert and said the plan show that the stormwater management pond encroaches on the stream buffer. Monroe said that was correct.

The plans should include a note that all utilities will conform to the specifications of the Town of Pittsboro.

Monroe said he is concerned about the location of some of the fire hydrants being very close to the buildings and the fire chief has reminded us in the past that he does not want hydrants in the fall zone.

Monroe said he does not believe that the landscaping plan for Lot 4 satisfies the requirements of the MTC district. He referred to a note on page SW1 regarding stormwater; it indicates that although stormwater from Lot 4 will be piped to the detention pond it will not be treated. Monroe said he would like that clarified because he doesn't understand what that means.

He said that on the northeast corner of the property there is a stormwater dissipater structure shown. It would allow for discharge from the pond and he said he would like to know the affect that would have on the stream because that stream flows to the Haw River.

Monroe said those were the primary issues he identified in his review of the plans. Mr. Hoyle said that before they respond to Monroe's concerns he wondered if Ms. Gallo was present. He was told she was not.

Mr. Hoyle said that if you take the summation of what Monroe has said in his memo of the 21st of December there were 18 concerns and two days later in the memo of the 23rd there are 21 more concerns. He said some of these are major concerns and it would take us an extra week to get some explanation to them. He said that he feels the explanation needs to be presented in writing so the Board can take a look at it. Mr. Hoyle asked if the applicant had received a copy of Monroe's memos. Mr. Bradshaw said they had. Mr. Hoyle asked if they had written responses to them. Mr. Bradshaw said they had. Mr. Purdy said they got them on the 27th and they have been actively working on those responses and Mr. Lewellyn went through and has answers; the others they have just written and have prepared handouts for the Board tonight. Mr. Hoyle said they could distribute them but the Board needs time to review them. Mr. Hoyle asked the members their wishes with regard to the many concerns and the receipt of their responses; he asked if they felt comfortable going on with the review tonight or wait until it has been completely incorporated into the proper form. **Ms. Farrell made a motion to table this item until next month. Mr. Collins seconded the motion. Ms. Farrell added to her motion to have the areas cited taken care of before the application comes back to the Board. Mr. Collins accepted the amendment. The amended motion passed unanimously.** Mr. Hoyle said he would like for one of the applicants to confer with Ms. Gallo regarding her statement at the public hearing that Pittsboro would gain over \$200,000 in property taxes. He said he would like to know how that would be accomplished since the property is in the ETJ. Mr. Hoyle said he would like to have a written response from her. Mr. Plummer said that he feels the traffic concerns have been settled a lot based on everything that was pointed out tonight. Mr. Plummer asked Monroe if he agreed. Monroe said he thought they were moving in the right direction. Mr. Plummer said he had a lot of unanswered questions on the other issues. Mr. Dye said they would try to work on a response from Ms. Gallo and have that for the next meeting. Mr. Bradshaw said that Monroe had properly raised a number of issues and he thinks the Board will find that the document handed out tonight will respond to those.

Ms. Farrell asked Monroe if he could address the concerns expressed by the Haw River Assembly. Monroe said that the Haw River is a nutrient sensitive waterbody and as such it requires more sensitive treatment and nutrient removal of discharges into it. He said where we can in site planning that has discharge into the Haw, as this project would, we need to be sure that we are achieving substantial removal of nutrients so we don't further impact the river. The concern that Catherine Deininger had was that runoff from the parking lot, if not adequately filtered, would introduce not only sediment but pollutants into the water that would flow to the river. Monroe said there are actually two creeks that join and flow from the back of this property to the Haw. Mr. Hoyle said he thought the runoff from Bellemont Station will go into there and all of the runoff from Bellemont Point goes into the same area and it is all going right down to the Haw River.

Ms. Farrell asked if the site plan would be corrected when this comes back. Monroe said he is hoping. He said he does not like working with a stack of papers and a site plan that does not reflect what the papers say. Mr. Hoyle said he thought the Board made that perfectly clear to them. Mr. Hoyle asked Monroe to e-mail Mr. Bradshaw and Mr. Dye and tell them the Board will not accept it unless it is all in one compact form.

Mr. Hoyle referred to the Commissioners Actions which are in the packets. He asked for any Board member concerns. Ms. Farrell asked if the Board could give itself permission to lengthen the review times when there is as much information as was on the agenda tonight. She asked if all the exhibits are taken care of before they get to the Board. He said they will go right back to the applicant if they haven't answered the concerns once Monroe has reviewed them. Monroe said that one of the complicating factors is that the applications we saw tonight are both Special Use Permit requests and we are required by our ordinance to act on them in 60 days or they proceed to the Commissioners as if we had recommended approval. Ms. Farrell said what they are seeing is not concise, it is confusing. Monroe said that he can take the time to make sure everything is in order before it is delivered to the Commissioners but he feels it has to be shown correctly on a plan before this Board makes a decision.

Mr. Hoyle explained that Bellevue Commons had been removed from the agenda because they wanted to have an opportunity to talk with the neighbors who spoke at the public hearing.

Mr. Howard made a motion to adjourn. Ms. Farrell seconded the motion; the meeting adjourned at 8:25.

