

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
MAY 13, 2002  
7:00 P. M.

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

ATTENDANCE

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

Others present: Manager Hugh Montgomery, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Jim Hinkley and Dave Lentzer.

DISPOSITION OF MINUTES

Motion made by Commissioner Bryan seconded by Commissioner Walker to approve the minutes of the April 22, 2002 meeting.

Vote Aye-5 Nay-0

CHATHAM PARTNERSHIP FOR CHILDREN  
PLAYGROUND PROJECT

Ms. Jenny Megginson was present to give an update on the Playground Project.

Ms. Megginson gave her presentation and stated they would like additional funding from the Town of Pittsboro because the cost is much greater than anticipated.

The fundraising for the project is going well. The fundraising goal has been increased from \$35,000 to \$58,380. The increase is mostly due to the cost of the safety surfacing material that is preferred.

The Playground Committee is recommending poured in place rubber mat cushioning under the swings, climber and infant deck. This is the most permanent and lowest maintenance surfacing available that meets the health and safety guidelines for young children.

The other alternative for safety cushioning that they have considered is specialized wood chip (wood carpet) surfacing. Wood Carpet surfacing may also require regular maintenance to aerate it and to minimize compression due to use and required replacement every 2 to 3 years. The initial cost of the rubber cushioning is offset in the long term by minimized maintenance cost and improved consistency of safety cushioning due to lack of deterioration.

Commissioner Walker asked if it was too late to include a water fountain in the plan.

Ms. Megginson said it was not to late.

Commissioner Cotten stated with budget restraints he would like to see how much the committee can raise – they need an additional \$33,000.

Motion made by Commissioner Bryan seconded by Commissioner Walker to table to see how much money can be raised.

Vote Aye-5 Nay-0

#### BSA TROOP #93

Mayor may stated Mr. Lance Dixon and Mr. Tray Pharr, BSA #93 are before the board with proposed Eagle Projects to involve fire hydrant maintenance and rehabilitation of the “Pittsboro” entrance signs.

Lance Dixon said he would like to paint around 25 fire hydrants and put blue marker in the street to locate each fire hydrant and clear out a four-foot radius around each fire hydrant. He will need the Town to provide he with men working signs and safety vest. It will take approximately two hours per hydrant to complete the work.

Trey Pharr, III stated he would like to restore four “Welcome to Pittsboro” signs and grounds coming into the Town of Pittsboro, including securing new locations for two of them that are down due to road construction.

Commissioner Cotten stated some of the organizations on the sign are no longer in affect.

Motion made by Commissioner Bryan seconded by Commissioner Griffin to approve both projects.

Vote Aye-5 Nay-0

RESCHEDULING MAY 27, 2002 MEETING

Motion made by Commissioner Brooks seconded by Commissioner Bryan to reschedule the meeting for Tuesday May 28, 2002 since Monday is Memorial Day.

Vote Aye-5 Nay-0

MR. DAN DEACON

Mayor May stated Mr. Dan Deacon has submitted a proposal for a Public/Private partnership for a joint use parking lot to serve the Downtown, Community Building and a proposed 7,000-sq. ft. building in the C-1 district.

Mr. Dan Deacon presented a site plan to the Planning Board at their May 6, 2002 meeting. The Planning Board had particular concern about the flow of traffic entering and exiting the site being so near to the Hillsboro and Thompson Street intersection. The Board instructed Mr. Deacon to request consideration from the Town Board relative to possible joint use of the area between the Community Building and his property for a parking lot and as a means of existing the property.

Mr. Deacon will need a clear understanding regarding the potential to move forward with any joint use of the public space.

Mr. Deacon stated he would like to build a parking lot at the Community Center and a two- story structure on the property located next to Little Creek Café.

Mr. Deacon will pay the full cost of the parking lot.

Motion made by Commissioner Walker seconded by Commissioner Griffin in favor of looking further into this joint arrangement.

Commissioner Brooks asked if any foresees any problem with users of the Community Building.

Manager Montgomery stated that he is sure at some time there may be a problem. They will try to install signs reserving spaces for Community Building users.

Vote Aye-5 Nay-0

#### SUP – OA KELLER

Manager Montgomery stated we have received a request from Mr. O. A. Keller for a Special Use Permit to operate a Day Care Center in the R-10 zoning.

Commissioner Brooks stated the building was non-conforming and repairs are being made without a zoning compliance.

Motion made by Commissioner Bryan seconded by Commissioner Walker to establish May 28, 2002 as a date for public hearing on a Special Use Permit as requested by Mr. O. A. Keller to operate a Day Care Center in the R-10 Zoning District.

Vote Aye-5 Nay-0

#### REZONING REQUEST – BETTY JEAN WHITT

Motion made by Commissioner Bryan seconded by Commissioner Brooks to establish May 28, 2002 as a date for public hearing on the rezoning request from Betty Jean Whitt from RA to R-10.

Vote Aye-5 Nay-0

#### NCSU WATER QUALITY

Ms. Karen Hall was present to request that the Town participate with NC Cooperative Extension Service – NCSU Water Quality Group for a Federal EPA 319 grant to assist NC Division of Water Quality efforts to develop watershed assessment and the writing of the TMDL for Roberson Creek Watershed.

Motion made by Commissioner Brooks seconded by Commissioner Cotten that the Town participate with NCSU in this project.

Vote Aye-5 Nay-0

REQUEST FOR REZONING FROM RA-2 TO C2-CU  
BY DORIS ALLEN, ROBERT HANCOCK AND JACK HANCOCK

Commissioner Brooks stated he was trying to understand a letter from Mr. Messick last June in regards to a CU rezoning. He can see potential legal problems for the Town or potential developers.

Attorney Messick stated generally when you apply for CU rezoning you must have a project in mind and the SUP will expire in one year.

Attorney Messick stated one reason the procedures for this rezoning is different is because it is in the MTC which requires site plan approve before rezoning can take place.

Ken Hoyle stated the Planning Board felt CU zoning was the way to go because it gives more control to the Town.

Mr. Jim Hinkley, Site Plan Review Coordinator, presented the recommendation of the Planning Board for approve of the proposed preliminary site plan for Pittsboro Station South, a commercial complex located at the southeast quadrant of the US 15-501 and US 64 By-Pass intersection, subject to the conditions set forth in the report attached hereto as Exhibit A and incorporated herein by reference. Mr. Hinkley reported that he developer had been very responsive to all comments of the Planning Board.

Motion made by Commissioner Cotten seconded by Commissioner Walker to approve the site plan with the recommended conditions as presented by Mr. Hinkley.

Commissioner Walker expressed an interest in having a stoplight on US 15-501 at the intersection with the shopping center. Mr. Spoon indicated that one had already been approved. Mr. Faulkner said that they would like to have a bakery added as a possible conditional use.

Vote    Aye-4    Bryan, Griffin, Cotten, Walker  
          Nay-1    Brooks

**EXHIBIT A**

Town of Pittsboro, North Carolina , Pittsboro Station South  
Site Plan Recommendation to  
The Town Board of Commissioners  
May 6, 2002

The Pittsboro Planning Board, at its regular meeting of Monday, May 6, 2002, unanimously approved with conditions the revised Preliminary Site Plan for Pittsboro Station South, a commercial complex proposed

for the southeast quadrant of the US 15-501/64 Bypass interchange. The approval of the Preliminary Plan was based on review conducted in accordance with requirements set forth in Article XV: Site Plans of the *Pittsboro Zoning Ordinance*. Therefore, the Planning Board hereby recommends that the Town Board of Commissioners approve the Preliminary Site Plan subject to the following stipulations contained herein and shown on the material submitted by the developer in five design sheets consisting of: #1 Preliminary Site Plan; #2 Preliminary Grading Plan; #3 Preliminary Utility Plan; #4 Preliminary Overall Utility Plan; and #5 Concept Landscape Plan which are available for review in Town Hall. This recommendation for conditional approval consists of four sections: 1) General Observations; 2) Conditions for Approval; and 3) Environmental and Developmental Situations.

General Observations. The developers have incorporated recommended changes to the first Preliminary Site Plan review of March 26, 2002. That review was presented to the Planning Board on April 1 and to the Board of Commissioners on April 8, 2002. Changes observed in the second submission include:

- A circle has been incorporated onto the traffic design in keeping with Pittsboro's dominant feature.
- Landscaped medians have been incorporated into the boulevard.
- Sidewalk and crosswalk modifications and additions have been made.
- Commuter parking with a bus stop shelter has been added.
- A more creative building arrangement in keeping with the traffic circle and radiating parking access has been included. The fronts of the proposed buildings on Outparcels #1 and #3 now face the circle.
- The "big box" retail store/drug store/10-retail bay strip building has been redone: a) eliminating the "big box" facility; b) moving the drug store to Outparcel #4; c) adding four medium size (5,500sf) bays, and d) keeping ten smaller (1,600sf) bays.
- The "big box" grocery store has been moved to a new location and increased in size from 35,000 sf to 52,000 sf with four contiguous small (1,600sf) bays.
- **Fire lanes and contiguous covered walkways have been added to the fronts of bays and grocery .**
- The motel site had been removed from the plan.

- A complete main utilities Schematic including electrical service, natural *gas*, telephone, and cable television has been added to the earlier more detailed water, Sanitary Sewer, and Storm Sewer plans.
- A water main pressure maintenance loop around the "big box" and the medium and small bays is now included.
- **Fire hydrants and a Siamese sprinkler standpipe connection on the grocery store have been added at suggested appropriate locations.**
- Landscaped islands in parking areas have been increased in size and in number to add to overall greenspace and pervious surface.
- Employee parking has been identified near the grocery store and four additional bays.
- **Crosssections of public roads, interior streets, and parking areas have been added to the bottom of Sheet # 1.**
- Retail bays have been indented to accommodate perpendicular parking at door fronts.
- Property lines around all stormwater ponds common areas are now shown.

**Conditions for Approval.** The Planning Board stipulates that its recommendation is contingent upon the following changes and additions that must be made by the developer to the Preliminary Site Plan.

- Indicate number of stories and heights of all structures.
- Stub-out the boulevard right-of-way to the property line on the northeast side of project.
- Save as many existing trees around stormwater retention ponds as possible.
- **Show a pick-up lane in front of the grocery store.**
- Identify location of the electrical reduction transformer for the project.
- Prepare draft property owner covenants and maintenance plans for Common Areas/Stormwater Retention Ponds.
- Add more employee parking spaces as shown on Sheet #1.

- **Show location of a drive-by mail drop box and a Pittsboro Station Post.**
- In accordance with the *Low Impact Development (LID) Guide for Pittsboro*, as provided to the Planning Board in April 1, and to the Board of Commissioners on April 8, 2002, by the UNC Planning Department Intern, the following applications are required:

"Green parking" (alternative paving and porous concrete with sub-base preparation) should be applied for commuter areas and employee parking in the outer reaches of the parking lots in the shopping center parcel, to the south of the grocery store, and on each of the respective outparcels wherever applicable to increase pervious surface and to reduce runoff.

Bioretention areas and open-grassed/landscaped swales shall be incorporated into the storm water schematic and landscape plan as indicated on Sheet #1.

- **Environmental and Developmental Situations.** There are two major concerns that must be dealt with before final approval shall take place:
- **Environmental Situation.** There is an approximately 3/4-acre body of standing water sprawling across the low-lying portion of the existing

PITTSBORO STATION SOUTH PETITION FOR C-2CU CONDITIONAL USE  
REZONING

--RECOMMENDED CONDITIONS --

**NOTE: The developer of proposed *Pittsboro Station South* located in the southeast quadrant of the US 15-501/64 Bypass interchange will petition the Town to rezone said property from A-R Agricultural-Residential to C-2CU Highway Commercial-Conditional Use. The developer's proposed conditions are given herein. Recommended additions and changes are provided in *italics* for Town Board of Commissioners consideration.**

1. *This petition for rezoning of property titled Pittsboro Station South from A-R to C-2CU, located in the southeast quadrant of the US 15-501/64 Bypass interchange within the extraterritorial jurisdiction of the Town of Pittsboro, is valid only when: 1) it is accompanied by a site plan approved by the Board of Commissioners containing the requisite information required in Article XV Site Plans of the Pittsboro Zoning Ordinance, 2) it is accompanied by an application for a Special Use Permit as required in Section 5.3ff of the Zoning Ordinance and approved by the Board of Commissioners; and 3) the land in the proposed*

- development, as delineated in the approved site plan, has been subdivided in conformance with the Town of Pittsboro Subdivision Regulations, approved by the Board of Commissioners, and duly recorded with the Chatham County Register of Deeds.*
- 2. Rezoning of the newly subdivided property to C-2CU Highway Commercial-Conditional Use, by the Board of Commissioners after public hearing, shall run with the land and use, and shall be binding on the original applicant as well as all successors, assigns and heirs.*
  - 3. In accordance with Section 10.6 Conditional Use District Zoning, paragraph 10.6.9, it is intended that property shall be reclassified to a conditional use district only in light of firm plans to develop the property. Therefore, in accordance with paragraph 10.6.4, the Board of Commissioners hereby sets the timing of development at twelve (12) months, at the end of which Conditional Use rezoning shall expire and shall revert to the original zoning of A-R Agricultural-Residential, unless: 1) approved use has commenced; 2) construction has commenced, 3) building permits have been issued; or 4) timely application for extension of the 12-month time period is approved by the Board of Commissioners.*
  - 4. A voluntary annexation petition for the proposed Pittsboro Station South development shall be filed with the Town by the developers within thirty (30) calendar days of C-2CU Highway Commercial Conditional Use rezoning approval by the Board of Commissioners.*
  - 5. Prior to development of the property, municipal utilities including water, sanitary sewer, storm sewer, and street lighting shall be extended to the site to Town standards with the developer paying 100 percent of the cost. All appropriate construction, improvement, and reparation costs shall be borne by the developer.*
  - 6. All public roadways shall be developed and constructed to Town and NCDOT standards*
  - 7. Prior to construction, the developer shall provide the Town a detailed delineation of any surface waters along with upland wetlands as identified and designated by the US Army Corps of Engineers (USACE) and the North Carolina Department of Environmental and Natural Resources (NCDENR). The developer shall also provide the Town with copies of any permits required by USACE and NCDENR Division of Water Quality for impacts to existing streams, water bodies, surrounding properties, and the development site.*
  - 8. The developer shall be responsible for obtaining NCDOT access permits for the site and installing and paying for an required off-site roadway improvements.*

9. Unity of Development Guidelines shall be submitted to the Town as a part of *site plan and construction plan approval*. The guidelines specified and approved by *the Board of Commissioners* shall be binding on all *buildings approved in the site plan, future buildings, and existing buildings requiring maintenance, reparation, and restoration on all parcels* within the proposed development relative to the unifying elements: building materials, colors, and architectural features. *Three* of these elements must be present in each building of the development, including associated out-parcels. *These three unity elements are building material, low impact associated with water run-off and water quality, and roof treatment, including the following:*

a. The dominant building material or combination of materials shall be specified within the guidelines.

b. The means by which the materials or combination of materials is dominant must be stated.

c. The dominant color or pattern of colors shall be noted in the guidelines.

d. The means by which a pattern of colors is dominant and how the colors is to be used on the building facades must be stated.

e. **If selected, the dominant architectural feature or combination of features shall be specified within the guidelines.**

f. Architectural features include, but are not limited to: roof treatment. including style, material, and color of roof; facade treatments, including fenestration patterns and ornamentation; and building form including overhangs, canopies, protected exterior walkways, and entrance treatments.

g. Where properties may be separately owned, the owner that controls the primary uses and structures shall sign all guidelines and amendments thereto.

In filing this plan either by the property owner(s) or through authorized agents do hereby agree and firmly bind *themselves*, heirs, executors, administrators, successors and assigns jointly and severally abide to the approved guidelines in all future construction, *maintenance, reparation, and restoration* on the properties as depicted on the site plan. Furthermore, notation shall be placed on all *recorded* plats within the boundaries of this unified development stating that future development, *construction, maintenance, reparation, and restoration* is subject to applicable Unity of Development Guidelines on file with the Town of Pittsboro.

10. *Proposed parking lot and roof treatment shall adhere to Low Impact Development (LID) applications where feasible. Applications consist of bioretention areas," designated areas of "green parking" including alternative paving such as porous/pervious concrete or equivalent," open and landscaped! grassed swales," level spreaders and vegetative strips," roof runoff applications," and grassed and vegetated medians in roadways and parking areas"*

11. Proposed parking lot and street lighting shall *meet* shoebox type lighting standards. *All parking lot, street, walkway, and under-canopy lighting shall be sodium vapor day-light corrected* Lighting level spillover at property lines near residential use or zoned property shall not exceed 0.3 foot-candles. All other areas shall not exceed a spillover level of 1 foot-candle at the property line. Lighting shall be designed to provide a uniformity ratio of no greater than 5: 1 to prevent hot spots. A photometric point map depicting foot-candle levels shall be provided *in the site plan and* with the construction plan approval package.

12. Uses *in* the proposed development shall be limited to the following as listed in Section 5.2.1 Permitted Use Table in the Pittsboro Zoning Ordinance *and limited to those additional uses listed below as conditions of this rezoning request by the Town Board.:*

Agencies, including travel, broker, insurance, loan, employment Appliance sales and service

Arts and crafts supply and retail stores Automobile accessory sales

Banks, savings and loan, and similar financial institutions (*with drive-thru and ATM facilities*)

*Bar and grill*

Beauty salons, barber shops

Book ( except adult) and stationary stores

Carwash, automated (*associated with convenience store with gas pumps?*) Catering establishments

Christmas tree sales (*as a principal use on out-parcel or in parking lot?*) Cleaners and dyers, laundries (*drop-off and pick-up only?*) *Cleaners and laundries, self service clothing sales*

*Coffee house, shop*

*Commuter parking and bus stop shelter/station*

Convenience stores with gas pumps (*free-standing on out-parcels*) Crafts, production and retail sales (*hobby only*) *Day care facility Drugstores*

*Exercise and fitness establishment*

*Fire station/police substation/emergency medical services* Food stores

Furniture, home furnishings

Medical, dental, paramedical, chiropractic offices

Offices, general

Offices, professional or non-profit

Photographic developing, processing and finishing (*retail service only*) *Picture framing*

Post Office (*store front substation*)

Printing and binding shop (*retail service only*) Restaurants, indoor/outdoor patio Restaurants,  
*drive-thru, drive-in Shoe repair*  
Small item repair shop  
Upholstery, paper hanging, and decorator shops (*off-site services*)

REZONING REQUEST & RESOLUTION APPROVING SUP FOR  
DORIS ALLEN, ROBERT AND JACK HANCOCK

Commissioner Brooks was concerned that the rezoning request had been amended from a general purpose C-2 to a C-2 (CU) since the public hearing on the proposal was held. He was interested in holding another hearing since the request had changed. Manager Montgomery reported that he did not feel that another hearing was required since the amended request was less intense than the original request; but that the Board could call for one if they felt it was necessary or important.

Commissioner Cotten stated he personally did not feel that another hearing was necessary since no one had showed up at the last hearing on the south side rezoning.

Mr. Hinkley's report had included a list of proposed uses to be permitted under the rezoning and recommended for approval by the Planning Board. Mr. Faulkner said that they would like to have a bakery added as a possible conditional use. All of the other uses recommended by Mr. Hinkley and the Planning Board were acceptable to the owners, including the modifications of uses originally proposed, except that they would like to have a commercial bakery added to the list.

Motion made by Commissioner Walker seconded by Commissioner Griffin, to add Commercial Bakery to the list of uses recommended by the Planning Board.

Commissioner Walker withdrew his motion and Commissioner Griffin withdrew his second.

Motion made by Commissioner Walker, seconded by Commissioner Griffin, to adopt the Ordinance Amending the zoning map of the Town of Pittsboro for the subject property from RA-2 to C-2(CU) and adding a commercial bakery to the list of permitted uses and to adopt a Resolution Approving a Special Use Permit for the subject property.

Vote Aye-4 Bryan, Griffin, Cotten, Walker  
Nay-1 Brooks

A COPY OF THE ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF PITTSBORO IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE(S)

A RESOLUTION APPROVING A SPECIAL USE PERMIT FOR DORIS ALLEN, ROBERT HANCOCK AND JACK HANCOCK IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES(S)

FY 2002-2003

Motion made by Commissioner Walker seconded by Commissioner Griffin to establish June 10, 2002 as the date for a public hearing on the FY 2002-2003 Budget Ordinance.

Vote Aye-5 Nay-0

Motion made by Commissioner Bryan seconded by Commissioner Griffin to schedule a Special Meeting/Worksession for May 20, 2002 at 7:00 P.M.

Vote Aye-5 Nay-0

#### MORATORIUM

Manager Montgomery reported the Planning Board voted to recommend that the Moratorium be extended until June 2003, date established by Division of Water Quality as when the TMDL will be available to the Public, and to allow minor subdivisions within the Town limits where public water and wastewater are required.

Motion made by Commissioner Cotten seconded by Commissioner Brooks to place this on the agenda for the Special Meeting to be held on May 20, 2002.

Vote Aye-5 Nay-0

#### REQUEST – PITTSBORO BAPTIST CHURCH

Mayor May stated we have received a request from Pittsboro Baptist Church to utilize public rights of way on December 14, 2002 to display luminaries with the rain date to be December 21, 2002.

Motion made by Commissioner Bryan seconded by Commissioner Brooks to approve the request.

Vote Aye-5 Nay-0

#### BUDGET AMENDMENT FY 01-02

Motion made by Commissioner Bryan seconded by Commissioner Brooks to approve the budget amendment for FY 01-02.

Vote Aye-5 Nay-0

A COPY OF THE BUDGET AMENDMENT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE

RESOLUTION REQUESTING THAT MUNICIPAL REVENUE SOURCES  
BE MADE SECURE

Motion made by Commissioner Brooks seconded by Commissioner Cotten to approve  
the Resolution Requesting That Municipal Revenue Sources Be Made Secure.

Vote Aye-5 Nay-0

A RESOLUTION REQUESTING THAT MUNICIPAL REVENUE SOURCES BE  
MADE SECURE IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER  
ONE, PAGE

COMMISSIONER CONCERNS

Commissioner Brooks stated he has concerns about the arrangement with 3-M

Commissioner Cotten stated he felt we should have to bill Chatham County and they  
would bill 3-M.

Manager Montgomery stated the re-use program will be a self-supporting fund.

Motion made by Commissioner Cotten seconded by Commissioner Bryan to adjourn.

Vote Aye-5 Nay-0

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Mayor

ATTEST:

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Clerk

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
SPECIAL MEETING  
MAY 20, 2002  
7:00 P.M.

Mayor Nancy May called the meeting to order.

ATTENDANCE

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

Others present: Manager Hugh Montgomery, Clerk Alice F. Lloyd and Attorney Paul S. Messick, Jr.

MORATORIUM

Commissioner Cotten made a motion if it was in agreement with the rest of the Board that his written statement be inserted into the draft ordinance, Article II, seconded by Commissioner Walker.

Vote Aye-5 Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the Moratorium with the insert from Commissioner Cotten.

Vote Aye-5 Nay-0

BUDGET WORKSESSION

The board held a budget worksession.

The meeting was adjourned at 9:00 p.m.

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Mayor

ATTEST:

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Clerk