

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
OCTOBER 11, 2004  
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., Gene T. Brooks and Chris Walker.

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 Walker seconded by Commissioner Bryan to approve the agenda as presented with the exception of switching of Old Business Items 1 to 2 and number 2 to 1.                   Vote   Aye-5   Nay-0

CONSENT AGENDA

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

- Minutes of the September 27, 2004 Board of Commissioners meeting.
- Set a date for a public hearing for a rezoning request from Toll Brothers, Inc. They are requesting a rezoning on 773.46 acres in the ETJ from the current zoning of R-A5 and R-A2 to Mixed-Use Planned Development (MUPD). The area being considered is east of Pittsboro and due north of the northern termination of Eubanks Road. The public hearing shall be held Oct. 25, 2004, 7:00 P.M. in the Chatham County Superior Court Room.
- Set a date for a public hearing for a rezoning request from Heath Williamson. The property of concern is at 287 East Street (Pittsboro Ice and Fuel). The request is to change from the current zoning of M-1 to C-2. The public hearing shall be held Oct. 25, 2004, 7:00 P.M. in the Chatham County Superior Court Room.

Vote   Aye-5   Nay-0

## CITIZENS MATTERS

None

### OLD BUSINESS

1. Consider a rezoning request by John Krombach for .415 acres from R-15 to C-2CU. Parcel is located at the northwest quadrant of NC Hwy. 87 and US Hwy. 15-501.

Planner Monroe reported that the Planning Board recommended that the Board of Commissioners adopt the fifteen findings of fact and the four conclusions. The Board unanimously recommended that the Board of Commissioners approve a rezoning from R-15 to C-2 CU for the easternmost .425 acres of the Krombach property with the condition that a minor subdivision be submitted, reviewed and approved by the Planner.

Commissioner Cotten stated this plan is very much improved over the last time it was presented. He will have to vote against it because he feels it is spot zoning.

Motion made by Commissioner Walker seconded by Commissioner Griffin to approve the findings of facts and conclusions as listed below:

#### Findings of Fact

1. John Krombach is the owner of a parcel of land at the northwest corner of the intersection of US Hwy 15-501 and NC 87 in the Town of Pittsboro.
2. The parcel consists of 1.219 acres, the easternmost .425 acres of which is the subject of a rezoning request from R-15, single family residential, to C-2 CU, highway commercial conditional use.
3. The corners of the intersection of US Hwy 15-501 and NC 87 are currently zoned C-2, highway commercial.
4. On August 23, 2004 the Board of Commissioners of the Town of Pittsboro conducted a duly advertised and noticed public hearing and received sworn testimony and evidence creating a record for review of the rezoning request.
5. There is currently a two story residence on the subject lot area which Mr. Krombach proposes to relocate and re-use as an office and residence.
6. Mr. Krombach proposes to construct an "Express Care" oil change facility which is a permitted use in the C-2 district.

7. The C-2 district requires a 20 foot front yard setback which is depicted on the plan submitted for review.
8. The proposed use requires 5 parking spaces and 4 stacking spaces per bay, Mr. Krombach has proposed 8 parking spaces and 5 stacking spaces per bay.
9. A commercial use abutting a residential lot requires a Type B buffer. Mr. Krombach has proposed a 6 foot opaque wooden fence and plantings which constitute a Type A buffer.
10. Section 17.2.1 of the zoning ordinance requires that, to the extent practicable, light produced on-site shall be contained within the perimeter of the site. Mr. Krombach's plan by design achieves that.
11. Lots zoned C-2 may have 70% impervious surface, Mr. Krombach has proposed 47.7% impervious surface.
12. The proposed "Express Care" and a potential future development would share a driveway in common as is suggested in the Land Use Plan.
13. Based on expert testimony the traffic impact of the proposed development would be minimal and public safety would not be adversely affected.
14. The proposed development would have a slight, short term negative impact on the value of the Thrift property. Other adjoining property would be positively affected or not at all impacted.
15. The proposed development is in general conformance with the goals of the Land Use Plan of the Town of Pittsboro.

### Conclusions

Based on the application, the evidence submitted and the above findings of fact the Board concludes that the proposed project:

- will not materially endanger the public health or safety;
- will not substantially injure the value of adjoining or abutting property;
- will be in harmony with the area in which it is to be located;
- will be in general conformity with the land development plan.

Vote Aye-5 Nay-0

A COPY OF THE FINDINGS OF FACTS ARE RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 291

Motion made by Commissioner Walker seconded by Commissioner Griffin to approve A Resolution Approving An Application For A Special Use Permit For John Krombach.

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

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR JOHN KROMBACH IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 292-293

**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT  
FOR JOHN KROMBACH**

WHEREAS, John Krombach has applied to the Town of Pittsboro for a special use permit, denominated as No. 8204, for a certain parcel of land containing approximately .425 acres, located at the northwest corner of US Hwy 15-501 and NC 87 for use as an Express Lube; and

WHEREAS, the special use requested to be permitted herein will not materially endanger the public health or safety if located and developed according to the plan submitted and modified as hereinafter set forth; and

WHEREAS, the special use requested meets all required conditions and specifications; and

WHEREAS, the special use requested to be permitted herein will not substantially injure the value of adjoining property if developed according to the plan as submitted and modified as hereinafter set forth; and

WHEREAS, the proposed special use if developed according to the plan as submitted and modified as hereinafter set forth and approved hereby will be in harmony with the area in which it is located and in general conformity with the plan of development of Pittsboro and its environs;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF PITTSBORO** as follows:

That Special Use Permit No. 8204 be, and it hereby is, approved for the reasons hereinabove stated subject to the additional stipulations and conditions set forth on Schedule A attached hereto and incorporated herein by reference.

**BE IT FURTHER RESOLVED** that the Board of Commissioners of the Town of Pittsboro hereby approves the application for the special use permit in accordance with the plans listed above and with the conditions listed below:

That a minor subdivision be drawn, approved and recorded.

**BE IT FURTHER RESOLVED**, that the Board of Commissioners of the Town of Pittsboro hereby approves the application for a special use permit in accordance with the plans and conditions listed above.

- 2. Consider a rezoning request by John Krombach for .822 acres from R-15 to O&I. Parcel is located at the northwest quadrant of NC Hwy. 87 and US Hwy. 15-501.**

Planner Monroe reported the Planning Board considered the request to rezone the balance of the parcel O & I. The Board considered statements made by those opposed to and in favor of the rezoning and also considered the definition of the O & I district. The Board concluded that the request satisfied the intent of the O & I district and recommended that the Board of Commissioners approve the rezoning to O & I.

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve the rezoning of .822 acres from R-15 to O & I.

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

THE REZONING CAN BE REVIEWED AT THE TOWN PLANNER'S OFFICE IN TOWN HALL

#### NEW BUSINESS

- 1. Consider a site plan for Habitat for Humanity Home Store Too. Proposed site is located on parcel 9741-46-8889 off Farrell Road directly behind the existing Habitat for Humanity Store on West Street.**

Planner Monroe reported that after discussing the plan with Bob Gabor and reviewing his memo, the Planning Board voted to recommend that the Board of Commissioners approve the site plan with the following conditions:

- That the fire hydrant located at West Street and Farrell Street be shown on the site plan.
- That details of the proposed Type B buffer be provided to the planner before any planting begin.
- That the approach to the loading dock be paved with asphalt .
- That the electric and phone service locations be shown on the site plan.

Commissioner Bryan asked was there was going to be any outside lighting.

Mr. Gabor stated there would be.

Motion made by Commissioner Walker seconded by Commissioner Brooks to approve the site plan for Habitat for Humanity Too with the above listed conditions and that an additional condition be stipulated – That the lighting plan be shown on the plan and approved by the planner.

Commissioner Brooks told Mr. Gabor that the Volunteers at the stores are always very pleasant.

Vote Aye-5 Nay-0

A COPY OF THE SITE PLAN CAN BE FOUND IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 294

**2. Consider a possible assessment resolution for the reconstruction of the Pittsboro Christian Village pump station.**

Motion made by Commissioner Walker seconded by Commissioner Griffin to table this matter until Commissioner Walker and Manager Hughes have met with Mr. Dewhurst and report back to the Board of Commissioners at the next meeting.

Commissioner Brooks stated this is a matter that needs to be moved on quickly.

Vote Aye-5 Nay-0

**3. Consider a possible Resolution supporting approval of Amendment One on November 2, 2004 Statewide Ballot. Amendment One is an amendment to give local governments authority to issue self financing bonds.**

Commissioner Cotten stated he is opposed to Amendment One and therefore he could not vote for it being on the November 2, 2004 ballot.

Commissioner Brooks stated on the surface it looks good. But it will fall back on the citizens. General obligations bonds have been working well.

Commissioner Walker stated he would be in favor of these bonds.

Motion made by Commissioner Walker to approve a Resolution supporting approval of Amendment One on the November 2, 2004 Statewide Ballot. Motion died due to the lack of a second.

**COMMISSIONER CONCERNS**

None

Manager Hughes stated the repair has been made at the plant pump station, the new water tank has been filled and is ready to be put into service.

Manager Hughes stated if anyone is interested in visiting Brier Creek to give him a call and he would set it up or if there are any questions.

Commissioner Brooks asked if it would be legal to split the hearing that night, have a sign up sheet for Town residents, ETJ residents and others. Not trying to take away anyone's right to speak.

Attorney Messick stated that it could be handled that way as long as everyone was allowed to speak.

Planner Monroe suggested that we also allow residents to enter written comments in the minutes at the hearing.

Motion made by Commissioner Brooks seconded by Commissioner Cotten to have a sign up sheet for Town residents, ETJ residents and other interested citizens, that the time limit be 3 minutes and that the public hearing last no longer than 10:30 p.m.

Vote Aye-5 Nay-0

#### ADJOURNMENT

Motion made by Commissioner Cotten seconded by Commissioner Bryan to adjourn at 7:50 p.m.

Vote Aye-5 Nay-0

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Nancy R. May, Mayor

ATTEST:

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Alice F. Lloyd, CMC, Town Clerk