

**TOWN OF PITTSBORO  
PLANNING BOARD  
REGULAR MEETING  
FEBRUARY 5, 2007**

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

**ATTENDANCE:** Ken Hoyle, Jimmy Collins, Harold Howard, Shannon Plummer, and Freda Marsh.

**APPROVAL OF THE MINUTES** of the Rescheduled Regular Meeting of January 18, 2007. **A motion was made by Ms. Marsh to approve the minutes as presented. Mr. Collins seconded the motion; it passed unanimously.**

Mr. Hoyle introduced the **Bradshaw zone text amendment**. He noted that this was a proposed amendment to Section 5.3.3.37C of the Zoning Ordinance. He indicated that the packet materials included a statement from Mr. Bradshaw and Monroe's memo. He said he thinks we all agree that this is something which needs to be addressed.

Monroe said that the specific change that Mr. Bradshaw is seeking is to allow more flexibility in the Planned Unit Development section of the ordinance so that it can begin to function as it was intended. He noted that the current regulations only allow for a twenty percent reduction in lot area and no change to front, side or rear yard setbacks. That didn't create much incentive for the development community to use this tool. This tool can be very valuable on properties where there are special features, environmental issues, or other things you would like to see preserved or enhanced. With functioning PUD regulations it is possible to preserve 25% of a tract in open space for active and passive use. It is possible to obtain viewscapes being protected rather than being built upon. The document that we are currently operating under does not have those kinds of incentives built into it.

What Mr. Bradshaw is asking is to allow lot size, yard setbacks and height to be managed during the Special Use Permit review process which is required for a PUD. When someone applies for a PUD they have to bring in a site plan and conditions can be negotiated between the town and developer at that point in time.

Mr. Hoyle asked Mr. Bradshaw if he had anything to say tonight. Mr. Bradshaw said that he didn't have anything to add on the substance of the proposal other than what he said at the public hearing. He said he was reading the ordinance today on a completely unrelated matter and he came across another section that has some language that is frankly inconsistent with the section being examined tonight. It needs to be amended further to make it consistent with what has been proposed here. This is section 5.3.2g and it says that all special uses shall comply

with the height, area and parking regulations for the zone district in which they are located. That language is inconsistent with the language already in 5.3.3.37C and it is inconsistent with what we are trying to accomplish with this amendment. He suggested that it is in the spirit of the amendment that was proposed and said it would be necessary to change it to bring it into force. Mr. Hoyle asked for clarification of part of the change. Mr. Bradshaw said his thinking was that what we are trying to accomplish is to allow a Special Use Permit to vary the front yard setbacks along with the rear and side setbacks and the overall lot size. This section right now says that the front yard setback can't be reduced from what is required in the zoning district in which the PUD is located. He said what he is proposing is that it be changed so that if a lot in a PUD had its front yard on an existing street that it would have to comply with the front yard setback of the zoning district; but if it is on a new street that is internal to the PUD, that it would not be subject to those requirements; the front yard setbacks would be established by the special use permit for the PUD. Mr. Hoyle asked if this meant that it would have to be consistent with what exists but if it were new, there would be some flexibility. Mr. Bradshaw said that was correct.

Mr. Hoyle said that if the Board approves this zone text amendment the town would still have control through the special use permit. Mr. Bradshaw said that was correct because no PUD can be approved without a special use permit. So if an applicant wanted to propose a PUD and as part of that wanted to change the lot size or setback requirements of height of the buildings (although that will probably be a rare request) they would have to request that in their special use permit and it would be subject to a public hearing, Planning Board review and action by the Commissioners.

Mr. Plummer said this would just allow more flexibility but asked if the result would be a denser project. Monroe replied that the density is determined by the underlying zoning district and this amendment would not change that. Mr. Plummer said the result would be more open space if we change lot size. Monroe said there would also be a saving to the developer in infrastructure construction cost. Mr. Bradshaw said it would also allow clustering of lots. Right now, the ordinance says you can have a PUD but the only thing you can do is decrease the lot size by twenty five percent, but it doesn't allow you to do anything with the setbacks. So there is not really that much flexibility and you are not going to get any open space out of that.

Mr. Howard asked why setbacks wouldn't be determined by the size of the lot; say if you had a 12000 square foot lot or a 4000 square foot lot. Mr. Bradshaw said that right now the ordinance establishes setbacks that apply to the entire zoning district, so if you want a PUD you can reduce your lot size but you are stuck with the setbacks; this change would allow that kind of flexibility. He said he suspects what the town will see if this change is made that a developer will propose a minimum lot size and a minimum setback and then the town would

have to decide if you are comfortable with those parameters and then within that development they could have some lots that were larger than the minimum with scaled setbacks. If somebody had classes of lots, groups of them of different sizes, they could ask you to approve different minimum setbacks for those different lot sizes.

Monroe said that it is obvious that if the current regulations were functioning properly someone would have used it at some point in time, and it hasn't been used. **Mr. Howard made a motion that the Board recommend approval of the amendment to Sections 5.3.3.37C and 5.3.2g. Mr. Plummer seconded the motion; it passed unanimously.**

Mr. Hoyle introduced the **Culpepper rezoning request on Eubanks Road: R-A and R-A2 to C-2.** Monroe said the packet includes a cover memo, a verbatim transcript of the comments made at the Public Hearing, and a letter received following the hearing from Loyse Hurley, President of the Concerned Citizens for Effective Communities. Ms. Hurley opposes affirmative action on this request in the absence of a site plan. He said Ms. Hurley might be thinking about the County Zoning Ordinance where all rezoning of property are done with Conditional Use Permits which require submission of a site plan.

In the Town of Pittsboro only in those requests where an applicant seeks a CUP are we allowed to see a site plan. We are not permitted by law to look at what a developer says he will do; the state courts have found that to be contract zoning and declared it illegal. In this case, an applicant requested a straightforward legislative rezoning and no site plan is presented. We have been charged with determining if all the uses in the zoning district requested are appropriate given the conditions of this property, its location and the surrounding uses and to certify that there is consistency between the proposed uses and the existing uses. Monroe said that in looking at the Land Use Plan Map, the eastern half of this property is consistent with that map. Mr. Hoyle asked Monroe to point that out on the map. Monroe pointed to the Map identifying the location of the subject property. He said the eastern half is identified as Thoroughfare Business and the western half is identified as Rural Subdivision. So there is a partial consistency with the Land Use Plan with this application. He noted that Mr. Culpepper had provided an aerial photo to better help identify the surrounding property. Monroe said he would be happy to answer any questions the Board might have on his memo and indicated that Mr. Culpepper was present and might want to say a few words.

Mr., Hoyle asked Monroe asked if the 13 names listed on the application were adjacent property owners to the parcel under review. Monroe said they were. Mr. Hoyle asked if they were all notified about the public hearing. Monroe said they had been notified in a timely fashion.

Mr. Hoyle indicated that many things were taking place in Pittsboro right now and the pace has been such that we cannot always get a firm handle on it all; partly this refers to the infrastructure and the lack of sewage treatment capacity.

He said the entire county is lacking capacity; he said he had been here about thirty years and had only heard discussions sewage in the last three years. The town has requested an expansion of our treatment plant and while we are close, it has not been acted upon yet by the state. In January, we began working with a consultant on an update of the Land Use Plan and there is yet a lot of work to be done on that. He said he only pointed this out because these are two things which have yet to be resolved and we are being asked to look at rezoning a little more than 60 acres and we want to bear this information in mind as we proceed to consider the request. He said that the Board should also consider all of the issues Monroe raised in his memo, in particular, "Is the proposal realistic". He said it is realistic because of the financial capabilities of the applicant group. "Does it propose or cause serious noise, odors, light activity or unusual disturbances?" His response was no because the town has a noise ordinance in effect and will be considering next month a lighting ordinance.

"Is there a good possibility that the request as proposed will result in lessening the enjoyment or use of the adjacent properties?" Mr. Hoyle said that if he owned property adjacent to it he would say yes, but that is not necessarily the case because the affects can be mitigated by buffering controls the town has in place. He said that he didn't feel that the applicant would go out and do clear-cutting as some property owners on the by-pass have done already.

"Is there a good possibility the request as proposed would have an adverse impact on property values in the vicinity?" Probably not, no one can say yes or no. Generally, something like this will increase or enhance the value of properties; of course, if you are a property owner, you have to agree to do it. He said as a personal comment he owns property almost in the middle of Briar Chapel and he hopes it increases the value of his property.

"Will it have a serious impact on traffic circulation, sewer and water services or other utilities?" The traffic impact on Business 64 can be mitigated, all of that can be taken care of through signalization working through DOT. The Toll Brothers approval defined a number of improvements to be installed at Eubanks Road including an acceleration lane, an eastbound dedicated left turn lane and a traffic signal.

He said that Monroe had already pointed out that part of the land is consistent with the Land Use Plan and is subject to the Major Transportation Corridor Overlay requirements.

Monroe noted that, in addition to the Land Use Plan update which we have just begun, the town has also signed contracts with Hydrostructures to perform modeling for both water and sewer to define those parts of town which will need additional capacity and to determine the size of that capacity which will be needed in order to deal with projected growth. We also have contracts that we have just entered into with Hobbs Upchurch to determine the volume of water treatment we need to satisfy projected growth; the next step will be a design to improve the water treatment plant to satisfy those needs. We have five contracts

executed to obtain additional information that will give us the kind of data that we need to make informed decisions when applications like this are presented to the town. He said that most of these contracts will probably have a six month life, and we are close to having that information available to us but we do not have it yet.

Mr. Culpepper said he was present to represent Preston Development. He said he thinks Monroe summarized everything very well and he just wanted to present himself to the Board request that they recommend approval of the rezoning request. He said he would be happy to answer any questions.

Mr. Collins asked if any of this area was going to be served by sewer. Mr. Culpepper said they were hoping to help the town get the sewer lines there. He noted that they have met a couple of times already with the town's consultants and the town manager and town planner, and all of that would have to come in to play before we could move any dirt and all of that would have to be in place before we started working on an actual site plan.

Mr. Collins said it feels to him like they are getting the cart before the horse, you've got these plans coming on and it seems like a fairy tale. He asked if they were sure they could have sewer out there, is it definite given the terrain. He said he thinks they need some documentation before they get so deeply involved in the whole design of a plan, because the whole development depends upon the sewer. He said they could get water but the sewer issue concerns him a little bit.

Mr. Hoyle asked Mr. Culpepper what kind of time frame they were thinking about. Mr. Culpepper said that they did not have a specific time frame on this project; they simply applied for a rezoning slightly before they took ownership of the property and they are wanting the opportunity to put their best foot forward and to show the town what we could and are willing to do the quality of projects that Preston is used to doing.

Mr. Hoyle said that Mr. Culpepper pointed out at the public hearing that Preston does actually own the property. Mr. Culpepper replied that was correct, they closed after the application was made. He said the property was comprised of three tracts, there are portions of the property above the 64 by-pass but they are considered one lot.

Mr. Collins asked if it were rezoned to C-2 is there any idea of what is going to be out there; will it be a movie theater, outdoor movie theater, bowling alley, high rises? Mr. Culpepper said that as Monroe pointed out, in a general rezoning it would be improper for him to suggest the particular uses trying to win your favor; we have to say that all the uses that are allowed in the C-2 district should be considered by the Board. This is a very expensive piece of property, it is not a piece of property where you go out and put a body shop; you just don't spend this much money for a piece of property and not turn it in to something special. He said that while he might have some ideas of what could go there he felt it would be inappropriate to narrow the Board's focus to just those things.

Mr. Collins asked if a development out there would affect the way of life of the people already living there, their summer atmosphere. He said they were there first so the Board is going to have to make that decision. He said he didn't know what had been said at the public hearing because he wasn't there. Change takes place everyday, time was when all of Pittsboro had 2000 population and you have a lot more than that now. Sometimes you just have to think of the people living there and we don't know if a use out there is going to make a lot of noise or whatever.

Mr. Culpepper said that the way the town's ordinance is written they would have to come back in with a site plan before they could develop this property, at least a site plan but, perhaps, a Special Use Permit. On those things they could put the details before the Board of exactly how the site could be designed, how buffers could be in place, what vegetation and landscaping would occur, and lighting details. All of those things would be included in a site plan. It's just that this is the system we are into with a general use rezoning and he said he is here before the Board just following those standards.

Mr. Collins said the Board is just trying to pick up as much information as it can so we can get an idea and it might help us decide. Mr. Collins asked if these properties had to be rezoned before a plan is submitted. Mr. Hoyle said that, in this kind of case, the zoning comes first. Mr. Culpepper said that once they get down to site plan design they could tell the Board very specifically what we would do. With the traffic impact analysis, for example, if there is a restaurant there instead of a bowling alley, there are very different traffic impacts and they would have to show that kind of specifics. Mr. Collins said that was the point he was getting to but he guesses he is putting his cart before the horse also.

Mr. Hoyle recognized a member of the audience and said he had seen her at the public hearing and noticed that she didn't speak and asked her if she had something she wanted to say tonight. She introduced herself as Mrs. Bea Quinn of 21 Prince Creek, and said they owned the two lots adjoining the property being discussed. She said they thought should purchase it because some other development company might come along and want it. They didn't realize how soon development would begin to find its way to this part of town. Mr. Hoyle said that any time there is vacant property it seems people are out looking for it. Mr. Plummer said he felt it was a big tract to rezone to C-2. He said he is not opposed to it. Mr. Hoyle said that we need to take into consideration the variables that are up in the air that should be resolved in the next six to eight months.

Ms. Marsh said she was not sure that we have enough information to approve it because of the questions that we have.

Mr. Hoyle asked the Board's wishes, noting that they could recommend approval or denial. Mr. Collins asked on what basis they would be able to deny it. Mr. Howard said they could cite public health, safety and welfare. Mr. Howard said that to approve they have to say it is consistent with the Land Use

Plan and several Board members said part of the property is. Ms. Marsh asked if it all needed to be consistent with the Plan. Mr. Plummer said it would help. Mr. Hoyle asked Monroe what would happen if the Board tabled the item. Monroe said that if it is tabled, then it goes forward to the Commissioners as if the Board had recommended approval; according to the ordinance, the Planning Board must make a recommendation at its next meeting following the public hearing. Mr. Hoyle read from a resolution of denial that is in the packet. He cited the four points which could serve as a basis for recommending denial of the application:

1. The subject parcels are located in an area that is situated at the entrance to a major development and part of the request is inconsistent with the Land Use Plan Map;
2. The proposed rezoning is reasonable considering the size of the tract, but has the potential to adversely impact the adjacent community;
3. Development on this site is dependent on other developments occurring;
4. The proposed rezoning does not advance the public interest at this time.

He then read from a Resolution of Approval:

1. The subject parcels are located in an area that is situated at the entrance to a major development and the request is not inconsistent with the Land Use Plan;
2. The proposed rezoning is reasonable considering the size of the tract, the potential impact to the surrounding community and the relationship between the uses permitted in the zoning district proposed with those permitted in the existing zoning district;
3. The proposed rezoning advances the public interest.

Mr. Collins asked if approval would include the entire tract. Mr. Hoyle said it would. He said that if the town denies the application they can come back in six months and present it again. He said we wouldn't know anymore about the development plan if this is resubmitted but we would have much more information regarding the Land Use Plan and infrastructure needs of the town. **Ms. Marsh made a motion that the Board adopt the Resolution of Denial and so inform the Commissioners. Mr. Collins seconded the motion; it passed unanimously.**

Monroe explained to audience members that this application would proceed to the next Commissioners meeting with the Resolution of Denial.

Mr. Hoyle introduced Old Business, an amendment to Section X-Amendments. This proposes to change the way amendments to the Zoning Map and Text are handled by the town. Mr. Hoyle noted that the current system has the Commissioners conducting public hearings with no more information than is contained in the application. Monroe said this proposal would modify the

amendment procedure. The essence of this change is that it would bring the application to the Planning Board first to look at the technical aspects of the change proposed; this Board would review that and make a recommendation to the Commissioners; a public hearing would then be scheduled and that recommendation would be available to the public at the hearing. This would mean that the public would have a lot more information available to them on which to have input.

The other side effect of this change is that the Planning Board would not be forced to make a recommendation at the first meeting at which an amendment is considered. Because the Planning Board will not be meeting after the public hearing, the Board could have the luxury of tabling a request to have more time to think about it, to get more information from the applicant; so that is the benefit to the Planning Board. The benefit to the public, as I have said is that there is a lot more information available to them.

Mr. Plummer asked how the public would benefit. Monroe said they would have access to the information developed by this Board so there would be something of substance, which they could see. They could have access to that information before the public hearing so they could see what the town has been thinking up to this point.

Mr. Hoyle asked if there would be two public hearings. Monroe said there would just be one, after the Planning Board review. Mr. Plummer said there could be two Planning Board meetings concerning the subject. He said he did not have a problem with that at all; he said they had three or four days to review this and a lot of times he has mixed feelings and would benefit from having more time to look at something. Ms. Marsh said she felt the extra time would give the Board more time to make a reliable decision. Monroe said he tried to structure this so that everyone in the process benefits. Mr. Hoyle said he could see a benefit to applicants who could come back at another meeting to give the Board additional information.

Monroe said that after the Board met a public hearing would be scheduled. Ms. Marsh clarified that if the Board had questions they could table action and have the applicant come back again. Monroe said that was correct, it doesn't have to be tabled but it can be.

Mr. Howard asked for clarification. Monroe said the application would come directly to the Planning Board and you would look at it and determine if it is satisfactory in terms of the requirements of the ordinance; then you would make a recommendation to the Commissioners to either approve, deny or change, and a public hearing would be scheduled and your report would be available to the public. Right now, when a public hearing is scheduled, the only thing the public gets to see is the application and a list of property owners. Mr. Howard asked if the Board was going to be making a recommendation before there is a public hearing. Monroe said that was correct. Mr. Howard asked what the Board would know about the issue, all we would have is an application. Monroe said that the

Planning board is charged with looking at the technical requirements, not the public opinion. Public opinion is the province of the Commissioners, the elected officials; by making this change, we are making the process get in sync with the function of the two boards. Mr. Howard concluded that this applies only to rezoning and zone text amendments. Monroe said that was correct.

**Ms. Marsh made a motion to recommend approval of the change to the amendment procedure. Mr. Collins seconded the motion; it passed unanimously.**

Mr. Hoyle introduced **Extra Business**, a courtesy review of **Pittsboro Place Partners**. He said he and Monroe had talked about this and he made an administrative decision to look at this upcoming proposal.

Mr. John Anton thanked the Board for allowing them to have an audience to do a courtesy review. He said their purpose for wanting to do this is that this is a fairly dense, complicated project.

He said Pittsboro Place is located at the intersection of Business 64 and Industrial Drive. Industrial Drive goes south from 64 to a gravel drive Lorax Lane which goes to Piedmont Biofuels. Pittsboro Place currently is three separate legal entities owned by the same three men with the same managing member, Bill Jackson.

The purpose of being here tonight is to introduce you to this project; we would like to have another courtesy review next month, then make a formal submission, go to public hearing and come back for a formal review. He said they are hoping to do a broad overview tonight, come back at the next meeting, and talk about Phase 1.

He said they had been in Pittsboro for about two years having been brought here by Linda Jacobs to look at the 2000 acres, which was purchased by Dr.

Goodnight. He said they were encouraged by town staff to go for a mixed-use project rather than a rezoning and Special Use Permit. He said they control roughly 200 acres and under normal suburban density, this could be developed to roughly two million square feet that is based on an industry standard of ten thousand square feet per acre. We feel that, over time we could do a song and dance and develop substantially more than the two million square feet. He asked the Board to consider that they are not showing Phase 3 on the plan and that is how the project could grow beyond two million square feet. The beauty of the plan is that they can do more suburban uses while waiting for the rooftops to develop. He said they have a very strong financial backer that allows them to wait a little longer for the project to develop. He said they are hoping to get the Board excited and informed so they are not overwhelmed at the formal meeting. The idea behind Pittsboro Place is that it is designed to develop over the next 15 years, and at that point, this could be a five or six hundred million dollar project; he said that would be the financial equivalent as bringing Dell Computer to the Town of Pittsboro.

Bill Monroe is the head of WGM. He said that with the existing zoning (M-2 and C-2) they have the zoning in place to bring a lot of business to the property, but what they want to do to the property is add a couple of layers of uses which are not allowed under the current zoning, mainly residential and a theater and bowling alley. We want to combine retail, office and residential vertically into the same development. He said they want to be sure that the downtown area is not compromised but preserved as it is.

Mr. Hoyle asked Mr. Monroe to point out the location of the State Employees Credit Union, which has already been acquired and approved by the town. Mr. Monroe said they had written design guidelines and gone through three design reviews with them to get their project to look more like downtown Pittsboro. He said they had placed covenants on the land to ensure that what is developed looks like Pittsboro.

He showed some examples of the type of architecture they are contemplating and noted that they call this vertical mixed use. He said the housing they are contemplating along Robeson Creek would be brick construction since this is what Pittsboro is known for, although there might be some Federal style stucco and siding. He said they would be preserving the creek with a buffer with a walking trail through it. He said they also hope to build a pedestrian bridge to be able to link the town out a little further. He said they are also looking at the possibility of an arboretum in the next phase. They want to protect the environment with detention basins to make sure stormwater control is in place. On the west side of Industrial Drive they want to place retail uses against the road, office uses behind that and residential against the creek adjacent to the walking trail.

He noted on the front part of the project is where they anticipate the urban village creating an internal town center. He said what is shown in tan is the development which could be built with the sewer allotment that exists; beyond the tan items would require additional sewer capacity. What they think will happen is a grocery store, a theater and bowling alley at the end of the property and some other retail uses. He said they are looking at a two to three story scale but may go higher in the tenor fifteen-year period.

The intent is to replicate the development in the southeast, such as has occurred in Atlanta, Charlotte and Raleigh. The towns like Pittsboro, Apex and Cary have been taken up and we want to do some very careful planning so you can maintain the character and architectural detail of Pittsboro.

Michael Cole of Cole, Genest and Stone, Landscape Architects of Charlotte. He said they are interested in the green space and open space. He said the other focus is the monumentation to give the project an identity. He said their firm had been involved with a number of projects similar to this, most notably, Baxter which is just over the line from Charlotte. Since the town was near Charlotte they were under a lot of development pressure but they wanted to establish some kind of identity so it wasn't just residential. Small communities want to enhance

their image and people don't necessarily want a long commute so these intense mixed use developments provide an opportunity for a greater mixture of uses so people can live and work in the same area.

He said he wanted to emphasize both the mixture of uses and how much green space there is. He said they wanted to establish street trees and a street that bisects the development. He said that the arboretum they are planning would be a feature but also a resource to create a nursery as an opportunity to plant trees and use those trees as a resource in the project to plant later on so there is continuity in the growth rates of plantings.

He said he believes the monumentation and landscape can provide some continuity in the project and that an emphasis on brick will tie it to traditional Pittsboro.

Mr. Hoyle asked if they had gotten as far as determining if the detention ponds would be similar to those planned for the State Employees Credit Union. Mr. Cole replied that they hadn't gotten that far in the site planning yet but that they are leaning toward using wet ponds as an amenity. A dry basin can be used for areas that are very flat; they will fill up during a rain storm but then the water goes away shortly after. He said they find it is important to treat the design very carefully, especially the outlet structure so that you don't get that "ring around the tub" look. Bill Monroe said there will probably be both types, but there will be some instances where they have to do wet ponds to protect the water quality. Steven Green of Ramey Kemp indicated that Bill Jackson asked them to start looking at traffic for this about two years ago to make sure they do an adequate job of planning, to make sure that things would work, and to find out what infrastructure would need to be improved. The plan is to move forward as sewer capacity becomes available. If they follow that plan, some minor improvements on US64 and Industrial Drive would allow traffic to be managed acceptably. He said they had had some preliminary conversations with DOT to explain the scope of the project. He said that DOT is looking at the scope of projects being discussed for Pittsboro and that a number of road improvements will be needed. He said that if those facility improvements are put in place they will handle the traffic from this project. He said Mr. Jackson is committed to making his plans contingent on those improvements.

Mr. Hoyle asked if Ramey Kemp had actually counted cars. Mr. Green said they had counted cars two years ago and also this past December. He said they had put people on the site to count and had also put down counting tubes at various locations.

Eric Vernon a lawyer from Wyrick, Robbins, Yates & Ponton spoke next. He said his primary fields of practice are real estate and municipal law; he is the Town Attorney for Wake Forest. He said when he began work with Wake Forest in 1990 they had a population of 5000 people, now it is over 20,000 and he guesses Pittsboro will see that same kind of growth. He said he has watched how the Partners have assembled their team and has seen them put together a group of

original and national experts to try and do a real quality project. He said he has also heard second hand what wonderful direction Dave Monroe and his staff have been able to provide to them. He said that Mr. Jackson and his team have already created plans to widen Industrial Drive and have actually created an additional width in that road for that purpose. They have gone to some detail to ensure that Industrial Drive is properly dedicated to the Town. In preparing for this project they are trying to make sure all of the details are attended to. The bulk of this work is going to give the Planning Board, staff and elected officials the opportunity to use the tools that you have in your several ordinances. You will have the ability to consider the uses, to be able to actually measure what the impact is going to be on the public health, safety and welfare of the citizens. This group is committed to giving you the details, giving you the studies, providing the tests and the surveys to allow you to use the tools that your ordinance gives you.

He asked that the Board consider this project fairly but also consider the amount of commitment that has gone into this project when considering others. He said the denial of the general zoning was a very thoughtful vote, not that he has a reason to be against the development that would go there. He said he has every reason to believe that it would be a wonderful thing, but the Board is called upon as public servants to measure the impact of the project and you need to be able to use all your tools to do that.

Mr. Vernon asked Monroe when a retail use becomes a shopping center if a developer is applying for site plan approval. He said he didn't see a square footage threshold defined in the ordinance. Monroe replied it is really a judgment call, but if it looks like a shopping center it probably is. Mr. Vernon clarified that in one case you would just have site plan approval in the other you would have a Special Use Permit. Monroe said that was correct.

John Anton said that in the last year and one half he had the opportunity to work with Monroe and his assistance and help to us on this project has been like no other public staff member he had worked with and he wanted to thank Monroe publicly for all the help. With the current zoning we have C-2 and M-2, there is plenty of stuff we could do on that property and he just wants the Board to bear that in mind when going through the plan review to make this a mixed use project. He said that it is their desire to turn this in to a world class project. At the next meeting they want to talk more specifically about Phase 1.

Mr. Hoyle, in referring to the earlier discussion with DOT, asked if they will have a signalized intersection at 64. Mr. Jackson said he thought that would be the case. Mr. Hoyle asked them to consider using a metal structure from which to hang the signal.

Mr. Jackson asked the Board if they were getting what they need from the development team; he wanted to know if they felt like this was too much information too soon. Board members felt the pace of information was alright so far.

Mr. Jackson said he wanted to talk to issues of tone and heart. He said he is a prolific commercial developer and has built across three states. He said he has instructed his team to build a great project. He said there is something very amusing going on in this town and it is one of the most pronounced examples of it he has ever seen. Typically what would happen is somebody like him would come to town and build a shopping center and twenty or thirty years later you demolish the center and start over. He said they believe that change is going to happen here fast enough that in five to ten years they will be able to do things economically on this site, specifically to be able to build parking decks. A transition that would normally take thirty years they think is going to take seven to eight years. He said that he believes that if they design this project properly so that it anticipates that kind of growth that we will be able to create something that has the vitality over time that Research Triangle Park had. Today there is a lot that we would do differently, but the quality of the long range plan of RTP has been a boon to the state. He said he has charged this development team with finding a way to develop a project that can be added onto over time. If we can use our combined efforts and build in appropriate quality in with suburban stuff in the initial stages so that, as the town grows we can do things like go after Fidelity Investment. There is something about these mixed use projects; when they work, it is where these larger companies want to be. He said they hope to do a project that will become an economic magnet for the growth of this in a way that is truly extraordinary. He said they welcome and encourage the Board's comments and want them to make suggestions to make the project better. He said they could cut this property into chunks and sell it off fairly quickly and the town will be stuck with what is left. He said they need the Board and Commissioners to recognize the opportunity for something other than just a "me too" shopping center.

Mr. Hoyle said he would like to have a reference to the developments Mr. Jackson has done before. Mr. Anton said he would send information on the projects. Mr. Hoyle said he liked the term open space, but let Mr. Jackson know that when Mr. Perry presented Powell Place to the town he gave 10 acres to the town. He said he thought that would be appropriate here too. Mr. Jackson said he wondered about trying to do a formal arboretum like they did at State because that could be a wonderful asset for a walkable community and they are already researching that. He said he had already commissioned Michael Cole to go talk to them to see if there might be a way to do that here. Mr. Hoyle suggested the team might want to get some input from the Community College. The members of the Board agreed that they would like to have another courtesy review next month.

Mr. Hoyle reviewed Commissioners' Actions and moved on to Board Member Concerns. He said that Mr. Bryan's had passed away and was trying to think of an appropriate way to commemorate his years with the town and he

recommended the Board make a memorial to the Methodist Church. The Board agreed.

There being no further business, **Ms. Marsh made a motion to adjourn. Mr. Collins seconded the motion; the meeting was adjourned at 8:30 pm.**