

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
NOVEMBER 28, 2005
7:00 P.M.

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

ATTENDANCE

Members present: Mayor Nancy R. May, Commissioners Max G. Cotten, Burnice Griffin, Jr., Clinton E. Bryan, Jr., 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.

Vote Aye-5 Nay-0

CONSENT AGENDA

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

- Minutes of the November 14, 2005 Board of Commissioners meeting.
- Set the employee Christmas Party for Wednesday, December 21, at 11:30 a.m.

Vote Aye-5 Nay-0

PUBLIC HEARINGS

Motion made by Commissioner Brooks seconded by Commissioner Griffin to go into public hearing.

Vote Aye-5 Nay-0

**REZONING REQUEST FROM WILLIAM R. FOUSHEE
FROM R-10 TO C-2**

Conduct a public hearing for a rezoning request from William R. Foushee. Mr. Foushee is asking that the northern half of parcel 9752-09-27-4060 (approximately .323 acres) be

rezoned from R-10 to C-2. The property is identified as 996 Thompson Street. The southern half of the parcel (fronting on US 64 Business) is currently zoned C-2. Property is located behind Steve Cooper Enterprises/SASCO Rental.

PUBLIC COMMENTS:

Susan Hilliard was present and wanted to know how the change would affect her taxes and property value. She wanted to know what C-2 means.

**REZONING REQUEST FROM THOMAS COCHRAN
FROM O & I to C-2**

Conduct a public hearing for a rezoning request from Thomas Cochran, dba Platinum Holdings, LLC. to rezone parcel 9751-01-27-4143 from O&I to C-2. Mr. Cochran is currently constructing an office building on the site. The parcel is located at 984 Thompson Street.

PUBLIC COMMENTS:

NONE

**REZONING REQUEST FROM JOHN BLAIR
FROM RA-5 TO MUPD**

Conduct a public hearing for a rezoning request from John Blair to rezone parcels 9762-51-3093.000 and 9762-40-1867.000 from RA-5 to MUPD. The parcels are located on the north side of US Hwy 64 across from the intersection with Foxfire Trace (approximately ¼ mile east of the exit for Business 64).

PUBLIC COMMENTS:

Patrick Bradshaw – stated his firm represents Henlajon, Inc. and John Blair, which have requested rezoning of property in the extra-territorial jurisdiction of the Town of Pittsboro to a Mixed Use Planned Development district for a planned neighborhood. Henlajon, Inc. is a privately held corporation that is owned by Mr. Blair’s family.

The Master Plan for the property submitted with the application includes all the information required for an MUPD rezoning, and he would like to request that all of the contents of the master plan proposal previously filed with the Town be entered into the record of this hearing.

The Henlajon and Blair property is located east of the existing corporate limits of the Town and just east of the intersection of U.S. 64 Business and U.S. 64 Bypass, south and

east of the River Oaks MUPD already approved by the Town, on about 98 acres of land. The property has direct access to the U.S. 64 service road and easy access to the area transportation network. The property is surrounded on two sides by property owned by the State of North Carolina.

Mr. Blair proposes that the community utilize the Town's water and sewer utilities. If sewer collection and treatment services are not available within the time that the project must otherwise move forward, the owners would explore the possibility with the Town and state regulators of an alternative treatment and disposal system until the Town utility is in a position to accept the community's wastewater.

The requested zoning map amendment proposes to change the existing RA-5 zoning of the property, in order to permit a mixed-use residential community of no more than 350 residential units and up to 60,000 square feet of commercial, retail, office and institutional uses on about 98 acres. The plan includes minimum perimeter vegetated buffers of 50 feet along the U.S. Highway 64 right of way and 20 feet around the balance of the perimeter of the property, excluding access roads and entry features. A minimum of 12% of the gross area of the site will be preserved as open space and 5% would be dedicated to recreational uses, all of which would be owned and maintained by a community property owners association.

The site's existing zoning permits a wide variety of uses, but it does not allow for master planned mixed-use development with compact lot sizes, reduced dimensional requirements, and preserved open space such as are envisioned for the Henlajon and Blair property. The change to a mixed-use planned development district will support the growth of Pittsboro while protecting and enhancing the character of the area.

All that is before you in the current application is the zoning of the property, not subdivision or site plan review. The zoning will determine whether the community can proceed as a mixed use development with the requested uses and dimensional standards. It will not determine where lots or commercial uses or recreational facilities will be located within the community. All of the details of arrangement of uses on the property, stormwater management, stream buffers, screening of uses, and similar issues would be subject to future reviews by the Town at subdivision and site plan applications.

The proposal for the Henlajon and Blair property complies with the requirements of the MUPD district and other applicable requirements of the Subdivision and Zoning Ordinances. The proposed community advances the goals and implementation strategies of the Town's Land Use Plan, which calls for enhancing recreational resources and open space, preserving water quality, promoting safe and interconnected vehicular, pedestrian and bicycle traffic and flexible amendment of the Zoning Ordinance to allow growth in the Town's jurisdiction. The proposal also promotes the goals of the Chatham County

Land Use Development Plan, which repeatedly calls for encouraging growth in the county's existing towns, including their extra-territorial jurisdictions.

Approval of the requested rezoning will enable planned growth, preserve open space and generate positive fiscal impacts to the greater community. The planned community will enhance the recreational options of the citizens of the Town. Based upon the principles of good planning that are codified in the Town's MUPD ordinance and the particulars of the plan for this property that he has described, the plan for the Henlajon and Blair property will advance the public health, safety and welfare of the citizens of the Town of Pittsboro and its extra-territorial jurisdiction.

Motion made by Commissioner Bryan seconded by Commissioner Walker to go out of public hearing. Vote Aye-5 Nay-0

MUPD REZONING IS RECORDING IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 213-214

Motion made by Commissioner Brooks seconded by Commissioner Walker to send the requests to the Planning Board for recommendations. Vote Aye-5 Nay-0

OLD BUSINESS

Consider a site plan from AQ Contracting for Phase I of a 25 unit apartment complex at the intersection of Chatham and Small Street. Plan will be modified by adding four (4) feet of pavement to Small Street. Pavement width will be increased to approximately 20 feet.

Planner Monroe stated that at the last Commissioners meeting there was some concern expressed regarding the narrowness of the pavement on Small Street. Commissioners asked that town staff meet with the developer to see if something could be resolved to alleviate this condition. Manager Hughes and he met with Mr. Murray who offered to add four feet of pavement to the west side of Small Street. This would increase the pavement width from sixteen to twenty feet. The Small Street right of way is only thirty feet; based on the pavement location within the right of way it is virtually impossible to construct sidewalk and achieve pavement widening. It is hoped that this offer satisfies the Commissioners' desires to the extent practicable.

Motion made by Commissioner Brooks seconded by Commissioner Walker to reject this site plan.

Commissioner Brooks stated he respectfully disagrees with Mr. Monroe. Even with the additional paving he doesn't think the road will be safe.

Recently he witnessed a large truck trying to turn in off 64 and a car trying to exit onto 64, the car had to back up all the way to Lloyd Nooe's old driveway. He is concerned about the ability of the fire trucks entering onto this property. With the fencing on the

left going south he thinks it will be very dangerous for pedestrians to be on that road. The

road has a lot of traffic. Chatham Street as far as he can tell it is just paved over a dirt road that was there many years ago. There are very, very steep banks (Mt. Sinai Church side). You build something like this and people are going to want to go to Hardees' or uptown and he thinks it would be very dangerous for them to try to walk Chatham Street.

Even though the branch is not on the map of perennial creeks, in his experience over the years it usually has water in it, that water goes directly into Robeson Creek – very, very near our wastewater treatment plant. It will add pollution, nitrogen and phosphorus. The State has been so hard on us about Robeson Creek. According to our zoning ordinance because it is a perennial creek you can build up to 20 feet. Because of his concern about traffic, safety and runoff into the stream that goes into Robeson Creek, near our wastewater treatment plant he has made this motion.

Commissioner Bryan stated he had concern about the parking, and additional traffic along there which would lead into what Commissioner Brooks was talking about.

Planner Monroe stated the parking as proposed satisfies the requirements of the zoning ordinance.

Commissioner Brooks asked Commissioner Griffin to comment on emergency vehicles access.

Commissioner Griffin stated it is currently tight on Small and Chatham Street. He thinks it still will be with the additional width. He stated if something were to happen at the feed store they would probably have to block off the whole road.

Commissioner Cotten stated his concerns have mostly been addressed. It appears that the plan complies with our ordinances and he is going to have to support it. There may be some issues that need to be addressed later. He is concerned about safety but he can not reject it for that reason.

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

NEW BUSINESS

Consider an ordinance to restrict parking on the north side of West Street from the traffic circle to the entrance to the parking lot behind the Old Blair Hotel.

Planner Monroe stated several citizens and Planning Board members have asked him to approach the Board and ask that you consider creating a No Parking zone on the north side of West Street from the traffic circle to the driveway into the General Store Café's parking lot. If a large vehicle is parked there, exiting the parking lot is very difficult. There was also a man struck recently while crossing the street after exiting his parked car.

Commissioner Cotten stated he has problems with the ordinance as written.

Motion was made by Commissioner Cotten seconded by Commissioner Walker to table this until the ordinance can be rewritten and the distance is measured.

Vote Aye-5 Nay-0

Planner Monroe stated he has spoken with Mr. Vance Remick (owner of General Store Café) about this area and he is very much in favor of it. In fact, he would like to see the angled parking in front of the Café' eliminated to create a delivery zone. It is his feeling that with the speed of traffic around the circle the parking spaces on West Street are just too dangerous. He would, further, like to see broad crosswalks painted on all four streets exiting the circle so traffic would be more cautious.

There was discussion about how vehicles make u-turns (going west) into the parking area.

Motion made by Commissioner Brooks seconded by Commissioner Bryan that the previous motion also include the removing of the parking spaces in front of the General Store Café and to mark it as a loading zone. Vote Aye-5 Nay-0

STAFF REPORTS

Manager Hughes reported the County is trying to get additional dollars to fund the 3-M project.

Completed the police assessment today and will be offering the job by the end of the week.

Smoke testing has been done over the last couple of weeks and that the Environmental Assessment is coming along.

COMMISSIONER CONCERNS

None

ADJOURNMENT

Motion made by Commissioner Cotten seconded by Commissioner Bryan to adjourn.
Vote Aye-5 Nay-0

Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk