

REZONING REQUEST – CYNTHIA & DAN PERRY

Conduct a public hearing to consider a rezoning request by owners Cynthia Sax Perry and Boyd Dan Perry for property at 179 Hillsboro Street. The property is .288 acres and houses Mrs. Perry's law office under a home occupation permit. The property is currently zoned R-12 and the applicant requests a change to O&I. Adjacent property to the south is zoned C-1.

PUBLIC COMMENTS:

Cindy Perry stated since 1993 she has lived and operated a law office at this location. It has become apparent that she needs a little more space to operate the office. Under the current home occupation permit she is allowed to use up to 25% of her residence for her office. With the expansion of her law office and the storage of files and numerous things that go along with that, she finds herself needing additional space. Nothing about this request will change the use of her property from the way it is currently. In so much as she has herself and her secretary (which is part-time) in her office. Have clients who park on the street although there is ample parking in the back of the building which was required when she first came under the home occupation. It will continue to be used as an office and her personal residence upstairs if you approve the office and institution change. She has talked with her neighbors and believes she has approval from all the neighbors on all sides. She is adjoining commercial properties on three sides. It is not her intention to become commercial but simply to allow for her office to grow. Would greatly appreciate approval of change.

REZONING REQUEST – STEVE CARR

Conduct a public hearing to consider a rezoning request by owner Steve Carr for property at 23 Rectory Street. The property is 1.17 acres and is located at the corner of Rectory and West Streets and is currently zoned C-2 CU. The applicant is requesting a change to C-2.

PUBLIC COMMENTS:

Cynthia Perry – stated that Mr. Carr was present tonight also. She further stated that it has been almost fifteen years ago that she appeared before the board to ask for a rezoning of the property in 1990. This property consists of two tracts known through the years as Lindsey Hatchery and historically it is the Lacy Beal Cotton Gin property. It consists of two parcels, one of which is .29 acre which is the part along the back along Rectory Street and .69 acre which is the portion along Highway 64 as it fronts. As you view the property it would appear that it is only one tract because of course there is a fairly large brick building that occupies a portion of both tracts. Fifteen years ago when

she appeared before you she asked you for a special use permit for the Neon Impressions business which had at the time bought the property from Wade Barber. Over the last fifteen years this building has been held by the family associated with Neon Impressions – the Gardner/Shaffer family. Last summer the property was sold by the Schaffer/Gardner families to General Boy LLC which is a limited liability company with Managing Partner Steve Carr. Mr. Carr operates his business Carr Amplifiers out of a major portion of the building and other tenants in the building as you probably know are the Hill Creek Veterinary Service, Baroke Builders and Classy Cuts Barbershop. Together these small family businesses housed in this building employ about 35 people which she thinks is a remarkable tribute to the building which started out as a hatchery. It became apparent to Mr. Carr several months ago that something needed to be done as far as creating additional parking for the people who operate the businesses as well as the clientele for these businesses. She is sure you have noticed the number of cars that park along Rectory Street and Highway 64 during the operating business hours. It is his interest to move the cars off the street and put them in a safer location which would be a parking lot, which would be on the back portion of that property.

Again this is not a request to change anything material about the operation of the building. It will continue to house these small businesses. It will continue to have approximately the same type tenants through the years. The burdensome thing about having it to be a special use permit however, was the idea that for every time the businesses changed in there someone would have to come back before the board and make sure that business complied with the SUP.

By rezoning it out of CU and just to a general C-2 zoning it would simplify life so that any number of commercial enterprises could be carried on there at the hatchery. When she and Steve Carr met with the Town Planner it was apparent that one of the ways to solve this parking problem was putting the parking in the back of the building and that could be done under the ordinance if it was zoned C-2, because the lot is two separate lots and because of the ordinance amendments that have been made by the Board lately it would allow for greater coverage of this lot.

The interest Mr. Carr has in creating this additional parking is a safety feature for the Town itself and a convenience factor for the people involved in the businesses there. This proposal is for a gravel lot that can accommodate a number of cars and to work with the Planner on design and buffer on that parking lot from the adjacent property owners. Would not be paved it would be a graveled lot that would have a degree of pervious surface that would allow for drainage there on the property. Therefore protection of the two aspects of Little Creek that passes by the property.

Steve Carr – he and his wife Sarah bought the property this past summer. They have been living in town about five years now and have a young family. They are here to stay

as long as they can see. A number of the businesses have been there for a number of years like Hill Creek Veterinary and Baroke Builders. He plans to keep tenants as they are and slowly change the appearance of the building. The parking situation can be kind of dire especially on Fridays and any time the library is having a book sale particularly.

Think they can make a modest parking lot that will certainly get the employees cars off the street and provide some parking for the businesses. Will do it in such a way to have minimum impact on the creek.

Catherine Deininger read a prepared statement:

The Haw River Assembly would like to offer comments on the application from Steve Carr for rezoning the property at 23 Rectory Street from C-2CU to simplyC-2. We are a non-profit citizen's organization dedicated to the protection of the Haw River watershed. Our membership and volunteers include many residents of the town of Pittsboro and those living in the ETJ.

My understanding is that this request has been made at least in part so that a parking lot can be added to the lot. I am familiar with this site and I agree that it is in need of some additional parking. My concern is for Little Creek, which borders this property. Little Creek flows south and skirts the center of town, flowing behind the old chicken hatchery building that is located on the property in question.

Walk Little Creek and you'll see a creek that is already a poster child for degraded urban streams. Past decisions that have ignored the existence of the stream have led to a deeply incised (15 to 20 foot stream banks in some places) streambed that is completely unprotected from storm water runoff. At the property in question the stream buffer, which is the vegetative area protecting the stream from the uses of the property, is lacking in adequate vegetation to protect the stream from storm water run-off.

We ask that if you decide to rezone this property that you make sure to protect Little Creek. Earth moving during construction and increased impervious surfaces for parking will lead to more sediment erosion and stormwater run-off, if not prevented by good planning and design. Under the Pittsboro zoning ordinance a 30-foot buffer currently protects Little Creek. I suggest that this buffer be expanded as much as possible and planted with vegetation that would help slow down storm water. Also if a parking area is constructed, I ask that a pervious surface be used that will allow rainwater to soak into the ground rather than allowing pollutants from the parking area to be washed into the stream. There are many other effective best management practices (BMP) for parking areas that can be used to protect Little Creek. I realize that there is a financial cost that can sometimes be high for installing BMP's. I've been asked by the NCSU Water

Quality Group to remind the Town that there is money available to help install BMP's to protect streams within the Roberson Creek watershed. I expect that this site would be an excellent candidate for such help.

We offer these comments in the spirit of wanting the best for Pittsboro's future. Thank you very much for considering our concerns, and your efforts on behalf of the town.

Jane Pyle – own the adjoining property across Rectory Street where the log cabin is. Seems to her there are three questions the planning board needs to address: 1) the rezoning from conditional use to regular C-2; 2) the parking lot in the open space behind that building; and 3) the on street parking.

She has certainly made a point several times that the street there is caving in. Practically every day she looks out and wonders when the first car is going to drop in the ditch there. The more cars parked there the worse that situation gets.

In general commercial zoning instead of CU opens up so many possibilities of use. The protection that comes from a CU zoning type of area would be beneficial.

Don't know if each time a new business goes into the hatchery that they come in to get a CU or not. She likes the CU and thinks there are safeguards over controlling what goes in there over regular zoning.

Think it would be wonderful to have parking in the back, concerned about what happened with paved parking lots in town. See what it has done to her property.

Is there any reason a parking lot could not be built with a SUP?

Hope something can be done about the parking situation.

A COPY OF THE LETTER FROM HAW RIVER ASSEMBLY IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 7

REZONING REQUEST – HEATH WILLIAMSON

Conduct a public hearing to consider a rezoning request by owner Heath Williamson for 1.798 acres at 287 East Street (formerly known as Pittsboro Ice and Fuel). The property is currently zoned M-1 and the applicant is requesting a change to C-2 with a Special Use Permit.

Mayor May swore in all in attendance that were to speak at the hearing.

PUBLIC COMMENTS:

Fritz Brunssen - stated he's the engineer who drew the plan displayed on the board. The concept of what we have here is there is currently a building on the lot and a used car sales area. What we propose to do is to remove that building and put up two new buildings towards the rear of the property.

The parcels around the site are on the west side, we have three residential lots which are slightly higher than our property. To the east of the property toward Salisbury Street is a residential lot and toward the front is Kerr Drug, which is a commercial entity, and also Kerr Drug is higher than our lot and the residential lot at the back is at about the same plane in topo.

The existing utilities that are on this site: there's a sewer manhole on Highway 64 and there is a water line that goes into the existing building. The electrical lines are overhead and telephone lines.

What we are proposing basically, again, is the two buildings and we have one large parking lot in the front that accesses off the existing driveway onto Highway 64. We've had meetings with NCDOT to assure that the decel lane they have asked for meets their requirements. At the rear of the building coming off of Salisbury Street we're basically looking at relatively parking for the employees, kind of a secondary entrance for that. The parking lot has 139 spaces and we have handicapped spaces and also a loading area as required by the special use.

We will have a waterline installed off of Salisbury Street that will give us fire protection for the new buildings and also provide the water requirements. The sewer line is on 64 so that will be running towards the front of the property. Gas, phone and electric will be underground so you won't really see any of the utilities.

We have provided additional landscaping along the Kerr property, across the front of the property, we've added some shrubs along a residential property, we have shrubs along Salisbury and along the residential property to the east. We are trying to maintain as many of the existing trees that are along the west property line and we've kind of shifted the parking lot over in order to protect that. There's a wooden fence that runs from the rear of the property toward the middle of the parking lot. These lots are higher and there's existing trees there so we're looking at the idea that their view isn't going to be any worse than it was before.

One of the things is we have a drainage piping that currently goes through the site. We're going to improve that drainage piping so that we go back to the same point across the

street on 64. But the drainage piping has deteriorated over the years and we're putting in new piping so it will make a nice smooth flow.

The impervious condition of the site-currently about 99% of the site is graveled. We are going to pave and decrease the impervious condition on the site and therefore we'll probably have a little less or about the same amount of runoff. So we will not be impacting downstream any more after the site is built.

Heath Williamson – stated I'm just here to introduce myself and the property to the town. You have me listed as the current property owner but I only have a contract on it which does not need to be exercised until the end of February.

This project which Fritz, the engineer, has identified has nearly 100% impervious and that is either through 8 inches of compacted ABC or asphalt pavement that's been that way since 1960. There have been several buildings on the property over time and the current building that's there right now is lacking structural integrity that continues to be used. As well as the piping that conducts that stormwater drain/creek flow underneath the property-the back 2/3 of the property is corrugated metal pipe and that is starting to rust out and that is the reason we're replacing it with new pipe so that a new project on the property will have a full life cycle of the piping underground to minimize needing to go back in and do repairs.

The parking was devised to enable rear entrance as opposed to having a cut through from the rear road to the front to allow pass through traffic. The building was placed to separated front and rear entrances to allow a limited employee type of reserve parking spaces in the rear and more public spaces on the front. And we could have put the building right on the street but we chose to do more of a set back look so that it would be more consistent with the newer construction projects that are on the strip itself. I have a whole wealth of information available to you but I have no idea which of that to share with you unless you ask.

Monroe asked if he was aware of any environmental issues on the property.

Mr. Williamson said that since it used to be called Pittsboro Ice & Fuel I've gone through a soil scientist to perform a Phase 1 and Phase 2 Environmental Impact study. And when the property used to be the fleet service vehicle use for the railroad they had an underground storage tank that was removed some time in the '80's. depending on the states' interpretation of our proximity to Jordan Lake will determine whether or not the impact of the lab testing will determine if we are environmentally sensitive to Jordan Lake or if we're ok towards the town and that is a continuation of tests and studies that is continually under review. We're in the process of waiting for lab results right now.

Liz Williamson – stated she just wanted to introduce herself. Mr. Williamson said the two of them were pretty much the entire company that they represent and we're anxious to

move our offices into Pittsboro as well as the other approximately 90 or so positions that will be created within the building itself.

Eric Andrews - owner of Realty World Carolina Properties and signed up to speak just to address any questions regarding market or adjoining market value or the current need for such a project in Pittsboro.

Dan Clower – stated he lives at 50 Small Street which used to be 140 Small Street. He said that when he saw the first set of drawings submitted in November he was excited. I am really concerned that these two buildings end up encroaching almost on my property and it's a two story building. I thought the center section of the building was a much more neighborly type of situation to have. I'm not against the project whatsoever but I am against this layout. My house is twenty feet away from this building and I would be able to look out my window and see people working in their office. I could be barbecuing on my deck and have no privacy because there are no setbacks.

Better planning on this whole project is what I desire. I think something up front, a nice building the way it was drawn up before, was much more attractive to me. I have some issues, one of which is the drive on Salisbury Street. These roads are very narrow and there are children that walk up and down, there's women that walk their children and push strollers and these roads aren't wide enough, they are hardly wide enough for two cars. I think that possibly Kerr Drug and this site could share one drive and do away with one of these drives.

There is also a drainage problem. Water flows down the west property line and there is a low spot and water sits and stagnates.

Also I see no evidence of a fence or any kind of a barrier and fear that people are going to be cutting through my property which is very narrow. I feel that a barrier wall should be placed there at the expense of the developer and it should be maintained. Bushes will do one thing but this is a very narrow strip of property.

There is a retaining wall on the Williamson property, and the best I can tell is that the grade of the property was cut flat and the retaining wall was built when the railroad was there. I want that wall to be maintained or replaced so I don't lose my house. I think the buildings at those locations are not the best solution. I think it would be more aesthetic driving 64 to see a nice building rather than a large parking lot.

The last thing is I have a request. Between Small Street and Thompson Street there is no city sewer. Whenever something is done here I ask to be allowed to tap in to their sewer line.

Motion made by Commissioner Cotten seconded by Commissioner Griffin to go out of public hearing. Vote Aye-4 Nay-0

OLD BUSINESS

None

NEW BUSINESS

REQUEST FROM BRITTANY'S DANCE STUDIO

Consider a request by Ebony Grissett, Assistant Director for Brittany's Dance Studio to reserve the Community Building for the periods January 17, 2005 through June 23, 2005 and September 1, 2005 through June 22, 2006. The days and times are outlined in their enclosed letter. They are requesting considerable time and the request continues well into 2006. The Community Building will be the only location for their business.

Commissioner Cotten stated he has some reservations about the time overlap of use of the building. In accordance with the deed it must be made available to the community. If we were to commit it for three or four days a week until June 2006, he does not feel that it would be available to the community. He could see them using it through June 23, 2005.

Commissioner Brooks has concerns about the length of times and the number of days requested.

Commissioner Bryan has the same concerns and would like for the deed to be reviewed before anything is done.

Motion made by Commissioner Bryan seconded by Commissioner Griffin to table this until the next meeting giving staff time to look of the conditions of the deed.

Vote Aye-4 Nay-0

A COPY OF THE REQUEST IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 8

**RELEASE OF WATER BILL – CHARLES DILTS BY HEARTWOOD
REALTY**

Consider a request by Lisa Godwin, property manager, on behalf of Mr. Charles Dilts, owner of property located at 39 Robyn's Nest Lane, for a reduction in the December 2004 water bill. The property was not occupied and suffered a plumbing break during cold weather in December. The residence is not served by the public sewer system.

Motion made by Commissioner Cotten seconded by Commissioner Griffin to deny the request from Lisa Godwin on behalf of Mr. Charles Dilts.

Vote Aye-4 Nay-0

**A COPY OF THE REQUEST IS RECORDED IN THE BOOK OF
RESOLUTIONS NUMBER ONE, PAGE 9**

CHANGE ORDER SCADA CONTRACT

Consider a change order in the amount of \$2,521.00 for the SCADA contract at the water plant. This change order will correct several electrical code violations discovered during the Phase I of the SCADA installation and also reduce costs of future expansion. Budgeted amount for SCADA project is \$30,000. With this change order, total costs will be \$30,000.

Motion made by Commissioner Bryan seconded by Commissioner Brooks to approve change order #1 in the amount of \$2,521.00 for the SCADA contract.

Vote Aye-4 Nay-0

**CHANGE ORDER NUMBER ONE IS RECORDED IN THE BOOK OF
RESOLUTIONS NUMBER ONE, PAGE 10**

CONTRACT FOR CONTROL SYSTEM AT NEW WATER TANK

Consider a contract in the amount of \$13,000.00 for the installation of a control system for the new 500,000 gallon water tank. This portion of the work was not bid with the original contract to ensure better coordination, quality control and compatibility with in-place control systems at the water plant. This work will allow control between the new tank and the existing million gallon tank. It will also allow remote operation and monitoring from the water plant. These controls will be integrated into the SCADA system that is being currently installed. The original contract for the waterline and new tank is \$14,636.00 under budget. Conduit with

wiring between the two tanks was installed under the original contract by Blue Construction in preparation for this work.

Commissioner Cotten stated he did not have a problem if it was under budget.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to approve the contract with R. L. Haire Electric & Control LLC in the amount of \$13,000.00.

Vote Aye-4 Nay-0

A COPY OF THE QUOTE IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 11-13

COMMISSIONER CONCERNS

None

ADJOURNMENT

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

Vote Aye-5 Nay-0

Nancy R. May, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk