

**MINUTES
TOWN OF PITTSBORO
PLANNING BOARD MEETING
APRIL 2, 2012, 7:00 PM**

ATTENDANCE

Members Present: Karl Shaffer, Shannon Plummer, Bob Mc Connaughey, Raeford Bland, Rob Butler.

Members Absent: Kenneth Hoyle, Alfreda Alston, John Clifford.

Staff Present: Stuart Bass, Planning Director, Paul Messick, Town Attorney.

A. CALL TO ORDER

Vice Chairman, Karl Shaffer called the meeting to order at 7:00 pm

B. APPROVAL OF MINUTES

On the minutes for March 5, 2012 Mr. McConnaughey requested the correction on the spelling of the word "PLANNING". On page three Mr. Shannon requested correction on the phrase that the homes would be gated individually to deeded individually. Motion request made by Mr. Shaffer to approve the minutes with the modifications requested.

Motion made by Mr. Plummer seconded by Mr. Mc Connaughey; Approved unanimously.

On the minutes for the Special Meeting held on March 20, 2012 request also made for the correction on the spelling of the word "PLANNING".

Motion made by Mr. Bland, seconded by Mr. Mc Connaughey; Approved Unanimously.

Vice Chairman Shaffer asked if there were any corrections, amendments or additions to the agenda on hand. None were mentioned and asked if there was any specific reason why the new business was listed before the old business. Mr. Bass responded that he was not certain if the gentlemen representing the Cornwallis Commons Development were going to be present tonight, that is why he listed the new business first.

C. NEW BUSINESS

1. Proposed Pocket Neighborhood Subdivision Development-Cornwallis Commons

Mr. Shaffer stated that there is no action recommended tonight in terms of voting on any text amendment. Chairman Hoyle contacted him and asked that no action be taken tonight in due of his

absence. Furthermore, it gives the Board more time for review. For right now it is proposed for discussion. He then asked Mr. Bass to explain the Draft Text presented.

Mr. Bass stated that this Pocket Neighborhood Proposed Text draft is his attempt to come up with the language that will allow this type of development. He has several topics for discussion and would like to go through the draft tonight and answer any questions and/or issues. Beginning with the *Definition*, it is described as a residential development of limited size and scope arranged on at least two sides of a shared community common open space.

Mr. Shaffer was not clear on the two sides shared community common open space concept and asked what it really meant.

Mr. Bass explained that there is a common area that is owned by the community with residential development on at least two sides.

Mr. Shaffer asked if this common area can be planned anywhere differently or does it need to be further defined.

Mr. Bass response was that it all depends on the site. The idea is that it would work with a concept and a defined area.

Mr. Shannon questioned the phrase “limited size”. In the definition it states limited size and then further down in the *Development Standards* it states 4 to 12 family dwelling units. What does limited mean when you have a parameter listed?

Mr. Bass’s answered that the definition is general. In the definition it is stated that this is a proposed neighborhood that would be limited in size, but in the development standards you specify what that is.

Mr. Bland asked who would be responsible for these common areas. The response was that although it is not mentioned in this proposed text the common areas would be maintained by an HOA.

Mr. Plummer questioned on how are these different from town homes, are town homes under a special use permit? Mr. Bass explained the way they are proposed they will be single family homes, individual homes.

Mr. Messick added it is the issue of density, they are smaller houses on smaller lots and that is where the pocket verbiage comes from. There are limits on the number of units and size of the lots. Town home owners do not own community property, pocket home owners own by default.

Mr. Shaffer inquired if the goal here is to write a new use type and these rules and language would be to support it, then to figure out where it fits in the zoning, where it would or would not be allowed.

Mr. Bass response was yes and it would go into the table of permitted uses.

Continuing to *Purpose and Intent* stating this is an alternative type of detached housing providing small residences for households of typically one to two individuals. This concept is not for everybody, it will have a limited market. It outlines some of the strategies which intends to encourage affordability, infill development, innovation and variety in housing design to meet different needs.

Next on the list is *Development Standards*. The first subtopic listed is *Number of Dwelling Units* he explained that a pocket neighborhood shall be comprised of at least four (4) single family dwelling units with a maximum or twelve (12) per development. This information was obtained from the builder, if you have less than four units there is no sense of the community they are trying to create, if you have more than twelve units you lose that pocket neighborhood ambiance.

Second subtopic is *Density and Minimum Lot Area*. The development shall not exceed twelve (12) units per acre and are not permitted on parcels less than twenty thousand (20,000) square feet. The current maximum our ordinance allows for a PUD is twelve units per acre. Twenty thousand (20,000)

square feet would be double the minimum lot size for an R-10 lot. This is also the same density as a duplex on a ten thousand (10,000) square foot lot.

Mr. Butler recalled asking the builder what would be the minimum amount of units they would accept and they agreed between 6 to 8 units. He believes that twelve units on that parcel would be too much.

Vice Chairman Shaffer asked if there would be a need to create a new zoning district to support the mass of 12 units per acre.

Mr. Bass response was no, it would be a development concept that would be allowed in one of the existing districts.

Mr. Shaffer inquired if there were any communities like the one proposed within a 15 mile radius and

Mr. Bass replied that it would be similar to the old neighborhoods in Raleigh.

Mr. Bland then asked if these developers specify a certain clientele and the response from

Mr. Bass was it could be retirees or households with young children.

Mr. Shaffer was curious if they tried to define it. If it is one general class like retirees it would not fit well to build a playground or whatever may be suitable to a younger age group.

Mr. Bass continued to *Required Open Space* advising he obtained the information from existing ordinance literature. At least 50% of the units shall be adjacent to open space and the common open space shall have dwelling units abutting at least two sides.

Mr. Shaffer asked if a unit does not abut on common open space are they required to have an easement or some kind of access to get to the open space. The response from **Mr. Bass** was that half of the units have to abut open space and Mr. Shaffer then asked why not 100%.

Mr. McConaughy revealed that the plans show that 100% of the units do about open spaces.

The next item was *Parking*. The requirement is one and one half (1.5) spaces per unit and must be located within the property. Mr. Shaffer questioned that the requirement do not allow any space for visitors. Mr. Bass said that this requirement is the minimum allowing for more parking space if necessary. Current requirements in the ordinance are for 2 spaces for SFR's on the lot.

Mr. Shaffer reviewed the plans and stated that there are 22 paces for 12 units allowing 2.2 spaces per unit in addition to garages in some units.

On the subject of *Housing Type* **Mr. Bass** confirmed they will be single family residential dwelling units.

Topic number seven was *Accessory Dwelling Units*. This item is on the text because the town's ordinance currently allows accessory dwelling units. However, they will not be permitted in a pocket neighborhood housing development.

Mr. Bass continued to number nine, *Private Open Spaces*. The private open space shall separate the primary entrance to the dwelling unit from the common space to create a sense of privacy and shall be oriented to take advantage of solar orientation and other natural features to create a small but pleasant private yard area. This is just a minimal standard for a small front yard. It also requires that there shall be some kind of barrier separating the common open space from the private open space.

The final topic was *Tree Conservation Provision*. Pocket neighborhood developments must be designed to incorporate existing, native trees and other vegetation to the extent possible and the overall site design shall take advantage of the location of existing trees as well as natural openings or clearing on forested sites.

Mr. Shaffer opened the floor for any discussions, specifics or generality of what the Board thinks on the concept.

Mr. Bland expressed that generally is quite appropriate to live in smaller places. It is an acceptable idea and it has become a fashionable style of living. However, he is not ready to accept or deny it and is prepared to further discuss it at this time

Mr. Butler is not quite satisfied with the area it is proposed on. It is a dead end street. There is plenty of refuse currently in the area and if this kind of development is built now it would be an addition to the area and limit the privacy of some homes in Potter Stone Village. It would be an extension of Cornwallis. As far as the water shed that is something that would deserve much more thought. On the other hand seeing one other development like this once built with its landscaping they are pretty neat neighborhoods. In agreement with Mr. Bland he is neither for or opposed to the idea.

Mr. Shannon stated that it takes a certain kind or person to live within such close proximity but surely there are some that are willing to do that. The board has to make sure they get this right where it makes sense. Not against it at all, just want to be certain the language is right to prevent numerous amounts of these developments tuning up around town just because we allow twelve homes built on one acre.

Mr. Bass claimed he just choose that amount of units because it was the maximum houses allowed to be build in PUD but does not think it is allowed in mid to open space requirements.

Once again the discussion turned on the number of units per land area and the importance of getting the language correct to prevent any issues in the future.

Vice Chairman Shaffer stated that the purpose and intent here is very parallel to our goals and the current land use plan we have been working on, which does not seem to conflict. It supports what we have talked about for the last couple of years. There are many places in town where we could fill land and here is a prime example, but there have been limitations to a capacity to major limitations. Our language plan does support at least this type of concept which makes housing options smaller and more affordable. He then asked Mr. Bass if there was any language like this from any other towns and Mr. Bass said he has obtained existing language on the internet by searching for codes, mainly on the west coast. He then suggested the information be reviewed, think how the application of these blueprints may work and have Mr. Bass provide the Board with the link to the website on other Pocket Communities. Responding to the question from Mr. Butler on the zoning **Mr. Bass** recommended R-10 or R12 zoning since it seems appropriate. The Current ordinance would have to be amended to allow it in a public hearing. There is an alternative they can do this as a PUD, but if is something we want to see and use it again it is best to make it available for the future.

Mr. Shaffer asked Mr. Bass if he was able to discern if there were any significant differences in the regulations between a small town like Pittsboro and a large city like Raleigh and Seattle.

Mr. Bass answer was that there was no difference.

D. OLD BUSINESS

1. Ordinance Review

Mr. Bass stated that this had been started a while back and then it stopped in light of the possibility to

get it into the budget this next cycle and be able to hire professionals that would have our development ordinances re done. Right now there is a zoning ordinance, subdivision ordinance, riparian buffer protection ordinance a flood damage prevention ordinance and are getting ready to adopt a new storm water regulation ordinance.

Mr. Shaffer stated that the Board has had a couple of work session outside the normal meetings last summer just for the zoning ordinance. They individually reviewed it and recorded comments and anything else, from grammar to big topics. The Board went over the ordinance for four to six months, they began doing it page by page and then moved to focusing on the comments that had been chosen. Needless to say they did not get very far. Somewhere between December and January John Clifford noted that in the land use plan draft there was language on the ordinances to be reviewed and/or updated by a contract. The decision was made that it needed to be done by professionals. As we were doing it we were learning, but it was tedious and time consuming. It needs a healthy source of legal review since the board does not have the knowledge to write it. There are several way to approach this, review the topical items, choose the topics that needs to be addressed and receive options on how to revise and then act on it.

Summarizing his comments **Mr. Shaffer** requested the following: Look at the review topically, where are the major deficiencies and overlaps or go thru it page by page, line by line.

Mr. Bland thought the Board did a good job in revising and improving the Ordinance but though they were struggling with it due to time issues. The reason it stopped was because it was said that it would be hired out to professionals. He then asked if it is suggested that the Board continues what they were doing and review it again.

Mr. Shaffer advised that Mr. Hoyle called him today and expressed the interest for the Board to once more work on the Ordinance. They did not discuss in which way it would be approached.

This interest also comes from Commissioner Fiocco as he requested to Mr. Hoyle that the Planning Board should revise the Ordinance. If the Planning board takes this task more time needs to be committed. .

Mr. Bass does not think that it was very productive going line by line. He has an entire list comments submitted from the Board members and asked if they would like him to create a spreadsheet to gather these comments and have one working document. The other choice is to address it topically.

Mr. Shaffer stated that when he saw this on the agenda he addressed Mr. Bass and asked if in his professional experience had knowledge of Planning Board members doing this kind of work and the response was no. He thinks the members do not have the expertise to try to write these ordinances and indeed that is not what they are going to do, but if they go thru line by line they are sort of attempting to do it. The first time they met it took over half an hour to discuss one sentence and the whole legal issue is on what words to use, subsequently they did not reach any conclusion. However, if they would have had legal guidance he is certain that they would have been facilitated with the correct legal verbiage. He is not suggesting that a legal expert should write the ordinance but whatever the board does it needs a great deal of input from a professional.

Mr. Bland then asked who would write the ordinance if the Board chooses not to do it.

Mr. Messick said the issue is whether or not there are inconsistencies, glitches or technical issues involved in the existing ordinance, as mentioned by Mr. Bass there are several. A developer or anyone wanting to do something has to take these inconsistencies into consideration. Mr. Fiocco and the other

Commissioners position is to make this ordinance as user friendly as possible this way anyone knows what is expected of them. He recommends that if the ordinance needs to be unified the Town should hire a consultant that can gather all the information into one document and bring to attention any errors believed to be there by the Planning Board members. Technical review is not the function of the Planning Board, their duty is to be the sounding board of the community and be able to render opinion and recommendation.

Mr. McConnahuey agrees and finds it overwhelming to unite five different sets of regulations and make them co exist peacefully with each other while making sure there is not conflict. This would take a massive amount of hours.

Mr. Shannon also agrees and suggested the hiring of a consultant. Once completed it can be reviewed and make any changes as needed.

Mr. Messick stated that there are some things that may be fundamental, he believes that there should not be private streets in town and every lot needs a front on public streets. But that is a policy decision that the board can make a recommendation on. There are positive issues and then when a decision is made there are ramifications in terms of administration and so forth in the future.

Mr. Shaffer asked Mr. Messick if he had a list of sample issues like the one he just mentioned now that could cause major legal implications.

Mr. Messick responded by saying there are different rules on different ordinances, depending on which way they are looked at, the best way to go is to take the most conservative and strictest regulations that way everyone will be covered. The board has discussed in the past what stream we are talking about, perennial and intermit are easy to figure out, but ephemerals are more complicated. If you are going to protect ephemerals then who is going to check up on it? He also suggested that the board be reactive. He does not believe that board is going out and looking for things to regulate.

Mr. Shaffer made a reminder that this is just a discussion but has gotten a good sense where is all leaning towards. It appears that the suggestion is that the nuts, bolts and meat of this should be done by a professional. The planning board shall provided guidance on issues that relate to the town, experiences and/or feedback from the public and inconsistencies that are found in the rules.

Mr. Bland claimed that it certainly makes sense and they should formally wait till the entire board is present to smooth things out and make everyone aware of this discussion.

E. BOARD MEMBER CONCERNS

Mr. Bland suggested to continue with the last item discussed. They can lend a policy idea towards some of these things without being specific since is their responsibility. The board would get this synthesis from these documents and then review and see that the policies are implemented as most people agree. It is a positive and appropriate thing.

F. REPORTS AND ANNOUNCEMENTS

Mr. Bass reported that most of the text amendment on the electronic gaming and rezoning was approved. The job of the planning board now is to edit the zoning ordinance. He will distribute new copies of the ordinance as soon as he is able. He then made the board aware that the town is participating in a regional water supply planning effort. It's called Jordan Lake partners and we are

involved with larger municipalities like Apex, Cary, Chatham County, Durham, Hillsboro, Holly Springs, Morrisville, Orange County and to some extent, Raleigh and Sanford. This planning effort is solely to be able to draw drinking water from the lake. Currently the town does not have an allocation from Jordan Lake as a water supply. We are part of this effort to make sure that we can get an allocation. If the Board would like he can provide a PDF version of the document. The next round of allocations with the state is coming up soon and the town is intention is to submit an application.

Mr. Shaffer asked what kind of entity is Jordan lake Partners, and Mr. Messick responded it is a cooperation among municipalities.

Mr. Shaffer asked if this was a deal where towns place their bids to request a certain amount of water.

Mr. Bass answered that it was very similar but as a result of this plan it would be more organized.

Next Planning Board meeting is scheduled for Monday, May 7, 2012 at 7:00pm.

Mr. Shaffer asked for motion to adjourn,

Mr. Bland made motion to adjourn, Mr. Plummer seconded. Meeting adjourned.