

Phasing Element

Staff Comments

- 1) *Planning Staff finds that the Phasing Element provides little details as to the impact on the Town for this development. How the Town is to prepare for the development of Chatham Park, from preparing for Town service; such as Wastewater, Water, Reclaim Water, Streets, Sidewalks, Park and Recreation, other Public Facilities.*

This lack of detail in the Phasing plan could be a result of the Public Facilities element that should give the Town much of if not all the above details on the impact of Chatham Park.

This element can be a part of the Public Facilities Plan.

Answer: The Master Public Facilities Plan provides guidelines for determining the level of and providing for the public facilities needed to serve Chatham Park. Greater detail regarding necessary public and impacts on the Town will be included in Small Area Plans. The first Small Area Plan covering 2224 acres (or 30 % of the total project area), referred to as the "North Village", will be submitted before the end of 2016 and it projects residential and non-residential absorption schedules that provide a basis for a more detailed determination of water, sewer, schools, police, fire, parks and recreation and the Town Administrative staff appropriate to accommodate development of that Small Area

The Phasing Element itself covers all of Chatham Park, and given the size of the project and the length of time for build out of all of the project, any information provided beyond the detail presented in the North Village Small Area Plan would be more of a guess and not accurate enough for the Town to draw meaningful conclusions.

- 2) *What we also do not have detail within the additional elements is Chatham Park thought on the development review process. Processes that might differ from the Town. This element could be a good place to discuss processes of review.*

Answer: An outline of the development review process will be included in the final version of the Development Phasing Plan Element.

- 3) *Finally, statements to the question that the Phasing Plan may change due to such factors as market condition, economic considerations then to leave the Element lacking any real reason for being. Thus, tying future phasing to the Public Facilities element would tend to give more details to the future of Chatham Park.*

Answer: As described above, the process laid out in the Development Phasing Plan and Master Public Facilities Plan Elements work together with Small Area Plans to produce the desired detail.

- 4) *When including maps, please provide them at 11' x 17".*

Answer: Maps included in the Additional Elements will also be provided separately at 11" x 17".

Additional Elements Committee Comments

- 1) *We recommend that the Town insure that any concerns with respect to phasing related to infrastructure and implications for Town support are identified specifically in the Developer Agreement and subsequently in the Small Area Plans.*

Answer: Noted. See previous response to Staff Comment #1.

Planning Board Comments

- 1) *It is the opinion of the Planning Board that the Phasing section of the Additional Elements needs to be much more detailed in order to clearly show how this development is intended to progress.*

Answer: Please see the response to Staff Comment #1.

- 2) *It is also the opinion of the Planning Board that this section needs to include verbiage that would direct the developer to commit to specific check points to discuss/amend/address any challenges that may arise or needs that may become evident as the development progresses.*

Answer: In accordance with the North Carolina General Statutes a process for annual review of development is included in the Development Agreement. Other check points exist with the Town's site plan and subdivision plan approval process, including review and approval of construction drawings dealing with streets, water, and sanitary sewer infrastructure.

Parking & Loading

Staff Comment

- 1) *Planning Staff finds that this element in comparison to the Draft UDO does little to set itself apart from one other to warrant a separate ordinance that applies solely to Chatham Park. If there are development standards that are specific to Chatham Park, staff does not see them. It would be staff recommendation that Chatham Park follow the Town UDO.*

Answer: Applicant agrees that there is a great deal of consistency in the language of the Master Parking and Loading Plan Element and the proposed UDO. There are enough differences, however, that Applicant prefers the proposed Master Parking and Loading Plan Element to establish standards for parking and loading in Chatham Park. Some of those differences are the following:

- Apartment Parking Standards
- Medical Office Parking Standards
- Golf Course Parking Standards
- Swimming Pools Parking Standards
- Gasoline Pump Island Standards
- Retail Use Parking Standards
- Shopping Center Parking Standards

General Comment- The Town's proposed UDO doesn't cover all the uses listed in Chatham Park's PDD zoning that need to be addressed.

Bicycle Parking- The proposed standards typically require more bicycle parking on a site than the Town's proposed UDO and in the comments below, citizen input is requesting Chatham Park's standards to be increased. As a result, this is another area where we prefer the proposed standards.

Additional Elements Committee Comment

- 1) *We recommend that the element contain a minimum number of spaces that must be maintained and spaces that must be maintained and spaces above this number could be traded for bicycle parking.*

Answer: A requirement will be added that not less than 90% of the required parking spaces will be vehicular parking spaces.

- 2) *We encourage green practices in the construction of parking and loading areas, such as the use of permeable pavements on parking lots and loading areas to naturally cleanse rainwater.*

Answer: Green development practices are addressed in both the Master Plan and Additional Elements where water quality is discussed. The use of pervious pavers is one of a variety of water quality tools that can be used to mitigate environmental impacts with any development plan submitted within Chatham Park. In addition to the green measures being utilized in Chatham Park, as part of its standard procedure the Development Review Committee for Chatham Park will encourage the use of pervious pavers in parking lots in the project.

- 3) *Remove the language taking 10 percent EV charging stations as a cap, and changing it to a goal. Include for EV and future alternative energy sourced modes of transportation.*

Answer: A statement specifying a goal of 10 % of site parking being designated for EV parking will be added to the Element.

- 4) *The off-street parking schedules be revised to reflect only those uses that are actually going to be permitted in Chatham Park. And that any future use that's not currently permitted that is proposed and permitted in the future would have to be submitted with the appropriate off-street parking requirements.*

Answer: The land uses specified in the Element are consistent with those provided in the approved Chatham Park PDD Master Plan. Those uses are also consistent with the land uses specified in the Town's regulations at the time of Master Plan approval. While many of these uses are not intended to be located in Chatham Park, they cannot be revised without going through a rezoning process. The Element addresses unspecified future uses on page 42.

- 5) *The Planning Director, as an administrative alternative, may approve a reduction in the number of required spaces for residential uses that are within one-half mile of public transit.*

Answer: Noted. This will be added.

- 6) *The Planning Director, as an administrative alternative, may approve vertical and/or underground parking facilities.*

Answer: Noted. The Element will be revised to make it clear that vertical and/or underground parking facilities are allowed, subject to development plan approval where required.

Planning Board Comment

- 1) *The board's opinion regarding Parking & Loading is that the plan should consider additional bicycle parking/racking greater than that which is proposed.*

Answer: Bicycle parking standards are consistent with those presented in other municipal ordinances in this region that Applicant believes are adequate. Please note that these Chatham Park standards typically are greater than those presented in the Town's proposed UDO.

Signage

Staff Comments

- 1) *Planning Staff finds that this element is typical of standard sign ordinance that may be found throughout the Triangle Region, however staff understands and appreciates the need to have a separate Unified Signage Plan. What staff recommends against is any language that would not have the Town of Pittsboro as the final decision maker on signage in whole or part of any portion of Chatham Park. Chatham Park is part of the Town of Pittsboro. The mechanism of how the Town and Chatham Park review master sign plans needs to be worked out through the elements phase.*

Answer: The Element will be revised to provide that the Town must approve all signs in Chatham Park. A flow chart describing the submittal, review and approval process of any sign in Chatham Park will be included in the Element.

Additional Elements Committee Comments

- 1) *In Section 2, Sign Plans. We recommend striking the language "but excluding activity centers, "and then add a new sentence after this that says, "Specific to activity centers and the common desire between Chatham Park and the Town to encourage creativity, artistic elements, that signage may deviate from the Master Sign Plan but would still require Town review and approval.*

Answer: See the response to Staff Comment #1 above.

Planning Board Comments

It is the opinion of the Planning Board that signage design and composition should remain within the Town's oversight across the entire development. Signage should also have some cross over in consideration of meeting the goals of the lighting additional element.

Answer: See the response to Staff Comment #1 above.

Lighting

Staff Comments

- 1) *Planning Staff finds that this element is typical of standard lighting ordinances found throughout the Triangle Region. Staff recommends that Chatham Park incorporate the use of the future UDO.*

Answer: To address the many comments requesting that the model lighting ordinance (“MLO”) produced by the International Dark Sky Association (“IDA”) and the Illuminating Engineering Society (“IES”) be used as a guide, the Master Lighting Plan Element will be revised with due consideration being given to the MLO. Accordingly, the proposed UDO lighting provisions will not be followed, as their consistency or lack of consistency with the MLO is unknown at this time.

- 2) *The exemption of illuminated tubing or strings of lights outlining rooflines or walls of buildings to be that of signage and not lighting. This practice and the exemption is a concern for staff and how this would be enforced or not enforced.*

Answer: The second sentence of Section 4(F)(5) will be removed from the from the Master Lighting Plan Element and addressed in the Master Signage Plan Element.

Additional Elements Committee Comments

- 3) *Section J appears to allow lighting that is prohibited by Section F5. We recommend removal of J or a language clarification.*

Answer: The second sentence of Section 4(F)(5) will be removed and addressed in the Master Signage Plan Element. Section J will be revised to delete the references to roof lines and wall edges of buildings.

- 4) *Replace the “Purpose” language with the following: The purpose of this element is to provide regulations for outdoor lighting that will:*
 - *Permit the use of outdoor lighting that does not exceed the minimum levels specified in IES recommended practices for night-time safety, utility, security, productivity, enjoyment and commerce.*
 - *Minimize adverse offsite impacts of lighting such as light trespass and obtrusive light.*
 - *Curtail light pollution, reduce skyglow, and improve the nighttime environment for astronomy.*
 - *Help protect the environment from the adverse effects of night lighting from gas or electric sources.*
 - *Conserve energy and resources to the greatest extent possible.*

Answer: The “Purpose” paragraph of this Element will be amended to read as follows:

The purpose of this Element is to provide regulations for outdoor lighting that will:

- Permit the use of outdoor lighting that does not exceed the minimum levels specified in IES recommended practices for night-time safety, utility, security, productivity, enjoyment and commerce.
- Reduce adverse offsite impacts of lighting such as light trespass and obtrusive light.

- Curtail light pollution and reduce skyglow.
- Help protect the environment from the adverse effects of night lighting from gas or electric sources.
- Conserve energy and resources to the greatest extent reasonably practicable.

NOTE: The words “and improve the nighttime environment for astronomy” have been deleted from the third bullet point above, as the Applicant recognizes that adding even one light in an undeveloped area such as Chatham Park will not improve the nighttime environment for astronomy. The word “possible” has been changed to “reasonably practicable” in the fifth bullet point above, as conserving something to the greatest extent possible could mean not using it at all, and energy and resources will be used in Chatham Park.

GENERAL COMMENTS ABOUT MASTER LIGHTING PLAN ADDITIONAL ELEMENT: Lighting during emergency situations will be exempt from the regulations of this Element otherwise applicable in non-emergency situations. All of the outdoor lighting regulations in this Element will be subject to the usual and customary standards and requirements of Duke Energy or other providers of electricity and other energy resources to Chatham Park.

5) *Replace Sections 2 through 6 with the following:*

Chatham Park PDD shall incorporate the provisions of and comply with the Lighting provisions of the Unified Development Ordinance. And the Committee further recommends that the Town of Pittsboro adopt the Model Lighting Ordinance Lite developed jointly by the International Dark Sky Association and the Illuminating Engineering Society with necessary changes to fit Pittsboro, North Carolina, needs, including any special requirements for Chatham Park PDD.

Answer: As stated in the response to Staff Comment #1, the MLO will be used as a guide in the revision of the Master Lighting Plan Element. Included with these responses is a memorandum from the IDA and the IES confirming that IDA and IES have not adopted any publication other than the MLO and such other publications should not be cited or referenced as adopted standards.

Applicant has met with both Duke Energy, the provider for lighting in the roadway rights of way and many parking areas in Pittsboro and Chatham Park, and representatives of the IES in order to understand the lighting options available in this region served by Duke Energy. Based on these conversations, the following changes will be made to this Element to make it more dark sky compliant:

The Element will be revised to include the following from the MLO.

1. The following lighting zones (“LZ”) will be specified:

- a) LZ0: No ambient lighting in areas of undeveloped open space.
- b) LZ1: Low ambient lighting in areas of rural or low density (i.e., less than 3 residential units per acre) residential uses.
- c) LZ2: Moderate ambient lighting in areas of medium to high density (i.e., more than 3 residential units per acre) residential uses outside of Activity Centers and Section 7.1.

d) LZ3: Moderately high ambient lighting in non-residential and mixed-use areas, including Activity Centers and Section 7.1.

e) LZ4: High ambient lighting in special areas of high intensity business and heavy industrial areas.

NOTE: Public and private streets are exempt from the foregoing LZ requirements and foot candles will remain the applicable standard for light measurement.

2. Add a requirement that, subject to necessary technology being reasonably and locally available, outdoor lighting in non-residential development will have controls that prohibit operation of the lights when sufficient daylight is available.

3. Reducing offsite impacts by methods that limit glare, light trespass, and sky glow. For example, utilization of cooler light sources (e.g., 5,000-6,000 Kelvin) will be avoided and warmer light sources (e.g., 3,000-4,000 Kelvin) will be utilized.

4. Language that allows certain lighting by special permit only will be added.

5. Definitions will be added from the MLO that explain and clarify dark sky concepts to be included

6. Current provisions in the Element that allow non-cutoff fixtures will be deleted.

Planning Board Comments

- 1) *The Planning Board agrees with the direction of the Additional Elements Committee that the Chatham Park Additional Element regarding lighting should strive to achieve the standards specified in the Dark Skies Initiative and that this should also be applicable in terms of signage.*

Answer: See the response to the Additional Elements Committee comments 4 & 5 above.

General Provisions

Staff Comments

- 1) *Additionally, and this is a comment that is throughout the elements document as it relates to development approvals. The Development Review Committee of Chatham Park should be a private contractual exercise between property owner and the developer. Decisions made or not made by the Development Review Committee should not bind the Town of Pittsboro to any development request. Staff finds that the Development Review Committee will leave potential developers with the impression that the project is approved without Town involvement.*

Answer: This language is not intended to give the impression that approval stops with the Development Review Committee. All proposed development plans and sign permit requests in Chatham Park are subject to Town approval. Language will be revised to clarify this and flow charts will be added to describe the development plan submittal and approval process.

- 2) *Buffering of development should be included on the developed property and not allowed to buy on adjoining properties owned by others.*

Answer: Applicant will delete the paragraph in the Additional Provisions that addresses buffers on adjoining Lots.

- 3) *Language regarding allowing a development to not develop to Town Standards is not needed. Any development reviewed by the Town prior to the adoption of the Elements is to flow Town Standards.*

Answer: Applicant agrees that proposed development in Chatham Park submitted to the Town prior to adoption of the Additional Elements will be governed by Town development standards in effect at the time of the review. The language in question allows the applicant for the development approval to elect to be governed by the applicable Additional Elements adopted after submittal of the proposed development plan for Town review.

- 4) *Administrative alternative decisions should always be based on criteria as written in the applicable element. Without such criteria, decisions may seem arbitrary.*

Answer: Applicant would like to have discussions with Town Staff regarding this comment before formally responding to it.

Additional Elements Committee Comments

- 1) *We recommend language in the General Provisions that would not allow a developer to use a buffer on an adjacent property.*

Answer: See response to Town Staff comment #2 above.

- 2) *We recommend that the Town do a careful analysis between elements and the drafted UDO to determine any significant differences that should be resolved prior to approving the Additional Elements. It is understood that future changes to UDO may result in exemptions for Chatham Park, but nonconformities should be minimized to the extent possible between the Chatham Park Master Plan/Additional Elements and the Town's new UDO, provided that it does not cause undue delay in the approval of Additional Elements of the UDO.*

Answer: While this comment is directed to the Town, Applicant believes that the suggested process would result in undue delay in approval of the Additional Elements, as no Additional Element could be approved until after the comparative analysis was completed. Comparative analysis of the Additional Elements with a document that likely will undergo extensive revisions before being finalized is not productive. For example, the Master Signage Plan Additional Element has been written to address the most recent decisions from the United States Supreme Court dealing with municipal sign regulations, and the sign regulations in the proposed UDO have not. Another example is that, as stated in the responses to comments about the Master Lighting Plan Additional Element, Applicant is addressing "dark sky" concerns that are not addressed in the proposed UDO. Also, the Affordable Housing Plan, Master Public Facilities Plan, Master Transit Plan, and Master Public Art Plan Additional Elements address topics that are not addressed in the current draft of the proposed UDO. The Development Phasing Plan Additional Element is applicable only to Chatham Park.

The Chatham Park PDD Master Plan contemplated that Applicant and the Town would work together to develop the Additional Elements and that part or all of the Additional Elements might be

incorporated into the UDO. The Additional Elements are providing additional detail to the Master Plan, which is a zoning and development document unique to Chatham Park.

Applicant submitted the draft of the Additional Elements to the Town in May, after over a year of working with its consultants to produce it. To date, the process for review of the Additional Elements has involved more scrutiny than the process for review of the proposed UDO. For example, no Citizens Advisory Committee has been appointed to review the proposed UDO, and the proposed UDO is for the entire Town of Pittsboro. Applicant believes that the proposed UDO was modeled after a UDO adopted by the Town of Morrisville, NC. Since the adoption of its UDO, the Town of Morrisville has adopted over 200 text changes to it to correct errors and omissions. Applicant has submitted extensive comments to the Town with respect to Modules 1 and 2 of the proposed UDO, and Town officials and others have submitted comments as well. The proposed UDO should have more extensive review by the Town and its citizens before it is adopted. In the meantime, Town Staff is familiar with the Additional Elements and the proposed UDO and has commented and can continue to comment as it believes is necessary to address differences between the two.

3) *Subsequently adopted ordinances of the Town or changes to the UDO which may be novel to the aforementioned Master Plan and the standards contained in the Additional Elements require review and discussion between Town officials and representatives of Chatham Park to explore amending an Element.*

Answer: The Master Plan states the following: “Excepting matters addressed in (a) VII of this Master Plan, (b) the Additional Elements approved by the Town, and (c) any Development Agreement between Applicant and the Town, all development within *Chatham Park* PDD, including subdivisions, site plans and public facilities and services, must be designed and constructed to conform to (i) at least the minimum requirements of the local, state or federal regulatory governmental unit or agency having jurisdiction, including the Town, in effect at the time the proposed development is submitted to the Town; and (ii) any future Unified Development Ordinance or other land use ordinance applicable throughout the planning jurisdiction of the Town. Provided, however, the maximum number of residential units and maximum square footage of non-residential development authorized in II of this Master Plan shall not be reduced without the written consent of Applicant.”



December 13, 2016

MEMORANDUM

The Illuminating Engineering Society (IES) and the International Dark-Sky Association (IDA) are joint sponsors of the Model Lighting Ordinance, dated June 15, 2011, which can be found on each organization's website:

http://www.ies.org/PDF/MLO/MLO_FINAL_June2011.pdf

http://darksky.org/wp-content/uploads/bsk-pdf-manager/16_MLO_FINAL_JUNE2011.PDF

This Memorandum is an official communication to all interested parties regarding the ratification of these documents, and the exclusionary use of only these documents as officially adopted Model Lighting Ordinances from the IES and IDA:

1. The links above represent the **ONLY** officially adopted Model Lighting ordinances by both the IES and the IDA specific to the title and intended use of a Model Lighting Ordinance.
2. Any other publication indicating adoption by the IES and/or IDA, whether the organizations' names and logos are on the document or not, are **NOT** recognized by the IES or IDA and should not be cited or referenced as adopted standards.
3. There have been no revisions to this document issued since its publication date of June 15, 2011. Furthermore, neither the IES nor IDA has adopted any revised or limited versions subsequent to this publication. Any reference to an MLO "Lite", or otherwise characterized substitution of this officially adopted document are not sanctioned nor advised for use by either the IES or IDA.

Brian Liebel

Brian Liebel, PE
IES Technical Director of Standards

Pete Strasser

Pete Strasser
IDA Technical Director