

**MINUTES
TOWN OF PITTSBORO
PLANNING BOARD REGULAR MEETING
WEDNESDAY, DECEMBER 7, 2011, 7:00 PM**

ATTENDANCE: Kenneth Hoyle, Harold Howard, John Clifford, Karl Shaffer, Alfreda Alston, Raeford Bland, Shannon Plummer.

STAFF: Stuart Bass, Planning Director, Ileana Platon, Administrative Support Specialist.

A. CALL TO ORDER:

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

B. APPROVAL OF MINUTES: November 7, 2011

Mr. Shaffer had a question about the format of the minutes and wondered if the verbatim transcription was state that he did not care much for the format in which last month's minutes were prepared. He preferred a summary of the minutes instead of a dialog. **Mr. Bass** explained that it was the first meeting Mrs. Platon had attended and she was getting familiar with the process. **Chairman Hoyle and Mr. Bland** expressed that they did like the dialog format and asked Mrs. Platon which format she would prefer. She responded that it was up to the board on their choice.

C. OLD BUSINESS:

1. Consideration of the Master Sign Program – Central Carolina Community College

Mr. Bass stated that this item had been tabled at the previous meeting. He then outlined the points in the cover memo, specifically noting that the height of the sign had been reduced to 12 feet. He stated that this met the standards in the Ordinance, per the Planned Development Flexibility Option, which can be applied to large scale institutional uses. Mr. Bass then referred to a series of photographs in the packet that indicated the proposed location of the sign taken from several vantage points.

Dan Sandberg, Landscape Architect, Firm United Biospheres presented the board with a revised design for the Carolina Community College entryway. He stated that the new sign was reduced in size and that the letters had also been reduced. In addition the wattage for the lamps illuminating the sign were reduced to 300 watts per side.

The board reviewed the documents and all agreed it was a better draft than the first one submitted.

Motion made by Mr. Shaffer to approve the signage program as revised, Ms. Alston seconded. Approved unanimously.

2. REZ-2011 -03 Spoon Rezoning Request – Bynum Beach Road RA-5 to RA-5

Mr. Bass stated that this item had been tabled at the previous meeting. He stated that the material from last month's meeting had been included in the packet, along with a brief on Spot Zoning written by David Owens, an attorney with the University of North Carolina's School of Government. The property in question is located off the end of Bynum Beach Road and totals approximately 38 acres.

Commissioner Hoyle began by asking about the area with regards to the conservation designation. Reference was made to the 2001 Future Land Use Map and noting that the request would rezone the area from 5 acres to 2 acre lots.

Mr. Bland asked Mr. Bass if this was what the green bank on the river referred to on the map.

Mr. Bass said that yes, and that he had inquired to the county planning director about the county zoning on the opposite side of the river, and was informed that a conservation area along the river at a width of 2500 feet had been implanted in 1994. He assumed the designation on the Town's Future Land Use map, which dated to 2001, was a reflection of this.

Motion made by Mr. Shaffer to recommend disapproval of the rezoning request based on the fact the (1) the property is not contiguous or neat any other R2 district, and (2) that it is not consistent with the existing Land Use Plan. Mr. Bland seconded. Mr. Hoyle stated that the motion for to recommend denial had been made; Approved unanimously.

D. NEW BUSINESS:

1. Special Use Permit 2011-02 Haw River Christian Academy – School

Mr. Bass stated that the application was for a school to locate at 50 West Salisbury Street. The special use permit application was received on August 2, 2011. A special use permit for a school is required as shown in the Permitted Used Table. The procedures and applicable regulations for special uses are outlined in Article 5.3 of the Zoning Ordinance. The board of Commissioners held a public hearing in August 22, 2011 and a second one on September 26, 2011. A public hearing was held open for the submission of additional information. At the conclusion of the hearing and following the submission of additional information the permit request was referred to the Planning Board for review and recommendation on November 14, 2011. He referenced that the material from the original applications had been provided to the Town Board of Commissioners under cover memo dated November 21, 2011. The packet material under cover memo dated December 2, 2011 included a revised site plan. Finally, there was material provided tonight that outlined questions, provided proposed findings of fact, conclusions and issuances for both a positive recommendation and a negative recommendation. Mr. Bass explained that the board could move to recommend adoption if the findings and conclusions as proposed (either for or against), or as modified in some manner by the board, or offer its own recommendations and conclusions. In response to the Planning Board's recommendation, the applicant may modify the application prior to submission to the Town Board of Commissions. Mr. Bass then reference the seven Findings of Fact, six conclusions in support, along with seventeen proposed conditions, and six conclusions in opposition

Mr. Hoyle began by expressing that there is a lot of information to consume. He continued by stating that he felt that the site plan was inadequate and that there were still traffic concerns not addressed on the Traffic Assessment. He was specifically concerned about the queuing of traffic, and how much it would impact Hillsboro Street. He questioned the width of the entrance on Hanks Street which he said measured 5½ feet.

Mr. Howard asked where he obtained the measurements stated. Mr. Hoyle response was from the site plan. At this time Ralph Lassiter, lead Architect from the firm CPAA approached the Board and pointed out the dimensions as they were shown on the reduced version of the site plan.

Mr. Howard stated that he was in agreement with the site plan. **Mr. Hoyle** still held strong reservations on the concern of the traffic that would be created in the neighborhood with the loading and unloading of students and the entrances to the school. There is also the consideration of opposition from the surrounding business.

Mr. Shaffer announced that he had intended to recuse himself from the vote (but not the discussion), as he was acquainted with the applicant, he had done some work for them in the past and had accepted a gift from him. It was agreed that Mr. Plummer, as the appointed alternate, could vote instead.

Mr. Plummer said that this site was considered high commercial property due to the vicinity to the downtown area. In his opinion an empty building is more devastating to the neighborhood and property values than having the location used for a school. The building has been vacant for several years and he welcomes the business to the area. The school will only house 70 students and the previous grocery store located on that site with the former Post Office across the street generate a high amount of traffic back then.

Ms. Alston stated that one of the concerns expressed at the Public Hearing was the sale of alcohol in the immediate area. She believes that the activity will not intercede with the school since the sale of alcohol is mainly in the evening and on the weekend when the school is closed.

Mr. Bland asked Mr. Lassiter about the play area outlined on the site plan and if there were any plans in figuring out a drain system to help out the impervious surface on the site.

Mr. Lassiter explained that the asphalt will be removed and replaced with dirt base. Dirt will absorb much of the water. The use of rain barrels if necessary was suggested by Mr. Plummer.

Mr. Clifford's inquiry was the availability of allowing emergency vehicles in and out of the premises and how easy will the access be to accommodate Fire Trucks.

Mr. Lassiter responded that this was a process. As noted in the proposed conditions, he would have to work with the Fire Marshall and study the kind of Emergency vehicles assigned to that area. He also pointed out that the site had two street frontages which would contribute to safety and response time.

Mr. Clifford still had traffic concerns associated with the use and the time of day.

Mr. Lassiter advised him that they had provided the queuing on site.

Mr. Bland then addressed the floor with concerns on his personal experience when attending a special event at a private school, he is aware there is always a high amount of traffic and how would that impact the area and surrounding business.

Mr. Robinson, representing the school advised that special events and large functions will be held at other locations. Currently they are holding their events at different locations and that would not change..

Mr. Clifford asked about the availability of the parking lot after school hours.

Mr. Hoyle then asked and wanted this noted, in the event something happens in the parking lot who will be responsible? the school or the town?

Representing the school was **Mr. Robinson**, he advised the Board that parking availability had been proposed at the Public Hearing and that it was a consideration. The question then came up that if vehicles were left unattended over the weekend and remained on the premises would that create a problem on Monday when school began?

Mr. Robinson stated that there would have to be an agreement with the town to deal with the parking lot usage. The solution was left as a legal matter to be determined by the attorneys.

Mr. Plummer advised that the traffic at his restaurant at 7:30 to 8:00am moved slower than what school traffic would. He also said that there is a Pre School at Pittsboro Baptist Church which does not seem to be a problem.

Mr. Shaffer added that there would be additional traffic but he does not think it would create significant problems to what was already there.

Mr. Robinson pointed out that their parking would not be in conflict with any other existing merchant. The use has the potential to create more customers to local business.

Mr. Shaffer claimed that it was time to move forward since the building has been vacant for some time.

Ms. Alston agreed and said that she had all the information she felt she needed to make a recommendation. **Mr. Howard** also agreed.

Motion made by Mr. Howard to recommend approval, subject to the Findings of Fact, the Conclusions in support of, and the accompanying Conditions as provided to the Board. Mr. Plummer seconded: Vote was 3-2, Mr. Bland and Mr. Clifford dissenting. (Mr. Shaffer recused.)

E. BOARD MEMBERS CONCERNS:

Mr. Clifford was displeased that the findings and conditions were given to the Board earlier today.

Mr. Bass explained that all the information associated with the Public Hearing had been provided to the Board in advance under cover memo dated November 21, 2011 at Mr. Hoyle's request, so that the Board would have time to review it. The revised site plan was received on December 1st and forwarded to the Board under cover memo dated December 2nd as part of their normal agenda packet. The proposed Findings and conditions had just been prepared for consideration due to the compressed work schedule.

Mr. Hoyle also felt that the Fire Marshall issue should have been reviewed first before coming to the Planning Board hearing.

At this time **Chairman Hoyle** announced that this would be Mr. Howard's last meeting and thanked him for his service.

The next schedule meeting is on Monday, January 2, 2011 but it falls on the New Year's Holiday weekend. After some discussion, it was determined by consensus to move the meeting to Wednesday, January 4, 2012.

G. ADJOURNMENT:

Mr. Hoyle asked for motion to adjourn. **Mr. Howard** made motion to adjourn, **Mr. Clifford** seconded. Meeting adjourned at 8:36 pm.