

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
WORKSESSION
THURSDAY, DECEMBER 19, 2013
CHATHAM COUNTY LIBRARY MEETING ROOM
6:00 PM

Mayor Terry called the meeting to order and stated this is a special of the Board of Commissioners to discuss the Chatham Park with staff and the attorney. Mayor Terry called for a moment of silence.

PLEDGE OF ALLEGIANCE

Commissioner Farrell led the Pledge of Allegiance.

ATTENDANCE

Members present: Mayor Bill Terry, Mayor Pro Tem Pamela Baldwin, Commissioner Jay Farrell, Michael Fiocco, Bett Wilson Foley and Beth Turner.

Staff present: Manager Bryan Gruesbeck, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Engineer Fred Royal, Chief of Police Percy Crutchfield, Community Police Officer Troy Roberson and Planner Paul Horne.

Mayor Terry said this is a worksession between the Town Board, Staff and the Town Attorney. There will not be an opportunity for citizen's comments at the beginning of the meeting. So they will go right into a staff briefing from Manager Gruesbeck and selected staff.

Manager Gruesbeck stated Stuart Bass, Town Planner regrets that he could not be here tonight because of some family health problems. Manager Gruesbeck said in his absence he wanted to say we appreciate all the work he has put into this (along with others).

Manager Gruesbeck said the purpose of the meeting tonight is to allow for Staff, Town Attorney and Board of Commissioner to discuss the proposed Revised Chatham Park Planned Development District Master Plan. The outcome for tonight would be a better understanding of the document for the Board of Commissioners.

Manager Gruesbeck stated he wanted to go over where we started on October 1, 2013 when we sent a number of comments to the applicants and they submitted a revision on October 21. He said the document before the board tonight and that is available on line is the November 21, 2013 Revision. Manager Gruesbeck went over the following timeline below.



Chatham Park Planned Development District Master Plan Workshop

12/19/13

Timeline to Date:

May 3, 2013	Application Received
May 6, 2013	PDD Application to Planning Board
May 13, 2013	PDD Application to Town Board of Commissioners
May 20, 2013	Staff Meeting to Discuss Application
June 3, 2013	Planning Board Mtg referred to Town Board Commissioners for public hearing.
June 24, 2013	Public Hearing – Town Board of Commissioners
July 1, 2013	Planning Board Meeting, Recommended Approval
July 22, 2013	Public Hearing – Town Board of Commissioners
Aug 12, 2013	Presentation to Board at Regular Meeting by Chatham Park Investors, LLC
Aug 24, 2013	Workshop
Oct 1, 2013	Staff Comments directed to Chatham Park Investors, LLC
Oct 21, 2013	Revised PDD submitted to Town of Pittsboro by Chatham Park Investors, LLC
Nov 6, 2013	Staff Memo to Board of Commissioners
Nov 21, 2013	PDD Revisions submitted to
Nov 25, 2013	Town Board of Commissioners vote to “Table” the PDD

Manager Gruesbeck asked Mr. Royal if he had comments on “Provide 100’ and 50’ buffers on all perennial and intermittent streams”. Mr. Royal said it has been asked how the Town is going to determine whether it is an intermittent or perennial stream. Mr. Royal said the origin is the key piece to that. The stream origin where it changes from ephemeral to intermittent to perennial or no stream at all.

Mr. Royal stated he has been in the field with their environmental consultant and walked all over the place. They have come up with a recommended plan to determine and verify at what point the streams have to be surveyed. They would have to be surveyed upon a developmental plan submittal. And the town reserves the right to review all the stream types in the field using the State’s stream methodology, which he is certified to do. To verify all the streams are either intermittent or perennial and the location of the origin before the survey occurs, so we are all in agreement where the buffers are.

Mr. Royal said he believes it is clear that Fish & Wildlife Service has documentation of the Cape Fear Shrines in this instance. That is something we need to discuss further and make some decision on that.

Commissioner Fiocco stated the methodology you just described for determining stream origins and classification, is that different than what the ordinance presently requires? Because at present if it is on USGS or soil maps there is the opportunity to have a field determination. Mr. Royal said correct.

Commissioner Fiocco said are we saying we are proposing to do something different for the Master Plan. Mr. Royal said yes. Commissioner Fiocco asked what that difference was. Mr. Royal said the difference in his mind is they have already mapped the majority of the streams on the entire property. The Corps of Engineers has issued jurisdiction determination to those streams. So what they have presented is a preliminary map that has not been approved but he looked at it from a field research case. All the streams have been identified as either perennial or intermittent by either the Army Corps of Engineers or DWQ depending on which stream it is. So we would not be just verifying anything on the quad or soil survey. We would be doing it based on the Master Plan showing where the streams are.

Mr. Royal said based on that then the small area plans would come in. It would show streams based on that map and then the town reserves the right to verify using the DWQ method.

Commissioner Fiocco said so the jurisdictional determination is typically for five years. Mr. Royal said yes. Commissioner Fiocco said so are we suggesting now that these jurisdictional determinations are the law in perpetually, that there is no expiration date.

Mr. Royal stated there is the State jurisdictional determination which is one thing and then it would be the towns. Our propose is only for buffer width. State and Feds handle streams. He said the buffer width would be in perpetually but the impact would be a jurisdictional determination issue.

Commissioner Fiocco said but the jurisdictional determination on a stream is the mechanism by which is established the classification of that stream and it's point of origin. And those tend to change with time. So in a drought the streams would not be classified as perennial. But five years later in a much weathered season that perennial stream might stretch much further. Mr. Royal said correct.

Commissioner Fiocco said so we would be locking in determinations made as of 2013 for the duration of the development of these 7,000 acres. Mr. Royal said he wouldn't say that. He would recommend that we lock in what is reviewed and approved on a site permit scale. And that anything down the line is subject to change.

Mr. Royal said it is all about timing and when the site plan comes in. Then we look at it. Commissioner Fiocco said that is what he's trying to point out. That is our system today. When you come in with a site plan, you look at this map and you look at that map and it gives you an indication but the town always has the opportunity to go in the field and make the determination the day prior to the site plan.

Mr. Royal said that is what we are recommending. Commissioner Fiocco said so we are basically doing what is already in our ordinances. He thinks that is the only way to do it.

Commissioner Fiocco said he wanted to point out on October 1, 2013 staff's comments the idea of the buffer width for the areas listed with listed aquatic species. It is actually 150 for perennial and 100 for intermittent which were their comments.



Chatham Park Planned Development District Master Plan Workshop
12/19/13

October 1 - Staff Comments	October 21 - PDD Revision	November 21 - PDD Revision
Provide a vision statement for Chatham Park	Added, page 2	-
Provide a vision statement for Activity Centers	Added in Section II, page 9	-
Provide uses permitted, boundary and method to determine boundary for Activity Centers	Added, mostly in Section II	-
Include Small Area Plans	Added as Section IX	Eliminated requirement that the Town provide info to applicant related to anticipated needs and services.
Provide 100' and 50' buffers on all perennial and intermittent streams.	Included in Maps	-
Provide 150' and 50' buffers when watersheds contain fed-listed aquatic species	Not Included	-
Provide a 250' buffer from the Haw River	Added in Maps and Section I, page 7.	-
Provide a 500' Perimeter Transition Treatment	Language added in Section II, page 10	-
Maps: Update Parcel ID per recent annexations.	Added	-
Maps: Topography - Data Source? Add 10' contours Delete "wetlands" note	Revised, as suggested	-
Maps: Slopes – Note source of data; distinguish between perennial and intermittent streams.	Revised, as suggested	-
Maps: Stream Buffer – Update to indicate 100' buffers on perennial streams on USDA NRCS soil survey	Not modified	-
Maps: Sewer – Add streams and topo	Revised, as suggested	-



Chatham Park Planned Development District Master Plan Workshop
12/19/13

October 1 - Staff Comments	October 21 - PDD Revision	November 21 - PDD Revision
Maps: Potable and Reclaimed Water – Add topo	Added	-
GIS & Composite Map	Not Added	-
Include "Public Facilities" in exemption from project total Non-Residential Gross Square Footage allocation	Added in Section II, page 9	-
Reserve Built Upon Area allocation for "Public Facilities"	Added	-
Include Built Upon Area as a metric for tracking and reporting	Added	-
Update Table of Permitted Uses to provide headings on all pages and color code the sections to match the Land Use Plan map	Added	-
50% of Dwelling Units shall be located within ¼ mile of an Activity Center	Added – 35% of Dwelling Units within ¼ mile of an Activity Center	-
Each Activity Center shall contain public greens/commons..10 acres	Added – 2 acres	-
Storm Water Management Plan: Add 2/5/10-year storm events	Added in Section III, page 18	-
Provide typical cross sections for all road typologies	Reference to NCDOT Complete Streets Planning and Design Guidelines cross-sections, Section V, page 26	-



Chatham Park Planned Development District Master Plan Workshop
12/19/13

October 1 - Staff Comments	October 21 - PDD Revision	November 21 - PDD Revision
Greenways=transportation and shall not count toward recreation space.	Added – but greenways will count toward recreation space if part of a public recreation site	-
Parks, Rec & Open Space = 2,000 acres; 1/25 Acre per Dwelling Unit; 80% of the required Parks and Rec space or 700 acres (whichever greater) dedicated to the Town	Added – but Parks and Rec calculated at 1/33 rd acre per Dwelling Unit. Open space = 1/100 per Dwelling Unit. In addition, 1/20 th acre shall be provided for each 1,000 gross square feet of non-residential space.	-
Open space shall include a minimum of 560 acres composed of SNHA's. An additional 560 acres of open space is to be determined.	Partially agreed to include SNHA's in Small Area Plans.	
Private recreation facilities can not be used to satisfy payment in-lieu requirements	Agreed – but may be applied to Parks, Rec and Open Space land area requirements.	-
Amend language to allow building setbacks lower than ordinance if approved by the BoC	Amended – but doesn't allow BoC review. Section VII, page 33.	-
Additional Elements: Add Phasing Plan, Affordable Housing Plan, Master Public Facilities Plan (allowing for Town Adm, Police, Fire, Schools, Parks and Rec, Water/Sewer, Transit, Open Space, Stormwater, Public Art	Added – Section VIII, page 35, but the applicant could build the project and not be subject to the Additional Elements until they are approved.	Additional elements must be approved by Town within two (2) years of approval of the Master Plan. Build-out restriction apply until then (see below)
Development Agreement required within two (2) years	Applicant did not agree	Added – Section 10, page 41
Development applications not accepted if Additional Elements are not approved by the Town	Applicant did not agree	Added – Section 10, page 41

Commissioner Foley said there is no specification for protected natural area. Manager Gruesbeck said he thinks we are looking at protected natural areas as a part of this.

Mr. Royal stated he does not think this formula specifies natural areas. That is a discussion point because they do mention it in small area plans. It's a point of clarification.



Chatham Park Planned Development District Master Plan Workshop
12/19/13

October 1 - Staff Comments	October 21 - PDD Revision	November 21 - PDD Revision
Development applications not accepted for greater than 1% residential and 5% commercial density without Development Agreement and Additional elements.	Applicant did not agree	Added – 5% residential units, 15% non-residential square footage.
-	-	Annexation required before/concurrent with submittal of subdivision/site plan. Section X, page 41.
-	-	Applicant to assist the Town with costs associated with development. Section X, page 41.
-	-	Applicant to establish Development Review Committee to act as point of contact for Town for development applications. Section X, page 41.
-	-	Development will be served by Town utilities unless agreed otherwise by Town and Development Review Committee. Section X, page 41.
-	-	When utilities do not exist, applicant must provide a plan, method of proportionate financing. Section X, page 41.



Chatham Park Planned Development
District Master Plan Workshop

12/19/13

Next Steps?

- Board directed Request for Proposals. Currently underway. Will make a recommendation for a consultant in January.
- Approve?
- Deny?

Mayor Terry said that concludes the staff presentation and asked the board if they had any questions.

Commissioner Baldwin said in the section where you were talking about setbacks. Where it said they would not allow BOC review she doesn't like that idea. She feels the BOC should have the opportunity to review that. Manager Gruesbeck said he thinks that may be the nature of the PDD

where you have some flexibility. But the town would still have the opportunity to review each site plan.

Commissioner Fiocco said the Master Plan requires all applications for site plans or subdivision as a part of the Master Plan to submit site plans and subdivision plans for town approval. Presently the process is that the town board sees all site plans and subdivision plans and has approval on them. Which formally was there shall be zero setbacks.

Commissioner Fiocco said they changed it to “may” so in fact the board could review and if it felt so that a zero setback was inappropriate at a certain location for the board to deny approval. So it has gone from a mandatory shall to a permissive may. But at the end of the day the board is always charged with approving or denying all site plan and subdivisions. In fact the Master Plan says that all projects will submit for site plan approval and our ordinances today doesn’t require all site plans to come before this board. Some stay at a staff level.

Mayor Terry passed out the prepared questions he had to ask as follows:

1. Where in the CP Master Plan are “development standards to mitigate, if necessary, the impacts of each such use, especially with regard to property adjacent to the PPD?” (For uses requiring a SUP.)

Commissioner Fiocco said if that use is proposed within the Master Plan within 500 ft. of the perimeter of the Master Plan then that use must show how it is going to mitigate the impacts of that use on the adjoining property. And in fact would be the only uses that would require a public hearing for the Master Plan. So anything close to the edge within 500 ft. will have to document how it is going to mitigate the impacts. So it will be at the time of plan review. Manager Gruesbeck said page 10 section 2 addresses that.

2. Why was no upper bound included in the PDD Zoning Ordinance? Was it discussed?

Attorney Messick said he doesn’t think it was discussed.

3. 5.8.5 requires the Master Plan to show proposed facilities in the Town’s CIP; however, the new 3.22 MGD WWTP and associated transmission lines are not shown. **Why was this omitted?**

Manager Gruesbeck said he is not sure if we knew we would be able to finance the 3.22 mgd plant.

Mayor Terry said from his point we have an approved EIS & NPDES permit with a map to show where those facilities would be. It seems that would be easy to put it in this Master Plan.

Philip Culpepper said it isn’t referenced specifically in the plan. They show how one might service the PDD but references the towns system will be utilized were possible.

4. 5.8.8 (b) Perimeter Boundary Transitions implies that the parcels within a PDD are contiguous (within a perimeter). Why does the Master Plan show some isolated parcels outside of the primary PDD perimeter. (**Definition: A perimeter is the boundary of a closed plane figure**). We need to modify the PPD zoning language to make it clear that parcels in a PDD must be contiguous.

Attorney Messick said the Master Plan is made up of many parcels but they are all contiguous. Planner Horne said although this section looks like a satellite. The developer has a corridor through here that connects their property. Mayor Terry said back to the question what is the intent. Manager Gruesbeck said that it be contiguous. Mayor Terry said he would like for that language in the PDD ordinance to be amended to be clear that a PDD should consist of parcels that are contiguous to each other.

5. “5.8.8 (c) No buffers or transitions are required between land uses within the PDD.” **Why Not? Why is one standard to be applied to this part of the Town and another standard to the existing Town?**

6. **Page 16, CPMP.** The Master Plan states that the Town will expand the water plant as Chatham Park grows and fund that expansion by accumulating capital recovery fees from new growth. This seems somewhat optimistic for a utility that is now losing \$500,000 per year. If this is going to be our plan, then we need to do a detailed study of our access and capital recovery fees to make sure that they are set at levels sufficient to fund the anticipated capital projects. It seems to me that by approval of the Master Plan, we are agreeing to this strategy before we fully understand the feasibility of the strategy. Needs more work.

Manager Gruesbeck said he agrees we need to continue to look at our finances and recovery fees as a part of this project. We do provide a mechanism within the plan that requires the applicant to provide for a plan to provide utilities. He doesn't think it is anyone's intention to continue to operate at a loss.

Commissioner Farrell asked do we not have ample water coming from the Haw River at this time. Manager Gruesbeck said we can actually increase capacity and go up to 2 mgd.

Attorney Messick that the November 21, 2013 revisions to the plan particularly Section X page 42 that states when utilities do not exist, applicant must provide a plan, method of proportionate financing. It clearly lays the responsibility on the developer to come up with a plan to do that and the plan must be approved by the town.

7. **Page 17, CPMP.** “At this time, the Town does not have any water, reuse water, or sewer infrastructure projects that are funded and in design or construction that would provide service to Chatham Park or otherwise need to be incorporated into the planning or development of these utility systems.” **Not so. We have a permit to build a 3.22 MGD WWTP. That needs to be incorporated into this Master Plan.**

Manager Gruesbeck referred to page 14. Manager Terry said he don't see why it can't be shown on map.

8. Sewer Map and Reclaimed Water Map. There is not sufficient information in this master plan to comment on the feasibility of the proposed “decentralized sewer collection and treatment system.” I am concerned that the Town and the developer may be at cross purposes here with respect to the life-cycle cost of operating such a system. I can see how this decentralized system may be less expensive for initial construction; however, the cost of staffing, operating and maintaining five separate small sewer plants over the life of the system needs to be considered here. The Town also needs to be sensitive to the fact that this plan does **absolutely nothing** to address the problems of our obsolete and deteriorating 50-year old .75 MGD WWTP. We are spending an inordinate amount of time on the top priorities of Preston Development and embarrassingly little time on the top priorities of the Town of Pittsboro. Questions:

- (1) Can and will Preston Development provide the technical details of their proposed wastewater system plans to the Town so that they can be analyzed by an independent engineering consultant?
- (2) What, if anything, is Preston Development prepared to do to support the Town with respect to completion of the permitted 3.22 MGD WWTP. **Note: If the Town should elect to approve the proposed CP Master Plan, the approval documents should clearly stipulate that the Town is under no obligation to connect the Chatham Park Sewer system to the Pittsboro sewer system and under no obligation to take over the ownership and operation of the Chatham Park sewer system.**

Attorney Messick said he thinks that is covered in the November 21, 2013 revision to the plan. It is up to the town to accept their plans. Mayor Terry said he would like to see the technical details so that staff can go over it.

Commissioner Fiocco said that process would happen and it’s a question of when does it happen. He stated he is comfortable with it happening after rezoning.

Philip Culpepper said he thinks Commissioner Fiocco summed it up very well. He said they are required to show the methodology by which they will provide public services to the entire project. They show one way that can be done that depends heavily on the use of re-use water which the decentralized systems are more effective in reuse water systems. They had looked at previously with you and the town of a reuse water system in the area of 64 and 64 Bypass. It was extremely expensive for movement of all that reuse water back to the sewer treatment plant. So their consultant engineers looked at how they could service the property and suggested the decentralized systems in combination with the town’s existing system. But do they have the detailed design for that system. No sir, they don’t at this time but they will at the time they request and need those utilities in place. It would be the best system they could bring forward at that time.

Commissioner Baldwin asked what would be the possibility of building one large sewer plant instead of the five small ones.

Tim Baldwin, McKim & Creed said the answer is it can be done. Nothing is impossible. There are two things that factor in with a centralized plant. Scaling is an issue and committing yourself

prematurely to any given technology is potentially an issue as we go forward. Things have changed drastically and are changing rapidly and stranding a lot of capital on an oversized single centralized plant can be potentially not totally cost effective. He said committing yourself to existing longer term technology also favor centralized phase solutions.

Mr. Culpepper said the approval of this Master Plan does not say that you approve five small plants. It says they designed a system to service the property that would work. From this point forward they would be working closely with the town to come up with what the best system that is acceptable to the town that used a combination of their technology. They are proposing centralized and decentralized. You still have a lot of territory out there that is going to be dependent on that centralized plant this is uphill from it.

9. Page 33, CPMP. VVI (1) 3. “5.22. Where allowed in the Chatham Park PDD, the uses shall comply with this section unless contrary to the intent of the PDD Master Plan for Chatham Park.” This is ambiguous and unenforceable. Why not just say that 5.22 does not apply, which is the actual affect.

10. If this application for rezoning is approved and the Town begins to receive site plans for review and approval, the Planning Board and staff will be asked to render an opinion with respect to whether or not the proposed site plan is consistent with the approved CP Master Plan. What will be the basis of the Planning Board and staff opinions regarding the following plans that are not due for completion until two years from approval of the rezoning:

- a. Tree Protection
- b. Signage
- c. Parking and Loading
- d. Lighting
- e. Landscaping
- f. Phasing
- g. Affordable Housing
- h. Public Facilities
- i. Transit
- j. Open Space
- k. Stormwater
- l. Public Art

Mayor Terry stated this question is partly answered.

Mr. Culpepper stated the ordinances in effect today would apply (until they have submitted and been approved by the town). For example until they have prepared and gotten approved a Master Sign Plan the towns current ordinance applies to Chatham Park until such time they bring a Master Sign Ordinance Plan to you and you approve it. The same is with parking.

Mr. Culpepper said the ones after the first five were ones they were asked to add. They are plans the town doesn't currently have. So they will be presenting them and trying to get them in place as quickly as they possibly could. When they bring all of these in they will propose that become part of the town's UDO.

Commissioner Foley said she is a little uncomfortable with the ordinances coming from Chatham Park instead of town staff. She knows in the end the town will approve it but it seems it should come from the town first.

Manager Gruesbeck said it is his intention that we have collaboration with them. Commissioner Foley said it seems to her Chatham Park should respect local culture and no one knows the culture better than people who live here. It seems the public should be involved in this like affordable housing and public art.

Mr. Culpepper said like he said the first five they would like to make revisions to change the ordinances. The second set is plans for Chatham Park and they will submit them to the town working with the staff and the community. They will be doing the plans for Chatham Park and whether the Town decides to make it, or something similar to it, a part of the UDO that is up to you.

Mr. Culpepper said they won't be coming in saying here is the art plan for the Town of Pittsboro. They would say here is the Art Plan that goes with Chatham Park and they hope you would use it to your advantage as an Art Plan for the Town.

Commissioner Foley asked about sustainability. Mr. Culpepper said they are working to bring a lighting plan to the town. Commissioner Foley said it would be nice to have that included in some of the language to make sure these things happen.

Mr. Royal said he agrees that the town should be involved in writing these documents plans so that the public understands the town is going to be at the table in the beginning through the end. It will help the town out with the UDO process also.

Commissioner Farrell stated he didn't see anything about building height restrictions. Mr. Culpepper said they have proposed not to require height restrictions. When they present a site plan they would have to justify that and tell you how they fit it into the site. They would have to have the town's approval. But they are not proposing height restrictions at this time.

Commissioner Farrell said when Mr. Smith spoke at the meeting on November 25th he made a statement that Pittsboro Downtown was going to benefit from this. Could you elaborate a little bit about that? Mr. Smith said number one it would increase traffic which increase a lot of the services. One of the best examples around here he can show is the Town of Apex.

Mr. Smith said a lot of offices and incubator businesses will be down there. They intend to have a street presence there themselves having a Chatham Park office. He said they could also help with planning to help beautify/redesign downtown with everyone's help. They would use their resources to help with that.

Mr. Culpepper said the traffic he is talking about is not car traffic but pedestrian traffic. He said they are going to build a bridge to keep truck traffic out of downtown. Commissioner Farrell stated he has been trying to do that for two years. Mr. Culpepper said the bridge has to be built.

Commissioner Farrell asked in the open space calculation does that include off ramps or anything that is not impervious land.

Mr. Culpepper said it would be things under the ownership of the entity of Chatham Properties homeowners association so it would not be r-o-w. But it could be small pocket parks. He said here again they will offer that open space to you, they will offer park land to you. It has to be acceptable to the Town and meeting the qualifications.

Commissioner Foley said she would like, as thing move forward, that local people be offered jobs where possible. She wanted to know if he was willing to put something like that in the Master Plan.

Mr. Culpepper stated the way they plan to do this is to have a master file of local people who do all kinds of work. So that when someone comes in and say they want to develop here they can give them a list of the people who do concrete work, brick work, etc. They want to encourage using local people as much as they can. But there will be jobs where they have to go outside.

Commissioner Foley said she would like to see something stronger than we will give them a list.

Commissioner Foley said we need to be thinking about ways to improve communications that take place regarding Chatham Park. We need to come up with a plan where we are all well informed during this process.

Commissioner Foley said one of the things that is really important to her is that we have some protected areas within Chatham Park property. She really thinks it will benefit Chatham Park to have a substantial natural area. It would be a huge attraction to people (look at Duke Forest and Central Park in NY). They make the area so much more valuable. She would like to see a commitment on your part to protect some of the important pieces of natural area in this County, as a part of the plan.

Commissioner Foley asked what their thoughts are about gated communities.

Mr. Smith said they have not addressed that. They have had some developments that were gated.

Commissioner Turner asked when they anticipate bringing forth the plans. Mr. Culpepper said they have some areas where they will be requesting revisions to the ordinances. He said the development agreement is a very specific item. That will take its own path but it has to be done within the two year period. He said all the plans have to be done in this two year time period as well.

Mr. Culpepper urged the Town to move forward with the UDO as soon as possible.

Commissioner Baldwin said regarding the affordable housing plan. She wanted to reiterate that it is very important for the Town of Pittsboro and its residents that we have affordable housing within that area, if it is approved. She don't want to have a place where long time residents of Pittsboro can't afford to live.

Mayor Terry stated he had a couple more questions.

11. Page 41, CPMP, para.3. The proposed CP Master Plan would permit the approval of 5% of residential (1,100 RUs) and 15% of non-residential space to proceed before finalization of the Master Plan. This equates to about 330,000 gallons per day of water and sewer for the residential units alone and perhaps an equal amount from non-residential square footage. Given the current state of our water and sewer utility systems, how do we propose to satisfy that demand for water and sewer?

Mayor Terry said Attorney Messick answered this question earlier.

12. Page 41, CPMP, para. 5. This paragraph needs to be changed to include a provision recognizing that petitions for voluntary annexation will not be acted upon until such time as a comprehensive annexation cost/benefit analysis indicates that tax revenues generated from the annexation will exceed the cost of municipal services to be delivered to the area to be annexed. In some cases, this could be a delay measured in years until significant development is actually completed. In other words, the Town will not annex large tracts of unimproved forest lands.

Mayor Terry said he is not sure if we need to amend the language in there or how long we can hold a petition for annexation without acting upon it. Staff needs to work on that for clarification.

Commissioner Fiocco asked Attorney Messick if he could speak to the time limit that an annexation petition can be acted on or scheduled to be enacted. Attorney Messick said he don't understand why you would want to annex undeveloped land if it has no demand for services. To him it's a no brainer. If you didn't want to annex raw land then you could delay the annexation until some effective date. He thinks the language in the plan protects the town and allows the town to grow in an orderly and consistent basis.

Attorney Messick said if there are any services to be provided to the developer's property they are going to provide them. The streets, water and sewer and we will provide police and fire protection.

Attorney Messick said he don't think you can delay it unless there is a separate agreement as to when it is going to be effective. He doesn't exactly remember what the exact time is (maybe one year) but it would be in the new near future.

Commissioner Fiocco stated he heard recently that Durham has now established that annexations can be effective ten years out.

Attorney Messick said it is usually effective when the property is developed and that is what they are going to be asking for when they come in with subdivision/site plans.

Mayor Terry said there are costs associated with annexing forested land. We don't know how many miles of roads are out there. We don't know what conditions those roads are in. We don't know which are private or which are state roads or if the town will get maintenance responsibilities on them.

Attorney Messick said no sir there are still private and state maintained roads. They are not your road until you accept them. No one has offered them. They are going to build new roads.

Commissioner Farrell said we are not going to annex until there is something there to annex, correct. Attorney Messick said on day one there may not be anything there yet. It would be in anticipation of development.

Mr. Culpepper said they will put the petition before the town and the town will make the decision on the effective date.

Mayor Terry said a cost benefit analysis should be done before we commit to annexing forested land on day one. Attorney Messick said you don't have to say yes.

Commissioner Fiocco said in the Master Plan the idea of the small area plans which are to be developed prior to development beyond the threshold of 15% the development proposed for any particular area. There are 27 small areas in the plan. They have to do a financial analysis as a part of the small area plan.

13. Page 41, CPMP, para. 8. (See item 8 above.) This paragraph is not consistent with the utility infrastructure maps provide in the Master Plan. The maps and text of the Master Plan seem to say that Chatham Park plans to rely upon the Town for water and to build their own system for wastewater. We need to have a better understanding of what is proposed in this plan with respect to utility systems.

Manager Gruesbeck thanked everyone for coming tonight.

Commissioners received the following email prior to the meeting.

Commissioners Baldwin, Farrell, Fiocco, Foley, Turner, and Mayor Terry:

Included below and attached to this email, are suggested questions to ask the professional staff during your December 19 special work session on Chatham Park. These were developed by Pittsboro Matters utilizing extensive citizen input. Although the list is lengthy I encourage you to review the entire list. The questions are not as complete as they might be if citizens were provided an opportunity to participate in an open dialogue with Town commissioners and staff concerning Chatham Park Investors plan for Chatham Park.

The questions are divided into issue areas without prioritization. Many relate to the Chatham Park Investors Master Plan for Chatham Park, while others are questions citizens believe should be part of the investigatory process in considering and accepting a Master Plan of this scope. Citizens believe the questions should be answered in writing and a new set of maps addressing the issues submitted by Chatham Park Investors prior to any re-zoning or before a development contract is signed between the Town of Pittsboro and Chatham Park Investors.

It is our perspective that answers to these questions by the developer, professional town staff and soon-to-be-hired expert consultants will assist the Town of Pittsboro to better integrate Chatham Park Investors development into the character and needs of Pittsboro.

Finally, it would be helpful during this Dec. 19 meeting to hear an update on the staff development of the Request for Proposal regarding the hiring of independent outside consultants to help the town review the PDD process and revised master plan which would also include recommendations on how to involve citizens, the town board, town staff, stakeholder groups and Chatham Park Investors in re-thinking this proposed 55,000 population master planned community.

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MASTER PLAN, TAX, ZONING, ETC. ISSUES

1. Could the staff provide a review of the arguments received at the previous Chatham Park Work Session that resulted in their recommendation of hiring outside consultants to assist the town in evaluating the Chatham Park rezoning request and Master Plan?
2. Could the staff discuss whether anything has changed substantially to impact their initial request?
3. What will be the implication for taxes paid by citizens of Pittsboro (not with any intention to not include county citizens) in years after construction begins – 5 yrs., 10 yrs., 15 yrs.? Will taxes increase? After all a community like Chapel Hill with more people and businesses, requires more services to be provided and has higher taxes than Pittsboro.
4. Also, taxes from the ETJ go to the county. If annexation is to occur, what and when is the plan in order for the Town of Pittsboro to benefit from taxes receipts?
5. If annexation is delayed, how will funding for town services be raised?
6. Although the PDD Ordinance allows under 5.8.6 Multi-modal Transportation Plan for no traffic impact analysis to be required. Will Chatham Park Investors, because of the expectation to deliver an exceptional designed project as specified under 5.1 of the ordinance still provide the town of Pittsboro with a traffic impact analysis and if so will the Town be able to receive this prior to a zoning determination?
7. In the PDD Ordinance 5.2.2 Note 11 it states – “*The identified quantities for both residential and non-residential uses may be moved between or within areas ...*” Does

this mean that research and development or mixed use or institutional buildings can in the future be placed in what is now shown as residential by a determination of Chatham Park Investors?

8. PDD ordinance 5.8.8 (b) states that the Master Plan shall address transitions between land uses along the perimeter boundary of the PDD and dissimilar land uses. Has this been completed?
9. The PDD approved April 8, 2013 requires the Master Plan to include a phasing plan, an affordable housing plan, a public facilities plan, a transit plan, an open space plan, a master storm water manual, and a master public art plan plus buffer plan showing transition treatments between the proposed PDD and adjacent properties, and land development standards/regulations. Why should this not be considered prior to rezoning? Especially, since if the town does not approve these completed at a later date, there is no assured way to make changes that the town may want to happen?
10. The Land Use Elements section of the Master Plan assigns four distinct types of Residential zones - "Residential East", "Residential", "Residential Parkway", "Residential Mixed Use" - but offers no definition or attributes that could clarify or distinguish between them. Will clarification prior to rezoning approval occur?
11. Can you name 3 other large developments of similar impact upon a community that would allow a 2 year from date of approval for owners/developers to submit a plan for project phasing, affordable housing, public facilities, transit, storm-water, open space, and art?
12. Can you name 3 other large developments of similar impact upon a community that would allow approval of zoning prior to confirming available water resources for the development and storm-water and wastewater discharge compliance?
13. Will Chatham Park Investors provide a Marketing study?
14. Will Chatham Park Investors Project financial analysis?
15. Will Chatham Park Investors Economic and business development and recruitment strategic plan and analysis?
16. Will Chatham Park Investors prohibit gated residential communities?
17. Why are residential areas to have no height limits on buildings and no set-backs? How will this enable the character of Pittsboro to be maintained?
18. Why should mixed use portions of the development have no height limits on buildings. Should not this issue be determined following public input?
19. What happens if the developer ceases to exist or perform, and concerns are not clearly spelled out prior to rezoning approval?
20. What happens if the developer does not live up to final details of proposal and amendments?
21. Will the town insist on a substantial, non-recoverable bond that would be paid to the town by Chatham Park Investors, on or prior to rezoning approval, to ensure the Master Plan requirements are provided as agreed?
22. When will outlying area residents and public interest groups be able to participate in implementing an intensive citizen review of the Chatham Park Master Plan, in order to reflect widespread citizen preferences, and will there be an ongoing citizen review process that incorporates citizen preferences in all subsequent specific site plans, regulations and plan implementation activities?

WATER ISSUES

1. Chatham County experience seasonal periods of drought. How has the Master Plan and the town taken this into account?
2. What will the water source be when our region experiences another severe drought?
3. Why has the plan not adopted recommendations of Triangle Land Conservancy's report for protecting Haw River and feeder creeks and streams?
4. Will Chatham Park Investors incorporate key recommendations of the Southwest Shore Conservation Assessment and design the development as a conservation oriented development?
5. The Chatham Park Master Plan maps show only USGS designated streams. It is well-known within the scientific community, however, that USGS topo maps inadequately map the locations and extent of streams.

Will Chatham Park ...

- a. map all field delineated ephemeral, intermittent and perennial streams,
 - b. submit the subsequent maps for independent review
 - c. utilize storm water and erosion/sedimentation controls sufficient to control runoff from a 25 year storm event rather than the minimum state requirement of a one inch, one year storm?
 - d. utilize Chatham County stream buffer requirements and provide at least 30' buffers for field delineated ephemeral streams, 50' buffers for intermittent streams, wetlands and linear wetlands and 100' buffers for perennial streams with all buffers measured from top-of-bank and measured horizontally – not along the ground surface?
 - e. create adequate protections for natural stream flows so as to maintain the natural hydrographs of receiving streams & thereby ensure (a) adequate ground water recharge, (b) prevention of stream bank erosion & (c) sedimentation of surface waters - especially the Haw River and Jordan Lake?
 - f. identify the type of wastewater systems that will be, or probably will be, utilized and provide assurances the systems will not degrade the water quality of receiving streams and Jordan Lake?
6. Will Chatham Park be required to recalculate 20% and 25% steep slopes so as to more accurately reflect the existing topography?
 7. Will Chatham Park be required to create a landscape-based storm water and effluent management system to better facilitate groundwater recharge, protection of surface waters and conservation of protected habitats?
 8. Will Chatham Park be required to develop methods of conserving listed and rare species and their habitats plus Natural Heritage Program Significant Natural Areas?

AFFORDABLE LIVING - HOUSING ISSUES

1. What is a standard % of affordable units for development of this size?

2. Will Chatham Park Investors create legally binding commitments assuring an adequate number of affordable housing units , including rental units?
3. Will folks who work in the kinds of retail/service business the developers hope to attract be able to afford to live in the “affordable” housing within Chatham Park?
4. Will there be energy certification requirements to keep homes affordable over time?
5. Will there be real mobility with the steep slopes? (i.e. Southern Village walkability not working)
6. Will recruited businesses be required to provide living wages to their employees?
7. Active living by design guidelines incorporate exercise options, healthcare centers, pharmacy, etc. within walking distance of housing. Will this be written into the MP plan?
8. What will be the impact of Chatham Park on neighbor’s property values? Will (raising or lowering values) that force them out of their homes?
9. Will there be bike, pedestrian and transit facilities conveniently and safely accessible to affordable homes?

TRAFFIC ISSUES

1. Will all new roads include bike and pedestrian facilities that reflect current best practices?
2. Will improvements to nearby Chatham County roads affected by CP include bike, pedestrian facilities, including wide shoulders, clear separated bike lanes, lower speed limits, etc.? Has cost of these impacts been considered and where will funds for this work come from?
3. Will transit link Chatham Park residents to Pittsboro downtown businesses, town / county offices, library, etc.?
4. What future consideration in the Master Plan design and funding determinations were given to light rail? To buses?
5. How will Chatham Park impact traffic along Hwy 64 and 15-501? Will additional lanes (or bridge reworking) be required in the later years of Chatham Park construction. Considering the status of state road funds, should not there be a plan to analyze this potential concern?

LOCAL BUSINESS & FARM ISSUES

1. Will local builders, subcontractors, and suppliers benefit from CP? Is so, what is the plan for implementation?
2. Will Chatham Park Investors provide specific assurances in its Master Plan and development agreements with the town that either incentives will be provided or (a) an agreed upon number or percentage of qualified local residents will be hired in a variety of blue collar, white collar and professional jobs and (b) living wages will be paid for all jobs regardless of whether the positions are filled by Chatham Park or contracted through 3rd parties?
3. Will Chatham Park investors create a Master Plan & other agreements assuring (a) Pittsboro area businesses will benefit from Chatham Park through contracts for services including, but not limited to, grading, surveying, landscaping & construction services,

- (b) CP will source supplies locally where possible, (c) locally owned businesses will be given first priority in terms of locating in the commercial areas of CP, (d) CP will cooperate with the Pittsboro Board of Commissioners, local businesses & non-profits in efforts to revitalize and enhance downtown Pittsboro and (d) will work to ensure downtown Pittsboro will not become a “ghost town” similar to downtown Siler City?
4. Will Chatham Park Investors provide a strategy for minimizing displacement of long-time residents and local businesses?
 5. Will Chatham Park Investors provide a provision for working, urban and community farming and gardening?

PARKS, RECREATION & OPEN SPACE

1. The October 1 developer comments to the town provides for a minimum of 2, 000 acres and a 1/25 DU/ open space ratio. However, the October 21 revised master plan makes no such assertion. Instead, it breaks up the open space, parks and recreation allocations in a manner that is confusing to say the least. Here, the open space/DU ratio is stated as 1/31. What is actually in the plan? Will the maps be revised before further review?
2. The Parks and Conservation area map and the Parkways space in the Land Use Table - the total amount of open space equals 671 acres. No linear acreage is defined for the greenways in the map which could add to the total but by how much. This is also difficult to determine. Can this be made clear and concise?
3. Can there be a revised land use and parks and conservation map indicating the location and extent of open green space?
4. Will Chatham Park Investors create a master plan that preserves the beautiful agrarian views as one approaches Pittsboro (a) traveling south along US15/501 and (b) especially traveling west along U.S. Highway 64?

SUSTAINABILITY AND GREEN BUILDING ISSUES

1. Although Chatham Park investors have mentioned more than once that the buildings in Chatham Park will be certified to green standards, they have not written this into the master plan. Why not?
2. Will Chatham Park Investors provide a written minimum percentage in the Master Plan of commercial / institutional buildings and residential dwelling units that will be certified green to Platinum, Gold, Silver, and Certified levels?
3. Will Chatham Park Investors have all structures built to Energy Star standards as they have stated? If so, this is not to date written in the Master Plan.
4. Will Chatham Park Investors have all dwelling units built to particular HERS ratings? If yes then to what level would the minimum be? This is not to date written in the Master Plan.
5. For items 1-4 above for an exemplary development one might expect that the percentages built to specified certified levels would be reviewed and increased every 5 years or so. Is this included in the Master Plan?
6. Although Chatham Park investors have mentioned more than once that the development will be built with sustainability in mind, there is no mention of using a sustainable

development framework such as LEED ND as criteria to design Chatham Park. Do you not think this should be included in the Master Plan?

7. What are the specific design specifications proposed by Chatham Park Investors for water, storm-water, wastewater, buildings, transportation, energy use, affordable housing, walkability, etc., that enable Chatham Park Investors to claim that the development will be green and sustainable?
8. From what source in the MP did the definition of having 35% of the residential homes within $\frac{3}{4}$ mile of an activity center a walk-able community? According to the USGC LEED ND a 21st century framework for development the distance for a walk-able community is $\frac{1}{4}$ mile.
9. Will Chatham Park Investors develop a master plan that incorporates “best practices” for (a) strategic carbon reduction, (b) climate change mitigation, and (c) methods of monitoring progress toward a carbon-neutral community as is highlighted in the document Local Climate Action Planning?

PERIMETER BOUNDARY TRANSITION ISSUES

1. Given the difficulty of satisfactorily containing erosion, sedimentation and storm water run-off on land with either 15% or greater slope or Hydrological Soil groups C/D, will the town institute more stringent set-backs and regulations where these conditions exist on the perimeter?
2. The PDD Master Plan document states the impact of transitions between land use in the PDD and dissimilar land use on properties adjoining the perimeter boundary, will be mitigated by establishing a reasonable distance between land uses. There is, however, no description of what constitutes “dissimilar land use” nor what would be considered a reasonable distance. For example, medium density housing and minimum 10 acre lot housing are both residential in nature yet there is a dramatic difference between them. Who is responsible for defining both “dissimilar use and “reasonable distance” and why is there is no specificity?
3. Three buffering methods are defined in the plan document: a) avoidance of dissimilar land use b) mitigation by reasonable distance c) maintain or plant vegetation. Will details of measures/regulations that will protect neighboring residents from noise and/or light pollution or the physical security of residents or their property on the perimeters?

ADJOURNMENT

Motion made by Commissioner Farrell seconded by Commissioner Fiocco to adjourn at 8:20 p.m.

Vote Aye-5 Nay-0

Mayor Terry wished every a Merry Christmas!

William G. Terry, Mayor

ATTEST:

Alice F. Lloyd, CMC, NCCMC
Town Clerk