

**MINUTES
TOWN OF PITTSBORO
PLANNING BOARD MEETING
Monday, July 1, 2013, 7:00 PM**

ATTENDANCE

Members Present: Kenneth Hoyle, Raeford Bland, Alfreda Alston, John Clifford,
Rob Butler {Alternate}, Bob McConnaughey {Alternate}

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

A. CALL TO ORDER

Chairman Clifford called the meeting to order at 7:00 pm

B. APPROVAL OF MINUTES

Mr. Hoyle made motion to approve the Minutes from May 6, 2013. Ms. Alston seconded.

C. OLD BUSINESS

- 1. Chatham Park Investors LLC
Chatham Park PDD Rezoning and Master Plan
*Action Recommended – Presentation and Discussion***

Mr. Bass stated that this is a proposal from Chatham Park LLC to rezone approximately 7,000 acres of land within the Town's Extraterritorial Planning Jurisdiction. The request is to apply the Planned Development District (PDD) to the property. In the packets distributed to the Board there is an insert of the ordinance which defines and goes into detail of this district. The Board is aware of the Public Hearing held last week which had a large turnout and the Town Board has also established a second Public Hearing on July 22nd either at the Community College or at the Courthouse if available.

Mr. Culpepper, consulting planner for Chatham Park Investors stated that he was not sure on what format the Planning Board wanted him to proceed with tonight. He did want to clarify a few points that have arisen. The Planning Board members have copies of some of letters he has received and feels compelled to respond to some of the items that are in those letters and if that leads into questions, the individuals that have worked on developing this Master Plan are here tonight. Points made were as follows.

- The application for the Planned Development District is complete. It covers all sections that are required by the Planned Development District. It was suggested in one letter that it failed to include a summary of gross density. The PDD requirement states that it must give the actual proposed dwelling units and the proposed square footage or the gross density. Much was made that the gross density was not there but in fact the ordinance does not require that the gross density be submitted. On that same letter it was suggested that the property is not contiguous. Although it is a narrow strip it is contiguous.
- It has also been suggested that Chatham Park has either claimed or had some expectation that they will be able to exempt themselves from Watershed Regulations. For the record we cannot, will not, and have not requested such. The Watershed Regulations are passed to the Town from the State, the Town has no authority to override the State's regulations and Chatham Park does not wish to nor will not attempt to override those regulations.
- Another suggestion is on transitions to adjacent properties. Chatham Park LLC has suggested that there are three ways they believe are better than what the Town's standards are for transitional buffers. Chatham Park feels that it is use dependent at the time of site plan or subdivision approval and that those standards would include separation, buffering, and first and foremost not having dissimilar land uses beside the adjacent properties. We are proposing that all three are available to properly address the adjacent properties and how their development would impact those.
- On one of the letters quoted a portion of a sentence of the Ordinance. It said, "The Board of Commissioners is not required to take final action on proposed amendment within any specific period of time" the second part of the sentence which was left out states "But it should proceed as expeditiously as practicable on a petition for amendments since ordinance delays can result in petitioner incurring unnecessary cost". They understand that the Board has to take time to review this but they have taken the time to work with the Board for some time now. The letter also seems to imply that Chatham Park Investors should not be given any consideration for the application to be handled in a timely manner. In fact that statement in the Zoning Ordinance is a promise to everyone that applies to the Town for rezoning case.
- The major item that was heard discussed at the Public Hearing had to do with impervious Surface. The Town has impervious surface in certain areas that go up to 100%. There are areas in Town that are entirely 100%. Chatham Park has used terminology of 70% impervious surface, the more appropriate terminology since looking back at how the Town words' it in their ordinance is that it should be 70% built upon area. Built upon area based on the Town's definition not only includes buildings but pavements, gravel roads and recreational facilities such as tennis courts and even goes further and includes wooden slab decks. The difference is that in the Town's ordinance there is a standard that calls for 40 % in some areas on a lot by lot basis and actually all the permitted impervious surface exceeds the low density 24% of 36% with swale, the lowest one on a RA zone is 40%. Chatham Park will have some areas that will have high impervious surface and some that will have low impervious surface. They have suggested that the number to be

used is built upon area which brings in the entire impervious surface within the project not just what is on the lot.

One of the reasons this is important deals with another item that was brought up and that is a bumper or stream buffer which is preferred under a single management such as a property association. When it is dealt on a lot by lot basis it discourages the placement of the stream buffers in a Management Association because it separates it from the lot, when it is done on a project wide basis it encourages the placement of open space buffers into a common ownership. The standard within the Town with a high density option which has never been turned down by a request is 70%, Chatham Park LLC believes that 70 % built upon area is a higher standard and when they apply the performance standards for storm water they will be exceeding the requirements that the Town currently has.

Mr. McConnaughey stated that he has done some research into this and Pittsboro is a small town, and he believes that 70% is a large area compared to other urban cities, such a New York which has 61%, Nashville at 17.7%, Detroit at 50% and Los Angeles at 61%.

Mr. Culpepper then asked if he was aware that Chatham Park will only be 25% of Pittsboro's Jurisdiction. They want the possibility to have denser developments because it is more efficient and creates a more effective job in handling storm water and utilities. Much of the Town's jurisdiction is identified to be low density residential; they are asking that they be the part that is not. He stated that the storm water that runs off the site under the current regulations can run off no faster than it would if it was in its natural state and the quality of the storm water in the performance standards they would apply is better even though there is impervious surface. They have placed a standard that is above what the Town requires and introduced Hunter Freeman, a storm water engineer with Withers & Ravenel in Cary to give a more detailed explanation.

Mr. Freeman stated that what Mr. Culpepper stated is correct. In reference of the one inch runoff in question the way the calculations are run that is essentially instantaneous volume that happens. The storm water measures would be controlled so that was hitting instantaneously not necessarily over a 24 hour period. That is how the current State guidance is worded. The State is looking at options to allow for some sizing of those devices based on infiltration that happens during a storm event and looking at different durations of that, for instance 1 inch of rain in 3 hours is very different from 1 inch over 24 hours. One inch of rain corresponds to about 80 to 85% of the average annual runoff, by controlling that volume 85% of rain received over the course of a year would be controlled and slowly released. In reference to the impervious surface or built upon area and what has been discussed as a team is that this is a performance standard. An impervious surface by itself does increase runoff volumes however; it is the management of the runoff that determines the impact downstream. Since the late 1990's with the State's Phase 2 regulations and the County's new ordinance it does meet those standards meaning control and treat the first inch of runoff to a certain water quality and keep runoff limitation. The management of the runoff from the impervious surface is what really matters. In their Master Plan the performance standards they have set is a higher quality than the State and Town's minimum requirement. By managing that runoff in a smarter and more effective way using

natural conveyances and possible regional controls they can limit the potential impact of that future impervious surface to a much better degree than what has been done previously in Pittsboro.

Mr. Culpepper wanted to discuss a statement about variances that in some cases are allowed for storm water. It states that storm water control measures, storm water systems and storm water treatment practices jointly is best management for the new development in Chatham Park and would be designed to meet the following standards. Then you have the legalese “Subject to and utilizing variances and /or lesser standards and/or offset payments that may be granted, adopt or accepted by the Town or other applicable Government , it has been interpreted as allowing Chatham Park to go around watershed regulations. His understanding is that in some cases it is just impractical to do things and basically you buy down the impact.

Mr. Freeman stated that for the Jordan Lake rule there is an offsite management option to buy down credits for nitrogen and phosphorus that may be utilized in certain parcels if they can hit the minimum threshold but not all the way down to the final goal. The statement about variances from his perspective was to not change the performance standard but to possibly look at variances in other aspects of code to allow for construction of perhaps better storm water management devices.

Mr. Culpepper stated that they are not asking for variances they are asking to broaden the allowed methodologies in dealing with storm water because as the Town’s ordinance currently stands the only approved storm water device is a wet detention pond. They would like to have the full range of methodologies to allow Chatham Park to address situations as they go thru the process. In summary they are trying to set a high standard for the project and it will protect water quality, water source and water volume.

In reference to parklands there will be approximately 660 acres of parklands. The greenways or stream buffers would be an addition. This is a task that requires Chatham Park to work closely with the Town to figure out how best to distribute it, the maps that they have on parklands identify ten study area where each of those areas should have parkland within it or nearby. The allocation of parks is specifically designed to spread parks across the project and to bring parks on line as the houses are built.

There has been some discussion about a request for no side yard, front yard, and rear yard setbacks. It does not mean there will not be a front yard, side yard or rear yard it is just certain housing types and the layout of these types of dwellings which is different than the current zoning ordinance calls for. Every project Chatham Park brings forward will still have to be approved by the Town Board after obtaining recommendation from the Planning Board. The setbacks as well as the transitions on the adjacent properties will be established at the time the projects are brought forward and will also require approval from the Town Board. Each area will be treated individually depending on what will be built on that area.

The Town of Pittsboro Better Site Design Review contains a lot of things that they have proposed such as street length and setbacks and frontage. There is a whole series of notes in the zoning ordinance that are specific to a use but they tend to be specific to a use within a zone.

Off street parking: they are proposing to create a new parking plan, presently the Town's plan is somewhat dated in the fact that it has minimum parking requirements, the more appropriate is to have maximum parking requirements. They are also asking to remove the Major Transportation Corridor District Overlay: it applies in two locations on 64 east and 15-501. Major transportation Corridor Overlay District is designed to prevent rural areas from getting divided and adversely affecting the ability to develop the property in the future. Another section that they have asked for considerations has to do with cul-de-sac lengths. There is a section that refers to unified and planned developments and they just want to make sure that it is included.

Mr. Culpepper stated that he had covered the items that he wanted to present to the Board but if there were any other items or questions that were discussed at the Public Hearing he is more than happy to discuss them now.

Mr. Bland asked if there was a percentage of the 7,100 acres that would be built upon. He wanted to get an idea of how the entire thing would be set and what areas would be built on.

Mr. Culpepper stated that they did not have that number now but would work on getting a number for the Planning Board.

Mr. Freeman stated that once they come back with a number certainly the landscaping requirements and the products that would be coming to any given section of this development will drive what the built upon area is. In reality achieving 70% is probably never going to happen but allowing that as a maximum builds in that flexibility.

Mr. Culpepper stated that they are as specific in the Master Plan as they can be at this time. After the rezoning case they can spend the energy and money necessary to be far more specific and move towards the ultimate goal for the project which is a development agreement that gets extremely specific and becomes a legal document between Chatham Park Investors and The Town of Pittsboro.

Ms. Alston stated that one thing that caught her interest was a comment about the Parks.

Mr. Sal Musarra a land planner with Kimley Horne & Associates in Raleigh stated that looking at the park plan the real intent is on how to better serve the public. As of today they cannot pinpoint specific park locations and yet they need to provide some sort of certainty to the public that the parks are going to occur and that they will not be bunched together in one place or too small or too big. How could they provide some certainty in the plan that there would be good coverage and spacing? The location and size of every park has to be determined in concert with the Town, the County and overall facilities. In the world of Park Planning there are trends, 30 years ago it was about how many ball parks you would build, today is on providing more natural areas, walking pathways and passive areas. Parks cannot be a one size fits all it all depends on the

community. On this plan they have located areas such as recreational and linear green areas. These areas have been committed in the plan and are spread out throughout the development. Mr. Micer then went on to specifically point out on the map the areas that have been allocated for parks and explain the reason behind their choices.

Mr. Hoyle wanted to make a comment about schools. When Powell Place and Briar Chapel developments were built there was never a comment or issue about building schools and asked if Chatham Park Investors had allocated sections in their development for schools.

Mr. Culpepper stated that they are trying to work closely with the School Board and building schools would be a remarkable asset to the project, however, they want to make sure that the School Board chooses the locations. They will be identifying locations and they will be meeting with the School Board Superintendent and his staff and discuss this.

Mr. Hoyle also made a comment that this is just a rezoning of the 7,100 acres, and it is the third time it has come up to the Board. There will be Public Hearings which will allow the input of the general public. This is nothing but a plan, the details of the project will come later. **Mr. Hoyle** made motion to forward this to the Board of Commissioners with a recommendation for approval. **Mr. Bland** seconded the motion.

Mr. Culpepper stated that a rezoning would entitle them but it would not permit them.

Vote: 4-1 (McConnaughey Opposed).

Mr. Culpepper confirmed with Mr. Bass that there will be a Public Hearing on July 22, 2013 and stated that he is still available to meet with individuals to discuss and receive input about the project because the way the PDD is written revisions can be made right up to the moment before Commissioners approval. He said that he can be reached by phone at 919-612-3725 or by e-mail at pculpepper@mindspring.com

E. BOARD MEMBER CONCERNS

None presented

F. REPORTS AND ANNOUNCEMENTS

None presented

Next Planning Board Meeting is scheduled for Monday, August 5, 2013 at 7:00pm.

G. ADJOURNMENT

**Ms. Hoyle made motion to adjourn, seconded by Mr. McConnaughey.
Meeting adjourned at 8:17p.m.**