

**MINUTES
TOWN OF PITTSBORO
PLANNING BOARD MEETING
Monday, June 4, 2012, 7:00 PM**

ATTENDANCE

Members Present: Kenneth Hoyle, Shannon Plummer, Raeford Bland, John Clifford, Rob Butler, Alfreda Alston.

Members Absent: Karl Shaffer.

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

A. CALL TO ORDER

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

B. APPROVAL OF MINUTES

Mr. Plummer made motion to approve the Minutes of May 7, 2012. Mr. Butler seconded. Approved Unanimously.

C. OLD BUSINESS

There was no old business on the agenda

D. NEW BUSINESS

**1. REZ-2012-05 Chatham County Rezoning Request
Lots 50, 68, & 82 on South Small Street Rezone from C-2 to O & I.**

Mr. Bass explained the owner is Chatham County Government and the property is located at 50, 68 and 82 South Small Street. There are three historic relocated residential houses currently vacant on a total acreage of .69. It is currently zoned C-2 and the proposed zoning is O&I, office and institutional. This area is located close to the downtown district. The property is north of the proposed rezoning for primarily commercial, mostly office. To the south is Chandler Cement Company, zoned M-1, (light industrial). Further south along Small Street it is zone R-12M, (medium density residential, Mobile Home Park). To the west there is a vacant undeveloped lot owned by Maple Leaf Constructions Company which is an approved site plan for commercial office. To the east there is an office building and Southern States Country Farm and Home Supply zoned M-1, (light industrial).

With respect to the current Future Land Use Map the subject property is designated as traditional neighborhood. This category describes existing areas of Pittsboro that include a mix of uses in close proximity to each other, including single family, duplex, multifamily, mixed use and business that complement existing uses. It is also within the designated Transportation Overlay Zone.

The current zoning C-2 is a primary commercial zone defined as areas that are along major highways and major arterials and are intended for retail, office and service facilities. The proposed zoning O&I, is defined as certain land areas with structures that provide office spaces for professional services and for certain institutional functions as well as single family and residential uses. It is a permitted use by right. All public facilities and services rendered by the Town are available to the site. Population change associated with this rezoning would be minimal. The property fronts on South Small Street, just off of East Street. This is a local town maintained street. Access is by individual driveway entrance. Staff recommends approval of the proposed rezoning. The proposed rezoning is consistent with the current Land Use Plan and other applicable adopted plans, politics and documents. The site is in a reasonable location for such uses as allowed in the O&I District. As described, this district is appropriate and would allow flexibility for the adaptive reuse of these historic homes. The houses were previously located where the new Chatham County Justice Center facility is currently being constructed, but were relocated to these lots instead of being demolished. Along with professional offices and institutional uses, a single family detached residence is a permitted used by right in the O&I district. It is also within the boundary of the Town's National Registry Historic district. The purpose of this rezoning is to make the houses more marketable, Preservation of North Carolina is currently marketing these properties. This rezoning would allow someone to live there as well as some commercial activities where the current zoning would not.

**Motion made by Mr. Bland to accept the staff recommendations, seconded by Mr. Clifford.
Vote taken, approved unanimously.**

2. REZ-2012-06 Powell Partnerships I, II, III Ltd Rezoning Request

Property Located at NW Quadrant of US 64/US 15-501 Rezone from RA-2 to C-2

Mr. Bass explained that this request came after the Spoon rezoning request in last month's meeting. He stated that since this area has already been discussed he does not need to go into all the details. However, he does want to point out that on last month's staff report it was mentioned that there were two separate properties that were not part of the Spoon rezoning request but were part of the quadrant. Since the Spoon rezoning was approved it may have motivated the property owner to request this rezoning. This is a thin land area immediately next to the interchange totaling 2.91 acres. The Proposed rezoning is consistent with the current Land Use Plan, it is part of the transportation corridor district. It is an overlay immediately adjacent to the interchange and a reasonable location for C-2 zoning. This is a strictly legislative rezoning and in all probability would be part of any proposed development that would come along.

Mr. Hoyle wanted to enlighten the other board members on what happened at the Commissioners Meeting and public hearing with regards to the zoning of the adjacent property and the 185 acres across the street. The Planning Board recommended and supported approval for rezoning however, one of the Commissioners questioned why did the Planning Board recommend so many acres to be rezoned. Looking at the zoning there is no restrictions in terms of how many acres can be recommended for rezoning. He wonders if the same is going to happen when they present this recommendation before the Commissioners. He would like to see one of the Planning board members make a motion to the affect of asking the Planner to get some verification from Commissioner Fiocco in regards to this. Is he proposing a restriction on the number of acres that can be recommended for rezoning? Some kind of explanation is welcomed.

Mr. Plummer's understanding is that when there is a Zoning classification it states that there is a range of uses. It is then reviewed and agreed if the property will be adequate for these range of uses. If the statement is not true then why have zoning classifications, instead just go with special use permits or conditional use permit.

Mr. Bass stated that when recommending the rezoning he goes by the Future Land Use Map and those properties are designated for business.

Mr. Hoyle added that Mr. Bass is doing a good job in the rezoning recommendations. He just wants to have some clarification from someone for future reference.

Mr. Bland sees the point and thinks it is agreeable but is reluctant to ask if there is a minimum or maximum limit of acreage for rezoning because he fears the answer would be yes.

Mr. Clifford asked if there was anyone in the room representing the property. There was no one. He thinks that what the Commissioners where trying to inquire is the plan for those acres and what can they do with 2.91 acres.

Mr. Bass response was that they may try to sell the property providing the other owners with a large area for their development since there is no access into this property.

Motion made by Mr. Plummer to approve staff recommendations, seconded by Mr. Butler.

Vote taken, approved unanimously

3. Request for Rezoning Consideration Property located on Russell Chapel Road

Mr. Bass stated that this property is owned by the Horton Family. The father left 19+ acres to four sons and two daughters. Attending the meeting was one of the son's and wife. He is requesting rezoning consideration from R-5 to RA-2 to be able to divide the property between the heirs which the R-5 district will not allow. It was added to the agenda for the planning board to review. The future land use area is rural subdivision.

Mr. Horton addressed the Board by saying he would like to subdivide the property into 1-2 acres lots to accommodate a piece of land to each family member.

Mr. Plummer asked if they would consider a 2 acre lot minimum. Then the Board would have to review and understand what the possibilities would be if that is done and vote with either yes or no. He understand that is just a discussion tonight but RA-2 zoning would make sense for the family and 2 acre lots would be larger than any other properties around Chapel Ridge.

Mr. Bland and **Ms. Alston** both agree with the request for rezoning.

Mr. Hoyle explained that the Horton family would have to submit an application and return to the Planning Board for a rezoning official. After their stamp of approval it will be recommended to go before the Commissioners then they will have a public hearing. The neighbors will be notified on the request for rezoning and they can come and speak for or against it. Once that is done the Commissioners will make the final decision.

E. BOARD MEMBER CONCERNS

Mr. Hoyle advised that they need to go back to an item on the ordinance. There was a misconception that they were given the directions to rewrite the ordinance. That is not correct. The Board was give direction from Commissioner Fiocco to actually study the ordinance select the errors and recommend changes.

This misconception came across to the Town Attorney as if the Board was going to rewrite it. That is not the intended purpose of it. Therefore, the Planning Board must go back and review the ordinance. There are a number of areas that need to be addressed and errors that need to be corrected. He asked Commissioner Fiocco which was at the meeting if he worded it properly and if he wanted to collaborate on it. Mr. Fiocco was in agreement with Mr. Hoyle's summary. The exercise was never to rewrite it but to point out errors and inconsistencies. One of the things he thought of as a good tool to do this was to ask how wide is the stream buffer in Pittsboro? There is entirely not enough information in that question to answer the question but is a valid question and it comes before the Board often. You have to search through three different ordinances, multiple sections throughout each ordinance to find out which specific section of our ordinance applies to that question. Going through an exercise where submitting some ideas of conceptual issues that would come before the Board would be a good tool to help do the research for the ordinances.

Mr. Bass said that he could come up with some exercises that may facilitate the review.

Mr. Hoyle advised that he will e-mail to the rest of the Board what Mr. Fiocco sent to him. They need to go back and review and give Mr. Bass some direction. One of the things that bothered him is that it plainly states in the ordinance that the town of Pittsboro has jurisdiction over the town's proper as well as the ETJ, then there is the big situation on two business on East 64 and everytime he brings it up Mr. Messick says there is nothing they can do about it. What the ordinance says does not apply. These types of things need to be addressed.

F. REPORTS AND ANNOUNCEMENTS

Mr. Bass announce that he finally completed the annual report for 2011.

Mr. Hoyle asked what is the status of completion in terms of the Land Use Plan?

Mr. Bass responded that they are very close to its completion. Last week they obtained the last of the digital files for the mapping. He is pestering on a daily basis trying to get the descriptions associated with that written text done this week. Then it will just be a matter of compiling the document and get it printed.

Next Planning Board Meeting is scheduled for Monday July 2, 2012 at 7:00 pm.

Mr. Hoyle asked for motion to adjourn.

Motion made by Ms. Alston, seconded by Mr. Butler.

Meeting adjourned at 7:52pm.

