

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, JUNE 24, 2013
7:00 PM

Mayor Randolph Voller called the meeting to order and called for a moment of silence. (The meeting was held at Central Carolina Community College Multipurpose Room.)

Pledge of Allegiance led by Commissioner Farrell.

ATTENDANCE

Members present: Mayor Randolph Voller, Commissioners Pamela Baldwin, Jay Farrell, Michael Fiocco, Bett Wilson Foley and Beth Turner.

Staff present: Manager Bryan Gruesbeck, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Finance Officer Amanda Cartrette, Planning Director Stuart Bass, Parks Planner Paul Horne, Engineer Fredric Royal and Engineering Interim Hank Raper.

CONSENT AGENDA

Motion was made by Commissioner Fiocco seconded by Commissioner Baldwin to approve the consent agenda as submitted.

1. Approve minutes of the June 10, 2013 Regular Meeting.

Motion carried: 5-0

2. Approve Capital Project Ordinance Amendment for Hillsboro Street Transmission Line Replacement Project.

Motion carried: 5-0

3. Approve end of 2012-2013 FY Budget Amendments.

Motion carried: 5-0

4. Approve Ordinance Regulating Traffic in the Town of Pittsboro.

Motion carried: 5-0

Hillsboro Street Transmission Line Replacement Project Budget Amendment is as follows:

TOWN OF PITTSBORO
 ORDINANCE AMENDING CAPITAL PROJECT BUDGET
 FOR THE HILLSBORO STREET TRANSMISSION LINE REPLACEMENT PROJECT

Be It Ordained by the Board of Commissioners of the Town of Pittsboro in regular session assembled on the 24th day of June, 2013.

To Amend the Capital Project Budget Ordinance for the Hillsboro Street Transmission Line Replacement Project

Section 1. That the following **HILLSBORO STREET TRANSMISSION LINE REPLACEMENT PROJECT REVENUE ITEMS** be amended to the amounts indicated:

823850100	TOWN CONTRIBUTION	\$504,682.00
823850000	CDBG GRANT	850,000.00
823850200	USDA REDLG LOAN PROCEEDS	240,000.00
823850300	BANK LOAN PROCEEDS	249,000.00
823850400	CONTRIBUTION FROM CHATHAM CO	223,000.00
TOTAL		\$2,066,682.00

Section 2. That the following **HILLSBORO STREET TRANSMISSION LINE REPLACEMENT PROJECT EXPENDITURE ITEMS** be amended to the amounts indicated:

823000000	CONSTRUCTION	\$1,458,125.00
823000150	GRANT ADMINISTRATION	75,000.00
823001041	LEGAL SERVICES	2,500.00
823001100	ENGINEERING/DESIGN	145,788.00
823001800	CONTINGENCY	385,269.00
TOTAL		\$2,066,682.00

Section 3. That the following **CAPITAL RESERVE ENTERPRISE REVENUE ITEM** be increased by the amount indicated:

713990000	FUND BALANCE APPROPRIATED	\$504,682.00
TOTAL		\$504,682.00

Section 4. That the following **CAPITAL RESERVE ENTERPRISE EXPENDITURE ITEM** be increased to the amount indicated:

713990082	TRANSFER TO HILLSBORO STREET TRANSMISSION LINE REPLACEMENT PROJECT	\$504,682.00
TOTAL		\$504,682.00

2012-2013 FY End Budget Amendment Ordinance reads as follows:

ORDINANCE AMENDING THE
 TOWN OF PITTSBORO
 2012-2013 OPERATING BUDGET

Be It Ordained by the Board of Commissioners of the Town of Pittsboro in regular session assembled on the 24th day of June, 2013.

Fiscal Year End Budget Amendment to Ensure Compliance with Budget Ordinance

Section 1. That the following **GENERAL FUND REVENUE ITEMS** be increased by the amount indicated:

103300500	Donations	\$ 100.00
103990000	Fund Balance Appropriated	42,400.00
TOTAL		\$42,500.00

Section 2. That the following **GENERAL FUND EXPENDITURE ITEM** be increased by the amount indicated:

104200040	Professional Services	\$4,500.00
104200080	Unemployment Compensation	10,000.00
104200450	Contracted Services	13,000.00
105100360	Uniforms	4,000.00
105100450	Contracted Services	6,000.00
105100542	Workers Comp Insurance	3,000.00
105100802	Fines & Penalties	1,000.00
106200330	Departmental Supplies	100.00
106200450	Contracted Services	900.00
TOTAL		\$42,500.00

Section 3. That the following **ENTERPRISE FUND REVENUE ITEM** be increased by the amount indicated:

303990010	Fund Balance Appropriated	\$75,600.00
TOTAL		\$75,600.00

Section 4. That the following **ENTERPRISE FUND EXPENDITURE ITEMS** be increased by the amount indicated:

307200040	Professional Services	\$32,000.00
308100080	Unemployment Compensation	6,000.00
308100150	B & G Maintenance	5,500.00
308100160	Equipment Maintenance	5,500.00
308100450	Contracted Services	4,000.00
308100740	Capital Outlay – Equipment	8,500.00
308200021	Temporary Salaries	9,000.00
308200160	Equipment Maintenance	2,100.00
308200540	General Liability	3,000.00
TOTAL		\$75,600.00

An Ordinance regulating traffic reads as follows:

**AN ORDINANCE REGULATING TRAFFIC
IN THE TOWN OF PITTSBORO**

WHEREAS, the safety of the citizens of Pittsboro is of paramount concern to the Town Board of Commissioners;

WHEREAS, residential streets in the Town have not been designed nor intended to be used as connector roads between thoroughfares;

WHEREAS, the number of vehicles and their speed on streets designed for residential traffic has increased substantially;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS as follows:

1. No vehicle shall enter the following intersections of streets within the Town of Pittsboro without first coming to a complete stop:

The South West Corner of Bellemont Road and Hawks Spiral Way.

2. This ordinance shall be effective upon posting of signs giving notice hereof.

AN ORDINANCE AMENDING CAPITAL PROJECT BUDGET FOR THE HILLSBORO STREET TRANSMISSION LINE REPLACEMENT PROJECT IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 62

AN ORDINANCE AMENDING THE FY 2012-2013 OPERATING BUDGET IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 63

AN ORDINANCE REGULATING TRAFFIC IN THE TOWN OF PITTSBORO IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 64

Motion made by Commissioner Baldwin seconded by Commissioner Turner to approve the regular agenda as submitted.

Commissioner Fiocco said he would like to table the draft water and sewer leak adjustment policy to the next meeting due to some information he received this evening that he feels is worthy to consideration. He thinks there needs to be a little more investigation to the case that is the catalyst for bringing this to the board.

Commissioner Baldwin and Commissioner Turner agreed to amend their motion to table the draft water and sewer leak adjustment policy until the next meeting and approve the rest of the agenda as submitted.

Vote Aye-5 Nay-0

REGULAR MEETING AGENDA

CITIZENS MATTERS

None

Motion made by Commissioner Baldwin seconded by Commissioner Foley to go into public hearing to consider a rezoning request from Randolph Development Group, LLC from C2 Conditional Use District to C2 Conditional Zoning District.

Vote Aye-5 Nay-0

PUBLIC HEARINGS

REZONING REQUEST FROM RANDOLPH DEVELOPMENT GROUP, LLC FROM C2 CONDITIONAL USE DISTRICT TO C2 CONDITIONAL ZONING DISTRICT

Planner Bass stated Randolph Development Group LLC is proposing to rezone 2.46 acres of vacant, undeveloped property off of US 15-501 from C2-CU {Highway Commercial – Conditional Use District} to C2-CZ {Highway Commercial – Conditional Zoning}. The property was part of the American Asset Corporation rezoning, which involved a 46.77 acre tract. The property was zoned from R-A2 to C-2 CU, Highway Commercial Conditional Use District, on May 13, 2008.

This is also a Conditional Zoning District request (our first) as recently approved authorized by amending our Zoning Ordinance on March 11, 2013. The associated site plan, for a proposed Bojangles Restaurant, is part of the rezoning consideration. The Planning Board discussed and reviewed the proposal at their regularly scheduled meetings on May and June 3rd. At the meeting on June 3rd, they recommended approval of the proposal.

The Town Board of Commissioners held a Public Hearing on May 28, 2013. A Staff Analysis and the associated Site Plan were delivered to the Board prior to the meeting. However, due to an administrative oversight (first class mailed notices were not sent to the adjacent property owners), it is necessary to hold a second hearing. The Planning Board considered the proposal at their regularly scheduled meeting on June 3, 2013 and recommended approval. A revised site plan has been submitted.

Staff Analysis is as follows:

STAFF ANALYSIS REZ-2013-01 June 19, 2013

APPLICANT: Randolph Development Group, LLC
1827 Old Plank Road
Randleman, NC 28317

**RELATIONSHIP
TO PROPERTY:** Property Owner

LOCATION: Portion of Northeast Quadrant, US 64 and US 15-501

EXISTING USE: Vacant, undeveloped property

AREA: Approximately 2.46 acres

EXISTING

ZONING: C-2 CU, Highway Commercial Conditional Use District, C-2 Highway Commercial

PROPOSED ZONING: C-2 CZ, Highway Commercial, Conditional Zoning District

ADJACENT LAND USES:

North – Vacant property, Carolina Living and Learning Center

South – US 64, Bellemont Station Development

West – Northwood High School, vacant, undeveloped property

East – Office building on Russett Run, vacant, undeveloped property

ZONING HISTORY:

The subject property was part of the American Asset Corporation rezoning that involved 46.77 acres from R-A2 to C-2CU, Highway Commercial Conditional Use District, on May 13, 2008. The bulk of this property is just north of the proposed rezoning.

The O&I zoning on the property at 420 Russett Run was approved September 10, 2007.

The C-2 zoning to the east was approved on August 27, 2012 and totals approximately 32.48 acres.

ANALYSIS: The following staff analysis is structured to address the information that should be considered for a map amendment as outlined in the Zoning Ordinance and city zoning enabling statutes for the State of North Carolina.

1. Relationship of the proposed map amendment to the Land Use Plan and Future Land Use Map.

The Subject property is designated as Commercial on the Thoroughfare Business on the Future Land Use Map (October 2012).

These areas are located with convenient access to US 64 Business and US 15-501, particularly near major intersections. Encouraged uses are those that benefit from convenient highway access, including general commercial, restaurants, building supply, light manufacturing, distribution, and professional services. Development in these areas should be well-planned with street-front and interior lot landscaping, coordinated building styles, attractive signage, and shared driveways/access where appropriate.

The property is also in the designated Transportation Overlay District. The Major Transportation Corridor District is an overlay zone that is intended to enhance the economic and aesthetic appeal and orderly development of lands adjacent to major transportation corridors in the Town of Pittsboro zoning jurisdiction. The Major Transportation Corridor District extends 1,250 feet from the right-of-way boundary on both sides of the roadway.

2. Suitability of proposed zoning district classification.

The current zoning C-2 CU, is defined by the description of C-2 zoning which is described as certain areas that are primarily designed for citizens using the major highways that run through or around the City. The district is customarily located along the major arterial highways. This district is intended to provide retail, office and service areas for the benefit of residents in nearby areas and non-residents. This district accommodates intensive commercial uses such as shopping centers and strip centers as well as free-standing, highway-oriented business establishments. Included also are certain functions, such as warehousing, that are compatible with the primary uses. Additional conditions were placed on the property via the Special Use Permit and included limitations on certain uses permitted by right in the C-2 District.

The proposed zoning C-2 CZ, in essence, would supplant those conditions in that the proposal would be defined by the accompanying site plan.

3. Availability of public facilities.

There is currently a sewer line and a water line along US 15/501 at this location. There are currently lines serving the Carolina Living and Learning Center.

4. Population change.

There would be little or no associated population change, it would be limited to the activity associated with commercial development, as opposed to permanent residential dwelling units.

5. Transportation patterns.

The properties in question front on US 15-501. This is a primary north/south transportation corridor and is designated as a Principal Arterial. The latest traffic counts provided by NCDOT indicate approximately an Annual Average Daily Traffic count of 14,000 vehicle trips per day. Access for the development of this property would be off of Russett Run Road and Suttles Road as depicted on the site plan.

Mayor Voller asked Commissioner Fiocco what his thoughts were on this item.

Commissioner Fiocco said he thinks the applicant has come forth with a good project. He thinks staff has done a good job at putting conditions associated with the conditional zoning that allows for flexibility of this design to occur. Commissioner Fiocco said he thinks the conditional zoning aspect of the ordinance that was recently adopted is functioning as intended.

Commissioner Fiocco stated there are a couple specific things about the design that he would like to see incorporated into the plans showing a sidewalk connection along Russet Run and it shows that immediately adjacent to the curb and gutter is in the roadway. He thinks we could create a much safer place there for pedestrians setting the sidewalk off the curb three feet or so which is the traditional way of presenting sidewalks. Commissioner Fiocco thinks the sidewalk is too close to the roadway.

Commissioner Fiocco said he would like to confirm that it appears that both driveways on the property are for Phase I of the property and that the curb and gutter and sidewalk improvements along Russet Run and Suttles Road are proposed to be associated with the phasing of the project. Commissioner Fiocco said he would like to see those projects installed before the first certificate of occupancy.

PUBLIC COMMENTS:

Patrick Bradshaw stated he practices law at 128 Hillsboro Street and asked that his comments from the May 28, 2013 hearing be incorporated into this hearing.

Attorney Bradshaw stated the site plan has been revised to incorporate the comments that were made last time and that the applicants are okay with Commissioner Fiocco's concerns today to move the sidewalk three feet or more from the curb and gutter and that the sidewalk & curb and gutter be installed before the first certificate of occupancy.

Patrick Bradshaw's comments from the May 28, 2013 meeting are as follows:

Mr. Bradshaw stated they are requesting that 2.46 acres at 15-501 and Russet Run Road be rezoned to Conditional Zoning District with C-2 uses for the Bojangles and a secondary building likely for retail.

Mr. Bradshaw said the board approved the wastewater allocation last summer.

Mr. Bradshaw said all this land is already zoned C-2 Conditional Use or C-2. The Town's Land Use Plan recommends the use of the property for commercial purposes.

He stated this was part of American Asset Corporation zoning approved in 2008. AAC had 47 acres, but the land has been sold to two different owners, the balance is owned by Chatham Park Investors LLC.

Mr. Bradshaw said Chatham Park Investors has applied for a Planned Development District for the portion of the property they own.

Mr. Bradshaw said it is not practical to use this land under the old ACC special use permit because that permit requires detailed plans for the entire 47 acres, including watershed management, stormwater control and architectural guidelines before any portion of it can be developed.

He said this application will simply allow the 2.46 acres to be developed independently as a Conditional Zoning District in accordance with the submitted site plan.

Mr. Bradshaw stated the Planning Board discussed and Planner Bass has suggested it would be appropriate to exclude some uses that would be allowed in C-2 (as Planner Bass mentioned earlier), as was done in the ACC special use permit. Mr. Bradshaw said this is acceptable to the applicants. He said the applicant would also agree to the condition that requires annexation of the property.

Mr. Bradshaw reported that during the review of the proposed site plan by staff and adjacent property owners, an issue had arisen concerning placing more than one building on a single lot. Section 3.2 of the Zoning Ordinance does say that you can only have one main building per lot, but it excludes multi-family development, PUD's, MUPD's, and some special uses. He had to assume given the purpose and function of Conditional Zoning Districts, that they would be excluded from the one building per lot requirement like PUD's, MUPD's and other special uses, but that did not happen when the ordinance was adopted.

Attorney Bradshaw said his clients have enough land to create two lots for the two buildings, but because the property is in the Major Transportation Corridor overlay, lots are limited to a two acre minimum. The MTC is designed to protect the appearance of generally rural areas along highways in the town's jurisdiction. The character of this area is changing and soon will not be rural.

Mr. Bradshaw said Chatham Park Investors has or will be requesting to remove the MTC overlay from their property that is located both to the north and south of this parcel, so this would be a 500 foot island of MTC overlay, which is not consistent with the purpose of the MTC.

Attorney Bradshaw said he would suggest the way to solve the problem is with a condition in the approval of the Conditional Zoning District that Phase Two of the project cannot be commenced until either: (1) the Zoning Ordinance is amended to allow more than one building per lot in a Conditional Zoning District; or (2) the MTC overlay is removed from this property and the parcel is recombined into two lots.

He stated Randolph Development Group is very eager to bring Bojangles' to Pittsboro. They are very proud of their product. It is popular and will improve the quality of life for the town's citizens. This will be their 7th store and they request that the town approve a Conditional Zoning District and the proposed site plan for Randolph Development Group.

Mr. Bradshaw said Mr. Upton would speak about the site plan. Mr. Upton said he is the Civil Engineer for the project and he gave the following highlights of the plan:

- They are adding a turn lane on 15-501 onto Russett Run to help move traffic off main highway on Russett Run.
- They will provide curb and gutter along the frontage of Russett Run as well as Suttles Rd.
- Stormwater retention and water quality measures that would serve Bojangles and the retail building if it were ever built.
- The landscaping would meet Town requirements preserving a row of trees along 15-501.

Mayor Voller asked if all the concerns that were raised in May have been addressed. Attorney Bradshaw said they have.

Commissioner Foley said she appreciated their effort to preserve trees on the property.

Mayor Voller said he appreciated their willingness to work with all parties on this. Obviously this is the gateway to town and the fact that they are trying to make it look good.

Attorney Bradshaw stated his clients are very excited and proud of this project and look forward to being a part of this community.

Commissioner Baldwin said she appreciates them coming to Pittsboro and look forward to having a Bojangles here.

Motion made by Commissioner Baldwin seconded by Commissioner Fiocco to go out of public hearing on the rezoning request for Randolph Development.

Vote Aye-5 Nay-0

Motion made by Commissioner Turner seconded by Commissioner Baldwin to go into public hearing on the rezoning request from Chatham Park LLC from RA-2, RA-5 to PDD.

Vote Aye-5 Nay-0

**REZONING REQUEST FROM CHATHAM PARK LLC FROM RA-2, RA-5 TO PDD.
PROPOSED PLANNED DEVELOPMENT DISTRICT MASTER PLAN, CHATHAM
PARK, LLC**

Mayor Voller stated the first speaker signed up is Barbara Lorie.

PUBLIC COMMENTS:

Town Clerk Alice Lloyd submitted the following comments that were emailed to her from Joy Hewett regarding this public hearing.

Chatham Park Development Proposed Master Plan Comments

Water ecosystems:

The large multi-use park must preserve the beautiful area of the Haw River, where the parking lot for kayakers and walkers is located on the west side of 64 and the river runs along beautiful rock and boulder formations. The trail winding along the river has mountain laurel, spring flowers like trout lily, and numerous birds flitting among the trees. People who enjoy the quiet and undeveloped natural area can see ducks, herons, and ospreys. Keeping it in its rugged state is essential to preserving its natural beauty and preventing runoff from creeping into the flowing waters of the Haw. If Triangle Land Conservancy or the State Parks System could manage the area along the river so it doesn't end up with bike trails or other overpopulation use, it would go far in keeping the heritage of the county, this beautiful river flowing through it, intact. Some of us who take meditative walks there or sit on the rocks listening to the burbling and babbling of the river or watching the wildlife come and go consider this peaceful area our greatest treasure. Please don't disturb it. Preserve it. Keep it in the public trust through partnering with one of those groups entrusted with preserving the quality of our ecosystems.

Those putting in kayaks or canoes on Robeson Creek have enjoyed seeing eagles in the trees along the river heading to Jordan Lake. The natural quiet may be greatly disturbed with development, and few places exist where we can go and enjoy the beauty of nature and the spiritual enrichment it provides. Increasing all stream, lake, and water buffers would help provide public resource areas and prevent water quality deterioration.

Housing and Community Resources:

The multi-use plan should include affordable housing. Many of the people moving into Chatham county come from areas where wages were higher and they can out-buy most locals who have worked under North Carolina salaries, and people with these higher incomes raise the prices of rental units. Please provide housing for those who actually work and live here, not just wealthy retirees from other parts of the country. For example, an elementary school teacher's starting salary in North Carolina is approximately \$30,779, and after years of service the salary may rise to approximately \$46,600. Having housing that can be bought within the salary range of our county's workers will go far in enriching their quality of life. (From experience, I know a community college instructor without any debts could only borrow \$112,000 on an instructor's salary in 2002. Even with a down payment from somewhere or a first time home owner situation, you can imagine what kind of housing that might provide in Chatham county.) We must have modest but quality homes provided. What about a minimum wage earners housing? Will there be rental units for those who earn \$7.25 an hour, which would provide \$1160 monthly salary based on a 40 hour work week?

What about housing and community areas including assisted living for seniors living on social security, or possibly that combined with a small retirement pension? Will there be housing for folks like that? An affordable progressive nursing home with a common community center and cottages for those who want to maintain independent living by having medical assistance nearby would be a fabulous addition to a multi-use plan. Over 20 percent of the population in Chatham County is over the age of 65 years, considerably higher than the statewide average of 13.7 percent.

A multiuse park needs to provide a community indoor pool with a sliding scale fee for those of us who can't travel to the YMCA in Chapel Hill or the Nautilus in Sanford (only \$25 a month for

seniors!). Swimming is a very healthy exercise for those with joint issues or young people developing their skills. With Jordan lake and rivers abounding, everyone needs to know how to swim.

Solar panels on all buildings would go a long way in helping reduce fossil fuel pollution, and promote local alternative energy technologies and companies. Green technology to reduce energy and water use should be implemented.

Before the town considers zoning options, please consider ideas to make a better quality of life for those of us already living here and enjoying a quiet, rural life style, since we may have to give that up with the huge influx of population planned. The town has an opportunity to make sure this park serves all citizens. Perhaps some of these ideas are already being considered, but I wanted to offer this input.

Sincerely,

Joy Hewett

Mayor Voller submitted the following from Attorney David Harris for the record:

DRAFT

FROM ATTORNEY DAVID HARRIS

ARTICLE I
DEFINITIONS

1. "Economically disadvantaged individual" means an individual whose ability to compete in the free enterprise system is impaired because of diminished opportunities to obtain capital and credit as compared to others in the same line of business where such impairment is related to the individual's status as socially disadvantaged. An individual is socially disadvantaged if the individual has reason to believe that the individual has been subjected to prejudice or bias because of his or her identity as a member of a group without regard to his or her qualities as an individual.

2. "Disadvantaged Business Enterprise" ("DBE") means a business enterprise that is:

A. Owned, operated, and controlled by economically disadvantaged individuals; and

B. Is a local business enterprise;

3. "Disadvantaged Business Enterprise" ("DBE") may also mean a business enterprise that is affiliated with another business enterprise through common ownership, management, or control, if:

A. The business enterprise is a local business enterprise;

B. In the event of a parent-subsidiary affiliation, both enterprises meet the requirements of Section 2 of this Article I; and

C. The business enterprise has average annualized gross receipts totaling \$75 million or less.

ARTICLE II
CONTRACTING WITH DISADVANTAGED BUSINESS ENTERPRISES

1. From the contracts to be awarded for the purchases of equipment, materials, supplies, insurance, and non-program services, Chatham Park Investors agrees to select a number of contracts with an aggregate value of approximately fifteen percent (15%) of the total estimated value of such contracts to be awarded in the each calendar year to DBEs. Chatham Park Investors shall set aside the contracts so selected for bidding by DBEs only. The bidding procedures for such contracts shall be the same as for all other contracts awarded by Chatham Park Investors, except that only DBEs shall be qualified to submit bids. Contracts set aside and awarded under this Section shall not include contracts for the purchase of services such as direct and ancillary services, service and support administration, residential services, and family support services.

2. Chatham Park Investors shall set aside a number of contracts the aggregate value of which equals approximately fifteen percent (15%) of the aggregate value of construction contracts for the each calendar year for bidding by DBEs only. The bidding procedures for the contracts set aside for DBEs shall be the same as for all other contracts awarded by Chatham Park Investors, except that only DBEs shall be qualified to submit bids.

3. Chatham Park Investors shall require and ensure that every contractor awarded a construction contract pursuant to _____ shall make every effort to ensure that DBEs subcontractors and materials suppliers participate in the contract. In the case of contracts specified in this Paragraph, the total value of subcontracts awarded to and materials and services purchased from minority businesses shall be at least fifteen percent (15%) of the total value of the contract, wherever possible and whenever the contractor awards subcontracts or purchases materials or services.

4. In the case of contracts set aside under this Article II, if no bid is submitted by a DBE, the contract shall be awarded according to normal bidding procedures. Chatham Park Investors shall from time to time set aside such additional contracts as are necessary to replace those contracts previously set aside on which no DBE bid.

5. This Article II is not intended to preclude any DBE from bidding on any other contract not specifically set aside for DBEs.

6. Within ninety days after the beginning of each calendar year, Chatham Park Investors shall file a report with _____ that shows for that calendar year the name of each DBE with which Chatham Park Investors entered into a contract, the value and type of each such contract, the total value of contracts awarded under this Article II, the total value of contracts awarded for the purchases of equipment, materials, supplies, or services, and the total value of contracts entered into for construction.

PUBLIC COMMENTS:

Barbara Beye Lorie – 227 Blue Heron Farm Road, Pittsboro read the following written comments into the record:

First and foremost I would like to thank the Triangle Land Conservancy and UNC's Center for Sustainable Community Design for their thorough review and report on the environment of the 7,120 acres under consideration for this rezoning request. The rezoning is probably already a done deal, so my remarks tonight are directed to Preston Development Corporation, which is going to control what is built on this land. Given the research done by the German Government that the rate of cancer increases with people living within five mile of nuclear plants, and as a result of this research Germany is closing all nuclear plants by 2022, I'm surprised that Preston is developing here at all so close to Sharon Harris nuclear plant.

However, this company in many public written and verbal statements maintains that it is seeking to develop over the next ten to twenty years sustainable homes, offices and commercial real estate. My recommendations relate to my concept of sustainable given that we now know the planet is dying from our unsustainable building and destruction of the earth's surface up to this point.

Pollution is the big word, the elephant in the room; we are dealing with here tonight. So here are some suggestions to minimize the destruction that this huge development will create to our total county environment.

I would like to see that from the very beginning all earth-moving equipment, all vehicles, be powered by biofuels. I would hope that equipment used for this giant development be made with U. S. Manufactured vehicles.

I would hope that a 500 foot easement along all streams and rivers would be built into our town's zoning regulations. I request that no buildings be built within 500 feet of any water running through this land. I request that any walking path, bicycle paths be made from Chapel Hill gravel to maintain a pervious surface for rainwater. I hope that the Haw River Assembly's request that public access to the State Natural Area be maintained in the town's revision of the zoning.

When it comes to actual buildings I have several suggestions. First and foremost all residences as well as public and business buildings should be built with a water catchment system. I am old enough to remember at least three occasions when we were within three days of University Lake drying up, when the Jordan Lake was too low for boat access, when farmers in fields in three different counties including Chatham lost all their crops several years in a row. So use and retention of water are a major concern of mine.

I hope that Preston Development Corporation has done the research to know that grass lawns should no longer be a part of a house of town outdoor architectural design. Plants around houses should be native plants which would include food producing trees and bushes, growth which

helps maintain natural insect and bird populations. Hopefully, homes will be built in cluster so that open land can be used for community vegetable gardens. Not only should community gardens be encouraged but farms within the entire 7,120 acres should be allowed in this new zoning category.

If sustainable is truly what Preston is about, all houses should be sustainably built. That includes roofs of tin, not shingles, or a green roof system for private and public buildings. The entire development should be powered by solar energy. We all know that we all can make more money not using oil. So a development of this size can begin to show the United States as well as the world how that is possible.

My final request to our town commissioners is how we are going to pay for the increase in services that this development will require. Fire stations, police protection, schools, town administrative obligations and the thousand other kinds of requirements that are a part of any development have to be considered. And there must be some kind of transparency, some oversight to see that Preston actually does what it says it's going to do. I think Preston should have an up-front \$25,000,000 security fund to cover the cost of what this development is going to cost the town of Pittsboro and to protect taxpaying residents for future unforeseen catastrophes such as the collapse of the development itself.

My remarks tonight barely scratch the surface of what I feel about this development and the zoning change. However, last but not least I would suggest that Preston Developers hire a permanent staff person an Environmental Engineer, a Conservation Land Manager, a person fully educated in sustainable development and living.

How is Preston going to deal with the huge amount of construction material debris that typically goes into a landfill?

Kathleen Hundley read the following written comments into the record:

I am Kathleen Hundley and I live at 136 Rocky Falls in southeast Chatham County.

It is expected that the development of Chatham Parks, a Planned Development District (PDD) of approximately 7,000 acres, including a commercial center and residence area serving an estimated 55,000 persons in 22,000 dwelling units, will bring many jobs to the area. It will also bring drastic changes to the county and surrounding area. One that deeply concerns me and many others is the INFRASTRUCTURE required for such a project. Answers to questions raised here were not found in the on-line Chatham Parks Master Plan and the issues were read as not being decided at this point.

WATER – What would be the **original** source of the huge amount of clean, drinkable water required for such a town? From Jordan Lake? From the Cape Fear River? What would this amount of water do to the water table for the rest of the residents in (southeast) Chatham County? In times of drought, there have been several years in the recent past when both lake and rivers have experienced critically low water table levels. When drought conditions occur, what

would the Chatham Parks Investors do then and where would they go to acquire necessary water?

WASTE TREATMENT – a concentration of waste from businesses and humans alike in the magnitude being estimated for Chatham Parks would generate waste that would require treatment on a large scale. I understand that the project plans to build six separate waste treatment plants within the Chatham Parks area. Such plants would be expected to use methodology and technology that would incorporate the most up-to-date process available so that effluent into the nearest waterway(s) would pose **no threat** to the environment. I found neither methodology, technology nor realistic storm water control limits currently included in the Chatham Parks Master Plan.

TRANSPORTATION – The 7,000 acres earmarked for this mammoth development will require roads – a network of new and intersecting avenues of commerce and residential needs that will crisscross the entire area. Roads must be monitored and repaired on a regular basis. Would the expense of this upkeep be borne by Chatham Parks – or by the NC Department of Transportation – DOT? If DOT is the source of upkeep, what would that do to the tax base for the entire state, not just residences of Chatham Parks? I found no mention of road **upkeep** in the Chatham Parks Master Plan.

ENVIRONMENT – Regardless of present status of planning for Chatham Parks, there are a number of potential environmental issues of concern, two of which are listed below.

1. The first is **loss of trees** that include
 - **Major loss of oxygen** – the chemical element required for life
 - **A permanent loss of moisture** that cools the area in summer
 - **A natural and necessary habitat** for diverse resident wooded species
2. The second concern is **Run-off** from large paved areas and grasslands that bring amounts of contaminated water that inevitably enter creeks, rivers and lakes in the area. Regarding storm water control, the section in the Chatham Parks Master Plan is inadequate as written. It would be wise if Pittsboro could use Cary standards and require storm water control for a 10 year storm event, not simply controls for a 1 year, 24 hour storm event as the plan now states. How will planned run-off management accommodate this run-off, and what will it do to the quality of water in waterways and in habitat for resident species?

Are jobs the primary – the **only** – issue to be considered in this project? No, there are many issues that **MUST** be addressed and solved to the satisfaction of more than just the developers and supporters.

Thank you for YOUR careful and serious consideration of questions raised.

Sonny Keisler – 3006 River Forks Road, Sanford read the following written comments into the record:

My name is Sonny Keisler. I reside at 3006 River Forks Rd, in Chatham County. The proposed development will have a major impact on greater Pittsboro and will expose all residents in this area to a higher level of environmental risk. As such you should require the applicant to clearly state its assumptions concerning the natural environment in Chatham County over the possible 40 year life of this project beginning in 2015 and ending in 2055. These assumptions will require a look at the larger world as well.

As of now the reader is left with the impression that the next 40 years will be essentially like the previous 40 years and that Pittsboro can experience a growth path similar to the one experienced in Cary. Of course only the Good Lord knows for sure what 40 years will bring. However, environmental projections spanning 10 – 100 years are constantly being undertaken by major corporations and governmental agencies. Of special interest are projections concerning global warming and its impacts on climate, forests, agriculture, fisheries and indeed civilization itself?

For example, the European Space Agency and NASA have examined the loss of ice in the Arctic Ocean and this past year determined that by 2020 - for the first time in 700,000 years - summer ice probably will disappear from the Arctic Ocean and, as it does, we can expect climate change to speed up. Also, this past year the National Research Council of the National Academy of Sciences released a climate study commissioned by the CIA. It concluded climate change will place unparalleled stress on the US military and intelligence agencies ... greater than WWI, WWII and the Cold War. Also, in 2012 a World Bank study concluded a global temperature increase of 7.2 degrees F. was very possible by 2060 and would result in a world convulsed by mass chaos, systems collapse ... a world ...”so dramatically different from today’s world that is hard to describe accurately”

The growing consensus is simply this: the natural underpinnings that have supported civilization for the past 10,500 years are collapsing including our temperate climate, temperate and tropical rain forests, coral reefs, fisheries etc. In fact the International Botanical Congress has concluded we are now experiencing the 6th great mass extinction of life on Earth.

As such, I think it is only prudent that before rezoning is approved, Pittsboro should require the applicant to clearly state what its assumptions are concerning our environmental future. Then Pittsboro will be in a better position to determine whether the development is a blessing or a fantasy that will harm the investors and greater Pittsboro alike.

Thank you.

Mike Sloan – 21 Lily McCoy Lane, Pittsboro – did not speak.

Liz Cullington – 390 Rocky Hills Road, Pittsboro read the following into the record:

Liz Cullington 390 Rocky Hills Road, Pittsboro NC 27312-6377 ETJ *resident*
I have huge reservations about this development but I accept that previous steps by the Town indicate that you are generally in favor. However, I would urge you if need be to continue this hearing if necessary, and most importantly to go through the Master Plan, the text document particularly, with extraordinary care and skepticism. I would like to be

able to finalize and submit written comments on the following and other problems with the Master Plan that will be better referenced to the application and the Town's zoning ordinances.

This rezoning depends on the Town's approval of the Master Plan, but then the developers not the Town will be in the driver's seat. Especially the **timing** or phasing of it. They would decide how soon to start different sections of the total project, and the Town could only reject each site plan for legitimate reasons, not because it's all happening a lot faster than you thought, even though the developers have said that will depend on market conditions.

The Master Plan details the huge impact of this scale up, many more police, fire, EMS, and twelve new schools, so timing matters. This new zoning district seems to require that timelines be provided, because changes to the timeline require approval.

From the Master plan, the **highways** map indicates that the access to the development and its eventual traffic will require a great deal of new road building, or road expansion within and outside Pittsboro. Access has to be available up front. But the new road plans shown aren't all funded and anticipated to be needed right away.

Most important, however, are the changes that effectively remove all restriction on the development from current **watershed and permeability requirements**, along with setbacks, height limits, and the requirement for development along highway corridors.

The most important of these is how much a lot can be paved or built over, especially since the entire development drains to Jordan Lake directly or indirectly.

The Master Plan indicates that 15 acres of "**open space**" will be dedicated for every 500 housing units getting a building permit, which at a stated cap of 22,000 units comes out the planned 660 acres mentioned in the plan, which could include public parks in the form of paved squares, or hard tennis courts and so on. But with 236 already identified acres of park or conservation area, the first 7,866 housing units need have no green open space, such as the mixed use and mixed-use residential areas close to 64 and the 64 bypass which have no identified "park planning area" and are also the areas that developers have signaled would be developed first. PDD zoning requires density to be identified by area, but the areas are just numbered and not mapped.

In Pittsboro's zoning ordinance the only zoning category that allows for 100% roof or paving coverage is the downtown commercial area, which is also one where storm sewer is in place. The Master plan exempts itself from the range of 40-65 percent lot coverage in favor of 70% coverage for the entire 7000 acres as a whole, even though the project contains hundreds of different slope directions. 70% coverage could be maintained for a long time while the developed area is covered almost completely over. The Master Plan says there will be no minimum setbacks for buildings, and specifically exempts the project from numerous sections of the zoning ordinance regarding lot coverage and watershed protection.

The zoning ordinance states this type of district can have flexibility of design in order to provide open space (nearby surely!), and to preserve environmental resources.

The Plan also exempts itself from the watershed protection section in a way that approval of this version of the Plan would grant them approval for the High Density option in those areas classified as protected watershed, but without having to meet the specific requirements of that section. And, by substituting this automatic approval for that section, it also removes the ban on this applying to the more critical watershed.

The Plan would create other exemptions and does so sometimes in relatively obscure ways. The developers appear to want to avoid using land they could build on to construct **stormwater** retention ponds. Worse, in the short term, it changes rules so that instead of installing stormwater systems when land is platted out and before construction begins, they would not have to be in place until a lot is sold. The developers also indicate an interest in stormwater "variances, lesser standards, and offset payments.

The critical issue of **wastewater** treatment appears not fully resolved as the developer suggests they could do without town sewer capacity but haven't produced a proper analysis or even identified the technology. The wastewater line layout on the submitted map is overly broad, feeds to a number of scattered treatment facilities, and while it would appear that these might be constructed wetlands, it's notable that every single one of them is located on a creek, if you compare maps.

In addition, the developer isn't offering to pay for the additional **water supply** infrastructure, plant or line that would provide the additional drinking water supply needed. It isn't going to be possible for the Town to meet the large upfront capital cost through setting aside Chatham Park water sales revenue and connection fees as the developers suggest. Water capacity has to be in place before buildings are constructed, not many years after occupants turn on the taps.

A. Shank – 467 West Street – Did not speak.

Mayor Voller stated he wanted everyone to understand what tonight's public hearing was about. Mayor Voller stated that Chatham Park LLC is proposing to rezone approximately 7,000 acres of land within the Town's Extraterritorial Planning Jurisdiction. The property is primarily vacant and undeveloped, located on the eastern side of Pittsboro.

Current zoning districts associated with the property include Highway Commercial, Conditional Use (C-2 CU), Highway Commercial (C2), Mixed Use Planned Development (MUPD), Residential-Agricultural (RA), Residential-Agricultural 2 Acres (RA-2), Residential-Agricultural 5 Acres (R-A5).

The request is to apply the Planned Development District (PDD) to the property.

Mayor Voller said this district is established and intended to promote innovative land planning, design and layout of large development projects that may not otherwise be permitted under general zoning district standards, subdivision regulations, or other development requirements. (The words “standards”, “requirements”, and “regulations” are used interchangeably in Article V when referring to development standards). The PDD district promotes innovative land planning, design and layout by:

- (1) Reducing or eliminating the inflexibility that sometimes results from strict application of zoning and development standards or regulations that were designed primarily for individual lots;
- (2) Allowing greater freedom in selecting the means to provide access, light, open space, and design amenities;
- (3) Allowing greater freedom for a broad mix of various land uses in the same development;
- (4) Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses;
- (5) Encouraging quality urban design by allowing higher densities when such increases are supported by superior design or the provision of additional amenities; and
- (6) Advancing public health, safety and general welfare.

Mayor Voller said in return for greater flexibility, planned developments in this district are expected to deliver communities of exceptional design, character and quality that preserve critical environmental resources and provide open space amenities. Such communities incorporate creative design in the layout of buildings, open space, and circulation; assure compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. Because flexibility is essential for the development of such communities, variations from otherwise applicable regulations and standards may be granted with the adoption of the required Planned Development District Master Plan (PDD Master Plan).

Mayor Voller stated the recommendation is to conduct the Public Hearing. He said this is an initial hearing to solicit public comments, to provide an opportunity for the public to address the Board with regard to this rezoning request. It is anticipated that there will be additional hearings and opportunities for comment.

J. Mark Hoffman – 811 Winterhill Dr. Apex, NC. Mr. Hoffman stated he owns property adjacent to this project. He said he understands a PPD. His family has been building houses for years. He understands the process and likes the process. The problem he has is it is an attempt to give the developer leverage that they need to get the work done that they choose to do so in an efficient manner. The final decision comes back to the Town (who in the town?).

Mr. Hoffman stated nowhere does it say what the criteria will be used to make that final determination/decision. Mr. Hoffman spoke specifically about adjacent properties. There are three acceptable methods. Who decides what specific criteria makes that decision? He stated nowhere in there does it say what criteria is used. He asked is it best for Chatham, is it best for him, his wife and his neighbors, or is it best for the town. That is what he wants to see. Personally, he thinks the cart is before the horse – there is too much gray area. He said we need a few more answers. He said this needs to be firm so that we can make some competent decisions on it.

Mr. Hoffman said acceptable uses that he finds somewhat intolerable are:

- Condo, whether residential or commercial. Everyone in his neighborhood lives on at least seven acres per dwelling unit.
- Modular homes.
- Pocket neighborhoods.
- Townhomes.
- Athletic fields – don't have a problem with them if they are day lit only.
- Stables.
- Riding/boarding facilities – he does not want horses or any other livestock behind his property.
- Veterinary establishments
- Water/wastewater facilities – even though it's shown on the other side it's an allowable use and they (developer) are given the leverage to make that change.

Harvey Harman – 467 West Street, Pittsboro – Chatham Habitat for Humanity. Mr. Harman asked if there was a development agreement in place at this point. Mayor Voller said no, we are in the very beginning of this process.

Mr. Harman said Chatham Habitat would like to make a presentation to the Board that affordable housing be a requirement as a condition for this request. They would like some time to pull that together and explore that a little further.

Mayor Voller said for the record this is the first big public hearing that has been held but the project has been floating around town since 2007.

Marty Ann Girdes – 454 Hills of Haw, Pittsboro – no comments.

Beverly Ann D'Aquanni – 856 Millcroft Pittsboro – no comments.

Pam Faulk – 1940 Hanks Chapel Rd, Pittsboro. Ms. Faulk said she works for Carolina Tiger Rescue and they are worried if they are going to have to build something to keep people out.

H. Wayne Britt – 151 Prince Creek, Pittsboro. Mr. Britt said this past weekend he could not buy shoes, shirt or a tie around here unless it was used so he had to travel 15 miles to get them.

Mr. Britt said this reminds him of Cary is 1971-1972. When Kildare Farms came it did not cost the Town of Cary one penny – when Preston Development came it did not cost the Town of Cary one penny, but they improved the quality of life and improved infrastructure for the Town.

Mr. Britt said progress is going to come and we have a chance to enhance Chatham County and the Town because Preston builds quality projects.

Duane Drinkwine – 398 Prince Creek, Pittsboro – no comments.

Matt Alexander -1422 The Knolls. Mr. Alexander said he has not seen anything in the development document about dedicating land to public services such as schools, fire stations or libraries and he would like to see that included somewhere in the document or at least know how it is to be funded. He would like to encourage the developer to partner with our schools to help provide our students with the necessary skills that will be needed in the construction of the project and those businesses that will be locating within the project. He said as you know companies are more apt to locate in an area where there is a skilled work force.

Catherine Deininger – 124 Goldberry Lane, Pittsboro read the following comments into the record:

To: Mayor Randy Voller and the Pittsboro Town Board of Commissioners

Comments on Chatham Parks Planned Development District Master Plan

I've come before you many times as the co coordinator of the Robeson Creek Watershed council and as a long time member and supporter of the Haw River Assembly. I am also a steering committee member of Chatham Conservation Partnership and an instructor in the Environmental Studies Department at Elon University. I am here tonight to give comments professionally as one of the managers of Biocenosis a small Chatham based environmental partnership of professional women who have been involved in natural resource projects throughout North Carolina over the past twenty years and as a resident of Chatham County.

First I'd like to commend Chatham Parks for their plans to integrate reclaimed wastewater treatment into their development by producing reuse quality water at potentially 6 package treatment plants that through a purple pipe system can potentially be used for flushing toilets, cooling systems, fountains, outside irrigation, etc. I do want to note that Chatham Parks anticipates a build-out need of 4.8 mgd wastewater. They also estimate a potential reuse water demands at 2.0 mgd at build-out. So there are 2.6 mgd of wastewater that have not yet been accounted for.

A *Stream Buffer map* is included in the Chatham Parks PDD proposal that shows some streams with 50 feet and some with 100 feet buffers. How the buffers are determined is describe in Section I, Site Analysis Elements. Unfortunately the *Stream Buffers map* included in the PDD does not match what is written in this section. The most obvious case being that the PDD

language states that “Buffers shown are one-hundred feet on either side for streams shown as perennial on the USGS topographic map.” Robeson Creek, which is shown as perennial well upstream of 15-501 on any map, including the USGS topographic map, is depicted on the *Stream Buffer map* with 100 feet buffers that decrease to 50 foot, buffers downstream. How buffers are being determined needs to be made clear and made consistent with the written language.

I commend Chatham Parks for inclusion of low impact stormwater controls in the PDD. The language in the Stormwater Management section reflects the effort the RCWC completed in 2010 in the *Town of Pittsboro Better Site Design Ordinance Review* which Philip Culpepper participated in as a representative from the development community. The PDD should also include language that guarantees any development will also be consistent with any new Town stormwater and erosion control ordinances.

The Section VII of the PDD proposal, Development of Standards/Regulation Elements needs to be very carefully reviewed and considered by the town board and staff. For instance this section states that no minimum lot size or setback buffers will be required for either residential or non-residential development. Even more concerning is the statement in Section VII, “The maximum impervious area within Chatham Park PDD shall not exceed 70%.” 70% impervious area is a high-density option currently only allowed as a maximum lot coverage area in Pittsboro for commercial areas. Chatham Parks is clearly going for a higher density option than what is allowed either in the Town of Pittsboro Zoning Ordinance or what is allowed in a Water Supply IV Protected Area under DWQ’s 10/70 rule. Chatham Parks like more than half of Pittsboro is in a WSIV PA that under the DWQ’s 10/70 rule only allows when using a low density (less than 24% built-upon area) option for 90% of the watershed for 10% of the watershed to be developed at high density (70% built-upon area). The watershed water supply standards are complicated. If Chatham Park wants to use higher density in some areas, they need to be clear on how they are going to meet both the state rules for water supply protection and the local ordinances.

Chatham Parks has made an important step towards conservation in committing to providing 192 acres for public parks along the Haw River Corridor and Slopes and off of Pittsboro Moncure Road along Turkey Creek and to creating a conservation area on 44 acres along Stinking Creek. Not surprisingly though, considering the size and of this development (7,120 acres), there are many other conservation opportunities that I’d like to encourage Chatham Parks to identify in their PDD for use as conservation areas, as passive or active parks, or as conservation development areas. By conservation development, I simply mean commitment is made to conduct and map a full natural community inventory of the conservation development area and use this map to inform a sustainable site design where highest quality areas are set aside as open space and the development home sites are clustered on a smaller portion of the conservation development areas. I’d like to encourage Chatham Parks to take another look at the Southwest Shores Conservation Assessment of Chatham County that was created through the work of many members of the Chatham Conservation Partnership and spearheaded by the Triangle Land Conservancy at the request of Preston Development.

Al Ryan – 156 Carl Foushee Rd, Moncure – no comments.

Wayne Foushee – 791 Carl Foushee Rd, Moncure – no comments.

Brooke Massa submitted the following statement for the record:

Pittsboro Board of Commissioners Public Hearing on Chatham Park Master Plan

June 24, 2013

Preliminary comments submitted by: Brooke Massa, NC Wildlife Resources Commission

Thank you for the opportunity to provide comment on the proposed Chatham Park Master Plan. Chatham Park is located in an environmentally sensitive area. Developments that do not conserve a network of riparian forest along streams connected to large conserved, undeveloped natural areas will impact water and forest resources, and rare and protected species and habitats. Real estate research shows that the majority of homebuyers consider conservation of the natural environment on developments to be important to their home purchase decision. Indeed, developments near natural undeveloped parks sell faster than conventional developments. The following recommendations are intended to provide strategies to minimize impacts on natural resources and enhance the quality of the developments within Chatham Park.

Conservation Plan

Given the ecological value of the land that this development is planned on, we recommend that a conservation plan that protects and connects large blocks of forests (i.e., 200+ acres) throughout the development be written and implemented. Triangle Land Conservancy's Southwest Shore Assessment provides a great resource to develop this conservation plan.

Site Analysis Element

Since the proposed development is in an ecologically sensitive and significant area, the Town of Pittsboro should consider requiring that the applicant submit a natural resources conservation plan ahead of any major development design. This plan should include a site survey conducted by a qualified wildlife biologist to confirm the presence of important wildlife habitat on the site. The developer should exclude as much of these areas from development as possible, as they would wetlands and steep slopes. It is also important that priority habitat areas are connected to one another via corridors of natural land that are at least 330 feet wide. If rezoned under the Planned Development District, the developer will have a lot of flexibility to cluster development to minimize impacts to these sensitive resources. However, if these sensitive resources are not identified and considered by the developer, we are concerned that they may not be protected.

Land Use Element

According to the Land Use Element Map provided in the Chatham Park Master Plan, many acres of existing high quality Oak Hickory forests north of Highway 64 will be converted into Residential, Mixed Use, and Research and Development developments. This forestland is considered a Significant Natural Heritage Area by the NC Natural Heritage Program – it is an area that has been surveyed by biologists and determined to be very important for the conservation of biodiversity, see attached Map 1. The average housing densities for parcels located in this area are quite high, for example, parcels 1.1 and 1.2 have an average housing density of ~4 dwelling units/acre – comparable to an urban low density residential development. South of Highway 64, biologists have identified a few high quality patches of Oak Hickory forests that are considered rare natural communities. We are concerned that the proposed number

of dwelling units and gross square feet for developments in these areas are too high to maintain some of the integrity of the forest ecosystem.

Rural cluster developments offer a way to protect these resources and develop the land at the same time. Rural cluster developments have a requirement of:

- A 35-50% set aside of contiguous natural areas that are connected among the developments
- Density that does not exceed 1 house per 4 acres

Development in these areas should also be consistent with conservation development standards. To be brief, conservation development standards require:

- Identification of areas of conservation priority –i.e., important wildlife habitat, streams, wetlands, rare species, and other important natural features
- Permanent conservation of identified areas
- Housing units should be clustered to prevent fragmentation of undeveloped, conserved lands.

Research and Development and Mixed Use developments on these sensitive lands should be required to follow a similar process, where the footprint of these developments minimizes impacts to identified sensitive resources, or mitigation for impacts to these resources should be required.

Some parcels (for example, Parcel 3.7) are adjacent to existing conservation lands managed by the NC Wildlife Resources Commission. These conservation lands are periodically burned to manage the land for wildlife habitat and optimum biodiversity. According to our data, these aforementioned parcels will experience smoke every few years. Also, building housing developments within areas that are likely to experience smoke may impact our ability to manage the land in a way that is consistent with our land conservation and habitat management objectives. To protect the integrity of these existing conservation lands:

- We recommend limiting housing and road development in parcels that border conservation lands that are burned in order to prevent health problems associated with smoke inhalation and to prevent accidents on roads obscured by smoke. We recommend that parcels that border existing conservation lands be planned to remain in agricultural and forestry use.

In addition, many of the parcels in the Land Use Element Map border existing conservation lands, to maintain the integrity of these conservation lands, it is very important to minimize development along the edges of these parcels. Conservation lands should always be buffered from development because developments increase the chance of habitat degradation due to noise, human-wildlife interaction, invasive species introductions, etc. To protect existing conservation lands:

- We recommend that the borders of parcels that are adjacent to conservation lands be planned for open space, i.e., undeveloped natural area conservation and passive recreational use.

Multi-Modal Transportation Plan

Greenways provide a great opportunity to both protect wildlife corridors and provide alternative transportation options for people. The current proposed width of 30' is inadequate in providing value for wildlife.

- We recommend that along greenways, developers conserve a 1000' wide corridor of natural vegetation; this will provide habitat for many species. If this buffer width is not feasible, it has been found that 330' of natural vegetation buffer will provide value for some species.
- The current greenways plan can be improved for conservation purposes by more closely following the stream network. Streams are used by many aquatic and terrestrial wildlife species to disperse across the landscape. If adequate buffers in riparian areas are in place, the habitat value of the streams and riparian areas will remain intact even with greenway development nearby.
- Greenways should be used to connect conservation areas. This will allow wildlife to safely move between conservation areas.

Park and Open Space Plan

In the Planned Development District, passive and active uses are to be included in open space. The parks and open space identified in the Parks and Open Space Plan are situated along streams and/or existing conservation areas. We commend the applicant for placing their largest planned park in the area overlapping a limited portion of the Significant Natural Heritage Area. To protect these features and to add conservation value to the parks:

- We recommend that these parks be managed and protected in their natural state with only minimal recreation facilities in place, such as hiking trails. Thus, in these instances, parks would be reserved only for passive use.
- Lastly, given the ecological value of the land that this development is planned on, we recommend that a conservation plan that protects and connects large blocks of forests (i.e., 200+ acres) throughout the development be written and implemented. Triangle Land Conservancy's Southwest Shore Assessment provides a great resource to develop this conservation plan. Also, the state has developed a Biodiversity and Wildlife Habitat Assessment (BWHA) map that identifies areas that are most important to conserve to maintain these resources. The BWHA is compiled by the NC Natural Heritage Program and is vetted by leading natural resources professionals and ecologists in our state. It is based on the best available maps and field survey data in our state. The areas of highest conservation value (ranking 6 or 7 to 10) are Significant Natural Heritage Areas, which represent the best, most unique and rare habitats in our state. The BWHA could be used as

a template for a conservation plan in addition to the recommendations of other conservation plans for this area. See attached Map 2.

In addition to these recommendations, we encourage the Town of Pittsboro to consider enhancing riparian buffers, especially in priority areas, and conservation and connection of natural open space through ordinances. A tree protection ordinance that adequately protects contiguous forest ecosystems – including the protection of natural understory vegetation - would also help to ensure that Pittsboro’s natural resources are better conserved as the town grows.

Thank you for the opportunity to provide input on the Chatham Park Master Plan. I am happy to be assistance to you with this and other development plans in the future.

Sincerely,

Brooke Massa, Piedmont Land Conservation Biologist

For more information, please contact:

Brooke Massa

Piedmont Land Conservation Biologist

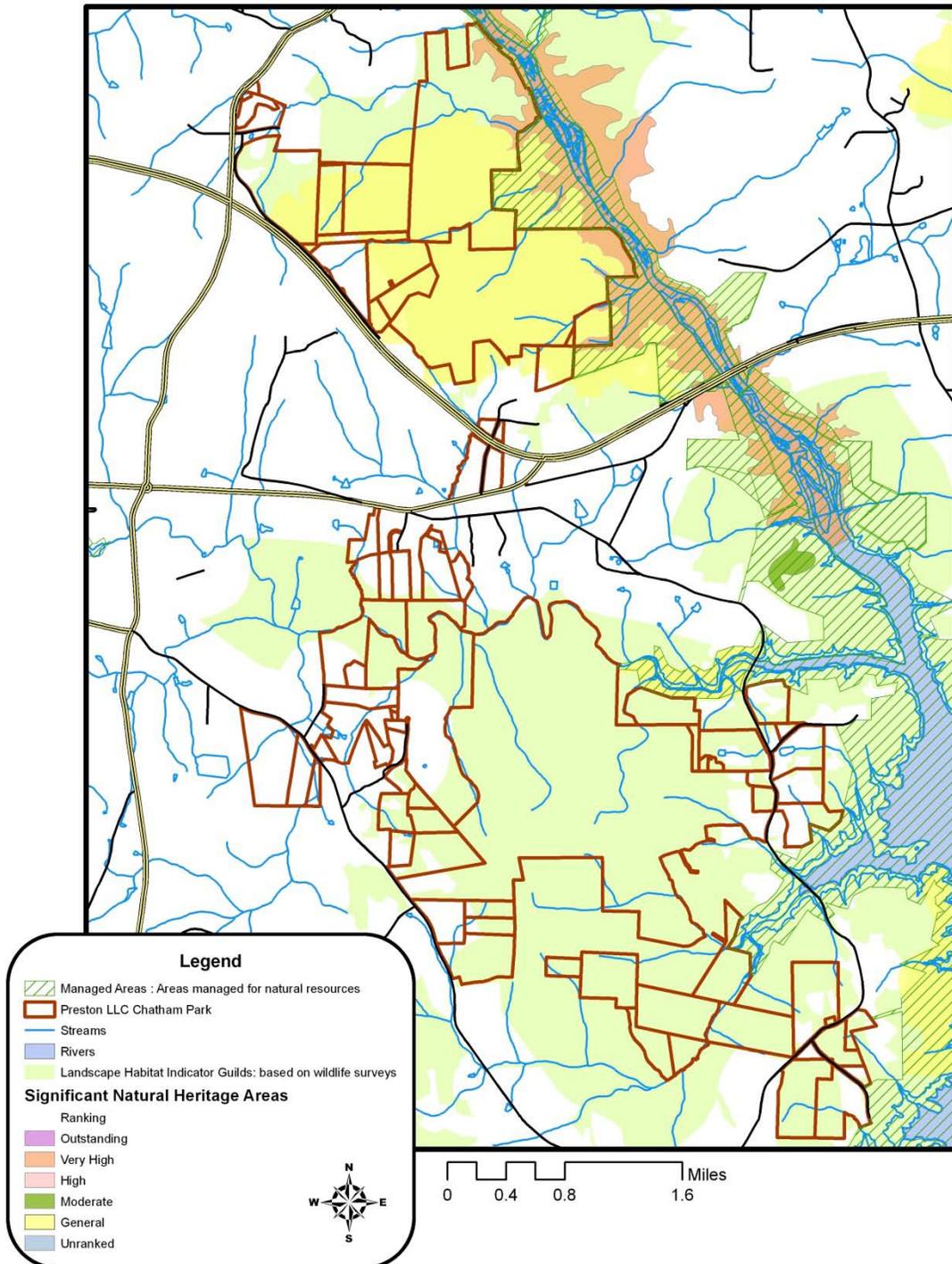
North Carolina Wildlife Resources Commission

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Cell: (919)630-3086

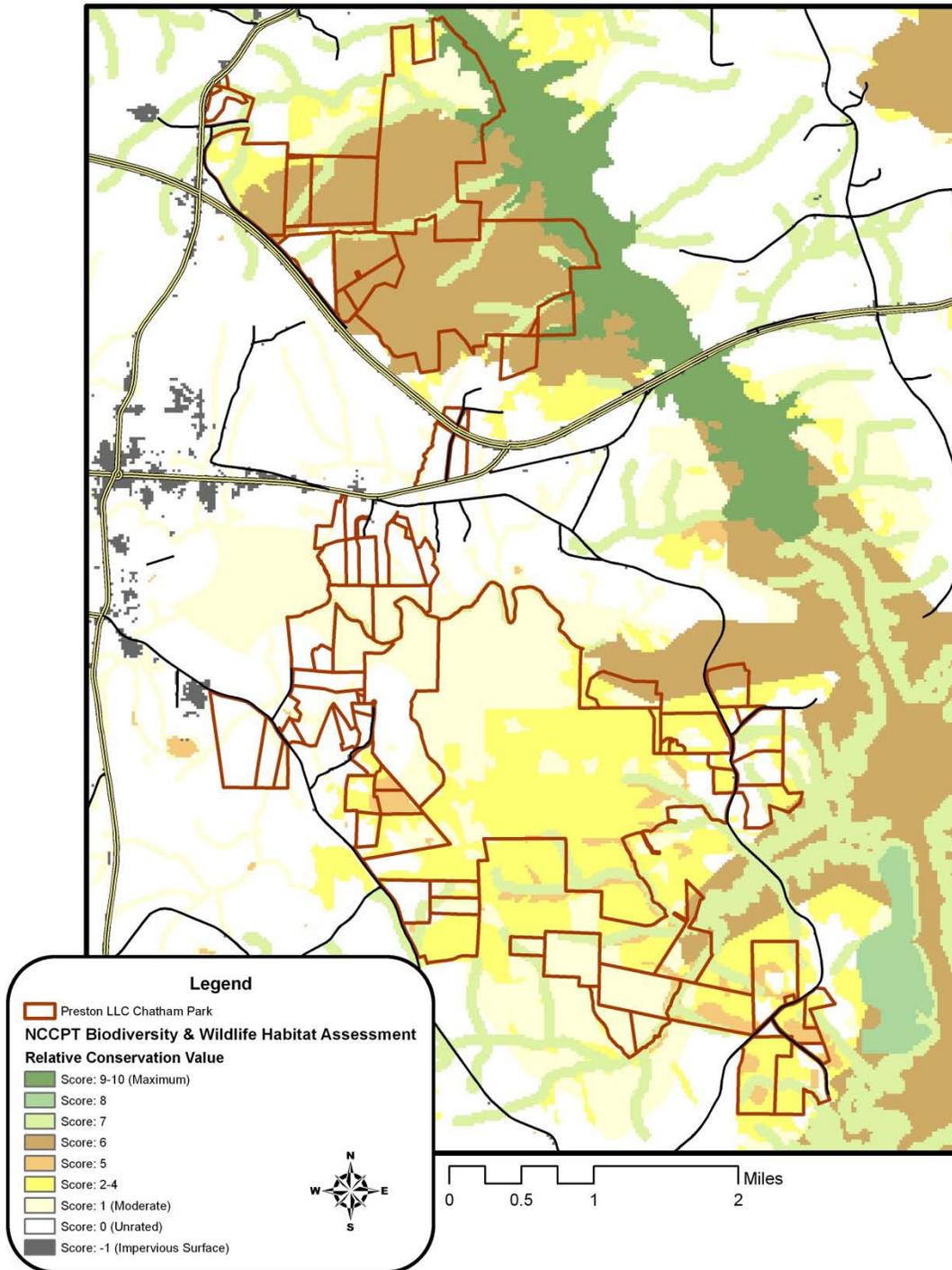
brooke.massa@ncwildlife.org

Biodiversity & Wildlife Habitat Assessment Chatham Park



Map 1. This map shows areas that have important value for biodiversity and wildlife. It also

Biodiversity & Wildlife Habitat Assessment Chatham Park



Map 2. Biodiversity and Wildlife Habitat Assessment in the Chatham Park area - this shows that most of the Chatham Park development is important for the conservation of biodiversity and wildlife habitat

Dianne Reid – 27 S Freeman Drive – President of Chatham County Economic Development. Ms. Reid said during her six years here she has probably had 200 businesses come and say they would like to be in Pittsboro and she had to tell them we don't have adequate facilities for them and there are no buildings available. She said that has been quite disturbing. There could have been significant job growth in Pittsboro if we had those facilities and had been able to accommodate them.

Ms. Reid said 55% of Chatham's population goes outside of the county to work, 64 cents of every dollar spent in retail sales are spent outside the county. Study after study shows that residential development doesn't really pay for itself if you factor in the services that are required.

Ms. Reid said what excites her about this project is the job space and that is what the project will create.

Joe Glasson – 11408 Governor Dr. – Chatham County. Mr. Glasson said he is a board member of EDC. He had the opportunity to serve on the board of directors of Habitat for Humanity about 10 years ago and Philip Culpepper came and spoke with them about plans at that time. It was during the same time when a lot of discussion was going around in the County about Briar Chapel and the concerns raised – it took roughly eight years to get that approval ultimately done. During one meeting he asked Mr. Culpepper what was their goal – what did they want it to look like.

Mr. Glasson said Mr. Culpepper said in about 50 years he wants people to look back and say those folks did it right and that has really stuck with him. Mr. Glasson said since that time he has spent much time meeting with the principals of the project. He feels the project will be very beneficial to Chatham.

Mr. Glasson said EDC supports this project. Mr. Glasson said he has found them to be very open to the response of the community; they listen very effectively and make changes.

John Graybeal – 3396 Alston Chapel Rd, Pittsboro. Mr. Graybeal said he thinks they should hire the person identified as Catherine (Deininger) as consultant on this project because you are obviously going to need help.

Karen Hall – 4157 Alston Chapel Rd, Pittsboro read the following written comments:

Comments for the Chatham Park Planned Development District Master Plan

Prepared by:
Karen Hall, Ph.D., Pittsboro Community Resident
4157 Alston Chapel Rd,
Pittsboro, NC 27312

My name is Dr. Karen Hall and I am a resident of the Pittsboro Community. I have worked in the Robeson Creek Watershed since 2000 as a NC State University Water Quality Extension

Associate and co-coordinator of the Robeson Creek Watershed Council. I have prepared comments on the Chatham Park Planned Development District Master Plan.

- My understanding is the PDD is rezoning document that “promotes innovative land planning, design, and layout” and is requesting greater flexibility in development. As part of this flexibility planned developments ARE EXPECTED to preserve critical environmental resources and provide open space amenities. This is what I expect and believe Chatham Park expects this as well.
- Chatham Park is to be commended for their efforts in water re-use. More developments should utilize new re-use technologies in order to protect and preserve our water resources.
- The Robeson Creek Watershed is an impaired watershed as determined by the NC Division of Water Quality (DWQ). Work to improve this watershed has been ongoing for 13 years. Robeson Creek and many of its tributaries flow through the Chatham Park land and even though much of Robeson Creek is impaired for aquatic life, the portion flowing through the Chatham Park land is relatively healthy and is not considered impaired by DWQ. Chatham Park Investors have been an active stakeholder and participant in the Robeson Creek Watershed Council. They have been supportive in efforts to promote and protect surface waters of Robeson Creek and its tributaries. Due to the variability within soils, topography and even existing ordinance regulations themselves, Chatham Park should continue to work with the Town of Pittsboro and the Robeson Creek Watershed Council to pre-determine defined buffer widths on all applicable streams prior to any development planning. It is my hope that Chatham Park regards surface waters as an important resource and protects them at a higher standard than just those standards provided solely by current ordinances.
- Section 7 “Development Standards/Regulation Elements.”
 - A. I have concerns about maximum impervious area with Chatham Park PDD. It “shall not exceed 70%”. Does that mean that 70% of the entire property can be paved while only preserving 30% as pervious?
 - B. Also, this section states that within Chatham Park PDD, there is no minimum lot size, lot frontage, front yard setback, rear yard setback or side yard setback. This applies to multi-family residences. There are also no minimum lot sizes or setbacks for non-residential development. There is also no maximum building height required for residential or non-residential structures. In my opinion, this needs to be considered very carefully. Chatham County is traditionally a rural county and loved by many for its rural setting. This language that exempts Chatham Park or other developments from

existing ordinances sets a questionable precedent. The potential installation of high-rise buildings and enormous parking lots that are not subject to any ordinance restrictions will completely change the character of our small town. As such, this section should be reviewed by the Town with scrutiny. I personally question whether the section should be included at all in a rezoning document because it sounds more like ordinance and regulation development.

Development will happen. I look forward to more entertainment, shopping and work opportunities that will be provided by Chatham Park. However, this is obviously an enormous project that will forever change Pittsboro. The community must be involved and active in the development process to help make it the best it can be for the environment and the entire Pittsboro community.

Phillip Culpepper – 100 Weston Estates, Cary – Consulting Planner for Chatham Parks. Mr. Culpepper said he would like to address the board on a couple items. This rezoning request requires a master plan; the master plan that is required for this rezoning request is not the final detailed plan. A development agreement document will include many of the issues that were raised tonight codified with the Town and become a legal document. He said zoning is not a tool that works well with some of the specifics we have been talking about.

Mr. Culpepper said they are working with the Town Manager towards a development agreement. Mr. Culpepper said this is a process and they are trying to get to the next step in the process.

Mr. Culpepper said the environment is one of the essential parts of Chatham Parks. They are doing what they can to protect the environment. He said he can't stop global warming with the design of this project.

Mr. Culpepper stated there is going to be development in Chatham County whether Chatham Park is here or not.

Mr. Culpepper said the town does not have a tree ordinance. What they propose to do is write the town a tree protection ordinance (need time to do it) and apply it to all of Chatham Park and offer it to the Town to apply to the rest of Town.

He said they are working on the goal to have a quality project for Chatham County and the Town of Pittsboro.

Mr. Culpepper said this is a large project but it is only 1.6% of Chatham County. So if they can absorb the development that might come to Chatham County and use up only 1.6% of the land area there is a whole lot of Chatham County that can be reserved. This development can still bring the jobs, put people in good houses and still put things here people want.

He said state stormwater regulations will be met and exceeded in some cases because the environment is their number one attribute for this project.

Mr. Culpepper said concerning the criteria for adjacent property. It was discussed when they were formalizing their plan that they should have very specific criteria on how they address adjacent property. They felt like they would put that in the hands of the Board when the project came forward because there are so many different variables.

He said affordable housing has always been a part of what they do. Every project like this should have affordable housing.

Mr. Culpepper said they are proposing a hospital as you know. UNC would like to build a hospital at this location and they would have to get that approved. Affordable housing is essential for the hospital because if they have affordable housing people won't have people driving fifty miles to come to work at an entry level job.

Mr. Hoffman said he had a conversation with Mr. Culpepper earlier this week about a golf course. Mr. Hoffman stated people have asked him about multiple golf courses in the project. His understanding when he left Mr. Culpepper was they were not building golf courses.

Mr. Culpepper said in the list of permitted uses golf courses is one of the permitted uses, but there is not one in the current plan. He said what they did say is the area where he (Mr. Hoffman) lives would not be allowing golf courses anywhere near the lake. They had thought there was a potential for a golf course but that is questionable whether that is practical in the current environment for golf course demand.

Mr. Hoffman said he doesn't have a problem with a golf course.

Joseph Barr – 791 Hwy 902, Pittsboro said he supports this project and he supports all the people that are concerned about the environment and about animals. He would ask Preston Development to address animal welfare concerns possibly to set aside some acreage for an animal sanctuary. That is something this county desperately needs and an adoption center. He thinks it would be something that showed good will from Preston Group to the people.

Luke McMahan – 44 Bynum Rd, Pittsboro stated his main concern as an artist/musician is that we maintain the culture that he has seen in Pittsboro. He would request that we keep it Pittsboro culture and not humongous culture. He believes the future of Chatham County is the Arts & Music.

Beverly A. D'Aquanni – 856 Millcroft, Pittsboro said she is still concerned about the quantity and quality of the water and how it will affect the rest of the community. There is always this problem about fracking so how do the developers address that problem so that we don't lose the quantity and quality of our water.

Mr. Culpepper said they know the water the Town has is limited. The Town is working to secure other sources. They cannot build the project unless they have adequate water. They are going to make the best use of that water they can. They are putting in purpose pipe so they can reuse as much of the water as possible.

Mr. Culpepper said fracking is prohibited in Chatham Park.

Tim Smith – 100 Weston Estates, Cary. Mr. Smith introduced his partner Bubba Rawlings. He stated they have been operating as Preston Development for 30 years. They believe in Pittsboro and Chatham County. They began here ten years ago pulling land together. They now have 7,120 acres. Mr. Smith said they have invested over \$200 million dollars in this tract of land and over \$100 million in planning. They think the land would be better used as a planned development.

Mr. Smith said he appreciates the comments tonight expressing their opinion. They will take them and work on them as hard as they can. He said they want to produce a green and sustainable community.

A 20 megawatt solar farm will be built on the project. That is an 85 million dollar investment. It will be there for 30 years and then the panel will disintegrate and the land can be used for building. This is going to be a 30 year project with over 30,000 jobs when completed out.

Mr. Smith said the first thing that will be built is a 25,000 sq. ft. medical office and they would like to start construction in the next sixty days.

There was a discussion about scheduling another public hearing to receive additional comments and concerns.

Mr. Culpepper said time is important. He would like for this item to go to the PB and that they make a recommendation.

Planning Board Chair Kenneth Hoyle reminded everyone this is a rezoning request. There will be other opportunities for public hearings to address concerns.

Manager Gruesbeck said all of this leads to formation of a development agreement and before it is formalized they will need to have at least one public hearing.

Mr. Harmon said this is a huge project and Chatham Habitat was hoping to make some specific comments in a letter. He said when he spoke with the Director of Planning and he was told this hearing won't be held for several months so they haven't had time to do a letter yet. He would request they have that time.

Motion was made by Commissioner Baldwin seconded by Commissioner Turner to go out of Public Hearing.

Vote Aye-5 Nay-0

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to take a recess.

Vote Aye-5 Nay-0

Motion made by Commissioner Baldwin seconded by Commissioner Turner to go back into regular session.

Vote Aye-5 Nay-0

NEW BUSINESS

CONSIDER REQUEST FOR WASTEWATER ALLOCATION FOR BROOKSTONE TERRACE LLC INDEPENDENT LIVING FACILITY (REZ-2013-01)

Planner Bass stated the request is for an allocation for 3,840 gallons of wastewater capacity to construct a 32 unit independent living facility.

Motion made by Commissioner Fiocco seconded by Commissioner Foley to approve the request for 3,840 gallons of wastewater capacity with condition that a site plan be submitted within one year of this date and that the allocation be tied to the site plan validity.

Vote Aye-5 Nay-0

CONSIDER REQUEST FOR WASTEWATER ALLOCATION FOR RANDOLPH DEVELOPMENT GROUP, LLC

Planner Bass stated the request is for an allocation of 800 gallons of wastewater capacity to construct a spec building for Phase 2 of the Bojangles Conditional Zoning project. He said we did not include the spec building when they came in for the restaurant allocation.

Motion made by Commissioner Fiocco seconded by Commissioner Turner to approve the request for 800 gallons of wastewater capacity and that it be tied to the validity of the site plan.

Vote Aye-5 Nay-0

Mayor Voller said it is not listed on the agenda to refer Chatham Park to the Planning Board for recommendation but we need to do that.

Motion made by Commissioner Baldwin seconded by Commissioner Turner to refer the request from Chatham Park LLC to the Planning Board for recommendation.

Vote Aye-5 Nay-0

OLD BUSINESS

CONSIDER REZONING REQUEST FROM RANDOLPH DEVELOPMENT GROUP, LLC FROM C2 CONDITIONAL USE DISTRICT TO C2 CONDITIONAL ZONING DISTRICT

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to approve the ordinance approving the rezoning request and site plan from Randolph Development Group LLC with the additional conditions established tonight.

Vote Aye-5 Nay-0

Mayor Voller requested that they install a simple bike rack.

The Ordinance reads as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE TOWN OF PITTSBORO

WHEREAS, the Board of Commissioners of the Town of Pittsboro has considered the Application REZ-2013-01 by Randolph Development Group LLC to amend the zoning map of the Town of Pittsboro to rezone the property described on Exhibit A attached hereto and incorporated herein by reference from C2-CU (Highway Commercial Conditional Use District) and C-2 (Highway Commercial) to C-2 CZ (Highway Commercial, Conditional Zoning District) pursuant to the provisions of NCGS 160A-385 and Article X of the Town of Pittsboro Zoning Ordinance and finds that the amendment is consistent with the Land Use Plan of the Town of Pittsboro and other applicable adopted plans, policies and documents; and

WHEREAS, the Board of Commissioners of the Town of Pittsboro has also considered the Site Plan proposed by Randolph Development Group LLC as a part of its rezoning application, revised as of June 18, 2013; and

WHEREAS, the Town Planning Board has reviewed the application in detail, considered public comment and forwarded the request to the Town Board of Commissioners with a positive recommendation for approval; and

WHEREAS a Public Hearing was held on June 24, 2013 to solicit comments and concerns which were duly considered and acknowledged; and

WHEREAS, the area proposed to be rezoned is located in the vicinity of the US 64 / 15-501 interchange and is an area that is adjacent and/or within close proximity to C-2 zoned property; and

WHEREAS, the area proposed to be rezoned is a reasonable location for commercial uses and would be suitable for the uses permitted herein; and

WHEREAS, the proposed rezoning is reasonable considering the size and location of the tract and the potential impact to the surrounding community subject to the Stipulations and Conditions attached hereto as Exhibit B; and

WHEREAS, the location is subject to a relative high traffic volume compared to other locations within the community; and

WHEREAS, the proposed rezoning advances the public interest of the Town if developed according to the Stipulations and Conditions and Site Plan as modified as hereinafter set forth and approved hereby;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF PITTSBORO as follows:

1. That for the reasons hereinabove stated and subject to the Stipulations and Conditions attached hereto as Exhibit B, the property described on Exhibit A attached hereto and more particularly described in Application REZ-2013-01 by Randolph Development Group LLC as amended and modified herein, be rezoned from C2-CU and C-2 to C-2-CZ.

2. That development of the property described on Exhibit A in accordance with the Stipulations and Conditions and the Site Plan of Randolph Development Group, LLC attached and incorporated by reference be, and it hereby is, approved.

3. That the Site Plan revised as of June 18, 2013, a copy of which is attached hereto as Exhibit C, is approved pursuant to Articles X and XV of the Town of Pittsboro Zoning Ordinance.

4. That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

Adopted this day of _____, 2013.

TOWN OF PITTSBORO

By: _____

Mayor

ATTEST:

Clerk

EXHIBIT A

PROPERTY DESCRIPTION

Beginning at a found 1" pipe on the margin of Chapel Hill Road/U.S. Highway 15-501 (Public R/W Varies) being N 22-16-25 E. 13,508.20 feet of NCGS Monument "Admin"; Thence along the right of way of Chapel Hill Road N. 02-19-38 E. 99.43 feet to a point at the intersection of the right of way of Russett Run/State Route #1658 (Public R/W Varies); Thence with the right of way of Russett Run the following three (3) courses and distances:

- 1) N. 43-00-23 E. 80.12 feet to a point;
- 2) S. 89-52-42 E. 38.48 feet to a point;
- 3) With a curve to the left having a radius of 1141.27 feet, an arc length of 73.17 feet (subtended by a chord N. 88-29-39 E. 73.16 feet) to a found 1" open top

pipe at the intersection of the right of way of Suttles Road/State Route 1809 (90' Public R/W); Thence with the right of way of Suttles Road the following five (5) courses and distances:

- 1) S. 46-16-36 E. 63.97 feet to a found 0.5 iron pipe;
- 2) S. 02-19-16 W. 112.19 feet to a found 1" open pipe;
- 3) S. 04-49-34 W. 61.01 feet to a point;
- 4) S. 02-34-25 W. 100.28 feet to a point;
- 5) With a curve to the right having a radius of 427.47 feet, an arc length of 249.96 feet (subtended by a chord S. 19-19-23 W. 246.21 feet) to a point;

Thence N. 87-29-40 W. 137.25 feet to a point on the right of way of Chapel Hill Road; Thence with the right of way of Chapel Hill road the following two (2) courses and distances:

- 1) N. 02-26-22 E. 324.14 feet to a point;
- 2) N. 02-19-38 E. 60.05 feet to a found 1" pipe and returning to the Point and

Place of Beginning and containing 2.452 acres, (106,820 square feet) more or less.

EXHIBIT B

Stipulations Specific to the Development.

1. Construction Deadlines. This ordinance shall automatically expire on the first anniversary of its issuance unless (a) construction of required project-related infrastructure improvements has commenced; or (b) a timely filed application for an extension of time has been approved by the Town. This ordinance shall automatically expire on the third anniversary of its issuance unless (a) the construction of all required project-related infrastructure improvements has been completed; or (b) a timely filed application for an extension of time has been approved by the Town.

2. Land Use. This conditional zoning ordinance approves:

Gross Land Area	2.452 acres
Minimum Lot Size	No minimum
Minimum Street frontage	No minimum

Commercial Standards:

Maximum Area	
Restaurant	3,808 SF
Retail	8,000 SF

Maximum Building Height	50 feet
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Maximum Impervious Surface	53%
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Building Setbacks	
US 15-501	50'
Russett Run	50'
Suttles Road	25'

Parking:	Restaurant: Minimum of 28 spaces
	Retail: Minimum of 5 spaces per 1,000 square feet of gross floor area

Prohibited Uses:

- Boarding and Rooming Houses
- Cemetery or mausoleums
- Correctional, penal institutions, jails
- Outside storage of used, wrecked, inoperable or dismantled automobiles
- Funeral home or crematorium

- Theater, outdoor
- Adult bookstore, adult entertainment club, adult theater
- Automobile sales, new and used
- Flea markets
- Fuel oil sales
- Manufactured home sales
- Massage Parlors (Massage uses to be allowed as accessory uses to Day Spas or other such businesses)
- RV, boat, agricultural implement, heavy machinery sales, rental storage
- Flammable liquids or gases, bulk storage, <100,000 gallons
- Manufacture and assembly of electric and neon signs, billboards, light sheet metal products, etc.
- Public utilities; with service and storage yards
- Transportation terminals, freight
- Carwash, self-service (self-service carwash uses to be allowed as accessory uses to convenience stores, automobile service stations or other such businesses)
- LP gas refueling station (small gas tank exchange operations to be allowed as accessory uses to convenience stores or other retail businesses)
- Telephone exchanges with towers over 50 feet in height

Allowed Uses: All other uses permitted as a matter of right in the C-2 Zoning District.

3. Watershed Management. A detailed watershed protection plan which shall include impervious surface calculations and a monitoring plan to assure compliance with the maximum impervious surface area allowed herein shall be approved by the Town Planner prior to issuance of a zoning compliance certificate. The High Density Option proposed by the Applicant may be utilized for all of the property subject to this ordinance and all of the land uses allowed by this ordinance provided it is constructed in compliance with all applicable provisions of the Town of Pittsboro zoning ordinance in effect as of the date of filing of the Applicant's application for this conditional zoning ordinance, and Sections 5.5.10 through 5.5.13 in particular, including, but not necessarily limited to, engineered watershed protection control measures as depicted upon the approved site plan and that the built-upon impervious surface shall not exceed the maximum permitted herein for the project. Plans for such control measures sufficient to serve all the property subject to this ordinance and all of the land uses allowed by this ordinance shall be approved by the Town Planner prior to issuance of a zoning compliance certificate and no certificate of occupancy for any portion of the project shall be authorized prior to approval by the Town of the control structures for that portion of the project after construction and compliance with the financial assurances required. All such control measures sufficient to serve each portion of the project shall be constructed by the Applicant prior to issuance of a certificate of occupancy for that portion of the project.

4. Storm Water Management. A storm water management plan sufficient to collect and detain runoff from the first one inch of rainfall from the entire project area shall be approved by the Town Engineer prior to issuance of a Zoning Compliance Certificate, and the Applicant is required to provide the Town Engineer with final plans and an impervious surface calculation sheet. The Applicant shall construct storm water management control measures sufficient to serve all of the property subject to this ordinance and all of the land uses allowed by this ordinance in compliance with all applicable provisions of the Town of Pittsboro zoning ordinance in effect as of the date of filing of the Applicant's application for this conditional zoning and Sections 5.5.10 through 5.5.13 in particular as well as any stormwater regulations adopted pursuant to the Jordan Lake Rules. The Applicant shall construct storm water management control measures sufficient to serve each portion of the project area prior to issuance of a certificate of occupancy for that portion of the project. The plan shall include low-impact stormwater management solutions and best management practices as defined in the North Carolina Department of Environment and Natural Resources Best Management Practices Manual, where practical, to be included into the design at the time of construction drawings are presented to the Town.

5. Fire flow. A fire flow report indicating adequate design shall be approved by the Chatham County Fire Marshal and Town Utilities Director prior to issuance of a zoning compliance certificate. Adequate fire flow shall be demonstrated prior to issuance of a certificate of occupancy. The final plans shall indicate adequate access for pumper trucks.

6. Lighting Plan Approval. Site lighting shall be pedestrian scale lighting along the storefronts and proposed streets within the development. The pedestrian scale lighting shall be capped to direct light downward. Parking lot lighting within the parking lot areas shall not exceed thirty (30) feet in height. All parking lot lighting and lighting in the rear of the buildings shall be designed such that direct illumination does not extend beyond the property line. Wall pack light fixtures will not be allowed on any structures. However, directive light fixtures will be permitted. All street lighting and parking lot lighting shall meet Town lighting standards in effect as of the date of filing of the Applicant's application for this conditional zoning ordinance.

7. Utility and Access Easements. Documents establishing easements as required by the Town for infrastructure required for each portion of the project shall be recorded prior to issuance of a Zoning Compliance Certificate for that portion of the project.

8. Signage. All signage located upon the property shall comply with town standards.

Stipulations Regarding State and Federal Government Approvals

9. Ordinances. A commercial driveway permit from the North Carolina Department of Transportation (NCDOT) for each entrance to the project, including a right-turn in / right-turn out access to Russet Run and a full-motion access to Suttles Road shall be obtained and copies submitted to the Town prior to issuance of a Zoning Compliance Certificate for any portion of the project served by each entrance. For all work authorized by NCDOT for each portion of the project, the Applicant shall provide an encroachment agreement, approved by the NCDOT, for any work proposed in the NCDOT right-of-way, including improvements, utilities, sidewalks,

driveways, landscaping, and the like, subject to Town approval, prior to issuance of a certificate of occupancy for that portion of the project. An approved Soil Erosion, Sediment Control Plan for each portion of the project shall be submitted to the Town Planner prior to the issuance of a Zoning Compliance Certificate for that portion of the project. Any other required State or Federal ordinances or encroachment agreements shall be obtained and copies submitted to the Town prior to issuance of a certificate of occupancy.

10. Improvements. Off-site improvements required by NCDOT or any other agency with jurisdiction shall be constructed at no cost to the Town.

Stipulations Regarding Required Improvements

11. Parking areas, Sidewalks and Walkways. Pedestrian conveyances shall be installed in accordance with the ordinances and policies of the Town in effect as of the date of filing of the Applicant's application for this conditional zoning ordinance. The Applicant shall provide a Town standard 5-foot wide sidewalk with 30-inch curb and gutter along Russet Run and Suttles Road, as follows:

Approximately 358 linear feet of curb and gutter on the south side of Russet Run;
Approximately 283 linear feet of sidewalk on the south side of Russet Run; and
Approximately 225 linear feet of curb and gutter on the west side of Suttles Road,

subject to Town Planner approval of each section of sidewalk and curb and gutter prior to issuance of a certificate of occupancy for any portion of the project. The sidewalk on Russett Run shall be located approximately 3' from the installed curb and gutter. Parking areas and roof treatments shall incorporate low impact development applications as defined in the DENR BMP Manual where practicable.

Parking and off-street loading areas shall be installed in accordance with the ordinances and policies of the Town in effect as of the date of filing of the Applicant's application for this conditional zoning ordinance unless specified otherwise herein.

12. Streets. Driveways and improvements to existing public roads shall be designed and constructed to NCDOT standards.

13. Utilities.

(a) The Applicant shall demonstrate availability of adequate water and wastewater supplies to serve each portion of the property and plans for provision of the same shall be approved by the Town Engineer prior to issuance of a zoning compliance certificate for that portion of the project. Such plans shall be in conformity with any Town policies then in effect and the Applicant shall pay all fees and charges associated with the project, including then current utility acreage and capital reserve fees, review and inspection charges prior to issuance of a certificate of zoning compliance. The entire cost of extending such utility services shall be borne by the Applicant.

Water and wastewater facilities shall be offered to the Town for acceptance for maintenance upon completion in accordance with the approved plans and policies of the Town. Acceptance shall be conditioned upon provision of adequate security to warrant the construction for a period of not less than one year.

(b) Adequate wastewater service shall include provision of a gravity collection line of sufficient size to accommodate current and projected demand of the project in the applicable drainage basin to the Town's existing or planned collection system to be constructed at no cost to the Town.

(c) All plans for underground water distribution and wastewater collection utilities for any portion of the project shall be approved by the Town and other applicable regulatory agencies prior to issuance of a certificate of zoning compliance for that portion of the project. All plans for other underground utilities including gas, electric distribution, communications and cable television for any portion of the project shall be approved by the respective utilities involved prior to issuance of a certificate of occupancy for that portion of the project. Upon completion the Town shall be provided as-built plans for all utilities to be accepted by the Town for maintenance.

Stipulations Related to Landscape Elements

14. Landscaping/Screening. All required screening and buffers for any portion of the project as shown on the approved Landscape Plan (Sheet C1.1) shall be in place prior to issuance of a certificate of occupancy for that portion of the project. Existing vegetation may be used to fully or partially fulfill the landscaping and buffer requirements of the Town. Proposed street trees along U.S. Highway 15-501 are to be a minimum of 4-inch caliper and 16-18 feet in height at time of planting. Proposed shrubs along U.S. Highway 15-501 are to be a minimum of 7 gallons and 30 inches in height at time of planting. Detailed specifications of the proposed plantings appear on the Landscape Plan (Sheet C-1.1).

15. Landscape Protection Plan: Along the frontage of U.S. Highway 15-501, eight significant mature trees will be preserved as referenced on the Landscape Plan (Sheet C-1.1). Applicant shall present details on preservation of these trees and supplemental landscaping at the time construction drawings are presented to the Town. Applicant will explore opportunities to preserve additional existing trees along project frontage where practical dependent upon proposed infrastructure, buildings, vehicular use areas, and further detailed topographic information. The approved site and landscape plan, including parking and other elements, may be modified in the future with the approval of the Planning Director to accommodate efforts to preserve existing trees.

Miscellaneous Stipulations

16. Solid Waste Management Plan. A detailed solid waste management plan for each portion of the project, including recycling and management for construction debris, shall be approved by the Town Planner prior to the issuance of a Zoning Compliance Certificate for that portion of the project. The final plans shall include a detail of proposed service areas and respective

access drives. This plan shall include the location and proposed use of containers for refuse and recyclables.

17. Site Plan Modifications. Minor changes in the detail of the approved site plan which will not alter the basic relationship of the proposed development to surrounding properties or the standards and requirements of the Town zoning ordinance or any conditions contained herein, may be approved by the Town Planning Director without going through the standard ordinance review process or a public hearing.

18. Erosion Control. A detailed erosion and sedimentation control plan for each portion of the project including provisions for monitoring and maintenance of facilities and modifications of the plan if necessary shall be approved by the North Carolina Department of Environment and Natural Resources and submitted to the Town Planner prior to the issuance of a Zoning Compliance Certificate for that portion of the project.

19. Silt Control. The Applicant shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.

20. Construction Management Plan. A Construction Management Plan for each portion of the Project, indicating how construction vehicle traffic will be managed, shall be approved by the Planning Department prior to the issuance of a Zoning Compliance Certificate for improvements in that phase. No Certificates of Occupancy shall be issued for a portion of the project until all required public improvements for that portion of the project are complete; no Certificates of Zoning Compliance or Building permits for any portion of the project shall be issued until all public improvements required in previous portions of the project are completed to a point adjacent to the new portion, and if applicable a note to this effect shall be placed on the final plan and/or plat.

21. As-Built Plans. As-built plans in DWF binary format using State plane coordinates, shall be provided for all public improvements and all other existing or proposed impervious surfaces within each portion of the project within sixty (60) days after completion of the public improvements in that portion of the project.

22. Appeal. The Town shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the Town concerning this resolution, or any action to enforce the provisions hereof, the Applicant, its successors or assigns shall indemnify and hold the Town harmless from all loss, cost or expense, including reasonable attorneys fees, incurred in connection with the defense of or response to any and all actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of, either known and unknown, resulting to or from this decision; provided, however, that the Town shall cooperate with the Applicant, its successors or assigns to coordinate efforts and minimize duplicative effort and unnecessary expense in the defense of or response to any and all such actions, causes of action, claims and demands.

23. Fees. Applicant shall pay to the Town all required fees and charges attributable to the development of its project in a timely manner in accordance with the Town's ordinances and

regulations, including, but not limited to, utility, subdivision, zoning, recreation and impact fees established from time to time.

24. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed herein.

25. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.

26. Non-Waiver. Nothing contained herein shall be deemed to waive any discretion on the part of the Town as to further development of the Applicant's property and this ordinance shall not give the Applicant any vested right to develop its property in any other manner than as set forth herein.

27. Noise Provision: Noise limits shall be between 50 and 55 dBA in the evening (8:00 p.m. to 8:00 a.m.) and 60 dBA in the daytime (8:00 a.m. to 8:00 p.m.). Outdoor loudspeakers shall be avoided, except that restaurant drive-through speaker systems shall be allowed.

28. Ordinance Controls. Consistent with the objectives and purposes of conditional zoning ordinances as described in Section 10.7 of the Town's zoning ordinance, in the event of a conflict between the particular requirements of the Town's ordinances and the approved site plan and these stipulations and conditions, the site plan and these stipulations and conditions shall prevail.

29. Annexation. This ordinance shall automatically expire and the property shall revert to its previous zoning classifications unless an irrevocable petition to voluntarily annex the property affected hereby into the Town of Pittsboro is executed and filed by the property owner within 20 days of the adoption hereof.

30. Future Development. Future development of the property for a second structure shall not be undertaken, nor a certificate of zoning compliance be issued, until such time as: (a) the Town's zoning ordinance shall be amended to allow more than one structure on the same lot as the first structure to be constructed in a conditional zoning district; or (b) the Major Transportation Corridor overlay restrictions are removed from the property affected by this ordinance and the property is recombined to create one lot for each structure proposed to be constructed on the property.

EXHIBIT A Property Description

Beginning at a found 1" pipe on the margin of Chapel Hill Road/U.S. Highway 15-501 (Public R/W Varies) being N 22-16-25 E. 13,508.20 feet of NCGS Monument "Admin"; Thence along the right of way of Chapel Hill Road N. 02-19-38 E. 99.43 feet to a point at the intersection of the right of way of Russett Run/State Route #1658 (Public R/W Varies); Thence with the right of way of Russett Run the following three (3) courses and distances:

1) N. 43-00-23 E. 80.12 feet to a point;
2) S. 89-52-42 E. 38.48 feet to a point;
3) With a curve to the left having a radius of 1141.27 feet, an arc length of 73.17 feet (subtended by a chord N. 88-29-39 E. 73.16 feet) to a found 1" open top pipe at the intersection of the right of way of Suttles Road/State Route 1809 (90' Public R/W); Thence with the right of way of Suttles Road the following five (5) courses and distances:

- 1) S. 46-16-36 E. 63.97 feet to a found 0.5 iron pipe;
- 2) S. 02-19-16 W. 112.19 feet to a found 1" open pipe;
- 3) S. 04-49-34 W. 61.01 feet to a point;
- 4) S. 02-34-25 W. 100.28 feet to a point;
- 5) With a curve to the right having a radius of 427.47 feet, an arc length of 249.96 feet (subtended by a chord S. 19-19-23 W. 246.21 feet) to a point;

Thence N. 87-29-40 W. 137.25 feet to a point on the right of way of Chapel Hill Road; Thence with the right of way of Chapel Hill road the following two (2) courses and distances:

- 1) N. 02-26-22 E. 324.14 feet to a point;
- 2) N. 02-19-38 E. 60.05 feet to a found 1" pipe and returning to the Point and Place of Beginning, and containing 2.452 acres, (106,820 square feet) more or less.

EXHIBIT C

Is attached to these minutes.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF PITTSBORO IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES 65-88

CHATHAM PARK

Motion made by Commissioner Turner seconded by Commissioner Baldwin to schedule a public hearing on the rezoning request from Chatham Park LLC for July 22, 2013 at 7:00 p.m.

Vote Aye-5 Nay-0

CONSIDER FINAL BUDGET FOR FISCAL YEAR 2013-2014

Manager Gruesbeck stated the budget does include the \$12,000 for transit, it includes a 2% raise for all employees effective July 1, 2013, they moved \$15,000 from the planning department in recreation for the pocket park and the budget includes a tax increase with the tax rate for 2013 being 0.4033 per \$100 valuation.

Mayor Voller asked Manager Gruesbeck to find out what the cost will be to run a water line down Sanford Road so that the County can purchase water from us.

Commissioner Farrell said he would like to remove the funds for transit from the budget, he is for the 2% raise for employees but he is against moving \$15,000 from planning for a park. He said he don't think now is the time to build a park when we are raising property taxes on our citizens.

Commissioner Fiocco said as he looks at the fund balance appropriated for the enterprise fund he wants us to do everything in our power not to use all that appropriation. He realizes some of it is for deferred maintenance that has to be done.

Commissioner Fiocco said he noticed that some fees have not been included in the budget ordinance such as:

- Conditional Zoning
- Conditional Zoning Rezoning
- PDD Rezoning

Commissioner Fiocco said he would expect those fees are some hefty ones and he would like for the cost to be covered as much as possible. He would like them plugged in as soon as possible.

Commissioner Fiocco said he supports the bus because it is an important infrastructure. He also supports the park as part of the Main Street Program. It would be a great addition to downtown.

Mayor Voller asked Manager Gruesbeck if he had talked with the County about the 10% contingency. Manager Gruesbeck said he had but Manager Horne said it was the amount voted on.

Attorney Messick said it might be better if one of the Commissioners approached a County Commissioner.

After discussion the board asked Commissioner Fiocco if he would go back to the County Board to request some additional funds for the Hillsboro Street project. Commissioner Fiocco agreed to go back. Manager Gruesbeck said he would help with it.

Commissioner Baldwin said she is for the bus but she would like to see them doing one route at 7:20 in the morning and bringing them back in the afternoon. She said she is not in favor of moving money from planning for the park. She feels you should use the money from the sale of surplus property. Commissioner Baldwin said she supports the park but not the funding source.

Mayor Voller said it is wise for the board to justify the Town's investment since the county pulled out. He said the Town's investment keeps them interested and he don't think we can tell them how to run their business.

There was a discussion about fees for riding the bus. Staff was to check into that.

Commissioner Farrell said he is against surplus money going to the park it should go to the general fund.

Motion made by Commissioner Fiocco seconded by Commissioner Foley to adopt the Budget Ordinance establishing the Fiscal Year 2013-2014 Operating Budget and adopt the resolution approving the Fiscal Year 2013-2014 Capital Improvement Plan.

Vote Aye-4 Baldwin/Fiocco/Foley/Turner
Nay-1 Farrell

REVIEW DRAFT WATER AND SEWER LEAK ADJUSTMENT POLICY

Tabled until next meeting.

CAPITAL PROJECTS REPORT

MANAGER'S UPDATE ON CAPITAL PROJECTS

Manager Gruesbeck submitted the following capital projects update in the agenda packet:

PROJECT: Hillsboro St Water Main Transmission Line Replacement Project

UPDATE: Contractor filled the remainder of the water main trench from Virlie's to Sanford Road, south of the traffic circle and expects to continue to work on punch-list items with the goal of completion during the week of 7/24/13. We are on track to close out the grant in advance of July 10, 2013.

PROJECT: Chief of Police Selection

UPDATE: Percy Crutchfield has completed his physical examination and firing range qualification. On Tuesday, June 25, he will undergo his psychological examination. I am expecting his start date to be pushed back into July.

PROJECT: Water Treatment Plant - Generator Replacement Project

UPDATE: The Rural Center authorized Staff to seek bids for the new generator. Staff is developing specifications for the generator with the expectation to let the project for bids in late July/early-August 2013.

OTHER NEWS:

- I am looking forward to holding our first (in my time here) Department Head meetings with Staff. They are expected to take place following each Board of Commissioners meeting. The purpose is to discuss actions taken at the BOC meetings, prepare agenda items for upcoming BOC meetings and "go around the table" on other issues. The meetings should not take more than 1.5 hours.

- Commissioner Wilson-Foley and I met with representatives from Zimbabwe Rural Development officials at the Town Hall on Friday, June 21. They were curious about local taxation, planning and economic development issues.
- The Customer Service Specialist position previously held by Ann Wilkie has been advertised on the website and should be appearing in the local newspaper. We may be temporarily filling it with a part-time person until it is permanently filled.
- I will be out of the office during the week of July 8, 2013 attending the Public Executive Leadership Academy at University of North Carolina – Chapel Hill.

Mayor Updates

- EDC
- RPO
- Solid Waste
- Fairground Association
- PMA/Downtown

Commissioner Concerns

NONE

FYI -

1. May 2013 Financial Report
2. FY 2012 Schedule of Revenues and Expenditure for Enterprise Fund

ADJOURNMENT

Motion made by Commissioner Baldwin seconded by Commissioner Farrell to adjourn at 10:30 p.m.

Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, NCCMC
Town Clerk