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EXECUTIVE MEMORANDUM

To: Mayor Bill Terry and Board of Commissioners
From: Craig Lewis
Date: February 17, 2014
Re: LG Responses to Mayor's Questions from January 31, 2014

In addition to our report which goes into more detail, I have attempted to provide some brief thoughts and responses to the Mayor's questions.

1. From the PDD Ordinance, 5.2.2. "All uses that are set out and in the approved PDD Master Plan shall be treated as "Use By Right" within the PDD, including those identified in the ordinance as "permitted by right" and those "permitted by SUP (Special Use Permit) only." This provision of the PDD ordinance feels like an extraordinary abdication of oversight authority on the part of the Town. I would like the consultant to present a discussion of the pros and cons of granting such sweeping latitude to a developer. Comments should include an explanation of why it would be unreasonably restrictive to require development within a PDD to comply with the same table of uses with which all other property owners within our jurisdiction are required to comply. Why should we allow developments in a PDD zone to bypass the Special Use Permit process?

LG Response: *This is not an uncommon provision. The purpose of the PDD and similar ordinances such as a Conditional District are to permit greater flexibility within a development application in return for elements that help to mitigate against any known issues. In truth, many zoning ordinances are already moving away from the excessive number of Special Uses identified in their use table in favor of form-based design standards. The current ordinance is very focused on the separation of uses regardless of their relative compatibility, drawn largely from the post-war model zoning ordinances. Should the same separation of uses and parking standards be applied to the old downtown area, I doubt if it could be rebuilt with the same charm and functionality.*

As a master developer, it is in their best economic interest to ensure compatibility of uses within the PDD. If there is a concern regarding certain Special Uses at the edges such as manufacturing or auto-dependent uses then additional buffers can be established at those specific locations. In fact, the last paragraph of Note 11 under 5.2.2 specifically requires that the "master plan establish the development standards to mitigate, if necessary, the impacts of such use, especially with regard to property adjacent to the PDD." Lastly, it appears that on page 10 of the Master Plan, the applicant has addressed this specific issue.

2. From the PDD Ordinance, 5.8.1. "The PDD is a base-zoning district, not an overlay district." Question: What is the distinction and why is it important? Could we amend the PDD ordinance to make this distinction and its importance clearly understood?

LG Response: *This statement indicates that it is in fact a replacement of the current zoning districts. An overlay district would continue to tie back to the underlying zoning districts, which for the most are auto-oriented and very suburban in their configuration.*

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3. On page 4 and 5 of the PDD ordinance, the PDD Master Plans requires a listing of public utilities including only water, wastewater and reuse water. Would it be reasonable and prudent to add the following public utilities under this requirement?
- a. Electric
 - b. Natural Gas
 - c. Communications
 - i. Telephone
 - ii. Cable Television
 - iii. High-speed, broad-band internet access

LG Response: *Unless the Town is a provider of such services, then we do not see the need in a zoning application, particularly in a multi-phase, long-term project, to include these elements. The ability to serve development with these utilities are generally not limited by the same issues as water and wastewater – namely topography and treatment capacity.*

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4. From the PDD Ordinance, 5.8.8 (c). Internal Transitions. “No buffers or transitions are required between land uses within the PDD.” Why not? If buffers and transitions between different land uses are reasonable and enhance public health, safety and quality of life in other areas of the Town, why would we not require them under the same standards within a PDD?

LG Response: *Buffers are often only necessary between adjacent uses where one use would cause irreparable economic damage to the other. Because of the lack of controls on the quality of buildings, and the location of parking lots, buffers proved to be popular, particularly in older zoning ordinances. Proper building and site design have proven to be much better tools to create compatibility in walkable, mixed-use environments than wide buffers with wooden fences (that rot over time), berms (that can cause drainage issues), and landscaping (that often are not maintained). Most great places – downtowns and walkable neighborhoods were built before buffers. Today’s buffers can cause development to be more spread out and less walkable.*

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5. As part of the consultant’s report, I would like to see their recommendations, in the form of a Gantt Chart, that show the various Chatham Park related tasks before us. This will give us a graphic display of what needs to be done, how the tasks should be sequenced and what tasks can be done concurrently. It will also be a good tool to counter the argument that we have not yet figured out our process for dealing with PPDs and appear to be making up as we go along. At a minimum, the chart should show:

- a. CP Master Plan Preparation
- b. CP Master Plan Final Approval
- c. Completion and Approval of a Unified Development Ordinance
- d. Negotiation and Execution of a Development Agreement
- e. Formation and Chartering of a Compass Committee (If the Board decides that this is something that we want to do.)
- f. Approval of the CP PPD Rezoning Application
- g. Conduct of Public Hearings as appropriate.
- h. Others as requested by the Board, Manager and staff.

LG Response: *We will provide this next week*

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6. I would like to hear the consultant's analysis of the pros and cons of the "Compass Committee" idea. I think it is clear that we have no requirement to use this public outreach tool; however, we need a meaningful discussion of the pros and cons. This should include some discussion of whether we should use the developer's model where they form and manage the compass committee or the Chapel Hill model where the Town Board appoints and manages the compass committee.

LG Response: *By "Compass Committee," we're assuming that you are referring to some type of public advisory committee. Our first response is that you have Planning Board to fulfill that role. Beyond that, the Board of Commissioners is tasked with guiding growth and development in the community. If the community has established a clear and well-articulated vision for its growth and development in its Land Use Plan and other supporting documents then further guidance is not necessary. However, we believe that the intent of such a committee should be scrutinized before moving forward. Are they an advisory committee to provide a filter of comment to the development team? Are they a de facto Planning Board for this development? Is it comprised of people with a technical background to provide actual oversight and assistance or simply interested citizens? Is this committee supportive of the overall development concept or will they seek to undermine the process using process as a tool? The bottom line is that the committee can be successful if they are well organized, have a clear role, and a strong leader to make sure they don't veer into areas that are the purview of others.*

This committee, if created, should be manageable in size (10-12 people at most) and tasked with ensuring that each Small Area Plan appropriately reflects the goals and intentions of the PDD Master Plan. Members of the committee should include the town staff and any consultants they determine necessary, 2 members of the Planning Board, and members of the general public who bring unique qualifications to the process.

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7. We had some citizen input suggesting that the densities proposed by Preston Development are higher than what is currently found in major metropolitan areas though out the entire 7,100 acres. I sincerely hope that this is not true and that this type of density, to the extent that it will occur at all, will only be in the five activity centers. We need some analysis from the consultant to debunk this notion if it is erroneous. If it is not erroneous, that could be a show stopper.

LG Response: *We have also read suggestions by interested parties that the development rivals the population density of the city of Baltimore (across its 92 square miles). We respectfully disagree and would suggest that it's not an apples to apples comparison. The overall gross residential density proposed by the applicant is 22,000 dwelling units across 7,120 acres (~11 square miles). As a gross density, this equates to slightly over 3 units per acre.*

Most of suburban Wake County and Mecklenburg County are zoned and built at this same density. Southern Village in Chapel Hill is comprised of 1150 residential units across 312 acres for a gross density of 3.68 units/acre. Some portions of Southern Village peak at 8 units/acre whereas other areas hover below 2 units/acre. Meadowmont, also in Chapel Hill, is permitted for up to 1298 units across 435 acres for a gross density of 2.98 units per acre.

However, the 22 million square feet of non-residential space requested is another matter. To put this in perspective I have listed other large commercial development typologies:

- *Regional Mall (e.g., Streets at Southpoint in Durham): ~1.33 million square feet on 125 acres*
- *PNC Plaza Building in downtown Raleigh: 730,000 square feet*
- *Raleigh Convention Center: 500,000 square feet*



- Target General Merchandise Store: 126,000 square feet
- SuperTarget: 174,000 square feet
- SAS Building P (approved in 2013): 244,000 square feet

Coincidentally, Research Triangle Park covers approximately 7,000 acres and is comprised of 22,500,000 square feet of built space. Conversely, Center City Charlotte has approximately 18.4 million square feet of office space within its 2 square mile boundary in addition to its 15,000 residents, convention center, museums, churches, shops, and other amenities.

All we can assume is that the applicant is seeking to keep flexibility to develop under two different models – the Research Triangle Campus model or the mixed-use community model.

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8. The current PPD ordinance implies but does not directly require that lands in a PPD zone must be contiguous. I'm asking the consultant's opinion on the need to clarify this point in the PDD ordinance or in a subsequent UDO.

LG Response: Yes, this should be clarified. However, the benefit of including multiple parcels in one zoning application does allow for the averaging and balancing of elements throughout the community. One example of this is the ability to manage stormwater and watershed impacts across a larger area. A better zoning ordinance would be more useful over time.

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9. **Page 16, CPMP.** The Master Plan states that the Town will expand the water plant as Chatham Park grows and fund that expansion by accumulating capital recovery fees from new growth. I am asking the consultant's opinion on the adequacy of the CP Utilities plan to proceed to act on the rezoning application.

LG Response: For the purposes of this petition, so long as the zoning application clearly states that ability for any development to move forward to a specific development is predicated on adequate capacity and infrastructure, we don't see any need to include those elements in the PDD master plan. This type of detail is best left to the Development Agreement.

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

LG Response: The language in the utilities section of the master plan for written in a much different tone. It necessitates a complete rewrite to focus on only those elements that satisfy the determination of utility adequacy. The bulk of the narrative is largely opinion and forecasting of new technologies.

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11. **Sewer Map and Reclaimed Water Map.** There is not sufficient information in this master plan to comment on the feasibility of the proposed "decentralized sewer collection and treatment system." I am concerned that the Town and the developer may be at cross purposes here with respect to the life-cycle cost of operating such a system. I can see how this decentralized system may be less expensive for initial construction; however, the cost of staffing, operating and maintaining five separate small sewer plants over the life of the system needs to be considered here. Again, I am asking the consultant's opinion on the adequacy of the CP Utilities plan to proceed to act on the rezoning application.

LG Response: We cannot comment as to the technical or operational elements of the current proposal at this time. However, as mentioned previously, we believe that this technical information is best handled as a part of the Development Agreement. In addition to Chatham Park, the Town must

plan for the potential development that might occur elsewhere in the Town's ETJ. This number, over time, could conceptually equal the total Chatham Park development.

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- 12. Page 17, CPMP. VVI (1) 3.** "5.4. Where allowed in the Chatham Park PDD, the uses shall comply with this section unless contrary to the intent of the PDD Master Plan for Chatham Park." This seems ambiguous and unenforceable. Why not just say that 5.4 does not apply, which is the actual affect?

LG Response: *We concur that this is indeed ambiguous and left to the interpretation of others. This should be clarified.*

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

- Tree Protection
- Signage
- Parking and Loading
- Lighting
- Landscaping
- Phasing
- Affordable Housing
- Public Facilities
- Transit
- Open Space
- Stormwater
- Public Art

LG Response: *The current master plan contains very few details by which to measure future small area plans with the exception of the large scale transportation plan (most of which has already been incorporate into the Land Use Plan) and the permitted residential and non-residential development capacities. The approval of Small Area Plans by the Town Board should provide greater clarity and serve as a much more functional bridge between the big picture "numbers" and the small scale details to be reviewed by town staff. The first five elements are components that should not only be considered as a part of this application but also as a part of the comprehensive update of the UDO. Affordable housing is also an element that should be considered as part of a larger town-wide initiative but with specific goals for the Chatham Park development. Phasing should be a part of the Development Agreement.*

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- 14. Page 41, CPMP, para.3.** The proposed CP Master Plan would permit the approval of 5% of residential (1,100 RUs) and 15% of non-residential space to proceed before finalization of the Master Plan. This equates to about 330,000 gallons per day of water and sewer for the residential units alone and perhaps an equal amount form non- residential square footage. Given the current state of our water and sewer utility systems, how do we propose to satisfy that demand for water and sewer? Is it reasonable to approve the rezoning request in the hope that a sound technical answer to this question will emerge at a later date?

LG Response: *With regard to the request in Part 3 to permit development prior to the completion of the required elements, we respectfully disagree with this approach and recommend that no development proceed without the adoption of a detailed small area plan and prior to the completion of any of the items noted above. (We also note that the requested numbers are inconsistent with Section IX Small Area Plans.)*



15. Page 41, CPMP, para. 5. This paragraph call for voluntary annexations to take place at the same time as site plan approval, in other words, the Town will annex large tracts of unimproved forest lands. Would it be more cost effective for the Town to process petitions for voluntary annexation after a comprehensive annexation cost/benefit analysis indicates that tax revenues generated from the annexation will exceed the cost of municipal services to be delivered to the area to be annexed?

LG Response: *We see no reason to wait. In fact, the sooner the better. As most of the land is likely in some bona fide forest or timber management plan, the impact to the Town is extremely low. Early annexation simply provides a greater level of control earlier in the process.*



Chatham Park PDD Review and Recommendations

February 20, 2014



**LAWRENCE
GROUP**



This report was prepared for the TOWN OF PITTSBORO, NC - 2014

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1.0 Executive Summary

The Lawrence Group was retained by the Town of Pittsboro, NC to review, analyze, and report on the proposed Chatham Park Planned Development District Master Plan (“Master Plan”). Chatham Park LLC is proposing to rezone approximately 7,120 acres of land within the Town’s Extra Territorial Jurisdiction (ETJ). The property, located on the eastern side of Pittsboro, is primarily vacant and undeveloped. The scope of work for this evaluation was as follows:

- i. Review of Chatham Park Planned Development District Master Plan proposal and subsequent revisions. The “current” proposal is dated 11/21/13. We will review and provide detailed written recommendations for marginally improving the document and development process described in the proposed Master Plan.
- ii. Review Planned Development District (PDD) Zoning Ordinance. We will review the Town of Pittsboro’s Planned Development District (PDD) Zoning Ordinance provisions for the purpose of comparing the proposed Master Plan with the requirements of the PDD Zoning Ordinance.
- iii. Meet with Town of Pittsboro Staff to discuss recommendations. We shall consult frequently with the Town Manager and staff during the course of the Master Plan review in order to clarify any issues or concerns.
- iv. Submit written report to Town Manager for review. We will forward a written report of recommendations to the Town Manager who will review and ask for clarifications if necessary. The Town Manager will submit the report to the Town Board of Commissioners for their review.
- v. Present report to Town Board of Commissioners. We may be asked to present the findings from this written report to the Town Board of Commissioners. If required, such presentation will be brief, concise and open to questions from the Town Board.

Because of the short duration of this evaluation, our analysis was limited to reviews of the town’s Planned Development Ordinance, the master plan submitted

by Chatham Park, LLC, a number of documents submitted by the general public and interested stakeholders, the public record (generally), and conversations with town officials and the development team. We also received a number of letters and emails from interested individuals and organizations that we reviewed as a part of this process, though we gave the heaviest weight to those documents that are evidence-based as opposed to simply opinions.

The purpose of this review is not to render a specific judgment on the development application. That is the sole purview of the Board of Commissioners. Rather, our evaluation is intended to understand whether there is adequate information submitted by the proposed developers to form the basis for a decision appropriate to the magnitude of this project. Additionally, if there are deficiencies, we have noted pathways by which the applicant might be able to supplement their application to enable an informed decision by the Board.

In summary, we believe that there are some significant deficiencies in the PDD Master Plan that would preclude making a well-informed decision about such a significant project. We do not believe that all of the questions need to be answered at this point in time, particularly details related to the phasing of public infrastructure including major streets and water/wastewater. In this regard, the risk falls squarely on the shoulders of the developers to ensure or otherwise plan for the provision of adequate facilities. However, we believe that as one of the next phases of this project, a Development Agreement in accordance with the North Carolina General Statutes, should be created to help fill in these gaps and establish phasing and participation expectations for all involved parties.

When this entire PDD Master Plan is boiled down to its essence, it contains three principal components – the total residential and non-residential development tabulations, basic development goals/standards, and the process for proceeding forth with actual land development. Unfortunately, because of a lack of a clear vision, we found it very difficult to visualize how they intend to achieve both 22,000 residential units AND 22 million square feet of non-residential space. We have extensive experience with urban and suburban scale planning at a large scale and we are left challenged

to determine how the development can achieve this built-out within this suburban context in the greater Triangle region.

At best, we believe that there is a hybrid or overlay (either/or) plan that can maximize this for a truly mixed-use project that also accommodates the significant environmental features in the area. Alternatively, if the intention is to preserve the opportunity for significant economic development opportunities of statewide importance (corporate relocations/expansions), we believe that the plan can be created to provide the framework for opportunistic “game-changers” of benefit to the entire region. In this regard, we envision a scenario where parallel plans are approved permitting such flexibility over time.

And while there are some edge conditions and details that need to be resolved, this plan is conceptually consistent with the adopted 2012 Land Use Plan, a public document that was created with substantial input from Pittsboro’s citizens. That plan assumed a significant amount of development in the area of the PDD including a network of major streets. Where the Land Use Plan lacks detail is not in whether this area will develop but in the overall intensity and form of the development. It is largely silent on the build-out capacity of the area though we understand that the transportation plan was made with the potential build-out in mind. And, as we have offered in our report, it is possible to achieve compact, walkable neighborhoods and villages while preserving a significant amount of open space in a largely undisturbed state.

Yet, we know that the recommendations in this report will not go far enough for some who have expressed a desire that this project also address a wide range of issues including climate change, zero net energy, reduction in carbon footprint, displacement of existing residents through increased property values, and urban gardens. We do not in any way mean to suggest that these are not important however there is little precedent in North Carolina’s regulatory structure to compel any developer to set goals to address these issues.

We are aware that many developers will voluntarily choose, often out of enlightened self-interest, to incorporate these ideals. However, as there exists

no compelling regulatory experience in Pittsboro, or elsewhere in the Triangle area we believe that the reasonable approach is to allow the development team to choose how they wish to address these non-regulatory issues. At a minimum, the construction of compact, walkable neighborhoods and villages have been demonstrated to outperform existing suburban development on many indexes that would speak to a number of these concerns.

Also, we believe that the town should bear some responsibility in moving this project forward with due haste with a comprehensive update of its land management ordinances as well as a commitment to clarify a number of elements that are really more town-wide issues than simply developer issues (e.g., affordable housing, transit). The current zoning and subdivision standards are outmoded and will not serve as a useful tool for the evaluation of this project or any other project going forward. Given the very real potential of spillover development to occur on parcels in close proximity to the PDD area but not under its control, the town must be prepared. This should happen in parallel with a number of other elements detailed in the PDD Master Plan to be completed within the next two years.

The PDD Master Plan in its ideal form would be a much more detailed document comprised of a specific site master plan, development standards, and phasing. However, at this scale, and at this time in the process, we are comfortable with the conceptual approach. That said, the current PDD Master Plan requires a substantial amount of clarification in order to convey a vision that meets or exceeds the expectations of the PDD Ordinance. Specifically, the Master Plan must better demonstrate how it seeks to “promote innovative land planning, design and layout of large development projects...to deliver communities of exceptional design, character and quality that preserve critical environmental resources and provide open space amenities.” In absence of detailed land plans, illustrations and specific design guidelines, we believe that this PDD Master Plan must provide a greater narrative and supporting goals/benchmarks to ensure that the hand-off from this high level document to small area plan to development plan provides a predictable framework of excellence.

2.0 Introduction

The construction of a large-scale development project is a very complicated endeavor. At just over 11 square miles in total land area this proposal is roughly three times the size of the current corporate limits of the Town of Pittsboro. Chatham Park is seeking to entitle the total landholdings for up to 22,000 residential units and 22 million square of non-residential space. At build-out, the current town (~3.4 square miles) and Chatham Park would be roughly equal in size to the Town of Wake Forest in Wake County (~15 square miles) and nearly 75% of the size of the Town of Chapel Hill.

Substantial public comment has been received regarding this project with additional documentation submitted by a number of stakeholders and public interest groups. Since its submission on May 3, 2013, the town has conducted two public hearings; the project has been reviewed and recommended for approval by the Planning Board; a number of workshops have been conducted; and nearly five hours of additional public input were received conducted on November 25, 2013, a meeting that ended with a motion to table the proposal subject to the outcome of this report.

We have reviewed a substantial volume of material in a very short period of time. While our review of the record is not exhaustive, we believe it to be a fair summary of the entire picture, informed by a detailed review of relevant town documents, Chatham Park LLC's application materials, as well as a variety of supplemental documents submitted by various interested parties. In addition, we met with town staff and representatives of the applicant to better understand the project and the application materials. While we have spoken to some interested parties by phone and via email, we did not have the time to conduct exhaustive interviews with each interested party.

Key considerations for this particular project include the following:

- Chatham Park is situated between the historic core of Pittsboro and the Haw River and Jordan Lake. Combined, the two water bodies provide drinking water to more than a million triangle-area residents.
- The total project area (~11 square miles) is roughly equal to the entire Research Triangle Park, located approximately 30 miles to the northeast.
- The Town's Land Use Plan has been adopted with the assumption that much of the proposed Chatham Park area will be developed at moderate to high densities.
- There are substantial road infrastructure projects planned to support this project as well as the overall growth in Pittsboro.
- Future development will be limited by the Town's ability to provide water and wastewater capacity.
- Portions of the project area contain important ecological resources that have been identified and mapped. These include steep slopes, degraded surface waters, threatened or endangered species, river bluffs, and other areas considered Natural Heritage Areas by the State of North Carolina.

Our report contains a series of opinions and recommendations regarding this project and the approval process. The intent of this report is not to serve as the sole arbiter of the project. Rather, we believe that our role is to ensure that the right information is provided so that the Board of Commissioners can make an appropriate decision informed by the necessary facts and the latest best practices in community-building.

3.0 The PDD Ordinance

The applicant has submitted an application for a Planned Development District (PDD) under Section 4.1 of the Town's Zoning Ordinance. It is important to note that in North Carolina the term "Planned Development District" is not recognized in the North Carolina General Statutes (NCGS). This doesn't make it impermissible, however. Various communities across the state have no doubt adapted this tool from surrounding states under the Broad Construction clause in N.C.G.S. 160A-4 that permits the use of such tools unless otherwise excluded by statute.

Planned Development Districts (PDD) and Planned Unit Developments (PUD) are fairly common zoning tools used to allow greater flexibility in the design of master planned sites, large and small. These tools arose as a means by which more innovative site development could be achieved than what would otherwise be permitted by the often rigid and context-insensitive zoning ordinances applied in many communities. These zoning ordinances, born out of model ordinances promulgated by the US Department of Housing and Urban Development (HUD) in the 1950's and 1960's, have been plagued by inflexibility and their inability to accommodate the kind of walkable, mixed-use environments that have been the norm for American communities for the majority of our history.

For many PDDs/PUDs, the primary purpose of the regulatory flexibility is to provide for increased density and/or greater permission in the application of the base district, often in exchange for greater open space or amenities than would otherwise be required by the base zoning. If, for example, a tract had base zoning establishing a minimum lot size of 1/3 acre, a PUD application might allow for a gross maximum density of up to 3 units/acre in order to permit a wider variety of lot sizes, with the balance provided as higher quality parks and open spaces.

The actual usage of PDD/PUD tool varies widely across North Carolina. Historically, the PDD/PUD was often found in Subdivision Ordinances rather than in zoning standards, as is the case in Pittsboro (PUD). In more recent practice, however, such districts have typically evolved to mirror the more modern

Conditional District rezoning tool, or they have been replaced altogether by the Conditional District process. Conditional Districts are permitted under the general zoning authority granted to cities in the NCGS 160A-382 (b):

Property may be placed in a special use district, conditional use district, or conditional district only in response to a petition by the owners of all the property to be included. Specific conditions applicable to these districts may be proposed by the petitioner or the city or its agencies, but only those conditions mutually approved by the city and the petitioner may be incorporated into the zoning regulations or permit requirements. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to city ordinances and an officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site.

A statement analyzing the reasonableness of the proposed rezoning shall be prepared for each petition for a rezoning to a special or conditional use district, or a conditional district, or other small-scale rezoning.

Conditional Districts often have fairly broad underpinnings to their structure but largely draw from a base district, often a mixed-use district, as their foundation. Other municipalities use the Conditional District process as a "catch-all" district, giving the applicant the flexibility to construct their specific standards, densities and use provisions.

Another alternative to the PDD tool that provides a level of flexibility within the context of a larger master plan is a Traditional Neighborhood Development (TND) allowance. The Unified Development Ordinance for the Town of Wake Forest, for example, includes TND provisions that establish a series of sub-districts which can be applied by a developer as a part of a planned development framework. These sub-districts serve as the building blocks of a coherent, walkable neighborhood that can be replicated in manageable pieces. Some of the sub-districts may take on a primarily residential character, while others can achieve a more dynamic, immersive, mixed-use

environment. The Wake Forest TND model is available on a by-right basis to petitioners with land over a certain threshold size without the need to rezone property.

Given the broad discretion embodied in Pittsboro's PDD, we must look to the specific language of the ordinance to evaluate its effectiveness in light of alternative regulatory tools. In some ways, it's nearly impossible for an eight-page PDD ordinance predicated on granting exceptions, to contemplate the full breadth of implications inherent in a 7,000+ acre development application. Many other PDDs and PUDs across the state have been far smaller in scope and breadth.

While there are some technical elements related to PDD applications found elsewhere in the ordinance narrative, the bulk of the standards directly guiding the decision to grant a PDD are found in Section 5.1, as noted below:

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 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.

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).

The current PDD Ordinance also specifically provides for the organization and enumeration of:

- Permitted uses within the PDD Master Plan; variations to the area, yard, and height requirements;
- Compliance and variation with landscaping and buffer rules;
- The production of a transportation plan;
- The provision of certain types of greenways, recreation space, and open space;
- The assurance of adequate public infrastructure and utilities.

The ordinance also specifically exempts such projects from Traffic Impact Analysis (TIA) requirements. This last provision is rather unique amongst peer ordinances across the state, as the adequacy of transportation infrastructure is often the most critical ingredient in large-scale projects.

One key consideration of the PDD Ordinance is the fact that it, in essence, provides the enabling structure for a new or modified zoning ordinance to cover the extents of a development from the point of its approval to its final build-out. An approved PDD locks in place any base district regulations that are not otherwise modified by the application, precluding the impact of any new regulations subsequent to its initiation. This serves to ensure a level of predictability for the developer and allows them to make substantial investments in good faith reliance on securing specific permits. In South Carolina, where the PDD/PUD is an important and regularly used development tool, upon approval of a PDD most planning departments will create a binder that includes the approved Master Plan as well as the various development regulations that were in place at the time as part of the historical record.

As a legislative matter, the PDD Ordinance provides for a de facto rezoning following a legislative process. As a result, the Board of Commissioners retains maximum flexibility upon which to make a decision. There is no compulsion upon the board to grant the rezoning application. And, while the General Assembly adopted the requirement for statements of consistency between adopted comprehensive plans and any rezoning decision, actual consistency is not a requirement for the approval or denial of any rezoning request (NCGS 160A-383):

Zoning regulations shall be made in accordance with a comprehensive plan. When adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explaining why the board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters

as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Items for Consideration:

- The PDD ordinance is more than adequate as an enabling ordinance to address development at many scales – from 100 acres to 7,000+ acres. Despite the recent evolution of other flexible zoning tools, we find no need to make any specific changes to the PDD ordinance itself.
- Prior to the consideration of the Chatham Park petition by the Board of Commissioners, the Planning Board should advise and comment on whether the application is consistent with all adopted plans, specifically the 2012 Land Use Plan.

4.0 Development Agreements

In 2005, the General Assembly adopted the Development Agreement as a tool designed for large scale, multi-phase projects. Such projects are expected to have “zoning” in place prior to the establishment of an agreement because Development Agreements do not establish zoning districts in and of themselves. Development Agreements¹ are authorized under NCGS 160A-400.20. Specifically, the General Assembly found:

- (1) *Large-scale development projects often occur in multiple phases extending over a period of years, requiring a long-term commitment of both public and private resources.*
- (2) *Such large-scale developments often create potential community impacts and potential opportunities that are difficult or impossible to accommodate within traditional zoning processes.*
- (3) *Because of their scale and duration, such large-scale projects often require careful integration between public capital facilities planning, financing, and construction schedules and the phasing of the private development.*
- (4) *Because of their scale and duration, such large-scale projects involve substantial commitments of private capital by developers, which developers are usually unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of the development.*
- (5) *Because of their size and duration, such developments often permit communities and developers to experiment with different or nontraditional types of development concepts and standards, while still managing impacts on the surrounding areas.*
- (6) *To better structure and manage development approvals for such large-scale developments and ensure their proper integration into local capital*

¹ A thorough narrative regarding Development Agreements was published in 2009 by David Owens at the UNC Chapel School of Government. (<http://sog-pubs.unc.edu//electronicversions/pdfs/ss25viewonly.pdf>)

facilities programs, local governments need the flexibility in negotiating such developments.

We bring the use of the Development Agreement as a tool to this discussion because it has been discussed by the Town as a critical next step in the development process. Many of the provisions of the Development Agreement tool mimic those of the PDD ordinance, however, in accordance with NCGS 160A-400.25, a development agreement shall at a minimum include all of the following:

- (1) *A legal description of the property subject to the agreement and the names of its legal and equitable property owners.*
- (2) *The duration of the agreement. However, the parties are not precluded from entering into subsequent development agreements that may extend the original duration period.*
- (3) *The development uses permitted on the property, including population densities and building types, intensities, placement on the site, and design.*
- (4) *A description of public facilities that will service the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development.*
- (5) *A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive property.*
- (6) *A description of all local development permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing their permitting requirements, conditions, terms, or restrictions.*
- (7) *A description of any conditions, terms, restrictions, or other requirements determined to*

be necessary by the local government for the public health, safety, or welfare of its citizens.

(8) *A description, where appropriate, of any provisions for the preservation and restoration of historic structures.*

Further, "a development agreement may provide that the entire development or any phase of it be commenced or completed within a specified period of time. The development agreement must provide a development schedule, including commencement dates and interim completion dates at no greater than five-year intervals; provided, however, the failure to meet a commencement or completion date shall not, in and of itself, constitute a material breach of the development agreement pursuant to NCGS 160A-400.27 but must be judged based upon the totality of the circumstances. The development agreement may include other defined performance standards to be met by the developer. The developer may request a modification in the dates as set forth in the agreement. Consideration of a proposed major modification of the agreement shall follow the same procedures as required for initial approval of a development agreement."

Those items underlined above are quite similar to the PDD ordinance requirements.

Items for Consideration:

- Development Agreements are initiated after the zoning for parcels are established. Timing, phasing, infrastructure capacity needs, annexation, and government participation should all be spelled out in a development agreement contract.

5.0 Pittsboro Land Use Plan (2012)

Pittsboro is preparing for major change...Chatham County and Pittsboro have the potential to be developed on a different scale and pace than previously experienced.

The adopted Land Use Plan provides a substantial amount of guidance about the envisioned build-out of the community. It was created with the knowledge that a substantial amount of land was being accumulated by the Chatham Park development team and clearly sought to provide some guidance in the build-out of the area. It classified areas of the community including both the incorporated area and the extra-territorial jurisdiction (ETJ) into development typologies. These typologies are useful tools in envisioning the intensity of build-out throughout the community.

We have noticed a number of issues regarding the mapping of these sectors. First, the sector boundaries don't always seem to follow a logical boundary. In some cases, the boundary is a road. In other cases, it may be a stream or parcel lines. Stream areas are perhaps the best boundary because they represent an easily identifiable topographic feature and serve as transitions from one drainage basin to the next, defining key implications for both stormwater management and sanitary sewer service. Roadways, other than limited access roadways, are perhaps the worst delineation for sector boundaries as such a transition creates major inconsistencies on opposite sides of the road frontage.

Additionally, we are inquisitive about the high percentage (greater than 50%) of low density development planned within the town's ETJ, particularly in areas where major road improvements are planned. There appears to be a fiscal gap between the expenditures required to build and maintain these improvements and the tax revenues that would be provided by such low density development. Within urbanized areas, we have always planned with the assumption that a town's ETJ represents its growth boundary. Yet, the development typologies assigned to most of Pittsboro's ETJ seem to constrain that typical boundary by prescribing a fairly low density condition. Is this due to an inability to serve the area with sewer, or a lack of street infrastructure, or maybe it simply reflects a desire to maintain a rural edge? This is important because while there is a substantial amount

of development contemplated on the town's east side (in an otherwise environmentally important area), there doesn't seem to be similar restrictions on the town's west or north sides.

We are concerned that the planned road infrastructure will have the effect of cutting the heart out of the community. The re-routing of US 64 away from Downtown Pittsboro has had significant impacts in terms of the loss of drive through traffic (West Street dropped from 14,000 vehicle per day in 1998 to 9745 in 2012) serving businesses along old US 64 and likely elsewhere in the downtown area. While most successful downtowns are destination-driven, the loss of traffic and the changing "center of gravity" towards regional retail around the bypass can have significant negative impacts over the long term. Additional "ring roads" around the community may encourage further decline in the economic competitiveness of the downtown area in favor of new development at the edge. And, while Hillsborough Street may have enough character to pull it through, the strip centers along old 64 are in danger in becoming obsolete, creating significant blight in the area.

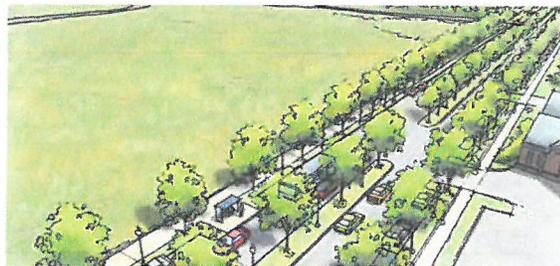
The land use plan also lacks detailed plans and illustrations that better convey development/redevelopment expectations on specific parcels and as best practices. These will be vital over time as infrastructure investments in older areas must be prioritized to leverage their greatest value. Additionally, detailed, site-specific plans will help to further illustrate the future development patterns on a parcel by parcel basis.

The land use map also sets forth expectations for the preservation of certain critical environmental areas, including recommendations for a 2,000 foot buffer along the Haw River and 200 foot buffers along portions of Robeson Creek and other waterways throughout the community. However, there is no supporting methodology for establishing these buffer widths in the plan's narrative.

Items for Consideration:

- Revisit the Land Use Plan map to rectify place type boundaries and reconsider growth areas.

- Add detailed small area plans to help illustrate best development practices on a site-specific basis in Pittsboro and leverage public infrastructure for realistic development and redevelopment opportunities.
- Provide illustrations for infill and development that will help to inform the regulatory standards.
- Ensure that the planned road network will complement the downtown area and foster economic development, as opposed to simply moving cars around the perimeter of the town.



Illustrations from St. Louis, MO depicting two development options along a corridor with planned infrastructure improvements

6.0 Chatham Park PDD Master Plan (November 21, 2013 revision)

In accordance with the PDD Ordinance, Chatham Park Investors, LLC submitted a PDD Master Plan on May 3, 2013 and have made 2 sets of revisions. The application has the following principal components:

- Vision Statement
- Site Analysis Maps and Elements
- Land Use Elements, Master Plan Map and Use Tables
- Maximum Development Tabulations Quantified by Area
- Utility and Stormwater Elements
- Public Service Elements
- Transportation Elements
- Parks, Greenways, and Open Space Elements
- Development Standards and Exceptions to the Current Zoning and Subdivision Ordinance
- Additional Elements
- Small Area Plans
- Conditions for Approval

We will address our comments according to the specific section.



6.1 Vision Statement

Though not specifically required by the PDD ordinance, the vision statement provided by the applicant is assumed to reflect the language in Section 5.1 of the ordinance and make a case for how this application promotes “innovative land planning, design and layout.” Unfortunately, we found the vision statement provided by the applicant to be vague and failing to fulfill the clear intention of the PDD Ordinance.

“Chatham Park is to be designed and built as a place where people and businesses can fulfill their aspirations in harmony with nature, a place that will inspire.”

Besides being grammatically incorrect, the statement in no way speaks to the manner in which the overall development plan will be innovative. And while the application dutifully includes the Section 5.1 requirements as a part of the narrative, it does not address how the proposed development will fulfill any of the six points, nor does it discuss how the proposed development will “deliver a community of exceptional design, character and quality.”

Recommendation:

- Rewrite the vision statement to address how the proposed development will be “innovative,” “deliver a community of exception design, character, and quality,” and otherwise satisfy the six principles in Section 5.1 of the PDD ordinance. This narrative should be supplemented by imagery, precedents, and best practices that will be incorporated into the overall master plan and subsequent small area plans.



Examples of visioning illustrations that help to depict massing, scale, general arrangement, and overall level of activity

6.2 Site Analysis Maps and Elements

Analysis:

The various site analysis maps submitted as a part of the application are based upon extensive field and computer analysis. Of particular note is the Stream Buffers map. We received a substantial amount of interested-party documentation regarding the accuracy of the map as well as the size of the proposed buffers. We cannot comment as to the accuracy of the current mapping and assume that, as each small area plan is generated, the adequate level of detail will be provided. The application defers final calculation of all riparian buffers to the town's ordinances. The Riparian Buffer Management Ordinance was recently updated in 2011, making it a fairly new and reliable ordinance by which to establish requisite buffers. The Master Plan does not seek any specific exemptions from the current ordinance, nor does it seek to exceed any such standards. We are surprised that the peer-reviewed 2008 Southwest Shore Conservation Assessment, prepared by the Triangle Land Conservancy at the request of Preston Development (as noted in the acknowledgements), is not mentioned in the application. Substantial detail was provided in that document regarding the protection of conservation areas and waterbodies. While, some of the buffers recommended in that document are exceptional and can be better localized to specific conditions within the project, they represent a yard stick by which the Chatham Park project may provide *"exceptional design, character and quality that preserves critical environmental resources."*

However, we must also note that as a minimum standard, 50- and 100-foot buffers are normal and customary throughout North Carolina. They have been codified in statewide model ordinances dating back to 1991 with the passage of the Watershed Protection Act. Uniform buffer widths are good guides, but in practice, necessary buffer widths are much more dependent on an exact science that considers a number of factors, such as slope and soil conditions, the level of surrounding built-upon areas, and proposed drainage practices. In areas where development is preferred and expected, substantial buffers can be problematic and often cause sprawling development patterns indirectly by separating

development into pockets, spreading the distance between neighborhoods, and reducing or eliminating connections between them.

High quality, walkable urbanism does not preclude the protection of environmental features. Rather, if taken within the context of the entire community, it is understood that by concentrating development within appropriate areas, the most environmentally fragile lands are afforded more protection. As such, neighborhood centers and villages are expected to have more built-upon area and greater incursions into the natural environment. This tradeoff is only acceptable, however, if the resulting human habitat outperforms a suburban, auto-oriented model in both social and economic terms.

At the scale of this project and its current planning, we do not expect the specific details of individual areas to be settled. We also should not expect this particular development to exceed the standards applicable to other properties. However, as noted, PDDs are expected to be "exceptional."

Recommendations:

- The town should consider incorporation of the recommendations of the Southwest Shore Conservation Assessment as part of a comprehensive update to the land management ordinances.
- The PDD Master Plan should consider incorporation of the 11 principles and buffer widths recommended in the Southwest Shore Conservation Assessment as aspirational goals with the specifics to be considered as each small area plan is developed.

6.3 Land Use Elements, Master Plan Map and Use Tables

Analysis:

Comprised of two defining documents, the land use plan and the table of permitted uses, this section also includes the most important figures in the document – the maximum permitted development tabulations.

The Land Use Plan is a macro-scale depiction of the intended development patterns based largely on the transportation plan. Divided into zones or sectors, the boundaries follow either roads or natural features. At major intersections, five “Activity Centers” are denoted with non-residential development expectations ranging from 2 million square feet to 500,000 square feet. Six areas are reserved for research and development, though it appears that residential uses are permitted in these areas as well – likely as an alternative development pattern in case the market does not support employment-based uses. The balance of the development is largely residential, with an identified capacity of 27,970 units. The Land Use Summary Table and the maximum development tabulations in the narrative do not indicate consistent numbers. We are not sure what accounts for this difference.

The location of Activity Centers at the intersections of major roadways is predictable though vague in specific application. The largest Activity Center, centered on a new planned interchange for the US 64 bypass, is approximately ¼ mile in radius, with a total area of approximately 125-160 acres. The other Activity Centers appear to be approximately 1/8 mile in radius. Without the benefit of further descriptive language, the current plan connotes a very suburban pattern of development with shopping centers at each major intersection.

The maximum residential and non-residential development tabulations also bear some conversation. These tabulations are the principal descriptors of the development intentions and, in the absence of any substantial supporting narrative, they have created a great deal of confusion and fear among interested parties over the form of this potential development.

We have read suggestions by interested parties that Chatham Park’s proposed development density and its related population density rivals the population density of the City of Baltimore². We respectfully disagree. Besides being mathematically incorrect, the connotations this comparison attempts to suggest are inappropriate, as development density calculations across such a wide area are not a useful indicator of development impact and intensity. In fact, there are large variety of development conditions across Baltimore’s 80+ square miles, and to attempt to summarize those conditions, or the conditions of any large development area, with a broad density calculation is to dismiss the important nuance within individual districts and corridors.

The Chatham Park proposal includes 22,000 dwelling units across 7,120 acres (~11 square miles). As a gross density, this equates to slightly over 3 units per acre.

Most of suburban Wake County and Mecklenburg County are zoned and built at this same density. Southern Village in Chapel Hill is comprised of 1,150 residential units across 312 acres for a gross density of

3.68 units/acre. Meadowmont, also in Chapel Hill, is permitted for up to 1,298 units across 435 acres for a gross density of 2.98 units per acre. Based on the level of growth expected in the Triangle area over the next 50 years, this level of development is not unexpected.

Again, within these large developments neighborhoods are clustered to achieve more compact, walkable forms in some areas while preserving high quality open space in other areas. For example, some portions of Southern Village peak at 8 units/acre whereas other areas hover below 2 units/acre. This variation is crucial, as smearing a thin level of development across the larger landscape perpetuates the negative impacts of suburban sprawl.

² Baltimore’s gross population density is roughly 12 units per acre, while the Chatham Park proposal is just over 3 units per acre. (Based upon 2010 data from quickfacts.census.gov)

While the overall residential densities should not be a source of concern, the 22 million square feet of non-residential space requested is another matter. To put this in perspective, listed below are other large commercial development typologies for comparison:

- Regional Mall (e.g., Streets at Southpoint in Durham): ~1.33 million square feet on 125 acres
- PNC Plaza Building in downtown Raleigh: 730,000 square feet
- Raleigh Convention Center: 500,000 square feet
- Target General Merchandise Store: 126,000 square feet
- SuperTarget: 174,000 square feet
- SAS Building P (approved in 2013): 244,000 square feet

We believe that the requested non-residential allocation is completely unrealistic based on current development patterns. Research Triangle Park covers approximately 7,000 acres and is comprised of 22.5 million square feet of built space. By comparison, Center City Charlotte has approximately 18.4 million square feet of office space within its 2 square mile boundary. Further, that employment space is supported by a diverse mix of uses, including housing for 15,000 residents, a convention center, museums, churches, shops, and other amenities. While mixed-use is expected within the Chatham Park proposal, we have no idea how it will be accomplished. The application suggests that it is clear, based on the map and the table, that land uses “have been mixed in a way that meets the intent of the PDD ordinance.” Aside from a general assumption regarding the permitted development intensities and use, we actually have no specific evidence supporting actual mixed-use within buildings or even multiple uses on a single site.

With regard to the Use Table, we sympathize with the applicant in having to utilize the current use table as a framework. The resultant table is unnecessarily complex due to the anachronistic list of uses in the current zoning ordinance. In many regards, this is the most detailed element in the entire master plan, yet it is completely devoid of form and character. We could spend considerable space in this narrative decrying

some of the use permissions, yet, in the absence of a more specific vision for the proposed development form and pattern, we might be spinning our wheels. Still, the questions about certain use permissions and exclusions are substantial and merit a more in depth analysis with the development team.

The absence of detail as to the form of the expected built environment in this section is disappointing. Based on the provided application materials, our assumption is that the applicant is seeking to maintain flexibility to develop under two different models – the Research Triangle Campus model or the mixed-use community model. Aside for the odd requirement of a 2-acre green within each Activity Center, as well as the requirement that at least 35% of the dwelling units be within ¼ mile of an Activity Center, there are no other standards that speak to building/development form. In this regard, the application fails to detail how it promotes quality urban design and environmentally sensitive development. For other PDDs/PUDs it is common to use illustrations, precedent imagery, general development principles, design guidelines, and/or more detailed master planning graphics to convey specific intentions. In this case we would encourage the applicant to include detailed imagery that describes the desired land use arrangement, and specifically, how that arrangement fits into the context of Pittsboro as opposed to creating another Triangle area suburban campus.

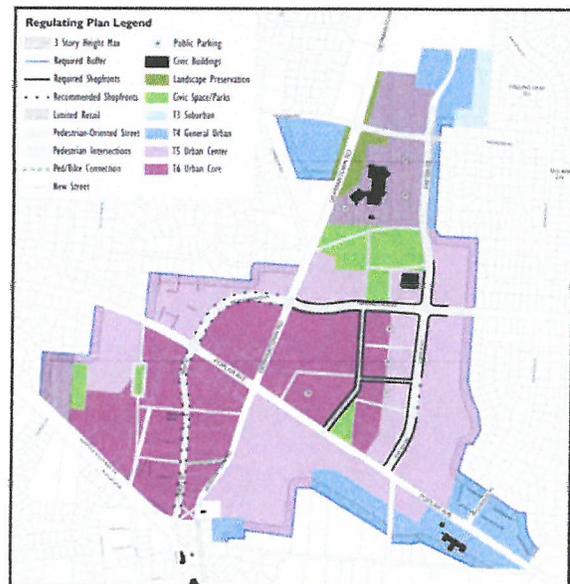
The mixed-use community model offers the greatest potential for Pittsboro to grow up instead of growing out and benefit both the community and the natural environment. Large cities have often begun as sleepy, little towns that embraced a transformative economic force. Unfortunately, in most instances, conventional twentieth century development practices have undercut the record of successful community-building through such transformations. A more detailed enumeration of specific development intent is needed in the Chatham Park application order for Pittsboro to avoid making similar errors.

Lastly, as a counterpoint to higher development intensity, the need to maintain more pristine areas within the master plan is important. The Land Use Plan, echoing Chatham County’s zoning for very low impact development along the Haw River, has

determined the optimal development intensity to be no more than 1 unit per 5 acres within 2,000 feet of the Haw River. While this is not a buffer, per se, it affords the developer the opportunity to preserve pristine land by swapping density to other areas of the project. At present, the land use map does not adequately reflect the regulatory intent to minimize development in this area.

Recommendations:

- Provide a more detailed description of the development typologies, particularly mixed-use areas, expected for the various sectors beyond basic residential and non-residential tabulations.
- Provide architectural standards, imagery, illustrations, precedent photography, or similar graphics to depict the desired development arrangement for each of the development typologies.
- Clarify how the non-residential and the residential totals combine to create a cohesive community.
- Refine the table of permitted uses to ensure logical sectors/sub-districts and encourage mixed-use.
- Amend the map in areas 1.1 and 1.3 to reflect the adopted land use plan for the preservation of this area in a very lightly developed state.
- Consider the production of a form-based code to manage the form, character, and compatibility of the development.



Examples of an 800 acre small area plan with an accompanying regulating plan for the central business district of Germantown, TN

6.4 Utility and Stormwater Elements

Analysis:

The PDD Ordinance requires a Utility Plan including the type and location of water, wastewater, and reuse water infrastructure. As this is a supply and demand issue, more precise thought needs to be given to the provision of these utilities, particularly as they relate to the full build-out of the community, not just Chatham Park. While the PDD ordinance requires some acknowledgment of these utilities, it is an issue best left for the subsequent Development Agreement to manage in greater detail.

We must note that this section of the application is written with a much different tone than the rest of the document, no doubt due to a different author. The narrative is conceptual in nature and provides some detail with regard to expanded demand flows. While water is easily provided, the treatment and discharge of wastewater is another matter. The PDD Ordinance's suggestion to consider alternative wastewater treatment facilities and reclaimed water use is because of this limiting factor.

Without a detailed phasing plan the planning for these facilities cannot commence, making the Development Agreement all the more important. As a zoning document, the PDD Master Plan should set the table for the project's build-out and its physical form. A simple acknowledgment by the applicant that the timing and phasing of development is subject to adequate utility capacity and infrastructure should be sufficient. As a result, much of the section regarding utilities can be removed as it provides very little useful detail aside from build-out demand.

Some have inquired as to whether other utilities, such as electric, telecommunications, and natural gas, should also be included in this plan. Unless the town is a provider of such services, then we do not see the need in a zoning application, particularly in a multi-phase, long-term project, to include these elements. The ability to serve development with these utilities is generally not limited by the same issues as water and wastewater – namely topography and treatment capacity. As a result, the extension of these utilities is largely demand-based, and we have no doubt that new

residents and business can expect these services.

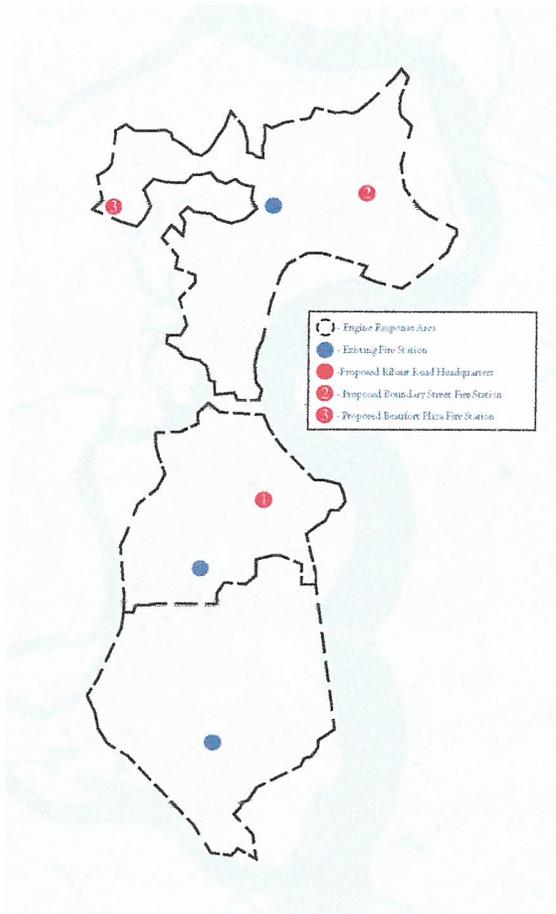
With regard to stormwater management, the document appears to satisfy town requirements. However, we have some concerns regarding the Property Owners Association's desire to maintain the tracking for all built-upon area. Such a system is extremely cumbersome and difficult to manage, particularly for individual residential properties. We would strongly encourage a system whereby homeowners are not individually restricted in their built-upon area, but are balanced against larger areas that are left undisturbed.

It may be appropriate to speak to some concerns regarding the maximum built-upon area cited in this project. In a protected watershed, anytime a project exceeds 24% built-upon area, it is automatically placed into the poorly worded "high density" category. Under this set of standards, the maximum built-upon area for any project is 70%, yet to achieve such high coverage is extremely difficult on larger sites. This is due to the stormwater regulations that control both the volume and quality of stormwater runoff and encourage the provisions of more pervious surfaces. So, while certain areas may be necessarily more paved, other areas will ultimately have greater infiltration areas. It has been our experience that these regulations can actually work against creating compact, walkable, mixed-use areas. We doubt that downtown Pittsboro could be rebuilt under these standards, for example.

In fact, we are confident that the fears about having "more pavement than Manhattan" can never come to fruition. It should be noted that some communities have chosen to not permit the "high density/high impervious cover option" in their watershed regulations. To do so would remove a substantial amount of a community's economy viability. So long as this option is available to all other development in Pittsboro, it is appropriate for this area as well.

Recommendations:

- Reduce the narrative regarding the water and wastewater systems to a simplified statement of expected demand, potential capacity, and a statement that all development will be subject to adequate availability. Additional details regarding the timing of such facilities should be established in the subsequent Development Agreement.
- Clearly acknowledge adherence to town and state environmental requirements regarding stormwater management, including the recently adopted Stormwater Management Ordinance for New Development and Redevelopment in the Jordan Lake Watershed, as may be amended from time to time.



Fire Station Plan for Beaufort, SC

6.5 Public Service Elements

Analysis:

Under the terms of the PDD ordinance, the master plan must consider the impact on existing, planned, or projected facilities or services. As noted, “these plans will, by necessity, become more specific as development progresses.”

The impact on police services is more operational than capital intensive and can generally (with the exception of a police station) be handled as a part of the operating budget of the town. The same is true for the other administrative services provided by the town (e.g., administration, finance, planning).

Fire protection is a different matter. Given the very capital intensive nature of fire protection, it is necessary to forecast specific station locations and equipment needs. This is best accomplished through a fire services needs assessment that considers the geography and build-out of the entire town. Adequate fire protection and the maintenance of a low fire insurance rating are determined largely by response times. Response times are in turn predicated on station location and accessibility as well as equipment placement and the number of full time employees who can man a station. Without new development, there is rarely a need to expand these services. It is appropriate for the developer to participate in the capital expansion of these services in proportion to their development demand. In addition to new fire stations, the construction of tall buildings will also necessitate new ladder apparatus equipment. The Development Agreement can address the specific details regarding the responsibility of the developer and the town. At a minimum, however, the Master Plan can commit to the provision of adequate site(s) for the placement of new stations.

Schools, are both capital and operationally intensive. It is appropriate to provide well located sites to satisfy the expected demand from new neighborhoods, and developers are regularly finding that neighborhood-based schools are a valuable amenity to help sell homes. The current language in the PDD Master acknowledges this benefit but does not make any specific commitments. Again, the Development

Agreement may well be the best document to satisfy these issues.

Some members of the public have requested that a fiscal impact study be conducted for the project. Given the lack of a specific development program for this project and the lack of specific detail for the necessary infrastructure, such a study would prove impractical. If provided, fiscal impact studies would be better informed at the small area plan phase.

Recommendations:

- Incorporate the completion of a fire response needs assessment into the Master Plan. This will be necessary to inform the specific needs that will become a part of the Development Agreement.
- Commit to providing the necessary fire station and school site locations, identifying general acreage and a convenient location (but not necessarily the specific location) as a part of the PDD Master Plan. Consideration for the capital costs should be made a part of the Development Agreement.

6.6 Transportation Elements

Analysis:

The Pittsboro Comprehensive Transportation Plan (CTP) sets forth the framework for mobility for the community. This plan was recently completed incorporating the development potential for Chatham Park into its underlying assumptions. We have previously commented on our concerns regarding the major roads being planned to bypass the historic downtown. We believe that this is not in the downtown's best interest, nor will it serve to promote economic activity in the town.

The same is true of Chatham Park, generally, with regard to its relationship with the town. It is vital that a strong network of streets, sidewalks, and bicycle facilities be established between the existing community and the new development. At present, the primary infrastructure shown on the CTP supports primarily north-south movements to the east of the existing community. This is also reflected in the multi-modal transportation plan in the PDD Master Plan. Given the sheer size of the PDD Master Plan, it is imperative that improvements to the transportation network be considered both on-site and off-site.

The existing community was constructed using a highly flexible street grid that provides a wide variety of choices to its many users. A similar methodology should be employed in the construction of the street network in Chatham Park. Topographic conditions will probably preclude the same rigid grid as the historic town area, but a coherent street network with regular intervals block intervals of 500-600 feet should be emphasized in the project design.

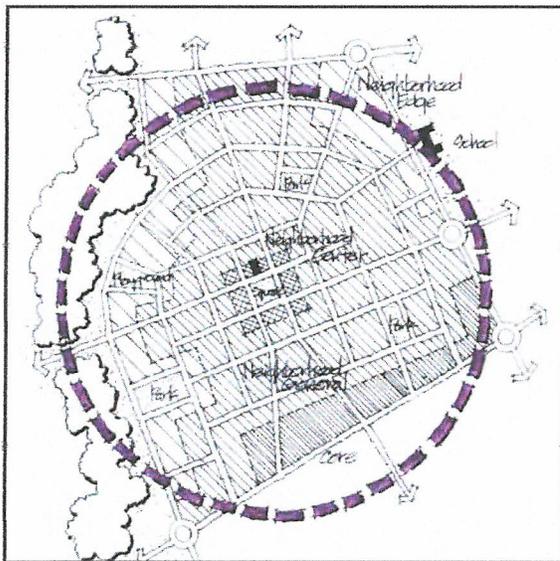
The Master's Plan commitment to the completion of a Transportation Impact Analysis (TIA) is critical, and we laud the development team for this commitment despite the specific exemption from TIA preparation in the PDD ordinance. We also are satisfied that the Master Plan's use of NCDOT's Complete Streets Planning and Design Guidelines will ensure a reliable methodology to create a vibrant transportation network.

Pittsboro is also taking a bold and visionary step with the planning of a transit system for the entire community. As large as the proposed development could be, a local bus or shuttle service should be a vital part of the mobility options provided. The most important element to the success of this system is the urban form of the development. Compact, walkable, mixed-use areas are naturally transit-supportive.

What seems to be missing is a specific commitment to construct the planned facilities identified in the Community Transportation Plan. This is a natural part of the timing and phasing for the project and will need to be specifically considered in the Development Agreement.

Recommendations:

- Consider a moderate to high intersection spacing requirement where topographic conditions allow.
- Include east west connections, most of which may be off-site, as a part of the PDD Master Plan to better connect the old village to the new growth areas.



Example of a neighborhood with moderate to high intersection spacing

6.7 Parks, Greenways, and Open Space Elements

Analysis:

The provision of parks and green space, along with a coherent transportation network, are the most important foundational elements to the quality of a community. Parks and natural areas within a community are generally provided at a range of scales and programming. Small playgrounds are equally as important as ballfields and large nature preserves. Diversity and accessibility are key. Given the vast size of this PDD Master Plan, it will be necessary to provide a wide range of parks and open spaces. And, because much of the area is located within watersheds and other environmentally sensitive areas, the ability to comprehensively marry active and passive space will be integral to the ability to create compact, walkable neighborhoods and lively commercial areas.

At present, there are no regulatory standards for the provision of open space in the Pittsboro Zoning or Subdivision Ordinances except within certain planned districts (e.g., Pocket Neighborhoods). Pittsboro does have a draft Parks Master Plan which provides guidance related to the construction of new park facilities using state and national standards. These facilities range from a 1,000-acre regional park to a small, 1- to 2-acre mini-park/playground. These standards can serve as a useful guide in the determination of open space types within the PDD Master Plan.

The present open space dedication requirements equate to approximately 1,987 acres of dedicated open space (~28% of the total project), assuming full build-out of both residential and non-residential area. Because we believe that this level of build-out is not achievable, and that a substantial amount of development capacity is mutually exclusive, it is likely that this number will be far less in practice. The master plan has identified 192 acres of park space in two tracts along the Haw River, though it is not clear from the application whether these are in addition to the total dedication requirement or simply tracts that can be partitioned at this time given the conceptual nature of the plan.

Standards for more active park spaces vary widely amongst local governments in North Carolina. Many communities require 1/20 acre for each dwelling unit. Some communities simply require a percentage of the total project. The Town of Wake Forest requires a minimum of 12.5% in suburban neighborhoods and 7% in urban neighborhoods. These dedications are in addition to a separate impact fee that is levied for the construction of community-wide park facilities. The Town of Davidson requires a minimum open space of 50% in its rural areas, 20% in its suburban neighborhoods, and 5-10% in its urban neighborhoods. All of these calculations are exclusive of any open space requirements imposed by watershed protection areas, but they may be used in fulfillment of the watershed protection standards.

Because of its presence in a WS-IV protected watershed area, the maximum pervious surface for the Chatham Park proposal is 70%. The balance of that figure – 30% – serves as a useful guide and starting point for conserving open lands in the overall development, but particularly outside of the designated activity centers. As there are also hundreds of acres of land that have been identified as steep slopes, riparian buffers, natural heritage areas, and otherwise ecologically sensitive land, the master plan should endeavor to preserve these areas in a pristine state to the extent practical.

The long term ownership and management of these areas will vary, but consideration should be given to permanent protection using a third party other than the POA (e.g., a land trust, the town, or the county). As a general rule, the greater the amount of land placed in undeveloped conservation areas, the easier it will be to manage overall impervious surface limits and comply with stormwater management requirements. This in turn reduces overall site development costs. Therefore, we would strongly urge the applicant to consider setting aside a minimum of 30% in conservation areas in the master plan.

Active recreation areas, such as those identified in the draft Parks Master Plan can then be sited in addition to the conserved areas. Based on the Recommended Park Acreage Table identified in the Parks Master Plan, an additional 682 acres are calculated to accommodate the active recreation needs of new residents as well as

the needs of non-residential development areas. When combined with the area protected as conservation or passive park areas (30%), the total amount of open space achieved would be approximately 40%. Again, using Southern Village as an example, the total 312 acre tract contains 45% open space, approximately 23% of which is conserved land and the balance (22%) is a community park. (see the Open Space Table on the following page)

Lastly, we would be remiss if we did not speak to the proximity, usability, and necessary improvements of park space. As parks and greenways are ranked amongst the most highly valued amenities by homebuyers, we recommend that each small area plan be developed with the performance guideline that no home be more than a 5-minute walk (1/4 mile) to any park or greenway. The application should indicate that all parks will be publicly accessible through dedication to the town or through a public access easement. Further, land that is designed for a park should be appropriate for its intended use and easy to develop. Land with steep slopes and/or rocky conditions increases site development costs by requiring greater manipulation of the land and should be avoided. And, it should probably be understood, and therefore explicitly stated, that park land (not conservation areas) should be improved for the final expected programming (using the Parks Master Plan as a guide).

Recommendations:

- Given Chatham Park's presence within a protected watershed, a goal of 30% of the total land area should be considered for protection as conservation areas including steep slopes, riparian buffers, natural heritage areas, and otherwise ecologically sensitive land. As an alternative calculation, considering mapping all of the ecologically sensitive areas and then add an additional 5-10% as a minimum standard.
- In addition to conservation areas, construct and dedicate active parks using standards calibrated by the town with a goal of 10% of the total land area.
- Ensure that park spaces are improved, usable, and publicly-accessible.

RESIDENTIAL PARK SPACE			
	Typical Size	Standard /1000 people (acres)	Estimated Need for CP PDD
District	200 acres	5	272.8 Acres
Community	20-30 acres	2.5	136.4 Acres
Neighborhood	7-15 acres	2	109.12 Acres
Mini-Park	1-2 acres	0.5	27.28 Acres
Total All Parks			545.6 Acres
Total % of PDD in Active Parks			7.7%
Total Active Park Space Per Household			0.025 Acres
Permitted Residential Units			22,000
Persons/Unit (From 2010 Census for NC)			2.48
Total Population at Build Out			54,560
NON-RESIDENTIAL PARK SPACE			
	Typical Size	Standard/1000 people (acres)	Estimated Need for CP PDD
District	200 acres	5	68.2 Acres
Community	20-30 acres	2.5	34.1 Acres
Neighborhood	7-15 acres	2	27.28 Acres
Mini-Park	1-2 acres	0.5	6.82 Acres
Total All Parks			136.4 Acres
Total % of PDD in Active Parks			1.9%
Total Active Park Space Per Household			0.012 Acres
Permitted Non-Residential Space			22,000,000 sf
Equivalent Residential Unit			2,000
Total ERU Assuming 50% Build-Out			5,500
Persons/Unit (From 2010 Census for NC)			2.48
Total Equivalent Population at Build-Out			13,640
TOTAL PARK SPACE			
	Typical Size	Standard/ 1000 people (acres)	Estimated Need for CP PDD
District	200 acres	5	341 Acres
Community	20-30 acres	2.5	170.5 Acres
Neighborhood	7-15 acres	2	136.4 Acres
Mini-Park	1-2 acres	0.5	34.1 Acres
Total All Parks			682 Acres
Total % of PDD in Active Parks			10%
Total Active Park Space Per Household/ERU			0.1 Acres

Table of Calculated Park Space using suggested standards from the draft Pittsboro Parks Master Plan. Non-residential space has been converted into an Equivalent Residential Unit (ERU) based upon at a ratio of 1 square foot of ERU for every 2000 square feet of non-residential space.

6.8 Development Standards/Regulation Elements

Analysis:

The current Zoning and Subdivision Ordinances are in need of significant and comprehensive upgrading of their dimensional standards. As noted previously, these ordinances are based on very old and context-insensitive model ordinances. It is not surprising, therefore, that a number of significant changes or modifications are requested as a part of this application. The current application acknowledges acquiescence to the current Zoning and Subdivision Ordinances, though it is not entirely clear whether future amendments to those ordinances are intended to apply. This section also notes the specific requested deviations from those ordinances. Those that are worth noting for this analysis include the complete exemption of all lot and structure dimensional standards (including height), the removal of the Major Transportation Corridor District, and the geometric design and length of a cul-de-sac.

It is not very surprising that a complete exemption from the Table of Area, Yard, and Height Requirements in Section 5.4 of the Zoning Ordinance is requested. The excessive front yard and side yards standards make the construction of compact, walkable neighborhoods very challenging. It is expected that specific site design standards will be completed to guide review and approval of each structure by the POA as a part of the subsequent codes, covenants, and restrictions.

Height is another matter, however. The present height limit of 35-50 feet generally serves most communities well in ensuring human-scaled character. Even in more urbanized locations, the 3-4 story building is the predominant pattern. Excessive height, particularly spread across the landscape can destroy this character and compromise community goals – namely walkability and affordability. Three to four story buildings can accommodate a very efficient built environment with taller buildings, if provided, restricted to certain nodes or centers as necessary. The trend of larger floorplate office spaces has long dominated the suburban office market, reducing the

need for excessive height. The tallest building in the Research Triangle Park today is only 6 stories, for example, though taller buildings are contemplated in certain locations by their new master plan. Therefore, we believe that greater clarity should be provided in the Chatham Park application as to the intentions for development height and the specific locations for buildings above the 3-4 story norm.

We are unsure as to why the Major Transportation Corridor District provisions are requested to be removed. With no replacement advanced by the application, we can only assume that the applicants are seeking broad flexibility as to their ability to maximize their frontage along the major roads. As this seems to run counter to the intention of the ordinance for these corridors, we believe that a clearer vision by the applicant must be set forth to justify this exemption.

Like the zoning ordinance, the subdivision ordinance is in need of modernization. The use of the NCDOT Complete Streets Planning and Design Guidelines in replacement of Sections 6.2 and 6.3 of the subdivision ordinance is a prudent request. For continuity, this modification should also be listed in this section. However, we disagree with the geometry and length identified for a cul-de-sac. In a walkable neighborhood, the use of cul-de-sacs or other dead ends should be used very sparingly. Clearly the topographic conditions across much of the PDD area will prove more challenging than in the original town grid, however that should not be a blanket excuse to proliferate dead end streets.

To mitigate this, we strongly recommend a much shorter maximum cul-de-sac length than the 1,000 feet currently proposed. As with all neighborhood design, there should be general rules that will guide the production of the small area plans and their subsequent development plans. Therefore, we recommend that the maximum length of a cul-de-sac or dead-end street be set at 500 feet, with limited exceptions. This length is consistent with thresholds under the 2012 International Building Code-Appendix D-Fire Code (beyond 500 feet a wider street – 26 feet – is required). Exceptions to this length may be granted on a site-specific basis for extraordinary conditions identified during the small area plan process.

Lastly, we would be remiss if we didn't note a very important statement embedded within this section of the application:

Any lot or development parcel of any development phase within Chatham Park PDD may be developed or reconfigured at any time, provided that the necessary infrastructure is in place to serve such development as determined by the Town of Pittsboro and NCDOT or other applicable governmental entities, or as specifically provided for in the PDD Master Plan for Chatham Park.

This statement's specific acknowledgement of the need for adequate infrastructure prior to development is very important and, based on our analysis of documents and letters submitted by interested parties, seems to have been missed by some. This statement is significant enough that it should probably be restated toward the beginning of the application.

Recommendations

- Permit exceptions in height only in certain locations (designated centers) or subject to certain conditions (e.g. major employer relocation).
- Provide justification for not adhering to the Major Transportation Corridors Overlay district or submit a compatible alternative.
- Consider a maximum cul-de-sac length of 500 feet with exceptions permitted on a case-by-case basis during the small area plan process.

6.9 Additional Elements

Analysis:

Consistent with the PDD ordinance requirements, the application includes a number of additional elements that presumably do not fit neatly into the other sections. We will comment on each section separately.

Tree Protection: As no standards currently exist in the Pittsboro Zoning Ordinance, it is appropriate to add this as an additional condition. However, we believe that this standard should ideally be established to cover the entire community and would therefore recommend that this be a part of the comprehensive update to the development regulations. Working together will be critical, and we believe that the applicant should have a seat at the table for those discussions.

Master Signage Plan: Section 6.9 of the Zoning Ordinance provides for a Planned Development Flexibility Option permitting the use of a Master Sign Program. As no specific changes/modifications are requested under the PDD, we see no reason to make reference to them in the PDD Master Plan. If there are any specific changes that are identified, they should be incorporated into the overall ordinance.

Master Parking Plan: The current parking standards in the Zoning Ordinance are based on very old methodology and demand assumptions. They should be changed as part of a more significant upgrade. Once those have been changed, we see no reason for a separate parking and loading section in the Chatham Park application, except perhaps in a compact Village Center where shared parking and parking structures are expected.

Master Lighting Plan: Like signage, there is a benefit in establishing a consistent look and feel for lighting various areas within the PDD. Rather than a detailed plan, which is not realistic to create within two years, a set of design guidelines should be created to address the following standards:

- Poles and fixtures;
- Spacing;

- Location;
- Light spread/trespass;
- Lighting technology (LED is preferred); and
- Any specific modifications from the ordinance.

Such standards should be context sensitive and keyed to certain sectors, villages, and neighborhoods.

Master Landscaping Plan: Like lighting, the developers may choose materials and planting details that support a specific character within their development. Within the two year period, it is not practical to create a master landscaping plan for the entire PDD. We recommend the creation of a set of design guidelines for the entire PDD that are context sensitive and keyed to certain sectors, villages, and neighborhoods.

Phasing Plan: We have noted elsewhere in this report that the production of a phasing plan for a project of this size, while required as a part of the PDD, is much more appropriate for the subsequent Development Agreement.

Affordable Housing Plan: Affordable housing is an element that is extremely complex and often has community-wide implications. Quantity, location, amenities, size, features, qualification criteria, financing structures, and methods to ensure long-term affordability must all be considered. To be most effective, we have found that a number of third-party organizations, typically non-profit groups, must be engaged. There are no doubt some interested organizations who have expressed a desire to have a specific number (e.g., 15%) of housing units set aside as affordable units through this planning process. It may be unrealistic to expect a sufficient analysis of affordable housing needs to occur within the two year planning timeframe. However, as a part of this PDD Master Plan it would be appropriate to set a baseline within the master plan such as “A minimum of 15% of the units will be affordable to those earning less than 120% of area median income (AMI), with at least 1/3 of those units affordable to those earning less than 80% of AMI.” We would also recommend that such a plan be completed under the umbrella of a larger community plan so that housing affordability is not simply isolated to within the PDD.

Master Public Facilities Plan: This section seems be redundant with Section IV – Public Facilities. Like our previous comments, we believe that these elements are best handled as part of a Development Agreement.

Master Transit Plan: Transit is a community service, and we see no reason why a transit plan would not be included in a greater transit initiative by the town. Therefore, the obligations of the PDD as they relate to such services should be limited to the identification of potential bus stop and park-and-ride locations for when transit service becomes financially feasible. Ultimately, such transit should be coordinated with services provided elsewhere in the region including Chapel Hill/Carrboro, Durham, Raleigh, and the Research Triangle Park.

Maser Open Space Plan: We believe that, using the methodology noted in our analysis of Sections I and VI, basic standards and goals for parks and open space can be established as a part of this PDD Master Plan, while specific details should be left to each Small Area Plan.

Master Stormwater Manual: We believe that the stormwater manual should apply throughout the entire town to simplify and streamline development approvals. The strategies within each watershed basin may require distinct provisions, but otherwise the town should not be burdened with two sets of standards for review.

Master Public Art Plan: The provision of public art is something that is important to the town and should not be limited to the Chatham Park project. In its most simplistic form, the requirement for public art is typically enforced as a percentage of construction value. A normal baseline is 1%. In addition to consideration through the PDD Master Plan, it is reasonable to establish a town-wide requirement for public art at 1% of non-residential construction value or infrastructure value with residential development excluded. Once established as a baseline, the location of artwork, both unique and coordinated, can be contemplated during the small area planning process and as a part of the design guidelines.

Design Guidelines and Form-Based Code: Though not included in the current application, we believe that the production of a set design guidelines that are inclusive of many of the additional elements discussed in the PDD Master Plan is a critical element. The design guidelines should serve as a bridging document between the broad PDD Master Plan and the more detailed small area plan. Additionally, we believe that the use of a form-based regulating plan will be of further value to the town as well as builders and developers seeking to implement the various plans.

Recommendations:

- The Town should prepare comprehensive updates to the land management ordinance that specifically modernize the requirements for tree protection, signage, parking, lighting, landscaping, and stormwater.
- Use the Development Agreement process for Phasing and Master Facilities Planning.
- Create baseline goals for public art projects (e.g., total percentage of construction value) and affordable housing (e.g., % of units based on income strata).
- Cooperatively create town-wide strategic plans for affordable housing, transit, and public art, with specific implementation actions to be incorporated into the PDD as a part of the Small Area Planning process.
- Within two years, a detailed set of design guidelines should be created to help bridge the PDD Master Plan to the small area plans and subsequent development plans.

6.10 Small Area Plans

Analysis:

The use of small area plans to further detail the PDD Master Plan is a logical tool. Ideally, more detailed small area plans would be a part of the PDD Master Plan. However, given the size of this project, it's appropriate to provide some conceptual ideas and goals/targets through this initial Master Plan process with the application of specific details left for each small area plan. Small area plan may be nothing more than glorified subdivision sketch plan or conceptual site plan depending on the scale of the area to be consider. We would also include building typologies that are keyed to a set of design guidelines and perhaps a form-based code. Small area plans should be richly illustrated documents that help communicate expectations to the general public and serve as a useful marketing tool.

We think that the current list is not the most appropriate.

- Location and quantity of proposed uses
- A transportation planning analysis using current transportation models.
- Water and sewer demand projections
- Road layout and types based on NCDOT Complete Street Guidelines
- Proposed Water distribution and Sewer collection/treatment network
- Stormwater Management
- Public Facilities (as appropriate)
- Public Art locations
- Historic Sites
- Open Space
- Environmental features including: streams, buffers, wetlands, steep slopes, significant natural heritage areas, upland mature hardwood forests, sub watersheds containing federally listed aquatic species, and game land hunting safety buffers

- Building typologies, conceptual illustrations, and regulating plan [new]

We believe it is acceptable to permit some capacity to be developed so long as the information above is reviewed by the Planning Board and approved by the Board of Commissioners in advance of any specific development application. Ideally, the area of permission is limited to the designated activity centers only or some other specifically designated area. This generally conforms to the current preference in the Subdivision Ordinance that includes and site analysis plan, sketch design and conceptual design. For all development that exceeds the threshold as noted in the conditions for approval, a more comprehensive small area plan will be required that cover larger areas (preferably a minimum of 500-1000 acres) and also include the following:

- Financial Impact Analysis
- Public Art concept
- Affordable Housing
- Additional Elements as appropriate

In addition to the contents of each small area plan, there exists a larger question about the appropriate review and approval process for these plans. At present the PDD Master Plan simply says that the small area plans “shall be acceptable to the Town” and that each plan will “be processed in a timely manner and approval will not be unreasonably withheld.” However, it is not clear if the small area plan is to be reviewed and approved by Town Staff, by the Town Board after review by the Planning Board, or perhaps under some other process altogether. Further, the level of public involvement/engagement in the production of each small area plan has not been identified.

Ideally, a small area plan would follow the normal approval process through the Planning Board and Board of Commissioners, but that all subsequent approvals would be handled at the staff levels. This would save months of public review off the normal schedule and ensure better match the approval process to the normal construction drawing sequencing.

We have found that the most efficient and effective method of planning at this scale is the use of the public

design charrette process. This permits the development team to work directly with town leadership and the general public in an open format through an intensive weeklong (or longer) design process that permits a healthy, managed, flow of ideas. The planning work would be done in a public location and regular project updates would be provided to the general public.

We are not sure as to the specific benefit of the creation of an advisory committee, which we believe some have referred to as a “Compass Committee,” to serve as a coordinated point of contact between the town and the development team. If constituted, this committee should be manageable in size (10-12 people at most) and tasked with ensuring that each Small Area Plan appropriately reflects the goals and intentions of the PDD Master Plan. Members of the committee should include the town staff and any consultants they determine necessary, 2 members of the Planning Board, and members of the general public who bring unique qualifications to the process. Alternatively, a technical staff working group or even the Planning Board as a committee of the whole could certainly provide the necessary oversight as the small area plans are ultimately to be approved by the Board of Commissioners as part of a normal public review process.

A Fiscal Impact Analysis was identified as one of the requirements for the small area plans. At present, the town has no methodology by which to construct such a tool or evaluate its results. In order to implement this requirement the town must commit to the creation of a Fiscal Impact Analysis tool as well as its necessary inputs. The town should also determine what value they intend to ascribe to such an analysis. Will approvals be withheld if the benefit-cost analysis is not positive? Also, will this methodology be applied to other development in the town as well? In some communities, Fiscal Impact Analyses are used to determine public participation in development projects, particularly with regard to infrastructure projects. Will this be a consideration as well?

Lastly, and perhaps most importantly, we respectfully disagree with the request to permit up to 15% of the total development without a small area plan. Fifteen percent of 22,000 residential units is still a very large number. Based on the inherent, albeit somewhat

necessary, lack of details in the PDD Master Plan, we find it to be impossible to permit any development to move forward without the provision of further detail through a small area plan. This is particularly true for any subsequent development that has the potential to preclude other actions or strategies that are contingent on the production of small area plan.

Recommendations:

- Produce a detailed set of design guidelines and perhaps a form-based code that will help to guide the small area planning process.
- Include building typologies and supporting illustrations/three dimensional visualizations with each small area plan.
- Finalize an approval process for each small area plan as a part of the PDD Master Plan.
- Consider an advisory committee/project team to help ensure that each Small Area Plan appropriately reflects the goals and intentions of the PDD Master Plan.
- Create a Fiscal Impact Analysis methodology and criteria by which to judge the outcomes.
- Do not permit any development to proceed without an adopted Small Area Plan.

6.11 Conditions for Approval

Recommendations:

We have written extensively about the conditions that we believe are necessary for approval. As a result we believe that there are changes necessary to the list of elements required for approval in Part 1 of this section and that a number of these elements are better placed in a Development Agreement as noted in Part 2 of this section.

Part 1: We recommend including the following within the “Additional Elements” to be required within two (2) years of approval of the PDD Master Plan and prior to the approval of a small area plan. Ideally these would be created prior to any development occurring as noted later in our comments regarding Part 3.

- Design Guidelines
 - Building Typologies
 - Streets and Blocks
 - Lot Conditions
 - Parks
 - Natural/Conservation Areas
 - Tree Protection and Landscaping
 - Streetscape Elements including Lighting
 - Signage
 - Stormwater Management
 - Transit Accommodation
 - Public Art

Part 2: We recommend including the following specific items as part of the required Development Agreement:

- Development Agreement Elements
 - Master Public Facilities Plan to consider both operational and capital impacts on:
 - Town Administration
 - Police
 - Fire
 - Schools
 - Parks and Recreation
 - Water Supply and Distribution
 - Wastewater Collection and Treatment

- Water Reclamation
- ▣ Transportation Improvements
- ▣ Timing and Phasing Plan
- ▣ Public Financing/Participation Expectations
- ▣ Any other requirements set forth in NCGS 160A-400.20

In addition, the Town should commit to coordinating the following:

- Comprehensive changes to the Town's Land Management Ordinance to include, at a minimum, modernization to the following standards:
 - ▣ Lot Standards
 - ▣ Building standards
 - ▣ Tree protection
 - ▣ Signage
 - ▣ Parking
 - ▣ Lighting
 - ▣ Landscaping
 - ▣ Open Space and Parks
 - ▣ Stormwater
 - ▣ Subdivision standards
- Affordable Housing Plan
- Fiscal Impact Analysis Methodology
- Town-wide Transit Plan

Part 3: With regard to the request in Part 3 to permit development prior to the completion of the required elements, we believe that there is a middle ground that can be achieved in this discussion. (We also note that the requested numbers are inconsistent with Section IX Small Area Plans but for the purposes of this discussion will defer to this section.) At present the plan indicates as follows:

a. Site plans or preliminary subdivision approvals will not be issued by the Town for more than a total of five percent (5%) of the maximum number of residential units allowed under the Master Plan.

b. Site plans or preliminary subdivision approvals will not be issued by the Town for more than a total of fifteen percent (15%) of the maximum amount

of non-residential square footage allowed under the Master Plan.

To permit some level of development prior to the completion of the other elements is understandable. Five percent (5%) of the total residential units (1,100 total) is a reasonable amount to be permitted within the next two years. With regard to the amount of non-residential development, we are concerned about the sheer size - 3,300,000 square feet - to be permitted. Such a project would be the equivalent of two regional malls.

This seems to us an extreme amount of development without any further commitments towards the terms of the PDD ordinance and in absence of a Development Agreement that would stipulate how all of the needed infrastructure is provided. We would therefore respectfully recommend that the non-residential threshold be lowered to 5%. This would permit more than a million square feet of non-residential space to be developed in advance of the Development Agreement and the remaining PDD elements - still a very large volume of development activity.

We are comfortable with the permitting of some development so long as such development only occur within the permitted activity areas or areas otherwise designated for exemption on the master plan map. In addition to the small area plan requirements that we have previously identified, the following should also be included:

1. A determination that adequate infrastructure is available to serve the proposed development
2. A Transportation Impact Analysis (TIA) for the proposed development
3. General Design Guidelines - these may be expanded with later phases

If located outside these areas we believe that a detailed open space plan be approved by the town that identifies all environmental features including: streams, buffers, wetlands, steep slopes, significant natural heritage areas, upland mature hardwood forests, sub watersheds containing federally listed aquatic species, and game land hunting safety buffers.

Until such time as all of the Additional Elements and a Development Agreement are approved by the Town, which approval is not to be unreasonably withheld or delayed, development in Chatham Park PDD will be limited to the thresholds indicated.

Part 4: The statement in Part 4 with regard to the acquiescence to any future land management ordinances should be consolidated with and replace other conflicting references found elsewhere in the PDD Master Plan and as noted previously.

