MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, MARCH 24, 2014
7:00 PM

Mayor Bill Terry called the meeting to order and asked for a moment of silence.

PLEDGE OF ALLEGIANCE

Commissioner Farrell led the Pledge of Allegiance.

ATTENDANCE

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

Staff present: Manager Bryan Gruesbeck, Clerk Alice F. Lloyd, Attorney Paul S Messick, Jr., Planner Stuart Bass, Engineer Fred Royal, Parks Planner Paul Horne, Chief of Police Percy T. Crutchfield and Water Treatment Superintendent Adam Pickett.

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CONSENT AGENDA

Motion was made by Commissioner Fiocco seconded by Commissioner Turner to approve the consent agenda as submitted adding an additional $500.00 to the Advertising line for the Parks & Recreation budget amendment. The Consent Agenda contains the following items:

1. Approve minutes of the March 10, 2014 regular meeting.

2. Approve Budget Amendment for Parks and Recreation Department.

3. Approve Contract to Audit Accounts – FY 2013-2014 Budget with Rives and Associates, LLP.

Vote Aye-5 Nay-0

AN ORDINANCE AMENDING FY 2013-2014 OPERATING BUDGET IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 12

A CONTRACT TO AUDIT FY 2013-2014 BUDGET WITH RIVES AND ASSOCIATES, LLP IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 5-7

REGULAR MEETING AGENDA

Mayor Terry asked that an item be added to new business as it relates to retaining a consultant for working on the UDO. He has prepared a draft resolution that would direct the Manager to seek a fee proposal. This would be New Business #2.

Motion made by Commissioner Fiocco seconded by Commissioner Foley to approve the regular meeting agenda adding #2 New Business as discussed above.

Vote Aye-5 Nay-0

CITIZENS MATTERS

Mary Lucas – 371 River Road, Pittsboro representing Pittsboro Matters. She wanted to address the board about the rule that doesn't allow citizens to speak on any item that is on tonight's agenda.

OLD BUSINESS

CHATHAM PARK PLANNED DEVELOPMENT DISTRICT MASTER PLAN – APPLICANT RESPONSE TO LAWRENCE GROUP RECOMMENDATIONS (PHILIP CULPEPPER)

Mr. Culpepper (100 Weston Estates Way, Cary) said he was present to answer any questions the board may have about their responses. The questions and responses are attached to these minutes.

After discussion the board agreed to communicate to Mr. Lewis there is confusion between the Town Board and the applicant with respect to what his intent was with some of these questions. They would like for him to be present at the next meeting so there can be a discussion on them at the next meeting.

The items to be discussed were questions 10, 12, 13, 15, 23, 24 and 27.

Tim Smith (Preston Development) suggested that they meet with Mr. Lewis and Town Staff sometime for the next meeting to go over their answers to the questions. He said that Mr. Lewis has not heard his side of it. Mayor Terry said that was a good idea, but we need to decide how to fund the cost. Mr. Smith said he would pay for it. The board agreed this meeting was a good idea and to bring the results back to the April 14, 2014 meeting.

The Board also decided not to forward the MP to the Planning Board until after the next town meeting. It would be on their (Planning Board) May 2014 agenda.

NEW BUSINESS

RESOLUTION TO AUTHORIZE TOWN OF PITTSBORO PARTICIPATION IN CLEAN WATER STATE REVOLVING FUND (CWSRF) (BRYAN GRUESBECK/FRED ROYAL)

Mr. Royal requested that the Board approve a resolution authorizing an application to the North Carolina Department of Environment and Natural Resources Division of Water and Infrastructure funding program/clean water program for a revolving loan and principal forgiveness loan for two critical items in our WWTP infrastructure. (1) Infiltration & inflow and (2) reclaimed water bulk station.

Motion made by Commissioner Baldwin seconded by Commissioner Foley to approve a resolution authorizing an application to the North Carolina Department of Environment and Natural Resources Division of Water and Infrastructure Funding Program/Clean Water Program.

Vote Aye-5 Nay-0

A RESOLUTION AUTHORIZING AN APPLICATION TO THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES DIVISION OF WATER AND INFRASTRUCTURE FUNDING PROGRAM/CLEAN WATER PROGRAM IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 8-9

CONSULTANT DISCUSSION (MAYOR TERRY)

Mayor Terry stated he submitted a resolution earlier for the board's consideration. The resolution would authorize and direct the Town Manager to request a fee proposal, scope of work and project schedule from the Lawrence Group for planning consulting services necessary to prepare a Unified Development Ordinance for the Town of Pittsboro.

After discussion a motion was made by Commissioner Fiocco seconded by Commissioner Baldwin to authorize the Town Manager to request RFQ's for developing the Unified Development Ordinance for the Town of Pittsboro.

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

CAPITAL PROJECTS REPORT

MANAGER'S UPDATE ON CAPITAL PROJECTS

Manager Gruesbeck said in the interest of time he would not go over his written report. He did mention that Mandy Cartrette, Finance Officer, has taken a position with the Town of Archdale and her last day will be April 17, 2014. She has agreed to help with the budget as much as such can.

Chief Crutchfield reported that Troy Roberson has been promoted to Lieutenant.

Mayor Updates –

Mayor Terry reminded the Board of the special worksession on Monday, March 31, 2014 at the Wastewater Treatment Plant.

- EDC – he met with Habitat and toured some of their sites in Town. He also found out they were in negotiations with Catherine Booth Bullard to purchase property adjacent to the WWTP. He said they were unaware that we were interested in it also.

Mayor Terry also Manager Gruesbeck what the board can do to help him during this budget session. Manager Gruesbeck asked Mayor Terry if he could assist him some with previous budgeting process. He said once the CIP is completed he would like a couple of Commissioners

go through it and make recommendations. He told the Board members to feel free to stop by or call anytime.

Mayor Terry recognized Adam Pickett and the Water Treatment Employees for excellent TTHM and HAA5 testing scores.

- RPO – None
- Solid Waste – None
- Fairground Association – None
- PBA/Downtown – Commissioner Fiocco asked that the Façade Grant Report submitted tonight give a little more detail about the work that was done. He said the benches are being used a lot and that trash cans look great. He stated we are close to having a pocket park in downtown.

COMMISSIONER CONCERNS

Commissioner Fiocco asked he Mr. Royal had he found the answer to his question about the flood level. Mr. Royal said he had not called but he would do so tomorrow.

Commissioner Foley mentioned how hazardous Millbrook Drive in Powell Place is. She said it is very dangerous. After discussion Planner Bass and Chief Crutchfield were directed to look at it and come back with a recommendation.

Commissioner Farrell and Commissioner Baldwin thanked Mr. Pickett and water plant employees for their great work.

CLOSED SESSION

Commissioner Fiocco made a motion seconded by Commissioner Foley to go into closed session pursuant to GS 143-318.11(a)(3) to consult with an attorney regarding litigation.

Aye-5 Nay-0

FYI -

1. FY 2013-2014 Financial Summary as of February 28, 2014
2. MEMO: Façade Grant Program Summary FY 2013-2014
3. Letter from NC Department of Commerce – Clearance of CDBG Audit
4. Letter from Adam Pickett, Water Treatment Plant Superintendent re: Record Low Test Results.

ADJOURNMENT

Motion made by Commissioner Farrell seconded by Commissioner Baldwin to adjourn at 10:20 p.m.

Vote Aye-5 Nay-0

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William G. Terry, Mayor

ATTEST:

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Alice F. Lloyd, CMC, NCCMC
Town Clerk

March 19, 2014

Responses to consultant's review of Chatham Park Planned Development District Master Plan Rezoning Application by Applicant, Chatham Park Investors, LLC

(These responses address comments contained in the consultant's report dated February 20, 2014 and the summary table of these comments as amended by the Pittsboro Town Board of Commissioners on March 10, 2014.) (Responses and comments by applicant are shown in red.) (Numbering is from staff spreadsheet.)

Question #1, page 6

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.

Action/Responsibility: No action necessary.

Complete

Agreed. No additional comments. No revisions are proposed to the PDD Master Plan.

Question #2, page 6

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.

Action/Responsibility: No action necessary.

Completed July 1, 2013 **This item should be discussed and reconsidered.**

Agreed. A consistency statement should be made by the Planning Board. No revisions are proposed to the PDD Master Plan.

Question #3, page 8

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.

Action/Responsibility: Town Board, Manager, Town Attorney, Finance Director, Stakeholders, Planner, Applicant, Consultant

Note: The CP PDD MP (11/25/13) currently requires the Applicant to submit for consideration by the Town a Development Agreement in accordance with Section 160A□400.20 et seq. of the North Carolina General Statutes within 2 years of MP approval.

To be completed within two (2) Years of MP Approval

Agreed. No additional comments. No revisions are proposed to the PDD Master Plan.

Question #4, page 9

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

Action/Responsibility: Planner, Planning Board, Consultant, Manager

After completion of the UDO

No additional comments. No revisions are proposed to the PDD Master Plan.

Question #5, page 9

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.

Action/Responsibility: Planner, Planning Board, Consultant, Manager

After completion of the UDO

No additional comments. No revisions are proposed to the PDD Master Plan.

Question #6, page 9

Provide illustrations for infill and development that will help to inform the regulatory standards.

Action/Responsibility: Planner, Planning Board, Consultant, Manager

After completion of the UDO

No additional comments. No revisions are proposed to the PDD Master Plan.

Question #7, page 9

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.

Action/Responsibility: Planner, Planning Board, County EDC, County Planning Department, Consultant, TARPO, Manager

After completion of the UDO

Agreed. This is a function that is best done by the governing bodies. Developers are expected to implement the adopted Thoroughfare Plan. As already noted in the PDD Master Plan, interconnectivity of the road network is desired and expected. This is to be further illustrated in the Small Area Plans. No revisions are proposed to the PDD Master Plan.

Question #8, page 10

Rewrite the vision statement to address how the proposed development will be "innovative," "deliver a community of exceptional design, character, and quality," and otherwise satisfy the six principals 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

Action/Responsibility: Applicant

Before approval of CP PDD MP

Agreed. "THE VISION OF CHATHAM PARK" has been added to the text of the PDD Master Plan.

Question #9, page 11

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.

Action/Responsibility: Planner, Planning Board, Town Board, Manager

Incorporate within UDO process within two (2) years.

This document, as well as many others, should be considered while creating a Unified Development Ordinance (UDO). The application of suggestions contained within these documents should be considered for the entirety of the Town's planning jurisdiction. No revisions are proposed to the PDD Master Plan with regard to this specific question.

Question # 10, page 11

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.

Action/Responsibility: Applicant

Prior to approval of Small Area Plans

The "Southwest Shore Conservation Assessment" is a reference document that has been, and will continue to be, a useful document in the development of *Chatham Park*. The "Southwest Shore Conservation Assessment" deserves further consideration by the Town in the development of its UDO, but it is currently a document that has never been presented to the Town for its consideration. Much has been said about the fact that this assessment was not specifically identified in the PDD Master Plan. The decision not to identify this reference document does not negate its value as a reference document. In fact, many of the suggestions contained in this assessment have already been incorporated in the PDD Master Plan. For example; minimizing stream crossings, creating a conservation easement on Stinking Creek, creating a connection between parklands along the Haw River, clustering development, and developing a long-term conservation and management plan. Therefore, no revisions are proposed to the PDD Master Plan with regard to this specific question but this document will continue to be used as a reference, weather or not the Town incorporates any of its recommendations in the UDO.

Question #11, page 9

Provide more detailed description of the development typologies, particularly mixed-use areas, expected for the various sectors beyond basic residential and non-residential tabulations.

Action/Responsibility: Applicant

Prior to approval of Small Area Plans

A revision to the Section IX, *SMALL AREA PLANS*, has been added to the proposed PDD Master Plan.

Question #12, page 14

Provide architectural standards, imagery, illustrations, precedent photography, or similar graphics to depict the desired development arrangement for each of the development typologies.

Action/Responsibility: Applicant

Prior to approval of Small Area Plans

Note that the terminology contained in this comment and others is that used by those who subscribe to the concept of "Form-Based Zoning." Currently the Town does not follow this approach. Also, the proposed PDD Master Plan was not constructed around this approach to zoning. While much can be said about different approaches, there is no evidence that one will work better than another or guarantee results that are better than another. What can be said is that there are many different approaches to regulating development, all of which attempt to best serve the community. The revision to Section IX, *SMALL AREA PLANS* identified above is also intended to address this comment, but does so using the methodologies on which the PDD Master Plan is based.

Question #13, page 14

Clarify how the non-residential and the residential totals combine to create a cohesive community.

Action/Responsibility: Applicant

Before approval of CP PDD MP

The Board of Commissioners, pending clarification, tabled this item.

The Manager received additional comment from the consultant. The following response is to those comments.

The consultant takes the position that *Chatham Park* might not create a cohesive community based on his assumption that the amount of development proposed, both residential and non-residential, do not have the space necessary to coexist. He extend this position to suggest that this result in major traffic problems. In support of his position he states "...all of RTP is 22 million square feet and they have little room to infill...". However, the facts about RTP clearly do not support this position. Currently RTP has approximately 22 million square feet of development. But RTP is not built-out. There are nearly seven-hundred (700) acres currently listed for 16 sites within the Park. Also, RTP was built on a model that limits it to very low floor to area ratios (FAR). (The area of land that can be developed on a lot or site as a percentage of the total site.) In Wake County the buildable land is only 30% of the site. This means that 70% of each site in Wake County cannot be developed. In Durham County the limit is set based on a building coverage of 15%. Based on these numbers, there is a significant amount of space that could, if it were not already part of a developed site, be used for infill. *Chatham Park* is not proposing to be built based on an RTP model. It is proposing to be built on a new model that combines residential and non-residential development in a more desirable land use pattern that addresses both current needs and future conditions.

To consider how non-residential development is expected to proceed, the new MetLife office complex in Cary and the master planned community of Reston, Virginia, are far

better examples. MetLife proposes to build 640,000 square fee of building on 40 acres of land. That is an FAR of 37%. Using that rate, all of *Chatham Park's* non-residential development could be placed on a total of 1,375 acres. The FAR of non-residential development in Reston is currently 42%, representing 22.7 million square feet of development to be located on 1,250 acres of land. Like RTP, Reston has additional commercial entitlements on that land, which represents 17% of Reston's 7,400 total acres. Clearly these totals demonstrate that ample amounts of land would be available for development of both *Chatham Park's* residential and non-residential programs. (Also note that the "non-residential" amount listed in the PDD Master Plan includes <u>everything</u> that is not residential, including (but not limited to) production and research facilities, offices, places of worship, daycares, and recreation facilities.)

We understand that current land values do not support the structured parking that the commercial density represents. But, as MetLife, Reston, and the revised RTP vision have shown, land values increase as a community develops. There would be little sense in preparing a master plan without anticipating the increase in density that is entirely predictable. The higher densities provide a more sustainable approach to community development even though it takes time to achieve them.

Now, with regard to the consultant's comment about traffic, because he presumes that residential and non-residential will be unable to coexist in *Chatham Park*, he takes the position that major traffic problems will occur. As illustrated above, residential and non-residential development at the levels requested can occur within the limits of *Chatham Park.* In fact, that is the essential element of this project. It is the mix of uses, the combining of the living space, working space and leisure space that makes *Chatham Park* unique. No longer will you be required to live in one place and have to drive to your work place. In *Chatham Park* you can live and work in the same place and your commute need only be a short walk, bike or bus ride. *Chatham Park* is not intended to draw workers from around the Triangle who will drive to work from miles away. It is intended for those who wish to break themselves from that pattern, a new pattern for their lives. A pattern that allows one to spend more time with family and community then in their cars driving back and forth to work. And, as an added benefit recreation and leisure will also not require that the first thing that you do is start the car.

In summary, *Chatham Park* is intended to be, is planned to be and can be a cohesive community. It can and it will provide a new type of place for people live, work and play.

<u>Question #14, page 14</u>

Refine the table of permitted uses to ensure logical sectors/sub-districts and encourage mixed-use.

Action/Responsibility: Applicant

Before approval of CP PDD MP

It has been previously stated that the Town does not want two different zoning ordinances to administer; one for the Town and one for *Chatham Park.* Therefore, the table of permitted uses in the PDD Master Plan is based on the Town's existing "Table of Permitted Uses" and the existing definitions and regulations contained in the current Zoning Ordinance. The proposed revision would require a departure from the current regulations and could be confusing and difficult to administer. Should the Town decide to make changes to the existing table in developing a UDO, the Table of Permitted Uses for *Chatham Park* could be adjusted. *Chatham Park* will work with the Town to make the allowed uses consistent with those contained in a future UDO. Therefore, the applicant does not propose, at this time, changes to Table of Permitted Uses in the PDD Master Plan.

Question #15, page 14

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.

Action/Responsibility: Applicant

Before approval of CP PDD MP

The applicant respectfully disagrees with the consultant's comment. The area identified is located within the Extraterritorial Jurisdiction (ETJ) of the Town. It has long been held in the State of North Carolina that the purpose for towns holding this jurisdiction is to ensure that development will take place in a manner that allows for the orderly expansion of municipal limits. A previously requested revision to the PDD Master Plan states:

> Prior to or contemporaneously with submittal of any subdivision, site plan, or other development plan for any property in Chatham Park PDD, if such property is not already in the Town limits, a petition for voluntary annexation into the Town also will be submitted. The property in Chatham Park PDD that is described in any such annexation petition shall be contiguous to property that already is in the Town limits or that is described in a previously submitted annexation petition that is pending consideration by the Town.

Based on these and other factors, it has always been the mutually accepted concept that the entirety of *Chatham Park* will, over time, be brought into the municipal limits of the Town of Pittsboro, and that as such it will be developed in an economically viable pattern that supports and provides for the needed and desired municipal services that come with that annexation.

As presented in the proposed PDD Master Plan, uses in Section 1.1 and 1.3 are limited and no attempt is being made to avoid environmental regulations. Based on the input we have received from the Town, the map does not need to be changed and no revision is proposed.

Question #16, page 14

Consider the production of a form-based code to manage the form, character, and compatibility of the development.

Action/Responsibility: Planner, Planning Board, Manager

Prior to completion of the UDO

It is respectfully requested that the Town discuss with experts in the field all the possible forms that a UDO might take before committing to one particular methodology.

Comment does not suggest revisions to the PDD Master Plan and no revision is proposed.

Question #17, page 16

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.

Action/Responsibility: Applicant

> Note: The CP PDD MP (11/25/13) currently requires the Applicant to certify the availability, capacity and cost of Town water and wastewater (Sec. X, Paragraph 8, Page 41-42). However, timing and responsibility should be established in the subsequent Development Agreement.

Complete, but restate in the CP PDD MP

The section referenced in the consultant's comment was written by two of the project's consulting engineers. As engineers they decided what was appropriate to include in this section of the document. This section covers several complicated issues that cannot be reduced to "a simplified statement." Therefore, the section has not been amended as proposed.

As stated in the Manager's note above, the second part of this comment has already been addressed. In order to clarify this point, a note has been added to Section III directing the reader to also see Section X, paragraph 8. (This paragraph also addresses several other important items.)

The applicant is in agreement that "…timing and responsibility should be established in the subsequent Development Agreement."

Question #18, page 16

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.

Action/Responsibility: Applicant

> Note: The CP PDD MP (11/25/13) currently requires the Applicant to conform to at least the minimum requirements of the Town at the time of application.

Complete, but restate in the CP PDD MP

According to the requirements for a Planned Development District in your Zoning Ordinance:

> Except as otherwise provided by the approved PDD Master Plan, property within an approved PDD shall be subject to all applicable regulations, subdivision plan approvals, site plan approvals, and other permits and approvals required by Town ordinances.

Chatham Park has not requested any exemptions from environmental regulations regarding stormwater management. (The use of regional stormwater systems has been requested. However, this is an improvement over current regulations, not an exemption from applicable regulations because such systems have been advocated over using numerous individual stormwater controls.) Town ordinances also require compliance with both State and Federal regulations

Therefore, because *Chatham Park* has not requested any exemptions, *Chatham Park* "shall be subject all applicable regulations" regarding stormwater managements. The State's rules on Development Agreements specifically require that future amendments to regulations must be addressed in those agreements.

Question #19, page 17

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.

Action/Responsibility: Applicant

> Note: A facilities plan, including a "fire response needs assessment" should be completed as part of the required Development Agreement. The CP PDD MP (11/25/13) currently requires development in Chatham

Park PDD to be served by public infrastructure and services provided by the Town. The reasonably anticipated public facility needs generated by development of Chatham Park PDD shall be provided by the Applicant or by the person or legal entity seeking approval for development in Chatham Park PDD.

Complete, but restate in the CP PDD MP

A note has been added to Section IV, "Public Service Element" to restate and clarify this point.

Question #20, page 17

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.

Action/Responsibility: Applicant

Note: The CP PDD MP (11/25/13) currently requires development in Chatham Park PDD to be served by public infrastructure and services provided by the Town. The reasonably anticipated public facility needs generated by development of Chatham Park PDD shall be provided by the Applicant, person or legal entity seeking approval for development in Chatham Park PDD.

Complete, but restate in the CP PDD MP

With regard to fire stations, see reply to Question #19 above.

With regard to schools, the applicant has tried repeatedly to make it clear that neither *Chatham Park* nor the Town is in the position to determine the locations for future schools sites. That is the responsibility of the Chatham County Schools and the Board of Education. As stated in the PDD Master Plan, we have been working with the Superintendent's Office to identify possible sites and when they might be needed. At this time, we have been asked to come back to the Superintendent once the PDD Master Plan has been approved. Based on the adopted plan, the Chatham County Schools and the Board of Education will determine when and where school sites will need to be located and we will continue to work cooperatively toward establishing those sites.

Question #21, page 18

Consider a moderate to high intersection spacing requirement where topographic conditions allow.

Action/Responsibility: Applicant

Before approval of Small Area Plans

Because the PDD Master Plans specifically commits to NCDOT's Complete Streets Planning and Design Guidelines and Town policies for street connectivity, it is considered that this suggestion has already been addressed and the task is complete.

Question #22, page 18

Include east west connections~~, most of which may be offsite, as a part of the PDD Master Plan~~ to better connect the old village to the new growth areas.

Action/Responsibility: Local Boards, TARPO, NCDOT

As part of a town-wide study, County Thoroughfare Plan, updated Town Thoroughfare Plan.

The applicant supports this position. As publicly stated it should not be the responsibility of one developer, nor would it be appropriate, for the developer to propose revisions to the Thoroughfare Plan when other property owners could be significantly impacted.

Question #23, page 19

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.

Action/Responsibility: Applicant

Before approval of CP PDD MP

In reviewing this comment it should first be noted that the suggestion proposed seems to be based on consultant's incorrect assumption of how *Chatham Park* proposes to deal with the management of stormwater. On page 15 of the consultant's review it states:

> With regard to stormwater management, the document appears to satisfy town requirements. However, we have concerns regarding the Property Owners Association's desire to maintain the tracking for all built-upon areas. 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.

The system that is referred to as "…extremely cumbersome and difficult to manage…"

shows a failure to note that this "system" has become standard practice in many jurisdictions and not an additional burden given current development practice. A developer must keep track of all built-upon area in order to correctly size their stormwater management controls and proportion cost for construction and management. Towns regularly keep track of this number to derive at the stormwater management fees that property owners pay to the town. So, we feel that this practice is in fact common practice in both the private and public sectors and will not be cumbersome or difficult to manage.

Because the consultant does not see the proposed system as a realistic method for managing stormwater, he proposes a system that would set aside an area of undisturbed land so as to balance against the remaining land where built-upon areas would not be restricted. The consultant goes on to clearly relate this to his call for what is the suggested appropriate amount of open space on page 19. It appears that he is saying that if you set aside 30% of the land, you don't need to worry about the remaining 70% because keeping tract of that is just too hard to manage. For the reasons stated above, we believe this conclusion to be based on an incorrect assumption and the initial proposed method to be more advantages to all parties.

Thus far what has been discussed is the apparent background for the comment listed above. Now with regard to the specific comment, it should be noted that nearly all of Pittsboro's jurisdiction is located in a "protected watershed." This is not unique to *Chatham Park*.

On page 18 of the consultant's review another mistaken assumption is used to support the consultant's conclusion.

> 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. <u>Because we believe that this level of build-out is not achievable, and that a substantial amount of the development capacity is mutally exclusive, it is likely that this number will be far less in practice.</u>

The underlined assumption above is incorrect. Experience has shown that this level of build-out is achievable. The 1,987 acres is an area based on the amount of development that is planned to be placed on this property. The 1,987 acres is only needed or required as and to the extent that development occurs (i.e., there are requirements in the plan for amounts of dedication in proportion with the amount of development.) Without that development there would be no need or requirement for *Chatham Park* to create these spaces.

We believe that the consultant's comments confuse the requirements for stormwater management with the need for parks and open space inappropriately. *Chatham Park* has a clear methodology for dealing with stormwater and has the knowledge and expertise to administer this program. *Chatham Park* also has a methodology for supplying parks and

open space on the proportionate basis required by the plan and a process for making sure these areas are delivered when required by the plan as development occurs.

Therefore, no revisions are proposed to the PDD Master Plan.

Question #24, page 19

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.

Action/Responsibility: Applicant

Prior to approval of Small Area Plans

The PDD Master Plan is already committed to a plan for parks, greenways, recreation and open space that exceeds current Town standards. While this plan may not match what is identified in the DRAFT Park Plan, it exceeds the current standard. (Note that the plan referred to by the consultant is a DRAFT plan. It does not appear on the Town's web site, is not part of the Land Use Plan, it has not been proposed as a revision to the current ordinance and has never been suggested to the applicant.) In part this comment appears to be based on the consultant's opinion that the proposed level of build-out is not achievable. In this case the consultant is wrong.

Chatham Park is committed to providing parks for the community as and when provided in the plan, both active and passive, but because the Town will need to decide how public parks are to be maintained, a blanket requirement that doesn't involve the Town as a partner, is not an appropriate suggestion. The parks, especially active parks, will require close cooperation between the Town and the developer. The methodology included in the PDD Master Plan assures that adequate parks will be provided, that the Town will be directly involved in where these parks are located, and that parks will be provided in a timely manner.

Question #25, page 19

Ensure that park spaces are improved, usable, and publicly accessible.

Action/Responsibility: Applicant

Before approval of CP PDD MP

Park space is required by both ordinance and the PDD Master Plan. Both contain standards that must be met in order to be found in compliance. The Town Board of Commissioners already has the authority to ensure that this does in fact occur. These existing standards ensure that the consultant's comment is addressed. In order to affirm that position, a statement has been added to the PDD Master Plan.

Question #26, page 22

Permit exceptions in height only in certain locations (designated centers) or subject to certain conditions (e.g. major employer relocation).

Action/Responsibility: Applicant

Before approval of Small Area Plans

The following statement has been added to Section VII of the PDD Master Plan:

> Provided however, within areas identified as "Residential" or Residential-East" on the Land Use Plan Map in Section II of this document, buildings exceeding five (5) stories require specific approval from the Board of Commissioners. For all other areas shown on this map, buildings exceeding eight (8) stories require specific approval from the Board of Commissioners. This request must be made at the time a site plan or a small area plan is submitted, which ever occurs first.

Please note that buildings, such as the proposed hospital, could exceed ten (10) stories in height.

Question #27, page 22

Provide justification for not adhering to the Major Transportation Corridors Overlay district or submit a compatible alternative.

Action/Responsibility: Applicant

Before approval of CP PDD MP

According to the Town's Zoning Ordinance:

> The Major Transportation Corridor District is intended to enhance the economic and aesthetic appeal and orderly development of lands adjacent to major transportation corridors or proposed corridors in the Town of Pittsboro zoning jurisdiction. The Major Transportation Corridor District is an overlay zone: Major Transportation Corridor District regulations establish development and planning standards for the district and do not affect the allowable land uses as determined by the basis underlying district. MTC districts are adopted for the following purposes: 1) protecting the public investment in and lengthening the time during which highways can continue to serve their functions without expansion or relocation by expediting the free flow of traffic and reducing the hazards arising from unnecessary points of ingress and egress and cluttered roadside development; and 2) reserving adequate roadside space through which neighborhood traffic may be admitted to and from the highway system in a manner that avoids undue traffic concentrations, sudden turning, stopping and

another hazards; and 3) providing adequate facilities for all types of traffic including motorists, pedestrians, bicyclists and transit users, and including all levels of ability such as those in wheelchairs, the elderly and the young.

Please note that the three enumerated purposes are fully addressed by NCDOT and Town regulations. These "purposes" are also addressed and supported by the PDD Master Plan.

This overlay zone applies to three location for *Chatham Park.*

1. U.S. Highway 64-Business from its intersection with SR 1943 (Hanks Chapel Road) eastwardly to SR 1944 (Dee Farrell Road). *(Chatham Park does not touch the road at this location but is nearby.)*

2. U.S. Highway 64-Bypass from its intersection with U.S. 64-Business west of Pittsboro eastwardly to its intersection with U.S. 64-Business east of Pittsboro.

3. U.S. Highway 15-501 from its intersection with U.S. 64 Bypass northwardly to the center of the Haw River Bridge.

The Major Transportation Corridor District is generally intended to prevent things from degrading by piecemeal development in rural areas. Clutter and safety are the major issues. The ordinance also states that this overlay zone "…should be generally located in rural areas." In the past these rules may have been needed in these areas although some can hardly be called "rules" at all. Such as, "…a vegetative buffer area may or may not be required." As noted above, the requirements included in this overlay, are covered by other regulations and by the PDD Master Plan. In fact they are exceeded. The purposes for this district are also addressed elsewhere. Because all of these will be addressed in the Small Area Plans, site plans, traffic studies and by compliance with NCDOT regulations, the existing overlay district is redundant and no longer necessary.

In summary, as currently written this overlay district is intended to apply to rural areas so as to protect the road network. Because current regulations and proposed future requirements address the stated purposes for this overlay, this overlay is no longer necessary for properties that are no longer considered as rural. It is therefore considered that the requested justification for not applying the Major Transportation Corridor District has been provided and no revisions are proposed to the PDD Master Plan.

Question #28, page 22

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.

Action/Responsibility: Applicant

~~**Before approval of Small Area Plans**~~ **REJECTED**

This suggestion was rejected by the Town Board of Commissioners. Also, the statement requesting the 1,000 foot cul-de-sac length has been removed from the PDD Master Plan because that is the current Town standard. The design standard requested by the Fire Chief has been retained.

Question #29, page 24

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.

Action/Responsibility: Planner, Planning Board, Consultant, Manager

Upon approval of the UDO

Agreed. No additional comments. No revisions are proposed to the PDD Master Plan.

Question #30, page 24

Use the Development Agreement process for Phasing and Master Facilities Planning.

Action/Responsibility: Manager, Town Attorney, Applicant, Stakeholders

Within two (2) years of approval of the CP PDD MP

Agreed. No additional comments. No revisions are proposed to the PDD Master Plan.

Question #31, page 24

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).

Action/Responsibility: Stakeholders, Town Board, Manager, Consultant

Upon approval of the UDO

Agreed. No additional comments. No revisions are proposed to the PDD Master Plan.

Question #32, page 24

Cooperatively create town□wide strategic plans for affordable housing, transit, and public art, with specific implementation action to be incorporated into the PDD as a part of the Small Area Planning process.

Action/Responsibility: Stakeholders, Town Board, Manager, Planner, Planning Board, Consultants

Upon approval of the UDO

These items are already included in the proposed PDD Master Plan. *Chatham Park* will continue to work on the development of these items in accordance with the PDD Master Plan with the intention of working cooperatively with the Town to create town-wide strategic plans.

Question #33, page 24

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.

Action/Responsibility: Stakeholders, Town Board, Manager, Planner, Planning Board, Applicant, Consultants

Within two (2) years of approval of the CP PDD MP

This item has included in the proposed PDD Master Plan, Section IX, *Small Area Plans*.

Question #34, page 26

Produce a set of design guidelines and perhaps a form-based code that will help guide the small area planning process.

Action/Responsibility: Town Board, Manager, Planner, Planning Board, Applicant, Consultants

Prior to approval of Small Area Plans.

As stated above, Question #33, design guidelines will be prepared for small area plans. However, these guidelines are not expected to produce the "form-based code" suggested by the consultant. No additional revisions are proposed to the PDD Master Plan.

Question #35, page 26

Include building typologies and supporting illustrations/three dimensional visualizations with each small area plan.

Action/Responsibility: Applicant, Stakeholders

(Unsure as to why "Stakeholders" was included for an action that will be the responsibility of the Applicant.)

Prior to approval of Small Area Plans

Requirements for small area plans, both existing and proposed revisions, address this suggestion. While the applicant understands that it must clearly identify what development is going to take place within the small area to the satisfaction of the Town Board, it may not satisfy advocates of Form-based Zoning because *Chatham Park* was not envisioned or designed around that concept. The expectations of the Town Board are clearly understood, the method may differ from that expected by the consultant.

Question #36, page 26

Finalize an approval process for each small area plan as a part of the PDD Master Plan.

Action/Responsibility: Planner, Town Board, Applicant, Consultant

> Note: Staff recommends clarification and definition of what is meant by "Small Area Plan."

Before approval of CP PDD MP

The Land Use Plan Map and Table of Permitted Uses identify twenty-seven (27) sections. Each of these sections equals a "Small Area." The plan required for development within these areas is referred to as a "Small Area Plan." (These Small Area Plans are not site plans or subdivision plans as identified in Town ordinances, although site plans and subdivisions are required for development within these areas.)

The paragraph above has been added to the PDD Master Plan, Section IX.

The proposed approval process for Small Area Plans is as follows:

1. The Development Review Committee for Chatham Park PDD shall submit a proposed Small Area Plan to the Town Planner.

2. The application fee for each submittal is set at $1,000. (Original submittal or revision to an existing approved plan.)

3. The Town staff (or the proposed Town Technical Review Committee) shall review the proposed plan to determine if it complies with all applicable standards for a Small Area Plan as identified in the PDD Master Plan. A complete written summary of this review shall be returned to the applicant within sixty (60) days of its submittal. Amendments to an existing approved Small Area Plan may be expedited if approved by the Town Manger.

4. The applicant shall address these comments and return the responses and any amendments to the proposed plan to the Town Planner.

5. The proposed Small Area Plan must then be presented to the Planning Board for review and comment. The proposed Small Area Plan shall be placed on the Planning Board's agenda once the applicant has submitted their responses and plans to the Town Planner. The applicant is not required to get a recommendation for approval from the staff or Technical Review Committee, before presenting this application to the Planning Board. However, the applicant must present any responses and plans to the Town Planner not less than fifteen (15) days prior to the meeting of the Planning Board at which the proposed plan is to be reviewed. The applicant must submit twenty (20) copies of the proposed plan and other items to be presented to the Planning Board. The applicant shall also submit an electronic copy of these items.

6. The Planning Board is expected to complete its review within forty-five (45) days after the proposed Small Area Plan is presented to the Planning Board. This may be extended with approval from the applicant. Should the Planning Board not complete its review within the time allotted and the applicant has not agreed to extended the time allotted, the Planning Board may forward the item to the Town Board of Commissions with a recommendation for denial of the Small Area Plan.

7. The application for approval of a Small Area Plan shall then be presented to the Town Board of Commissioners.

8. The Commissioners will then hold a public hearing on the proposed Small Area Plan.

9. The Town Board of Commissioners may recommend revisions or additions to a proposed Small Area Plan, or to a proposed amendment to a Small Area Plan, that promote the intentions of the Planned Development District or the applicable PDD Master Plan. The applicant, at anytime prior to the Board's vote, may amend a proposed Small Area Plan, or a proposed amendment to a Small Area Plan.

10. After the public hearing, the Commissioners will decide to approve or deny the proposed Small Area Plan. This decision may be rendered at the same meeting as the public hearing. A decision by the Commissioners is expected be rendered within sixty (60) days after the public hearing has been completed.

This procedure for consideration of Small Area Plans and amendments to previously approved Small Area Plans shall be finalized and agreed to by the applicant and Town Board prior to the submittal of the first Small Area Plan.

Question #37, page 26

Consider an advisory committee or project team to help ensure that each Small Area Plan appropriately reflects the goals and intentions of the PDD Master Plan.

Action/Responsibility: Manager, Planner, Town Board, Consultant

Prior to approval of Small Area Plans.

Note that this is a Town responsibility and should not delay approvals of Small Area Plans.

As part of the Town's review process a Technical Advisory may be formed.

Agreed. No additional comments. No revisions are proposed to the PDD Master Plan.

Question #38, page 26

Create a Fiscal Impact Analysis methodology and criteria by which to judge the outcomes.

Action/Responsibility: Manager, Finance Director, Town Attorney, Town Board, Consultant

ASAP

According to previous comments from the Town, this "Fiscal Impact Analysis" was suggested for the purpose of evaluating proposed annexations. Such analysis is done by other jurisdictions prior to approving annexation request.

Agreed. No revisions are proposed to the PDD Master Plan.

Question #39, page 26

Do not permit any development to proceed without an adopted Small Area Plan.

This comment was rejected by the Board of Commissioners

> Note: 5% Residential; 5% Commercial Development was suggested on p27 of the Lawrence Group Chatham Park PDD: Analysis and Recommendations. CP PDD MP (11/25/13) allowed 5% Residential and 15% Commercial. Board should decide which threshold to apply.

Not Applicable

Agreed. No additional comments. No revisions are proposed to the PDD Master Plan.

Questions #40, 41 and 42 were pulled by the Mayor.