

**TOWN OF PITTSBORO
PLANNING BOARD MEETING MINUTES
Monday, March 2, 2015, 7:00 PM**

ATTENDANCE

Members Present: Raeford Bland, Shannon Plummer, Brian Taylor, Carolyn Elfland,
Oakley Bennett

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

A. CALL TO ORDER

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

B. APPROVAL OF MINUTES

- **Ms. Efland made motion to approve the minutes of February 2, 2015**
- **Seconded by Mr. Taylor.**
- **Vote: Unanimous**

C. OLD BUSINESS

Mr. Bland asked for a motion to amend the agenda under old business so they can finish the business with the Branston LLC rezoning request on February 2015.

- **Mr. Plummer made motion to approve**
- **Mr. Taylor seconded**
- **Vote: Unanimous**

Mr. Bland stated that they have found it consistent by definition but it need to be formalized.

- **Mr. Taylor** said having reviewed the most recently amended zoning application in the Town of Pittsboro Case #REZ-2015-01, pursuant to Section 160A-383 of the North Carolina General Statutes the Town of Pittsboro Planning Board at its regularly scheduled meeting on February 2, 2015 made a motion to advise that based upon the application to rezone the property described in Application REZ-2015-01 and incorporated herein by reference, and upon the recommendations and detailed information developed by staff the proposed amendment, as submitted is consistent with the comprehensive plan of the Town of Pittsboro, including the Land Use Plan and other applicable adopted plans, policies and documents.
- **Mr. Bennett** Seconded
- **Vote: Unanimous**

- **Mr. Plummer** made motion to adopt resolution recommending approval of the proposed rezoning and to advise and comment to the Board of Commissioners that the proposed rezoning is reasonable considering the size and location of the tract and the potential benefits to the economic, cultural and urban development of the surrounding community while providing quality design features and sensitivity to environmental issues.
- **Mr. Taylor** seconded
- **Vote: Unanimous**

D. NEW BUSINESS

- **REZ-2015-02**
Trillium Montessori
Action Needed – Discussion, Recommendation to Town Board

Mr. Bass said this is a proposal to rezone approximately .95 acres on 1601 Hillsboro Street from R-12 (medium Density Residential) to C-2 (Highway Commercial). The property is within the general vicinity of the Powell Place Mixed Use Planned Development and the Belmont Station Mixed Use Planned Development and just south of the US 64 / 15-501 interchange.

The Parcel immediately adjacent to the north is zoned C-2 with a residential dwelling unit on it.

To the south the property is zoned R-12, Medium density residential. To the west there is vacant undeveloped property zoned R-12 and to the east there is a mix of small business and residential uses zoned R-12.

It appears that the property was originally zoned RA as reflected on the 1989 zoning map, but then changed to R-12 in a 1992-1993 update.

With respect to the Land Use Plan and Future Land Use Map the subject property is designated as Medium Density Residential Neighborhood, reflecting the current zoning. The medium-density residential neighborhood category would include residential developments with access to both public water and sewer services. Development in this area could also include single-family homes, apartments, churches, parks, community buildings, schools and other neighborhood facilities.

The Commercial and Mixed Use Categories are adjacent or within close proximity. This could include a wider variety of land uses including residential, commercial and civic/institutional – at a variety of densities.

The plan goes on to further state the commercial category or areas that could be located with convenient access to US 64 Business and US 15-501, particularly near major intersections.

Public facilities water and wastewater are available to the property and services are rendered by the Town. Currently there is an existing water service.

The property is located on US 15-501 (Hillsboro Street) a primarily north south corridor and a Major Thoroughfare as designated on the Town's Comprehensive Transportation Plan. Average daily traffic counts at this location are approximately 13,000 vehicles. A Driveway Permit issued By NCDOT would be necessary prior to any additional development of the site.

Staff recommends approval of the proposed amendment. While not consistent with the Future Land Use Map, the property is a single parcel just under an acre in a location suitable for commercial type uses. Also, depending on the use, some institutional or neighborhood uses that are permitted in C-2 are referenced in the Medium Density Residential category, such as churches, parks, community buildings and schools. Also, the size of the parcel, just under an acre, is a limiting factor on the intensity of any commercial development. It is a reasonable location for such zoning and would be suitable for those uses permitted within the proposed district. There are also existing a number of commercial uses within close proximity.

An important issue for consideration is the location of the proposed parcel in relation to the surrounding zoning district. In this instance the parcel would be bounded by R-12 and C-2 zoning districts. In the packets distributed to the Board there are maps showing the zoning of the adjacent properties as well as the application. The applicant is also present tonight to answer any questions.

Mr. Bennett asked if presently there is a residential home occupied on that property, in which the answer was yes.

Mr. Bland asked about the traffic pattern since the property is not on a corner. It would mean that there would have to be two roads- one to enter and one to exit; a left turn there would be a difficult situation.

Mr. Bass said that any proposed future site plan would need a driveway permit from NCDOT. It just depends on the use and what they would actually require.

Mr. Taylor asked if the adjacent property was for sale and if the intention is to rezone to C-2 and then combine the two lots. The response was no.

Ms. Elfland wanted to hear from the applicant why they want to rezone it.

Seemi Abdullah applicant for the property stated that they are a very small Montessori Preschool and this is the right size of lot for them, anything larger would be unaffordable.

Ms. Elfland again asked why they want to rezone it when they can do the school just as it is now.

Mr. Bass said that there a school or daycare is a special use permit.

Mr. Plummer asked if they were aware that the property next to it had already been approved for a daycare.

Ms. Abdullah said she was aware but that property is too big for them.

Mr. Bass announced to the Board that the financing for that daycare did not go through. However, as a courtesy he did call the applicants to let them know of this proposal.

Mr. Bland said he would like to read through all those permitted uses. He would like them to think about all the possibilities of commercial zoning they could work this out for a school. There are a lot of uses that he would be reluctant to say should be commercially permitted by right here. He then read the list of permitted uses under the zoning.

Ms. Elfland said that she understands why they want a commercial node around 64 and 15/501 and she believes they already have that established, however, the node ends somewhere and driving down Hillsboro Street towards the downtown it becomes residential all the way into town. She does not think that they want to end up with strip type commercial development coming all the way into town. This is what can happen if they begin rezoning to C-2 because the property next to it is C-2. Pretty soon it can march all the way down Hillsboro Street one by one rezoning everything C-2. There is nothing that can be done to the corner lot that is already rezoned C-2 but she would be happier if this property is left as is and apply for a special use permit as opposed in asking to rezone.

Mr. Taylor asked Mr. Bass how far into Town is the 15/501 widening project going and will it extend past this property. If it does chances are that part of that will be taken away by road widening anyway.

Mr. Bass said this project is in the far future and it will extend past the property.

Mr. Taylor then asked the applicant the amount of children that will be attending the school.

Ms. Abdullah said they will be having 2 phases. The first phase will have 24 students.

Mr. Taylor then said that in that intersection already is fairly busy, then they widen it why a four lane road it creates many complications and that C-2 could become anything. He then asked if there was enough room to place an entry, exit road once they widen the road.

Mr. Bass replied that there has been not site design of detail and it probably would just be an entrance.

Mr. Bennett asked if they would be using the existing building or would they be building a new structure and if so what would the size be.

Ms. Abdullah said that the existing building is a mobile home so they would be constructing a new building. The first phase would be about 1500 square feet and this would last about four years. After that they may have, depending on what is allowed, to add 3-4 more classrooms.

Mr. Plummer said for years there has been a fear of legislative rezone for some reason. He is not afraid of a straight legislative rezone for a couple of reasons. There are about 100 uses under the C-2 zoning. If there was not those 100 uses under the C-2 zoning then how many zoning classifications would there be? There are so many different certain things allowed under C-2 that maybe they should ask the Commissioners to remove the ones they don't like from the C-2 zoning classification. On the subject that C-2 has to end somewhere, everyone is familiar with this property, do they really think anyone would buy that property and build a modest home on it just because it is zoned residential.

Ms. Elfland said that she does not disagree with his point of view in commercial zoning and the fact that there are all these kinds of uses in a commercial zoning, however, she believes that there is a reason why there are certain other uses like churches, schools and so forth that are allowed in a residential area because that does allow you those sort of things that are more compatible with residential while eliminating a whole host of other options.

Mr. Plummer agreed with Ms. Elfland statement, however, the fact that he does not fully agree is that he sees thing from a small business owner perspective. Looking at the investment this applicant is making under a special use permit means that it will be a small daycare for eternity, if not it would revert back.

Mr. Taylor said yes to Mr. Plummer's comment but if they zone it C-2 that is a concern because it can open up the way for someone to buy both properties available and combine then and create something bigger so the logic that it is too small to be massively developed goes away.

Mr. Plummer stated that his concern is that if the applicant is willing to invest into this they would be tied under a special use permit and if things do not work out or the economy goes sour they have no other options but to sell this location for just the purpose of a preschool and nothing else. However, in this situation he is comfortable in just a straight legislative rezoning. Those permitted uses are there and have been forever and if they do not like certain uses by all means lets change or remove them.

Mr. Bland asked if all these possibilities are okay for something mostly residential with Powell Place being there.

Mr. Plummer asked why we have zoning classifications if we get nervous every time somebody wants to rezone something to a certain zoning classification. He suggests throwing away the classifications and just doing special use permits.

Ms. Elfland stated that she doesn't have a problem with commercial, she has a problem with this being commercial, period. She doesn't think that it's good to have commercial to continue to march down Hillsboro St. She said there is an alternative to have a school there- keep the zoning the same and get a special use permit. If that wasn't an option, she'd have to think about the benefit. There's always a balance with what an individual wants to do with a piece of property and what the best solution is for the Town as a whole.

Mr. Bass said another option is the conditional district rezoning. It's not a special use permit, it gets zoned commercial but it is a district in and of itself.

Mr. Plummer asked if it's tied to one use.

Mr. Bass answered yes.

Mr. Plummer said he's still leaning in favor of a straight legislative rezoning.

Mr. Bennett said he is leaning that way also. He stated there are already businesses at the entrance to Powell Place.

Mr. Plummer stated that he would change his mind if the citizens were complaining against it- if the residents of Powell Place came out in force saying they didn't want more commercial at the intersection. Without that, he wouldn't be comfortable saying no to this application.

Mr. Taylor is still concerned about it joining the C-2 property. He's not opposed to any of the uses, but he's concerned about the traffic and the widening of the road. He's not concerned if it becomes a school, he just wants to make sure it doesn't become joined up with a piece of property. We have no idea what will happen in the future. He doesn't see any reason we can't get a school in there with a special use permit. He thinks that will be a little more protective of the way things are supposed to be laid out.

Mr. Plummer asked Mr. Bass if there was any discussion of a special use permit.

Mr. Bass replied yes they did talk about it and he did lay it out as an option/possibility.

Mr. Bland asked if the applicant had anything to respond with regards to her conversation with Mr. Bass about the special use permit or the C-2. You decided that you didn't want the C-2, but you didn't really answer the question: Why did you decide that you wanted the C-2?

Ms. Abdullah said she doesn't have that much experience with this. Her goal is to have a preschool for children ages 3 to 5. The messages she received is that it's easier to do it in a place where you are allowed to do that by right, rather than have to go through a special use permit. Also, as a business decision, it leaves some options open, if, for example, I'm disabled and have to sell it and I can't find someone to purchase it as a school and run it. If it's just a special use, then I am locked in to do that.

Mr. Taylor asked what the difference is to the burden of the owner as far as fees and process for special use versus rezoning. Is there a public hearing with the special use?

Mr. Bass replied it's the quasi-judicial process where you have to swear in people for testimony but also the company with the site plan, so you have to go into a lot more detail. You have to do a site plan anyway, but you are investing in that and you're not sure the outcome. That's the main thing.

Mr. Plummer stated that the applicant is expected to produce a site plan and they still may be denied. And it's a longer process as well.

Mr. Taylor asked if there is any more incurred cost or effort.

Mr. Bass said yes because you have to get into the design. Once it's rezoned, the easiest permit is by right, so once the site plan meets all the requirements, it is approved. It can't be denied.

Mr. Taylor said that in that case, he would be interested in seeing what the residents adjoining it have to say and would be willing to go through and do the public hearing without incurring the extra cost for them. If people don't want it, they will come and oppose it.

Mr. Bland said shall we have a motion to approve this rezoning into a commercial state so that we can have the public hearing. We're going to have to go that route in order to have a public hearing to determine that.

Mr. Taylor stated that his concern about the rezoning to C-2 is not as great as about my concern as her having to incur extra costs to special zoning.

Mr. Bass said that you can recommend not to approve it and that's what we'd take to the town board, theoretically. She can take a proposed project to the town with a negative recommendation from the board.

- **Mr. Bennett said having reviewed the most recently amended zoning application in the Town of Pittsboro Case #REZ-2015-02, pursuant to Section 160A-383 of the North Carolina General Statutes the Town of Pittsboro Planning Board at its regularly scheduled meeting on March 2, 2015 adopt one of the following motions effective March 2, 2015 made a motion to advise that based upon the application to rezone the property described in Application REZ-2015-02 and incorporated herein by reference, and upon the recommendations and detailed information developed by staff the proposed amendment, as submitted is inconsistent with the comprehensive plan of the Town of Pittsboro, including the Land Use Plan and other applicable adopted plans, policies and documents.**
- **Ms. Elfland Seconded**
- **Vote: Unanimous**

- **Mr. Plummer said having reviewed the most recently amended zoning application in the Town of Pittsboro Case #REZ-2015-02, pursuant to Section 160A-383 of the North Carolina General Statutes the Town of Pittsboro Planning Board at its regularly scheduled meeting on March 2, 2015 make the motion to adopt the resolution recommending the approval of the proposed amendment although it is not consistent with the comprehensive plan of the Town of Pittsboro, including the Land Use Plan and other applicable adopted plans, policies and documents, Nonetheless, the proposed rezoning is reasonable considering the size and location of the tract and the potential benefits to the economic, cultural and urban development of the surrounding community while providing quality design features and sensitivity to environmental issues. The proposed amendment advances the public health, safety or welfare of the Town.**
- **Ms. Taylor Seconded**
- **Vote: 4 Yes 1 No**

➤ **SUB-2015-01**

Powell Place, Phase 2E

Action Needed – Discussion, Recommendation to Town Board

Mr. Bass said this is Subdivision 2015-01 Powell Place Phase 2E Preliminary Plat review which the developer has submitted for review and recommendation. The proposed development is for 53 lots located in the Powell Place Mixed Use Planned Development (MUPD).

This development section totals 14.64 acres. The average lot size is 7,946 square feet.

Hydrostructures has reviewed the plan and provided comments. The Fire Marshall and Fire Chief have also reviewed the plan. Initial revisions were made based on the comments provided.

Recommendation for conditional approval, subject to final utility revisions and these are some construction details associated primarily with the wastewater line and easement as requested by our Town Engineer as well as Hydrostructures. Forward to the Town Board of Commissioners for consideration.

You have in your packet a letter from the developer outlining the proposal that includes the final phase for the residential housing that was originally approved in the master plan, and also a copy of the plans.

Mr. Bland asked how this is consistent with the master plan.

Mr. Bass said yes the master plan allows density of up to 20 units an acre and this plan is proposing single family homes that comes out to 3.62 units per acre maximum. The applicant is here tonight to answer any questions.

Mr. Taylor asked what the concerns were the Fire Chief raised. There's a lot of parking on that road and it is already narrow as it is. Can you address how you plan to do something about that?

Mr. Bryson Powell said he's happy to talk about how we addressed it in the plan. My name is Bryson Powell. On Millbrook Drive, we have front load garages and we went back and redesigned what we originally had to put an alley back here so that all of the homes at front Millbrook Drive will be alley-access. The garages will be behind the house and there will be no curb cuts in Millbrook along this section where there's street parking on the other side. So that's how we addressed that concern.

Ms. Efland said that Mr. Bass never said what the Fire Chief's comments were.

Ms. Smith from Hydrostructures answered that the Chief added a hydrant at the each corner of the alleyway so if he needed to get water to the back of the house, it would be an easy pull because the waterline does not go through the alleys- it stays on the outside. His concerns were resolved.

Mr. Bland said what we need to do is to approve this other phase, parking is not the issue.

- **Ms. Efland made motion to approve the Subdivision plan Phase 2E of Powell Place and to recommend to the Board of Commissioners that they consider addressing the congestion issue of the parking situation along Millbrook Drive.**
- **Seconded by Mr. Plummer**
- **Vote: Unanimous**

D. BOARD MEMBER CONCERNS

Mr. Bennett suggested that the next Phase be approved with wider streets.

Ms. Efland asked what is going on with the UDO process.

Mr. Bass responded they have completed the code assessment which would be the document and we are hoping to get that distributed.

Ms. Efland asked if Mr. Bass had a chart with milestones on it. Is it on schedule?

Mr. Bass said it is a little behind, but not much. I will email you the chart.

Mr. Bland said it would be nice to have the consistency statements in their packets. He asked Mr. Messick if they could have a single statement that is generic with an appropriate blank in it.

Mr. Messick said that even though Mr. Bass prepares this, if you don't like what he's written, then you can change this to substitute whatever you think is appropriate. He's doing that on your behalf to make it easier for you, but if you don't appreciate that and you would rather have a table with A B and C, and you'd rather fill in the blanks, that's fine too. I don't think that would be the best choice.

The issue is that in order to show the consistency, or to show the inconsistency, you're supposed to more or less cite chapter and verse to some extent. It has to be specific, but if you want it to be more specific, you all are welcome to add something.

Mr. Bland is just wants to ensure they don't forget to do it at the meetings.

Mr. Bass offered to add it to the packets.

Mr. Messick said that would be helpful for the board. If you don't have a consistency statement, then you are in deep trouble. But if you have one, then no one can argue what it says.

E. REPORTS AND ANNOUNCEMENTS

Mr. Bass wanted to make everyone aware that the next meeting is Easter Monday. Also, we have a new ETJ alternate, Wayne Herndon that was sworn in today.

F. ADJOURNMENT

- **Chairman Bland** asked for motion to adjourn.
- **Ms. Elfland** made motion to adjourn.
- **Motion carried unanimously**

Planning Board meeting adjourned at 8:25pm

Next Planning Board Meeting is scheduled for Monday April 6, 2015

Heana A. Platon

Administrative Support Specialist