

**MINUTES  
TOWN OF PITTSBORO  
PLANNING BOARD MEETING  
MONDAY, NOVEMBER 7, 2011, 7:00 PM**

**ATTENDANCE:** Ken Hoyle, Harold Howard, John Clifford, Alfreda Alston, Karl Shaffer, Raeford Bland.

**STAFF:** Stuart Bass, Planning Director, Ileana Platon, Administrative Support Specialist

**A. CALL TO ORDER**

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

**B. APPROVAL OF MINUTES**

Chairman Hoyle asked if any of the previous amendment minutes were ready, Mr. Bass responded, no. He then asked Mr. Bass to introduce the new member at the meeting. Mr. Bass introduced Ileana Platon as the new Administrative Support Specialist for the Town and she will be assisting the Planning Board with the Minutes. In addition she will be composing previous minutes that have not been done. Chairman Hoyle asked if they will be done by next meeting. Mr. Bass stated that depending on time and schedule Mrs. Platon will try to get those minutes done but if need be they may have to contract out although the cost is expensive .

Mr. Hoyle then advised that Karl Shaffer was on his way from a meeting out of town. He had called and requested if the order of the agenda could be changed so he can be present for the rezoning request. Mr. Hoyle asked if there were any objections, no objections stated so the first order is the consideration of the Master Sign program for Central Carolina Community College.

**C. NEW BUSINESS**

**1. Central Carolina Community College – Consideration of Master Sign Program for Central Carolina Community College.**

Present are Dan Sandberg, Architect at United Biospheres and Donnie Lowder, Construction Manager for CCCC.

**Mr. Hoyle** asked Mr. Bass if what they are proposing falls within the regulations in regards to signs.

**Mr. Bass** responded that it is a little outside the scope, that is why the proposal is here and in front of the planning board. The ordinance makes allowances for what is called a plan development flexibility option. It takes from the zoning board an extra affair that describes it. There is an outline in the master sign program for certain music fan fare development, land developments, large scale institutional complexes, civic facility or educational facility which the community college would apply. It gives the planning board some flexibility to look at a massive planning program. He pointed to the last sheet which has an example to give the Board something to compare it to. The only one he could find previously was the one done for The Powell Place Plan Development. They came in with a sign package. The last attachment shows the entrance sign that was approved for the Powell Place Community

development to give some comparison of what was done previously. The sign package distributed to the board details the signs that will be placed throughout the campus as well as in the exits. The primary focus tonight is the large monument which is detailed on the third sheet.

**Mr. Hoyle** asked if they are actually proposing three on the campus and if it does exceed the regulations.

**Mr. Bass** response was that there will be identification signs throughout the campus but the one in discussion is a large monument sign that is proposed at the entrance. This sign is larger than what would normally be permitted to a single standard owned business in that particular zone location.

**Mr. Hoyle stated that he did not remember** Powell Place coming before the Board to do a variance on their sign and even though Mr. Bass found a large package in his office it was never brought forth to the Planning Board

**Mr. Dan Sandberg** approached and said he appreciated the consideration of this sign which sits outside of the regular size allowed per zoning. He explained that there are two issues at hand. The first issue is the height of the sign, and the second issue is the actual area of the sign. They are identifying two institutions within CCCC, the first is the Chatham Community Library and the second is Central Carolina Community College. That is why they are providing some extra allowance on the sign. The reason for the extra height is that they have decided that is going to be adjacent to the entry. They have about a three foot drop in elevation coming up the traffic circle heading south so if the sign is only 4 feet tall only the top of the sign will be visible, the sign will not be seen from the far side of the traffic circle going towards the sign. The other issue is the area of the two signs that is because there are two things being identified. One is Central Carolina Community College the other is Chatham Community Library along with their associated logos. On their own the CCCC sign lettering is 19 square feet in area and the logo is 4.4 square feet for a total of 23.4 square feet. It runs about 24 square feet allowed per sign for that identification. The Chatham Community Library is 14 square feet in lettering area and the logo at 6.8 square feet for a total of 20.8 square feet. Each sign on their own is under the size permitted by the zoning board but we are trying to identify two separate entities on that same sign.

**Mr. Hoyle asked that** collectively they far exceed the ordinance, and by how much.

**Mr. Sandberg** replied by 22 square feet or so. The master plan is to bring the whole campus together, pedestrian, vehicle evolved in a nice entry way. This entry sign has a slope to reflect the new library route with an extended view. The top slope would be made of Tennessee sandstone which has a beige color with dark brown grain so its looks sort of similar to the beams that are sticking out of the library roof. It would have the same brick façade as the library. It's a very pretty sign. What they want is to promote Chatham County. They are hoping they can have the logo petition size so it can be contain in the sign. The sign that is there for visual reference is halfway along a walking trail on the CCCC property. The lettering is 3.5 inches tall and the sign is 4 foot by 6 foot which is not sufficient to spell out Central Carolina Community College, it has to abbreviate in order to have the Community College identified on the small sign size which is allowable within the zoning ordinance. Also that sign is not at the entry way is on top of the hill, it can be seen whether its coming or going. If we were to have that same sign sitting down on that hole adjacent to the walking trail you would be looking at the top of it as you were approaching the sign.

**Mr. Bland** asked if they could identify the low and high places and the walking trail on the map and if the side they are referring to is really that low.

**Mr. Sandberg** explains to the board the location of the walking trail and entrance to the facility and claims that the side is really low.

**Mr. Hoyle** asked how was the terrain on the other side of the road.

**Mr. Sandberg** responds that is similar and it also already has the Pittsboro city sign which will impede line of sight because the Pittsboro city sign is 7 feet tall. Just for point of reference the P on the Pittsboro city sign is 7.5 inches tall, similar to the 8 inch lettering they are proposing for their sign. The rule of thumb is 2 inches per every 50 feet and they would like to have 8 inch lettering so that it can be seen from 200 feet.

**Mr. Clifford** asked if except for the landscape object point of view is there a way to just raise the vacant sign.

**Mr. Sandberg** replied that it would be very difficult. The drainage would be hard to solve and to have the walking trail as it works now and still make access without having big slope at that corner going out would be very difficult. Then there is a drainage inlet there which adds to the difficulty.

**Mr. Clifford asked if the** Pittsboro sign was indicated on the plan and if the new sign would be just outside the walking trail and closer to the circle.

**Mr. Sandberg:** responded that the Pittsboro sign wa not on the plan and yes the new sign would be closer to the circle.

**Mr. Clifford** inquired on the total height. Was it fourteen feet from the ground up? Sandberg replied, yes, and 8.66 feet at the lowest.

**Mr. Hoyle** said that he understands what they are trying to do and can appreciate it, but his major concern is the fact that if they were to permit such a sign as this, even though they are advertising two different things, they are setting up precedence for other signs to be outside of the ordinances.

**Ms. Alston** agreed with Mr. Hoyle, they can't tell one person yes and the other one no because is out of the ordinance. She is sure that there is a better solution but does not know what that solution will be.

**Mr. Sandberg** claimed that what let him down the path of proposing a sign this big was Powell Place. In his opinion CCCC is much more significant to the Town of Pittsboro than a developer would be and felt he could argue the case.

**Mr. Hoyle** then asked f they had not considered any other location in terms of safety or height topping.

**Mr. Sandberg** explained that this was the Colleges' first choice. If the planning board does not agree they will certainly look for an alternative.

**Mr. Lowder** said that the County has just invested a large amount of money in two major buildings for the County of Chatham, one being the Community Library the other one is the sustainable technology facility and felt that it was by recognizing and having a sign that would identify easily would be very important for the county and for the city.

**Mr. Shaffer** claimed that he does not have a problem with the surface area or combining the two, it's in the height where he may be having some reservations.

**Mr. Sandberg** said that they will do whatever we need to do and he is happy that the Board has allowed some flexibility in having the two signs

**Mr. Hoyle** suggested to a make motion to give them an opportunity to come back with another proposal. The Board is not opposing it but would like them to go back to the drawing board and get closer to the ordinance.

**Mr. Bland** assumed that the main entrance will be by the new traffic circle into the library.

**Mr. Lowder** stated that they will have two entries, one on 64 and the other one on 87 but the major entry way to the campus will be on 87.

**Mr. Sandberg** said that they would like to modify the sign on 64, but the sign on 87 is the one they are working on at this point. The sign on 64 is not part of this proposal.

**Mr. Hoyle** asked if there were any more questions and asked for a vote.

**Mr. Shaffer** requested to speak and addressed the lighting. He said he did not have a clue but 1000 watts seems pretty potent to him. Consideration has to be taken because there are homes south and north that would be looking directly at that sign. If the surface is brick there is not going to be much glare and asked if 1000 watts was standard and does it need so many watts per square foot.

**Mr. Sandberg** replied that on many signs the wattage is actually higher than that. The typical bulb is a 500 watt bulb. They are proposing two 250 watts bulbs aimed at 60 triangular to prevent shadows.

**Mr. Hoyle made motion to allow another proposal. Vote was taken and approved unanimously.**

## **2. REZ-2011-03 SPOON REZONING REQUEST**

### **Rezoning request from R-A5 to RA-2**

**Mr. Bass** explained that this district is defined as R-A5 which provides land primarily for very low density residential development in environmentally sensitive or transitional areas while permitting continued agricultural use. The proposed zoning is R-A2 residential agricultural. Again to provided land primarily for very low density residential development in rural areas while permitting continued agricultural use. The zoning dates back to at least 1989. The area which is shown as conservation which includes stream buffers along the Haw River and other public land associated with Lake Jordan. There is no availability of public facilities. The properties is located the town's ETJ. A straight division calculation not including any other factors would increase the potential number of lots from seven to nineteen. Transportation and current access to the property is limited to Bynum Beach Road, a locally state maintained road. Also in the Packet you have a map showing the zoning and aerial photo with flood zone superimposed up on it as well as a tax map showing that the state of North Carolina owns a narrow band of property along the Haw River. With respect to the zoning request I know that one time there was a large scale development proposed to the west and the south of this property, to my understanding those were dissolved. There has not been any rezoning within the area after that.

**Hoyle:** So we all know what we are looking at since is not a legend in terms to the map. The cross quad section here would be what the state owns?

**Bass:** No, the cross quad section there on that particular map is actually the flood zone area associated with the Haw River. The state's property is on the third map included and outlined in red.

**Hoyle:** In regards to Bynum Beach road being state maintained I would appreciate it if you verify that because I do know that the road does flood. In addition there has been no other change in any of the area buildings request design that I am aware of.

**Mr. Howard** had a question on the part that says develop two acre lots on gravel road. What does that mean?

**Spoon:** Forty six, 16 foot wide contact road.

**Howard:** Can you do that on a major development? You can't build two acre lots with dirt roads

**Spoon:** I am sorry I don't know that but I have never built anything in Pittsboro and I don't mind paving the road.

**Howard:** Pittsboro has the same zoning law as the county. You can't pave more than ten lots less than 10 acres on a dirt road. You said 16 feet wide, maybe there is some stipulation on the width.

**Hoyle:** Is this is a zoning request to do a major subdivision?

**Bass:** Well there is no subdivision plan associated with the zoning request.

**Shaffer:** Would it be spot zoning? Going back to my lessons from David Monroe is my understanding whether that is a fact or not, now I was not here when it was zoned RA-5 but there is clearly a purpose

to that in case to where the Haw River is for average 5 acre lots. I think it can be cut down to three but is an average of five, to reduce them in that area we would be going against the grain of whatever the thought process was when this was done.

**Hoyle:** There was definitely a reason for doing it at that time.

**Shaffer:** I don't see any justification for it other than lot density.

**Spoon:** Last time I had a conversation with the board members they said "well we know the old intake is there we are not using it", I said look you have to have a compelling statement, a municipal interest to keep that yellow area because the intake is not there. So in summary I am asking you not to consider spot zoning unless you have legal counsel saying that. I ask you to approve it and send it to the board or disapprove it.

**Mr. Howard** moved to disapprove.

**Mr. Spoon** requested that they send it to the board. He understands that it can be disapproved base on the spot zoning but it can't all be decided on just that. If the Planning board is going to disapprove he would like to have that in the record, therefore, whether he does appeal it he can have grounds to it. He does not have a problem with the denial but asks to be put on record why it was denied so he can seek further counsel.

**Hoyle:** I really would like to see and in deepen our own information with regards to it since it is right along the Haw River. I like to have some experts give some ideas in terms if you take and cut this up into two acre lots is it going to impact the river? I think we have to definitely be aware of that situation.

**Spoon:** I can do that. I can propose to talk about it. What I can do is go to my Surveyor and have him draw a seven lot subdivision on 39 acres and draw an 18 lot map of a subdivision to show what it would look like. If you notice I used to own the property behind it and I had a 60 foot easement down along the River bank and the reason I did that was to get access to back around to where I could get a bank loan, but since that time I have come to the realization that no zoning authority will ever allow that road to go within the river edge. The only reason that was done was to get Mr. Knight to give me access where I could get a loan on the land that I did own back here, but now Preston owns it. I know for a fact that they are not going to allow somebody to build a road back there down the river. The plan was, what I ask you to do is let me go back and draw a map and ask you to go out there and look. There is an old beach house on stilts that Willis built, what I can do is wrap a driveway. The at the hill there is a bunch of nice 200 year old oaks that come up by there and that would be the entrance to go up and it allows the property to the south that right of way to get thru.

**Howard:** What is the flood plan?

**Spoons:** Hurricane Fran flooded a house at the entrance of Bynum Beach to the edge of the road and all of that 60 foot driveway to the edge. That is another reason I doubt if a road will be approved there.

**Clifford:** The bottom line is that we have a five acre average zone on there now much like we said a little while ago. If we permit the RA2 why not cut the rest.

**Spoon:** You have already done that.

**Howard:** property it shows that he gave 1500 lots to 773 acres. That is about 2 lots per acre.

**Clifford:** And they are not going to be well accepted.

**Spoon:** That is right and also you are making the assumption that the land will stay rustic but I don't think that is true. I think Preston has that land and I think they will develop it.

**Clifford:** Even if that is the case I don't see what that has any precedence on the current board. If it was a judgment call, mistake, or it was proper. It was brought up at the meetings and they never said how close they would come to the river.

**Spoon:** My track record has nothing to do with it and I think you are being improper by saying it,

I personally think you are prejudice against this along with Mr. Shaffer and I want that said for the record. Thank you. I have said what I needed to said and I know it will hurt me but that is what I feel.

**Hoyle:** Thank you very much. We are trying to look at everything in a realistic matter. We are trying to protect what has already been determined back in 1989 and it's also covered in the 2001 Land Use Plan. This area is RA5 and we can't change it that is the way we accepted it, and that is the way we have to look at it.

**Bass:** Just so we can understand because we have gotten a little sidetracked here because the development is one thing and could affect the zoning change is something else again. Just to make sure this whole green here is the RA5 the deal in changing that zoning is not necessarily tied to a particular development plan or a particular development style. I have managed to find the future land use which has this corridor here. In order to change the zoning you also need to amend the land use plan. It is not impossible, it can be done. It is just a matter of doing it. So we all understand and are in the same page. You are not immediately asked to prove.

**Bland:** I make a motion to be tabled to discuss the option, request a period of time so we can analyze it a little further have so more appropriate discussions that might lead to some resolutions. Clearly thought, since there is no doubt that we have issues with this piece of land for zoning and conservation. At this time Ricky Spoon began to advise that he had hired Mr. Shaffer before but was stopped by Mr. Hoyle and advised there was a motion on the floor and was out of line.

**Mr. Bland** again moved to table this zoning issue for next month's meeting.

**Mr. Hoyle** requested that they study it between now and the next board meeting. Spot zoning is definitely spot zoning. The biggest thing is that right there is a group of RA-5 zoned lots right on the river and those are things we need to take a look at.

**Mr. Spoon** told Mr. Shaffer that he is welcomed to go into the property with his permission and his company and take a look.

**Mr. Shaffer** replied that he would not do it until he calls Danny Smith.

Mr. Hoyle stated that when this comes back before the board they will look at the situation and then make the recommendations to the commissioners and allow them to make the decision. It will just be looked at in terms of what is coming before them.

#### **D. OLD BUSINESS**

##### **Ordinance Review**

Mr. Hoyle state that he was not so sure anyone was up to discuss the Ordinance Review that at this time and suggested they should come back and address it at a later date.

Mr. Shaffer asked if they should set another work session for that.

It was agreed that they should review and discuss it in the next week or two.

**Vote Taken to discuss the Ordinance Review at a later time. Approved unanimously.**

##### **BOARD MEMBER CONCERNS:**

**Mr. Shaffer** apologized for being late and asked if the sign ordinance issue was done at all tonight? The response was no and that it needs to be discuss is more.

**Mr. Hoyle** then asked if all were in agreement and the response was yes. He continued to say that in regards to off premises signs, to refresh their memory the town has no off premises signs permitted for business except for non- profit organizations and there is restrictions placed on that. The county

does not have an off premises sign ordinance. They tried to do one several years ago but as Jason Southerland told him this week on the telephone, it is impossible to police. Sign ordinances are something that is extremely difficult to police. As far he can see, our sign ordinance is good. The Planning Board and the Commissioners have spent a lot of time on it. If we begin discussing off premises signs and permit in any way whatsoever it is going to become a major issue, an issue that is totally impossible to police.

**Stuart Bass** advised that he did some research and made copies of minutes, memos and drafts of discussions that happened last year. He asked if the Board would like copies of what he had on the off premises signs ordinance. They agreed at Mr. Bass offer but if the Town has a great sign ordinance why then does the Board have to meet again. It was agreed that it was a good point and was there really any reason why they should discuss it again.

**Mr. Shaffer** explained that it has been brought to their attention that they are inconsistent with the sign ordinance.

**Mr. Hoyle** also agreed that there are a lot of inconsistencies in regards to off premises signs and although the sign ordinance is good they would like to see enforcement of infractions. What it comes down to is that if you request a sign be taken down you are expected to also request the same of the party that has breaking the same rule for three years.

**Mr. Bass** state that he is trying his best to police the signs around town and making sure business follow the ordinance, he spends a lot of time going around making sure people follow the ordinance. There are so many inconsistencies that it is impossible to police them.

The discussion then turned into the banners of the Market Place and of Cruizers.

**Mr. Shaffer** stated that he heard a statement at the Candidate's Forum that the town was not business friendly. Some people are getting away with it and some of them are not. They are fussing at each other and that is the problem. We can request the removal of the signs on the business that are breaking the ordinance and it will be OK but then there is the issue of not being business friendly.

**Mr. Bland** explained that he is not for or against it he is just trying to figure out what the issue is. He suggested that perhaps they need to go back and re-visit the ordinance so they can permit off premise signs for some period of time.

**Mr. Hoyle** asked where they were in terms of the sign ordinance. Do they want to go back and re-study it? The response was that there is nothing to study they just need to enforce it. They either change it or leave it as it is.

**Mr. Shaffer** said that if they are not going to address it or discuss some flexibility within the sign ordinance then they have to enforce it and they need a plan to do that.

**Mr. Hoyle** stated that it would be appropriate to have a motion to the affect that they agree with the sign ordinance as submitted and been approved by the commissioners as being a good one, but however they would suggest that the enforcement needs to be applied all the way across the board.

**Ms. Alston made motion and Mr. Shaffer seconded.**

Mr. Hoyle stated that the Board gives Mr. Bass and the Commissioners saying that they have looked at the sign ordinance and agreed.

**Vote was taken. Approved unanimously.**

Next Meeting scheduled for Monday, December 7, 2011 at 7:00PM.

**Mr. Howard made motion to adjourn. Ms. Alston seconded.**

**Meeting adjourned at 8:35pm.**

