

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MONDAY, NOVEMBER 26, 2012  
7:00 PM

Mayor Randolph Voller called the meeting to order and gave invocation.

**ATTENDANCE**

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

Staff present: Manager Bryan L. Gruesbeck, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planning Director Stuart Bass and Parks Planner Paul Horne.

**CONSENT AGENDA**

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to approve the consent agenda with the changes made to the October 22, 2012 regular meeting.

1. Approve minutes of the October 22, 2012 regular meeting. Commissioner Fiocco stated he had submitted a few minor changes to the minutes by email today. Clerk Lloyd advised they were at the Boards seat tonight. Commissioner Foley said on page four of the minutes where it states ...also known as Chat Arts it should be Chatham Arts.

Motion carried: 5-0

2. Schedule the Annual Strategic Planning Retreat for January 19, 2013.

Motion carried: 5-0

3. Approve the Board of Commissioners 2013 Meeting Schedule, Street Fair Date, Christmas Parade Date and Holiday Schedule.

Motion carried: 5-0

**2013 BOARD OF COMMISSIONERS MEETING SCHEDULE, FALL STREET FAIR DATE, CHRISTMAS PARADE DATE AND HOLIDAY SCHEDULES ARE INCLUDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 207-208**

2013  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS MEETING SCHEDULE  
HELD AT TOWN HALL  
635 EAST STREET  
AT 7:00 P.M

January 14 & 28, 2013

February 11 & 25, 2013

March 11 & 25, 2013

April 8 & 22, 2013

May 13 & 28, 2013

June 10 & 24, 2013

July 22, 2013

August 12 & 26, 2013

September 9 & 23, 2013

October 14 & 28, 2013

November 12 & 25, 2013

December 9, 2013

Fall Street Fair October 26, 2013

Christmas Parade December 1, 2013 at 3 p.m.

2013  
TOWN OF PITTSBORO  
HOLIDAY SCHEDULE

Listed below are the holidays that will be observed by Town employees during 2013.

<b>Holiday</b>	<b>Observance Date</b>	<b>Day of Week</b>
New Year's Day	January 1, 2013	Tuesday

Martin Luther King Jr.'s Birthday	January 21, 2013	Monday
Good Friday	March 29, 2013	Friday
Memorial Day	May 27, 2013	Monday
Independence Day	July 4, 2013	Thursday
Labor Day	September 2, 2013	Monday
Veteran's Day	November 11, 2013	Monday
Thanksgiving	November 28 & 29, 2013	Thursday & Friday
Christmas	December 24, 25 & 26, 2013	Tuesday, Wednesday, Thursday

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to approve the regular agenda adding Springdale Drive as Old Business Item #2.

Vote Aye-5 Nay-0

## REGULAR MEETING AGENDA

### CITIZENS MATTERS

None

### PUBLIC HEARING

Motion made by Commissioner Foley seconded by Commissioner Baldwin to go into a public hearing.

Vote Aye-5 Nay-0

### PUBLIC HEARING ON CONDITIONAL ZONING TEXT AMENDMENT

Planner Bass gave the following overview: per the Board's request, a draft ordinance has been prepared for a text amendment creating Conditional Zoning. Also included were reference items from the School of Government to assist in the understanding of a conditional zoning request.

This proposal was reviewed by the Town Planning Board at successive meetings on August 6<sup>th</sup>, September 5<sup>th</sup>, and October 1<sup>st</sup>, 2012 and is being forwarded to the Town Commissioners with a positive recommendation for approval.

The Board established a Public Hearing date of November 26, 2012 for consideration of this text amendment. The draft language for a text amendment is listed below.

Planner Bass said he had a short power point presentation. (attached to minutes)

Mayor Voller asked if he had received feedback from the county on this. Planner Bass said he has not talked specifics but he did send over a draft to the Planner and he said it was similar to what they had done. He doesn't know if they have had to apply it yet.

Mayor Voller asked Mr. Messick about the pros and cons of this matter.

Attorney Messick stated that the County had their first public hearing on Conditional Use Zoning last Monday and they didn't make a decision.

Attorney Messick stated this text amendment adds Conditional Use Zoning but it also deletes the Conditional Use Permit. He feels legislative is a good thing because you can receive ex parte communication with neighbors. A Commissioner you have the right to listen to everyone you want and quasi-judicial you are required to make a decision from what is in the record. He feels this change will make it easier for the board.

Commissioner Fiocco thinks it is a good idea but was wondering if adding this tool to the ordinance would remove CU Zoning Permit where there may be some that would like the quasi-judicial process. He thinks the general public would now feel the Board has made it easy to say no.

Attorney Messick stated why should you hamstring and say yes every time someone asks for something. Commissioner Fiocco said he don't think you are hamstrung with the SUP process the burden of proof is higher. This could be considered not developer friendly.

Attorney Messick said it doesn't affect the 50 or so uses in the ordinance.

After discussion Commissioner Fiocco said he is an advocate for Conditional Use District that is a fantastic tool and produces really good results his only question is should they remove the other tool that is already in the tool box for the reason stated because it does allow the developer and community to have an open dialogue and to make commitment during that dialogue.

Motion made by Commissioner Baldwin seconded by Commissioner Turner to go out of public hearing.

Vote Aye-5 Nay-0

Commissioner Fiocco made the following comments:

- Told Mr. Bass he envisioned a full site plan submittal with this and it also states once the zoning is granted you have to apply for a zoning compliance permit which he thinks of as the site plan process. He wonders if we should require the application to go so far as to have a full blown site plan. State language referenced site specific development plans which can be far less than a full site plan would be but still convey the same issues identified in a site plan and make the same commitments such as density of use, height of use, setback, parking count and all of those issues can be quantified in something less than a specific site plan. Let the applicant come in after the entitlement to the zoning and

do the full blown site plan. Planner Bass asked if he wanted to replace the word site plan with site specific development plan. Commissioner Fiocco said yes.

- Wanted to know if there was an appeal process because he is concerned about the word substantial and what is consider substantial. 10.6.3(8)

Attorney Messick stated but if the default is to have a public hearing rather than not having one what is the harm.

Commissioner Fiocco said we need to have some criteria as to what substantial is.

Attorney Messick said this is the opportunity to give the board and citizens the opportunity to know about substantial changes.

Commissioner Fiocco said this could derail the applicant for a very minor change to the application deemed to be substantial and then they have to go back through the Public Hearing Process.

Commissioner Foley asked Commissioner Fiocco what does he suggest.

Commissioner Fiocco said to define what substantial mean and/or allow for the applicant to have an appeal process. Commissioner Baldwin stated we should define substantial. Planner Bass said that will be very hard to do because each situation is different.

Philip Culpepper said maybe you could change the wording to say Manager or designee that makes that decision.

Commissioner Fiocco said he would like to have an appeals process. Commissioner Farrell said he would be okay with letting the Manager make the determination on whether it is a substantial change.

Commissioner Baldwin said why not let the Planner and Manager make that determination and then they would have the option to appeal.

Attorney Messick said it is already in the ordinance to appeal to the Board of Adjustment.

- Don't see process for how one would move forward. Mr. Bass said it was spelled out in another section of the ordinance.
- Don't see the mention of the planning board. Mr. Bass said it was spelled out in another section of the ordinance, it was the rezoning process.
- 10.6.5.6 mentions the approved site plan which is confusing to him. Planner Bass said it is the existing site plan.
- 10.6.5.2 mentions recording map exhibit/site plan are the conditions going to be on the site plan. Attorney Messick said they will be in a separate document.

Planner Bass asked if he was to make the changes and bring them back. The Board agreed.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF  
PITTSBORO

1. Delete Section 4.1, Article IV of the Zoning Ordinance and substitute the following in lieu thereof:

“4.1 Zoning Districts

The Town of Pittsboro, North Carolina, and its area of extraterritorial jurisdiction are hereby divided into general and overlay districts:

R-A Residential - Agricultural  
RA-2 Residential - Agricultural (2 acres)  
R-A5 Rural - Agricultural (5 acres)  
R-15 Low Density Residential  
R-12M Medium Density Residential and Mobile Home Park  
R-12 Medium Density Residential  
R-10 High Density Residential  
O-1 Office and Institutional  
C-1 Neighborhood Commercial  
C-2 Highway Commercial  
C-4 Central Business District  
M-1 Light Industrial  
M-2 Heavy Industrial  
WSIV-CA Watershed Overlay Critical Area  
WSIV-PA Watershed Overlay Protection Area

MUPD Mixed Use Planned Development

In addition to the general zoning districts delineated above, a Conditional Zoning District (bearing the designation CZ) corresponding to the general purpose zoning districts and to the mixed use districts may be established as authorized in this ordinance.

RA(CZ) Residential - Agricultural Conditional Zoning District  
RA-2(CZ) Residential - Agricultural Conditional Zoning District  
RA-5(CZ) Rural - Agricultural Conditional Zoning District  
R15(CZ) Low-Density Residential Conditional Zoning District  
R-12M(CZ) Medium Density Residential and Mobile Home Park Zoning District  
R-12(CZ) Medium Density Residential Conditional Zoning District  
R-10(CZ) High Density Residential Conditional Zoning District  
O-I(CZ) Office and Institutional Conditional Zoning District  
C-1(CZ) Neighborhood Business Conditional Zoning District  
C-2(CZ) Highway Commercial Conditional Zoning District

- C-4(CZ) Central Business District Conditional Zoning District
- M-1(CZ) Light Industrial Conditional Zoning District
- M-2(CZ) Heavy Industrial Conditional Zoning District”

2. Add to Section 5.1 the following:

“O. Conditional Zoning Districts

These are zoning districts which correspond to the general purpose zoning districts, but in which the development and use of the property is subject to predetermined standards and rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. A conditional zoning district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project.”

3. Delete Section 10.6 and all of its subparagraphs and insert the following in lieu thereof:

**”SECTION 10.6 CONDITIONAL ZONING DISTRICTS**

Conditional Zoning Districts (bearing the designation CZ) correspond to the general purpose zoning districts as authorized in this ordinance.

**10.6.1. Purpose**

Conditional Zoning districts are zoning districts in which the development and use of the property is subject to predetermined standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. A conditional zoning district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project.

Some land uses are of such a nature or scale that they have significant impacts on both the immediate surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of these regulations, the adopted comprehensive plan, and adopted district and area plans.

The review process established in this Ordinance provides for accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions, which ensure compatibility of the use with neighboring properties. A conditional zoning district is not intended for securing early zoning for a proposal, except when that proposal is consistent with an approved land use plan or the proposal can demonstrate that public infrastructure needed to serve the development will be made available within a reasonable time period.

### **10.6.2 Uses within District**

Within a conditional zoning district, only those uses listed (or determined to be equivalent uses) as permitted uses or special uses in the corresponding zoning district shall be permitted, and no use shall be permitted except as a conditional use subject to approval of a conditional zoning district rezoning authorized by the Town Board of Commissioners as provided herein.

### **10.6.3. Conditions**

1. In approving a reclassification of property to a conditional zoning district, the Town Board of Commissioners may request that reasonable and appropriate conditions be attached to approval of the rezoning. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the Town Board of Commissioners may find appropriate or the applicant may propose.
2. Such conditions to approval of the rezoning may include dedication to the Town or State, as appropriate, of any rights-of-way or easements for roads, water, or other public utilities necessary to serve the proposed development. The applicant shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Town Board of Commissioners.
3. Before filing an application for a conditional zoning district, the applicant(s) is encouraged to meet with the Planning Department staff to discuss the nature of the proposed reclassification, the standards for development under the existing and proposed classifications, and concerns that persons residing in the vicinity of the property may have regarding the proposed reclassification, if known.
4. In a conditional district, conditions may specify the location on the property of the proposed use; the number of dwelling units; the location and extent of supporting facilities such as parking lots, driveways, and access streets; design elements of the proposed use; the location and extent of buffer areas and other special purpose areas; the timing of development; the location and extent of rights-of-way and other areas to be dedicated for public purposes; the alteration of streets to mitigate traffic and environmental impacts; use limitations; and other matters the applicant proposes as conditions upon the request.
5. The application shall include a Site Plan and detailed narrative text that specifies the conditions that will govern the development and use of the property.

6. Any conditions imposed in association with a conditional district and so authorized are perpetually binding upon the property included within the conditional district unless subsequently changed or amended as provided for in this section.
7. In approving a conditional district, the Town Board of Commissioners may, with agreement of the applicant, impose more restrictive requirements than would otherwise be required by this ordinance and those in the application, as deemed necessary to ensure that the purposes and intent of this ordinance are met.
8. A new public hearing is required for consideration of a substantial change in conditions, as determined by the Planning Director.
9. No condition on a conditional district application may have the effect of removing or amending any requirement of this ordinance.
10. Other than use conditions, no proposed condition can be a mere repetition of an already applicable requirement of this ordinance. The Planning Director may order the removal of any such condition from the application. The Planning Director may remove from the application any condition deemed unenforceable or unclear.

#### **10.6.4 Community Meeting**

1. The applicant is required to hold a community meeting prior to the application deadline for a conditional zoning district rezoning. The applicant shall provide proof of mailed notice of the meeting. Notice of the meeting shall be provided to owners of abutting property, as listed with the Chatham County Tax Department, and include properties directly across a street, easement or public or private right of way. Notice may be sent to additional properties by the applicant. At a minimum, the notice shall be sent by standard mail and be postmarked at least fourteen (14) days prior to the date of the community meeting. Additional types of notice may be provided by the applicant.
2. A written report of the community meeting shall be included as part of the application packet. The written report of the meeting shall include a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the time, date, and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning application made by the applicant as a result of the meeting.
3. Revisions to existing Conditional Zoning Districts and existing Conditional Use Permits shall not require a community meeting if the physical boundaries of the district or permit are not proposed to be expanded.

#### **10.6.5. Scope of Approval**

1. Any conditions approved in association with a Conditional Zoning District and so authorized shall be perpetually binding upon the property included in such Conditional Zoning District unless subsequently changed or amended as provided for in this Article.
2. The applicant shall obtain certification of the approval of the Conditional Zoning District, and shall record the legal description and accompanying map exhibit/site plan in the office of the Register of Deeds of Chatham County.
3. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid, or if the applicant should fail to accept any of the conditions of approval, the Conditional Zoning District shall be deemed null and void and the governing body shall initiate proceedings to rezone the property to its previous zoning classification. Continued or repeated violation of the conditions in an approved Conditional Zoning District shall constitute an applicant's failure to accept said conditions.
4. Any violation of a condition in an approved Conditional Zoning District shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation.
5. The approval of a zoning map or text amendment does not authorize any development activity. Application for a Certificate of Zoning Compliance and any other administrative permits required by this Ordinance shall be required.
6. If an application for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and the zoning maps.
7. If an application is approved, only those uses and structures indicated in the approved application and site plan shall be allowed on the subject property. A change of location of any structures may be authorized pursuant to applicable provisions of this ordinance.
8. Following the approval of a rezoning application for a conditional zoning district, the subject property shall be identified on the Zoning Map by the appropriate district designation.
9. Any approved conditional zoning district shall have vested rights.

#### **10.6.6 Alterations to Approval**

1. Except as provided in herein changes to an approved conditional zoning district application or to the conditions attached to the approval shall be treated the same as a

new application for a conditional zoning district and shall be processed in accordance with the original procedures.

2. The Planning Director shall have the authority to approve an administrative amendment change to an approved site plan. The standard for approving or denying such a requested change shall be that the change does not significantly alter the site plan or its conditions and that the change does not have a significant impact upon abutting properties. Any changes that increase the intensity of the development are limited for nonresidential development to 10% of the approved building square footage or 5,000 square feet, whichever is less. For residential development, increases in density are not allowed as an administrative change.
3. The Planning Director shall always have the discretion to decline to exercise the delegated authority because a rezoning application for a public hearing and Town Board of Commissioners action is deemed appropriate under the circumstances. If the Planning Director declines to exercise this authority, then the applicant can only file a rezoning application for a public hearing and Commissioner decision.”

Motion made by Commissioner Baldwin seconded by Commissioner Turner to go into a public hearing.

Vote Aye-5 Nay-0

### **CONDUCT A PUBLIC HEARING ON ABANDONING A PORTION OF SMALL STREET R-O-W**

Planner Bass stated the Board of Commissioners adopted a resolution giving notice of the Town’s intent to permanently abandon a portion of Small Street on October 22, 2012. A public hearing on the partial right of way abandonment was scheduled for November 26, 2012. A weekly notice per state statute has been published for four (4) consecutive weeks prior to the public hearing.

#### **DISCUSSION**

Please find attached a petition from Thomas L. and Pamela J. Smith to abandon a portion of North Small Street right of way dated September 19, 2012. The attachments also include a tax map of the property to better illustrate the location of the street.

Minimum street right of way width as prescribed in Section 6.2.C. (1) of the Subdivision Ordinance is fifty (50) feet. At this location, Small Street has a variable right of way width, from forty eight (48) feet to the area in question, which is fifty eight (58) feet of right of way width for approximately one hundred and fifty (150) feet associated with Lots 3 and 4 on the east side of Small Street. The petition is to abandon ten (10) feet of right of way associated with Lot 3 and Lot 4. This would have the effect of creating a forty eight (48) foot right of way for that portion of Small Street. The remainder of Small Street stays the same, at thirty eight (38) feet.

Mayor Voller asked why the Town only paved the r-o-w to the power pole and not the whole thing. It's on the Powell bill map and listed as a public r-o-w.

Attorney Messick stated it's possible the paving crew did not know where the street went since it was unoccupied.

Commissioner Farrell asked what the Town is going to gain, are we just giving up the land.

Planner Bass said yes, you would be abandoning the 10 feet associated in the front.

Commissioner Foley said it creates a straight line with adjoining properties and she doesn't see any reason not to.

Planner Bass said it would be a uniform width up to that point.

Attorney Messick stated it depends on the plans for the street in the future the width of streets in Pittsboro are supposed to be 50 ft.

Commissioner Fiocco said this would make it 48 ft. instead of 50.

Mayor Voller asked Mr. Smith if the main reason he wants this done is to conform the lines. Mr. Smith said he hopes that straightening it out would help the Town also.

Commissioner Farrell wanted to know if this was going to open the Board up for other requests.

Mayor Voller said we have done a few of these abandonments. Planner Bass said the street will be 48 ft. for the majority of the street.

Mayor Voller asked Mr. Smith if the town does the abandonment would he find it problematic for the town to come on there to work. Mr. Smith said he would not have a problem.

Mayor Voller said he doesn't see anything more than local traffic coming through.

Commissioner Fiocco asked what the topography is like. Mr. Smith said there is 12 ft. of pavement down the center, grass curb, ditch and then yard.

Motion made by Commissioner Foley seconded by Commissioner Turner to go out of public hearing.

Vote Aye-5 Nay-0

Mayor Voller stated this will be back on the agenda next meeting for a vote.

## OLD BUSINESS

### SMALL TOWN MAIN STREET PROGRAM UPDATE (PAUL HORNE)

Parks Planner Horne said they are revising the Work Plan for the year and came up with specific tasks and expectations.

Mr. Horne gave a power point presentation. (Attached to minutes)

Commissioner Fiocco said he has a list of proposed locations for placement of benches because he knows some business owners will not want them placed in front of their business.

There was discussion about thermoplastic crosswalks and whether they would be slippery when wet. Mr. Horne said if they are that would be a deal breaker.

Mayor Voller asked Mr. Horne if he know what type landscaping was going in around the courthouse. Planner Horne said he did not know but he would contact their architect to see what is on their plan and report back to the board.

Commissioner Farrell asked if Mr. Oldham is considering the façade grant program because the property he owns next to Virlie's is one of the worst on the street. Mr. Horne said he knew that Mr. Oldham's wife is interested and that Mr. Welford Harris has been in contact with Mr. Oldham because of the way the awning connect they are trying to work something out.

### SPRINGDALE DRIVE AGREEMENT WITH VRC LTD

Motion made by Commissioner Fiocco seconded by Commissioner Turner to recuse Mayor Voller from this discussion.

Vote Aye-5 Nay-0

Attorney Messick pursuant to your request at the last meeting he is bringing it back before the board with those changes.

Commissioner Fiocco said it appears to have the same language as the HOA document. Attorney Messick said yes.

Motion made by Commissioner Fiocco seconded by Commissioner Turner to approve the agreement with VRC LTD.

Vote Aye-5 Nay-0

A copy of the Agreement is attached to the minutes.

**AN AGREEMENT WITH VRC, LTD IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 209-210**

Motion made by Commissioner Fiocco seconded by Commissioner Turner to readmit Mayor Voller.

Vote Aye-5 Nay-0

## NEW BUSINESS

### APPOINTMENT OF AN EX OFFICIO MEMBER TO THE CHATHAM COUNTY CHAMBER OF COMMERCE WITH AN EFFECTIVE DATE OF DECEMBER 1, 2012

Motion made by Commissioner Turner seconded by Commissioner Baldwin to appoint Manager Bryan Gruesbeck as the Town's ex officio member to the Chatham County Chamber of Commerce with an effective date of December 1, 2012.

Vote Aye-5 Nay-0

## CAPITAL PROJECTS REPORT

### MANAGER'S UPDATE ON CAPITAL PROJECTS

Manager Gruesbeck stated back in 2010 the Town applied for and received a grant from CMAQ or sidewalk extension on the south side of East Street to the Credit Union. Staff is just becoming aware of it. It has been approved and we are waiting for an agreement from NCDOT on the terms of the grant and construction moving forward. It is in the amount of \$135,443 with a \$33,861 match for a total of \$169,304 for the project. Planner Bass has a meeting with TJCOG to discuss this matter.

Paul Horne stated it is also in the works to get a grant for the 15-501 sidewalks from Launis Street to Powell Place.

Mayor Voller said we need to have an Engineer on staff.

Manager Gruesbeck stated the board had received an update on the Hillsboro Street project from Becky Smith. He said the contractors lost two very good days of work because NCDOT would not allow work on Wednesday or Sunday nights.

Manager Gruesbeck said since the agreement with VRC LTD was approved tonight he will work with John Poteat in getting the project started.

Manager Gruesbeck stated Becky Smith has received cost estimates for the generator and will review them with the Rural Center so the equipment can be purchased.

Manager Gruesbeck said he is having a great time working here.

Mayor Voller said he wanted to state again that Becky Smith has done a terrific job keeping people informed about the progress/schedule for the Hillsboro Street Transmission Line Project.

## MAYOR UPDATES

- EDC – Ms. Dianne Reid would like for the Town to present the Land Use Plan to the EDC (Paul, Stuart, and Mr. Gruesbeck). He would also like for them to receive one or two copies of the document.
- RPO
- Solid Waste
- Fairground Association
- PMA/Downtown

## COMMISSIONER CONCERNS

Commissioner Fiocco asked that staff find out the proposed NCDOT schedule for Hillsboro Street work. Manager Gruesbeck stated they were told last week the work would be done after the project is completed sometime in March.

Commissioner Fiocco asked what the contract time is looking like for the Hillsboro Street Project. Manager Gruesbeck said he would follow up on that.

Commissioner Fiocco asked Manager Gruesbeck to start the process of hiring an Engineer. Manager Gruesbeck said he will be concurrent to that we have to determine where they are going to work. Mayor Voller said the ABC Store has some room available and we may want to look at that.

Commissioner Fiocco stated the letter the Board sent to the County Commissioners was well received and the idea of a liaison meeting went very well with the first one scheduled for December 4, 2012 at 7:30 a.m. at Virlie's. Each board will have two members in attendance.

Commissioner Baldwin said she has a Triangle J meeting on Wednesday and if anyone has any concerns let her know by email or now.

Mayor Voller asked that staff get an update about water taps downtown (wants a little more understanding). He stated Scott Jewell had said the Town no longer has to monitor lead in the water as frequently he would like that information presented to the board.

Commissioner Foley said we had been talking about taking Mr. Terry out for supper. Mayor Voller said only he and Commissioner Farrell responded to Ms. Lloyd and asked that they get in touch with Ms. Lloyd to set up a time soon.

Commissioner Foley said she may not be able to attend the Planning retreat approved earlier tonight on the consent agenda because she has to work on Saturdays, although she wants to attend. Mayor Voller said we will have to figure it out and although it was approved let's see what we can work out. Commissioner Foley said she will check to see if she can get off work that weekend.

FYI -

1. Tentative Future Agendas November 26, 2012.
2. Bi-weekly process report – Hillsboro Street Transmission Line.
3. Christmas Parade December 2, 2012 at 3 p.m. (Please complete the liability waiver form and get it back to Alice. Also, candy will have to be handed out this year)

Motion made by Commissioner Baldwin seconded by Commissioner Turner to adjourn at 8:55 p.m.

Vote Aye-5 Nay-0

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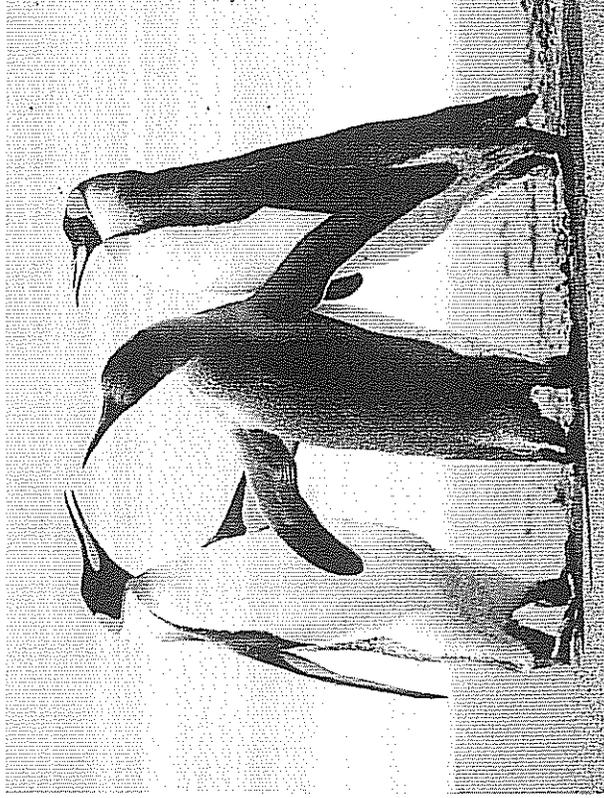
Randolph Voller, Mayor

ATTEST:

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Alice F. Lloyd, CMC, NCCMC  
Town Clerk

# Conditional Zoning



An Introduction

# What is Conditional Zoning?

- Available to local governments as of 1/1/06.
- Similar to Conditional Use District zoning but is legislative, not quasi-judicial.
- Initiated by the property owner, not the local government.
- Usually tied to an existing district.

# Other factors

- Ex parte communication allowed...applicant can speak with neighbors, pb members, elected officials, etc.
- Conditions can be placed by property owner.
- Additional conditions can be imposed by the local government.
- May allow for modifications from general zoning standards only if specified in the Code.

# Just to be clear.....

- Provides for site specific development standards.
- Designed to get rid of the quasi judicial process.
- Can't use this unless the local code provides for it.

# Advantages

- You can talk with applicant, neighbors, etc.....
- Neighbors or neighborhood input usually required.
- No formal findings of fact required.

- A one step rezoning, no need for a Special or Conditional Use Permit.
- More certainty over the final result.
- Helps alleviate concerns on what will get built.

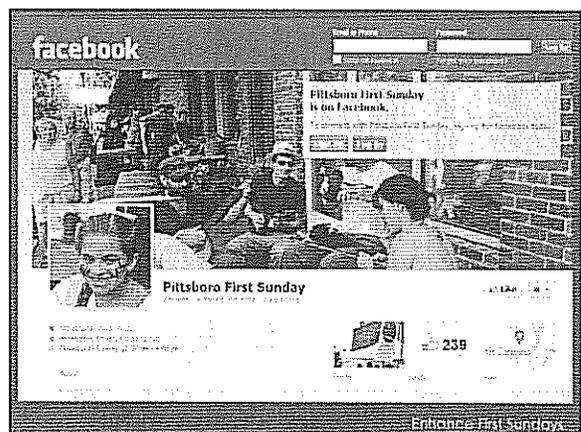
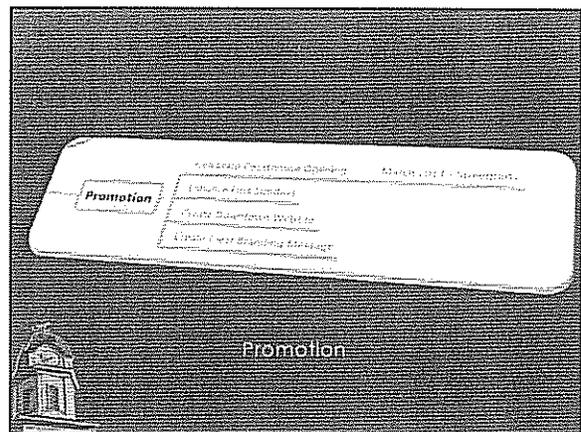
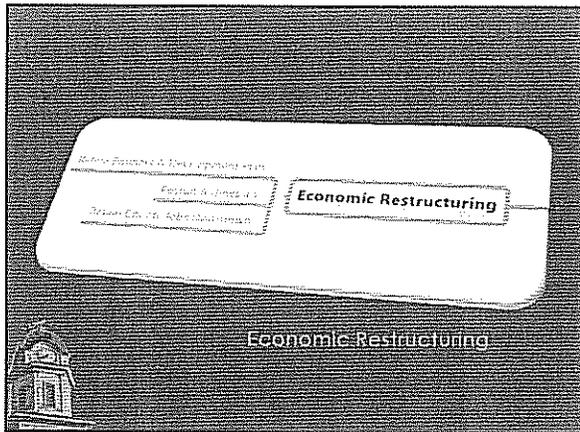
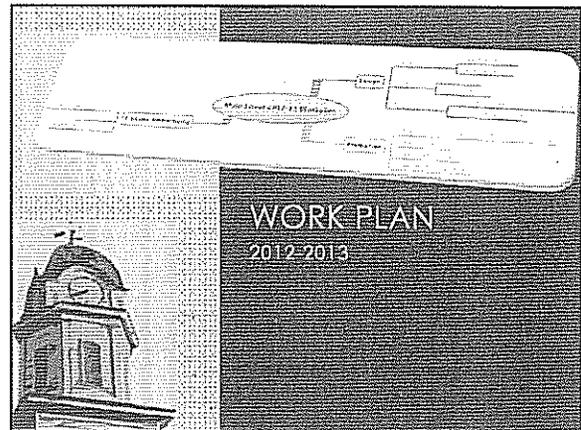
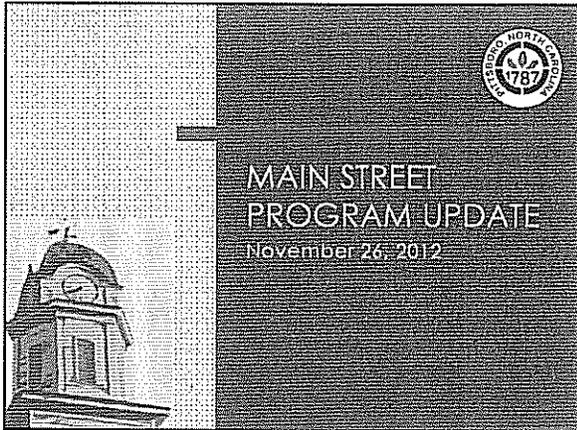
# Disadvantages

- Each zoning amendment is its own independent district, the locality must keep track of each one and account for the decision.
- Potential for the proverbial “back room” deal.
- Can be costly to the applicant; site plan, survey, architect, etc.....

- Local government and/or public can ask for too many conditions.
- Conditions may not be fair and reasonable. Since formal findings of facts are not required, conditions may not be tied to firm analysis, may be arbitrary and capricious.
- Since every district is unique, brings up the question of illegal spot zoning.

# Summary

- Conditional Zoning includes detailed site specific conditions.
- Purely legislative.
- All the site specific standards and conditions, including the site plan, are incorporated into the zoning district regulations.
- Is proving to be very popular, utilized the majority of the time in some of NC's larger cities.





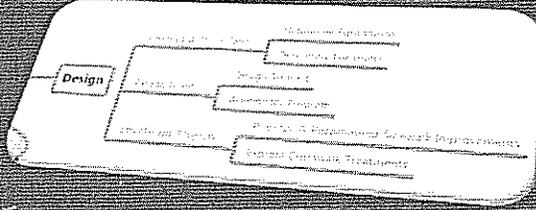
Enhance events

**Fall Street Fair**  
Saturday, October 27, 2012  
27th Annual



**Pittsboro PARKS**  
OUR COMMON GROUND

restore revitalize



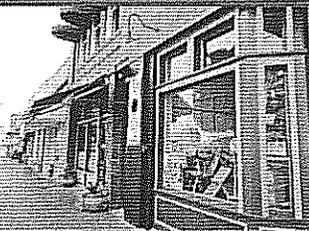
Design

Design

**FAÇADE GRANT**

Completed:

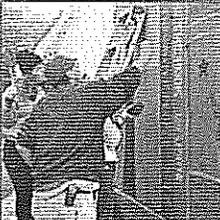
- Carr Building

**FAÇADE GRANT**

In progress:

- Circle City Books
- Spiller Metal Awnings





**FAÇADE GRANT**

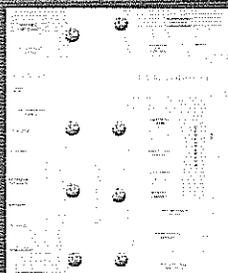
Contracts Pending

- Virile's Metal Awnings



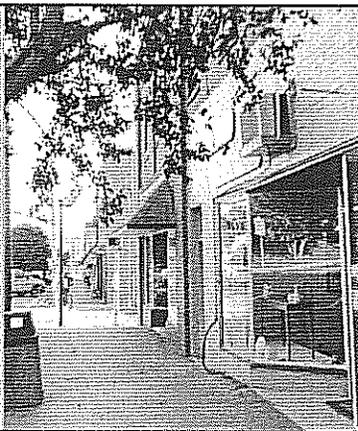
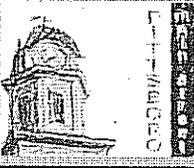
**STREET FURNITURE**

Walkabout for next meeting, Dec. 4, 2012 looking at placement options




**New Action Item**

- Explore Crosswalk Treatments
- Prioritize visible downtown sidewalk improvements for funding with existing Powell Bill funds

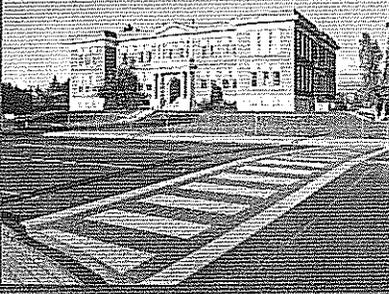
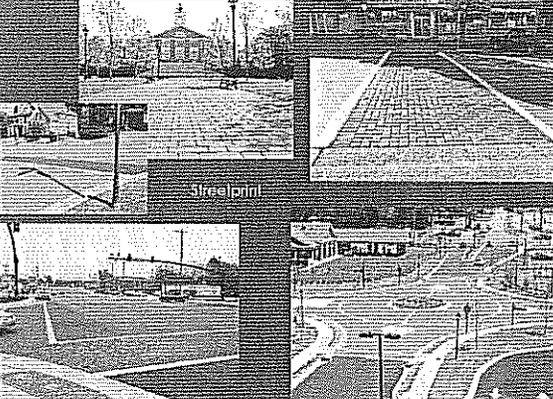



**Faux Brick Crosswalks**

Stamped Asphalt      Process




**Street Print - thermoplastic surface**

Streetprint

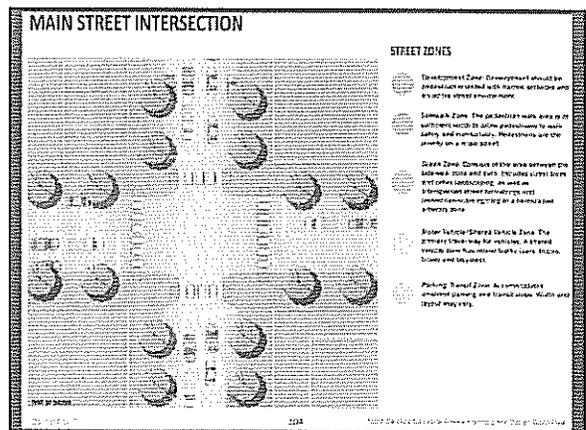
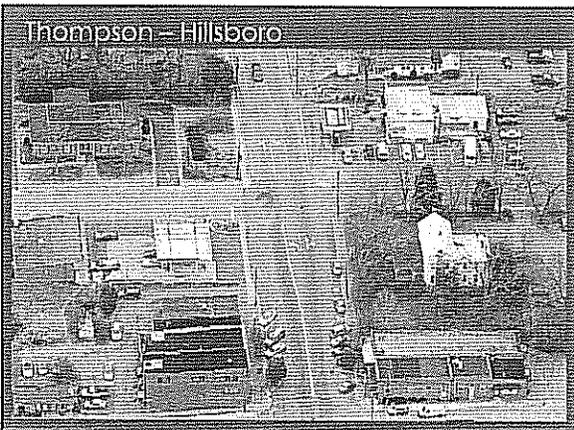
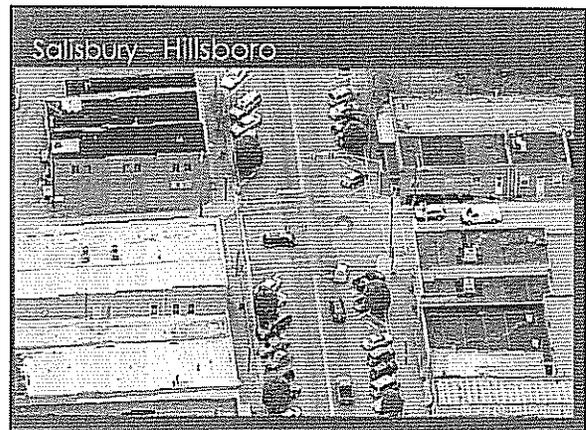
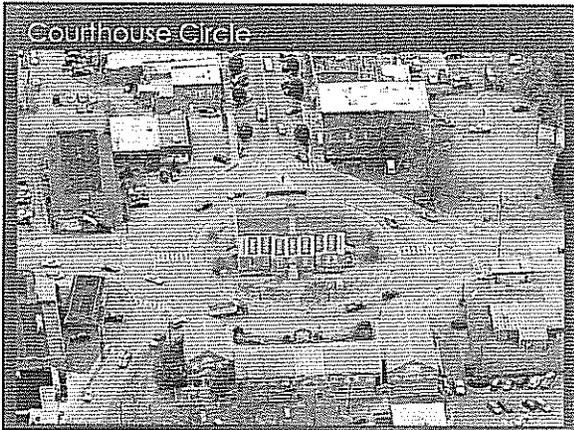
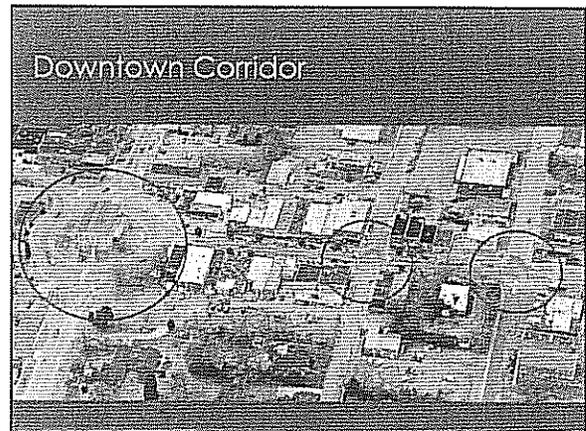
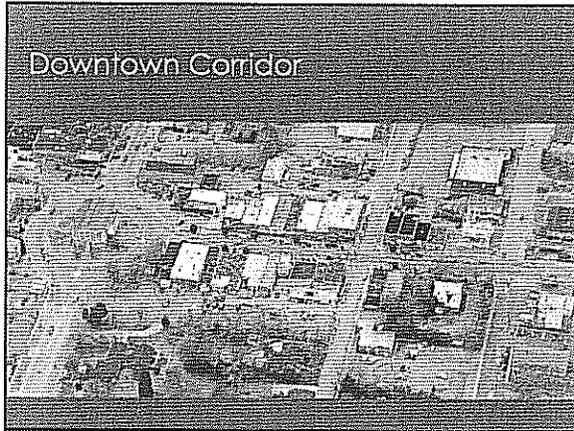
**WHERE?**

- Within Main Street Boundary
- Target highest impact low hanging fruit
- 3 signature intersections



**Main Street Boundary**  
**3 Key Intersections Define Downtown**







STATE OF NORTH CAROLINA

AGREEMENT

COUNTY OF CHATHAM

THIS AGREEMENT made and entered into this 26 day of November 2012 by and between the TOWN OF PITTSBORO, hereinafter called "Town", and VRC, LTD, hereinafter referred to as "VRC";

WITNESSETH:

WHEREAS, the Town is planning to make certain road improvements at the intersection of Springdale Drive and US Highway 15-501 in order to permit the connection of Springdale Drive and Fox Chapel Lane and the Chatham Forest Subdivision, the cost of which is more particularly described on the attached Hydrostructures, PA letter of August 17, 2012 attached hereto as Exhibit "A"; and

WHEREAS, VRC, LTD is willing to reimburse Town for a portion of the cost of said improvements referred to herein upon the terms and conditions set forth hereinafter; and

WHEREAS, the parties hereto desire to memorialize their agreement by the execution hereof;

NOW, THEREFORE, in consideration of the mutual covenants contained hereinafter, the parties hereto hereby agree as follows:

- A. Town agrees to install the improvements referred to hereinabove. Upon completion of the improvements and acceptance of the same by the Town and the NC Department of Transportation, execution of this agreement and an agreement with Chatham Forest Homeowners Association, Inc., whichever is later, the Town shall open and connect Springdale Drive and Fox Chapel Lane for vehicular traffic.
- B. VRC agrees to reimburse the Town the sum of \$15,000.00 upon the opening of Springdale Drive and Fox Chapel Lane as provided above. Aforesaid reimbursement shall be made within fifteen (15) business days of the completion of the aforesaid project and the opening of Springdale Drive to vehicular traffic. The Town shall notify VRC when the terms have been met and the payment is due. In order to secure the payment of said sum VRC agrees upon the execution hereof to deliver to the Town adequate security in a form satisfactory to the Town a promissory note reflecting the terms hereof and first deed of trust lien conveying to a designated Trustee real property of VRC which is mutually satisfactory to the parties hereto. In the event of default in the payment of said reimbursement amount, the Town shall be entitled to enforce the power of sale contained therein or any other remedy as by law provided. In addition, VRC shall also dedicate any easements or right of way deemed necessary by the Town upon execution hereof.

C. Both parties agree as follows:

1. Nothing contained herein shall preclude the Town from exercising its discretion with respect to any future issue between the parties including the development of Chatham Forest Subdivision.

2. The exclusive venue for enforcement or interpretation of this agreement shall be the General Court of Justice of Chatham County, North Carolina.

3. This agreement shall supersede and replace any previous agreements, conditions, or approvals regarding the opening of Springdale Drive which have heretofore been considered or approved by the Town.

IN WITNESS WHEREOF, the parties hereto have executed this agreement in duplicate originals, all as of the day and year first above written.

TOWN OF PITTSBORO



Name: Bryan Gruesbeck

Title: Town Manager

VRC, LTD



Name: Lesley Landis

Title: Secretary