

**TOWN OF PITTSBORO  
PLANNING BOARD MEETING  
MINUTES  
Monday, May 5, 2014, 7:00 PM**

**ATTENDANCE**

**Members Present:** Raeford Bland, Shannon Plummer, Bob McConnaughey, Carolyn Elfland, Brian Taylor.

**Staff Present:** Stuart Bass, Planning Director, Ileana Platon, Administrative Support Specialist, Paul Messick, Town Attorney.

**A. CALL TO ORDER**

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

**B. APPROVAL OF MINUTES**

- **Chairman Bland asked for motion to approve the minutes of April 7, 2014.**
- **Mr. Taylor made motion for approval. Motion seconded by Mr. McConnaughey.**
- **Motion carried unanimously.**

**C. NEW BUSINESS****1. REZ-2014-01****Green / McConnaughey Rezoning*****Recommended Action – Motion on Consistency Statement***

**Mr. Bass** stated that this is a procedural item associated with the rezonings and tonight there are two listed on the agenda. The procedural requirement is for the Planning Board to review and make a statement or comment on whether the proposed amendment is consistent with any adopted land use plans and policies. The purpose tonight is to get this on the record for both rezoning cases.

On the case of the Green & McConnaughey Rezoning the Planning Board reviewed this at their April 7<sup>th</sup> meeting and forwarded with a positive recommendation for approval to the Town Board of Commissioners. The Town Board of Commissioners has then remanded the proposal back to

the Planning Board for a formal recommendation with regard to consistency as stated in General Statute GS 160A-383. What is needed tonight is a motion on the consistency issue.

**Mr. Bland** made it clear that there will be no public comments either written or oral.

**Mr. Messick** said that a copy of statute N.C.G.S. 160A-383 is included in the agenda packets which states what the Planning Board requirements are. The Planning Board is to advise and comment on whether the proposed amendment is consistent with any adopted plans. It will then provide a written recommendation to the Town Board that addresses the consistency of the zoning request in terms of any adopted plans that the Town has that relates to development and planning issues. The board has to make a statement as to consistency and any other matters deemed appropriate to be submitted to the Town Board. Whatever is found whether consistent or inconsistent with the comprehensive plan does not preclude consideration for approval of the proposed amendment by the Board of Commissioners.

**Ms. Elfland** asked if they were voting on the consistency statement tonight or was this sent back for the Board to vote on the consistency and approval? It seems that they had already approved it, so is it considered that it was not properly approved?

**Mr. Messick** replied that it had been the Town Board's perspective on it. It was not a question of approving it, it was a recommendation. The Board did recommend that the request be approved but there was not a separate part of that motion that indicated that the Planning Board had made a statement as far as consistency is concerned.

**Mr. Bland** thought that the consistency would be the same no matter what.

**Mr. Messick** responded that it should be, but it should be separate resolution statements. The difference is, as far as consistency is concerned they are similar. Chatham Park was originally considered by the Planning Board months ago and there have been a number of revisions since that time. The issue of the revised Master Plan and application with the additions to the Master Plan are before you as well, plus the issue of consistency. The Board was provided with three different resolutions.

1. **APPROVE:** Motion that it is consistent with the comprehensive plan and other applicable plans.  
**DENY:** Motion that it is inconsistent with the comprehensive plan or other applicable plans.

2. **Motion to recommend denial:** although the proposed amendment is consistent with the comprehensive plan, there is a more appropriate zoning classification, and to adopt the staff report which addresses plan consistency.
3. **Motion to recommend approval:** although the proposed amendment is not consistent with the comprehensive plan, in this instance it is an appropriate zoning classification, and to adopt the staff report which addresses plan consistency.

**Mr. Plummer** asked if there could be a fourth option of denial even though it is consistent.

**Mr. Messick** response was that if found to be unreasonable yes there could be.

- **Mr. Bland asked for a motion on the Green / McConnaughey Rezoning.**
- **Ms. Elfland made motion that the Planning Board advises the Board of Commissioner that the proposed rezoning is consistent with the Land Use Plan and other applicable plans and policies based on the Staff report heard at the last meeting that addressed plan consistency and other matters. Motion seconded by Mr. Plummer.**
- **Motion carried unanimously. {Note: Mr. McConnaughey recused himself}**

2. **REZ-2013-02**  
**Chatham Park Investors LLC**

**Chairman Bland** explained that back in July of 2013 the Planning Board sent to the Town Board the first Master Plan. Afterwards negotiations, consultations, other input and public hearings created this current Master Plan, which incorporated more stringent, complex and detailed scrutiny. There was nothing removed from the previous Master Plan. As the Board reviews this having already recommended approval, the first issue is to weigh the heavier issues laid upon it to determine if it still fits.

**Mr. Plummer** asked if it was the staff's opinion that the Commissioner's request had been met with the revised plan? **Mr. Bass** replied that he is unable to provide an answer since it cannot be determined because they still have another public hearing coming up.

**Mr. Bland** asked for a motion. **Ms. Elfland** inquired if she could ask some questions before providing any motion.

**Ms. Elfland** asked why a landing strip is listed in category 2.1 Residential in the table of permitted uses with a note that says the landing strip includes a Heliport. It is understandable to

have a heliport in regards to the Hospital but not a landing strip. She feels that items can be omitted and asked if the Town really wants a landing strip.

**Mr. Bass** explained it's called an airport subdivision, where there is a landing strip beside the homes.

**Mr. Culpepper** stated that the definition for landing strips includes a heliport. Chatham Park wanted to make it clear that to meet the requirement for a heliport they had to use the exact language.

**Ms. Efland** expressed her concerns, from her previous experience it is not wise to have one in Town, it requires too much land and all the FAA requirements. If there is the need for a heliport why not make it an accessory use of the Hospital instead of approving a landing strip?

**Mr. Culpepper** explained that it is an allowed use, it is not permitted until the Board of Commissioners approved the site plan. There is no approval for a landing strip it is simply an allowed use. If it is a special use in the current ordinance and it is within 500 feet of the boundary of the property it also requires a series of public hearings for approval and transitions to the adjacent properties. While it is allowed it is not permitted now simply because of the rezoning. However, revisions can be made to the plan.

**Ms. Efland** wished that it was not even a possibility and it would just be a helicopter landing pad in relation to the hospital.

**Mr. Taylor** wanted clarification that all of these plans are going to come up one at a time?

**Ms. Efland** agreed stating these are all small area plans unless this is part of their 5%, 15% which is not going anywhere because the Board of Commissioners has already said they will not make them do a small area plan for the 5%, 15%.

**Mr. Taylor** stated that Site Plans are still coming to the Board for approval individually and they should not spend all night hashing over details that will be seen again. There is room for improvement but this is not the time to say. The bigger monster in the room is if there is enough sewer capacity to handle this.

**Ms. Efland** wanted to know why they are requesting quarries in every category? There are about 3 residential use categories and otherwise they have quarries as a permitted use in their table. **Mr. Culpepper** explained that when breaking ground, rock is available and the best thing to do is work with it so it won't have to be transported long distances. It's a blasting issue and it is considered a quarry.

**Ms. Efland** mentioned that it is stated that no less than 35% of the dwelling units are within  $\frac{3}{4}$  of a mile of an activity center. Why  $\frac{3}{4}$  of a mile when normally in transit planning it is  $\frac{1}{2}$  a mile?

**Mr. Culpepper** said this was specifically requested by the Commissioners.

**Ms. Efland** thinks it is a very small percentage and is too long a distance.

**Mr. Culpepper** stated that their intentions are not to just simply have a single transit hub, they want to have a density for vehicle, walking, and biking.

**Ms. Efland** noticed that there is a lot of discussion in the plan about buses and primary and secondary trolleys and shuttles but there is no mention on regional connectivity or regional transit. What provisions are they making for regional connectivity?

**Mr. Culpepper** said that they will be making the provisions that the Town finds necessary. The Town has no plan for connections to regional transportation system. Chatham Park will be more prepared for it but there are no plans on the table at this time.

**Ms. Efland** is aware of this but this is a long term development.

**Mr. Culpepper** said this is why they wanted the flexibility over time on small area plans and as they come in to reflect on each one. That is why they don't want to decide on everything up front, they will do it as things change.

**Ms. Efland** feels that some things need to be planned with regards to transit like roads and bus routes, these are must for regional transit. There is some kind of thought that must be implemented for future connection of regional transit.

**Mr. Culpepper** explained that the preference is not to be a regional hub stop, the preference is for residents to live and work in Chatham Park rather than live here and take a bus commute to another city or vice versa. They were asked to place Park & Ride lots. They can be placed for the length of 8 miles from the southern tip of the property to the northern tip of the property. The Park & Ride will be within the project to be used for events or employment.

**Ms. Efland** said regional connectivity should be required. Some will live here but not all and eventually there is going to be regional transit requirements. Her point is that there needs to be some kind of thought process and provision for regional transit now. Another concern is the roadways because they are not promoting transit within the development with a number of cul-de-sacs up to 500 feet long, there is not a rich road network.

**Mr. Culpepper** explained that originally cul-de-sacs are 1000 feet long but the Town's ordinance had been revised by someone and changed to 300 feet without any action by the Board of Commissioners. They asked it to be changed back to the original 1000 feet. Mr. Bland then found out that no action was ever taken to change it from 1000 feet to 300 feet. The ordinance has not been put back to 1000 feet so their request now has been null and void because the Town's code is 1000 feet. As a unified development ordinance gets approved if it is reduced theirs will be reduce because it becomes part of the unified building board. This is a mistake they were trying to correct because a 300 foot cul-de-sac being so short you can run into the problem of trying to protect a stream and not being able to have a cul-de-sac slightly longer in some special cases and having to create connections across places you don't want connections.

**Ms. Efland** expressed that as a general rule a rich road network is desirable, the lack of it will have a lot of cars onto a few streets that need to be wider in addition to the interference with pedestrians and bikes.

**Mr. Culpepper:** They will have the interconnectivity far above what the Town has in any document now.

**Ms. Efland** summarized that the Park and Ride is there because the Board of Commissioners requested it but no one knows what they will do with it. She also asked if they figured out who will pay for the bus and trolley system that will be circulating within the development and bringing people to the downtown area.

**Mr. Culpepper** said that in regards to the Park and Ride, it may be needed in the future. Right now they know that they need to have it available. On the cost of the buses and trolleys there are many ways they can be paid for but we need to work together to come up with the best solution. They can cover the cost but that is not what they intended to do. There are expenses that are involved but the Town needs to be a partner in this to see how best to serve the system within the community and beyond Chatham Park. If the potential is there they would love to make that potential happen.

**Ms. Efland** said that this is an aspiration goal with no financial plan behind it

**Mr. Culpepper:** At this point that is correct and the big road network is the Town's thoroughfare plan and they have no real options on it.

**Ms Efland:** But Chatham Park has the latitude to develop the neighborhoods and the neighborhood connections the way they want.

**Mr. Culpepper:** That is correct but they will have to show the Board how they will do that and also the traffic analysis as they develop those smaller areas.

**Mr. McConnaughey** stated that it is somewhat specious to say what the Town has because the Town is totally restrained by history and Chatham Park is not.

**Ms. Efland** added that on one hand the whole idea behind this type of zoning is to think outside the box and beyond the way things have been done traditionally but yet there are lots of occasions when Chatham Park falls back to it's what the Town says. One of your abilities is to come up with the things the Town does not say and prove that is more beneficial than what the Town does say or not. Particularly on Police and Fire it was specifically said in this Master Plan that Chatham Park is committed to work closely with the Town to determine how best to serve the residents of Pittsboro with regards to Fire and Police and the need to combine EMS, Police and Fire facilities. In section 10.6 it says that the applicant acknowledges that it would help defray the estimated additional cost expected to be incurred by the Town in dealing with development in the Chatham Park PDD including without limitations and it lists a bunch of things. One of these things on the list is the extension of public services to Chatham Park PDD. What does help with without limitation extension of services to Chatham Park mean? How can you help without limitations?

**Mr. Culpepper** said that this was written by the Town's Attorney and would be best if he responded to that question

**Mr. Messick** explained that it states help including but not limited to. It may say without limitations and then there is the list.

**Mr. Culpepper** said it is the list not the dollar amount.

**Ms. Efland** stated that it is the list that is without limitations. The list can continue to be added to, but it is not the help. The fact of the matter is that the request is for the approval of the Master Plan but nothing will be done to the development agreement for two years.

**Mr. Culpepper** said it was correct, why have a development agreement before they have the Master Plan approved?

**Ms Efland** said that from her previous experience there was always the zoning, the Master Plan and the development agreement, all three approved at the same time.

**Mr. Culpepper** responded by stating that the project she referred to in Chapel Hill, when she got through with the project the Town Council was eliminated from the process and everything from

that point on was staff approved. They were specifically told not to attempt to take that path. The Town Board will be involved in the regroup process on all phases. They took the path that they were directed to take by the Commissioners in their presentations to them. This is an entirely different process from what was done for Carolina North which stated that the Manager was to review the staff's and manager's effort in each tier and report back to the Town Council

**Ms. Efland** stated that however, there was no equivalent to Section 10, and that they wanted to do everything two years down the road. Reviewing the minutes from March 2013, a number of Planning Board members asked about the detail and how much was missing. The response was that the Master Plan had to be very detailed and give all the information that will be necessary for the Town to make a decision. Honestly this Master Plan is like a shell. In very many areas there is nothing there.

**Mr. Culpepper** replied that it is very adequate and complete and it complies with all requirements of the ordinance.

**Ms. Efland** then replied that it is the ordinance which they wrote.

**Mr. Culpepper:** There are many ordinances that the public have written.....(Talking over each other)

**Ms. Efland** assumes that it was found sufficient. There is no language in the ordinance that says this is what it takes for the plan to be sufficient or the Town has to rule that the Plan is sufficient. However, they accepted it so therefore it's been looked at, so somebody somewhere along the line must have decided it met the requirements of the ordinance at a minimum. Unfortunately it does not have any meat on the bones. A big concern is that this whole proposal to give Chatham Park 5% and 15% of the development totals without any meat on the bones creates the potential with a loophole big enough to drive a conga line of bulldozers through it. It makes it harder to deal with when it does not feel complete and yet you want an exception.

**Ms. Efland** asked if they had spoken to the schools about their estimates and who came up with the number of schools to be added?

**Mr. Culpepper** said that the estimates were obtained from the School Board. They have met with them 3 times and will closely work with them.

**MS. Efland** said that looking at a school population that will double there are only 12 schools planned to meet the requirements where now we have 50% more than that. How can the School Board ask for 1/3 less schools for 120% more students? What is their intention for school sites and what does work with the School Board mean? Does work with them mean you control the

locations of the schools? Does work with them mean you will provide 12 schools or any schools?

**Mr. Culpepper** said that there are General Statutes that require school sites be identified by the School Board to reserve those sites for the school. This has been presented and discussed with the School Board to the point that they are comfortable with it and the School Board will decide where the schools sites are.

**Ms. Efland** asked about the issue of buying the land. Do they expect the School Board to buy the land in all the cases or is this to be determined?

**Mr. Culpepper** stated that in regards to the cost impact fees can be paid, or land and buildings can be trade for those impact fees.

**Ms. Efland** stated that at this time there is no solid resolution on how this is going to happen? It is just a bunch of options that will be discussed with the School Board in the future.

**Mr. Culpepper** said that the School Board is completely satisfied with what has been presented and discussed and another meeting is scheduled for next week.

(Attendee spoke out of place and said they have never met with the school board)

**Ms. Efland** agreed that they did meet with Superintendent Logan; however, he is no longer there.

**Mr. Culpepper** is aware that the information is outdated but data was not changed because they did meet with Logan and Chandler Newton the acting Superintendent.

#### **WATER, SEWER AND RECLAIMED WATER:**

**Ms. Efland** stated that the Master plan states average daily demand is 4.4 mgd then it continues to say this assumes 2 mgd over reuse, does this mean 6.4 mgd average demand and 2mgd was subtracted to get to the 4.4? Was any calculations provided to Fred Royal, Town Engineer on how they arrived at these numbers? And if so did they receive any feed back?

**Mr. Culpepper** stated that the calculations were provided to Mr. Royal and he agreed with their Engineer's calculation.

**Ms. Efland:** The fact is that this is a lot of water and there is nothing in the Master Plan regarding water conservation. It does say that reclaimed water will be used as cooling towers,

irrigation and commercial toilet flushing. However, if you are going to provide reclaimed water for cooling towers especially for a hospital there has to be something to instantly flip over to if anything happens with the reclaimed water. From her previous experience it could take up to 2 years to get anywhere near being able to use reclaimed water on a constant reliable basis. There should be inline monitoring that whenever any constituent got out of sorts it automatically flips over to potable because it can eat the inside of the cooling towers. Another worry is that a much higher treatment level needs to be used and what about the cooling tower drift and pathogens. It's a great idea but you would not reduce cooling tower reuse water for mandatory uses. You can't take a mandatory use that you can't stop and deduct it from the daily demand because it needs to be available in case something happens and reclaimed water can't be use. A bigger issue is the peak demand? No utility bills their capacity to meet the average daily demand it is built to meet the peak there is nothing in the document about the peak. Jordan Lake is the only flood control Federal lake in this state where an individual water utility did not pick up the potable water side. The State sort of came in and took it because no water utility stepped up. Now we have this situation where DENR and the Environmental Management Commission allocated and there are really no rules about it. There was an allocation done in the beginning, another 3 months later, none done for a decade, they took water away from people who got it the first time or reduced it. There are no guidelines or procedures how allocations are looked at, DENR does it but it is not a predictable outcome. There are many things they can come up with on the conservation side other than reclaimed water and there is no mention of it in this plan.

**Chatham Park Representative:** This is a rezoning not an engineering study. They will cover those details later.

**Ms. Efland** said that this is a Master Plan for the rezoning. This goes back to her original concern that this is a shell of a document. Originally the plan stated that the Town will supply water, then Chatham Park has the idea to have multiple sewage treatment plants and having developers operate them or maybe contract them out tap some private entity and then produce the reclaimed water and eventually the POA would handle the storm water. Basically the idea is parts and pieces, it is not an overall integrated all sources and uses water plan. Then in Section 10 it says that you agree that the Town will operate all this stuff.

**Mr. Culpepper** replied that the Town has an option.

**Ms. Efland** asked if this superseded all those pages of discussion about all these sewer plants and reclaimed water produced separately, so that the Town can actually decide how the water and sewer will be accomplished.

**Chatham Park Representative** said yes, the Town will have an option and they will work with the Town on how it is designed. It will be designed most efficient, cost effectively and environmentally safe.

**Ms. Efland** said that even though it is not her decision she wants to make sure it is open to the Town because the proposal for all these multiple sewer plans is unacceptable.

**Chatham Park Representative** stated that it must start small and work up to a Regional Plant. If from day one a 4 million gallon Regional plant is built it will not operate.

**Ms. Efland** expressed that her opinion is to build a small plant and then expand. You don't build another plant five years later somewhere else and have five sewer plants on the property all with different technologies because if the EPA comes and finds any discrepancy there will be five different plants to upgrade, repair, etc., it is not less expensive to have five plants. In a new development there is the opportunity to cite the plan, start small and design the distribution system so that it will be able to expand and not have massive stranded cost. Another issue is that it is unknown where they are putting what. Some of the research buildings planned and certainly the Hospital are not going to have standard residential strength waste that needs to be diluted; it cannot be done if it's going to be shipped to five different plants. She just wants to be sure that Mr. Royal has full knowledge and the Town is not precluded from rejecting this idea.

**Chatham Park Representative:** They are planning with the Town and the ultimate goal should be to build one major sewer plant that handles the whole Town. If not feasible then ship it somewhere else like Sanford, which would be the most economical thing to do. Until that time if there is a need for a major 4-5 million gallon sewer plant there will be smaller plants and once a plant reaches capacity it will turn into a SCAG plant.

**Ms. Efland** was not sure if it meant it is the Town's option whether to operate them or whether it is the Town's option to say that they do not want them built that way? It is not clear.

**Mr. Culpepper** said the requirement of the ordinance was to show how the sewer capacity was going to be dealt with and they put forth a plan for it to be dealt with five.

#### **OPEN SPACE & RECREATION:**

**Ms. Efland** questioned the calculation of the acreage and asked if the numbers came from some regulation.

**Mr. Culpepper** said that Town Ordinance requires 1/33 of an acre per dwelling unit but the Town has no regulation requiring open space.

**Ms. Efland** said that this is the minimum amount of open space they have projected per the current Town Ordinance and asked if residential and non residential were summed together.

**Mr. Culpepper** replied that they have dedicated 667 acres of park land to the Town. In this version it has been separated. Parks are open space there are two different divisions. There are parks that can be used for active parks and then there is open space that is not intended for active intense development.

**Ms Efland** questioned their fee-in-lieu approach notation. Bottom line is that they are setting aside less acreage if using these fee-in-lieu options.

**Mr. Culpepper** explained that the Town has to accept the fee- in-lieu; first and foremost that is the Town's option. They are happy to give the land but the Town has the option to take the fee-in-lieu just as they have it in the current ordinance.

**VARIOUS TYPES OF FACILITIES LISTED IN THE MASTER PLAN:**

**Ms. Efland** referred to the natural areas within a recorded conservation easement and asked how many acres there are that fit that category. She also asked if they used the Town's ordinance to come up with the acreage that they will provide. Reviewing the minutes from 2008 they commissioned the Southwest Shore Conservation Assessment, how did that play into this Master Plan if what they did was use the Town's formula for parks and open space? Was the Southwest Shore Conservation Assessment entirely ignored?

**Mr. Culpepper** said it is a guide that offers suggestions and they will use it as a guide.

**Ms. Efland** asked which ones did they accept and are they listed in the Master Plan?

**Mr. Culpepper:** The South West Shore Assessment was never adopted by the Town and was never presented to the Town at a public meeting. Chatham Park invited people to come to the properties and offer them suggestions.

**Ms. Efland** stated the report was prepared by highly qualified people who were funded by grants and other forms.

**Chatham Park Representative:** They will protect every stream that is required.

**Ms. Efland** stated that when she was involved in a previous development, the environmental assessment they set aside 25% in conservation with a 1/3 party monitor to report annually that

none of it had been violated. After that was done the wildlife corridors were established through the entire site. This needs to be done in advance and does not understand why this is not being done here. When it's done in advance utilities are less expensive. When they obtained their permit it was for the first 20 years because a development agreement in this state is only for 20 years and the court required the 404 for the entire build out of the entire site because you have to look at the cumulative impacts. She does not see how they are going to deal with the core without setting the site up front. A lot can go wrong when you just do pieces and parts. There are tons of environmentally sensitive areas there. When looking at the Land Use Plan one of the big issues is sustainability and conservation on environmentally sensitive areas. When looking at the Chatham Park Master Plan it is mentioned in the very first pages, however, where are the environmentally sensitive areas conserved on 7,000? This is very foreign to her. What she is used to is that you have a 50 year build out Master Plan and the first thing to do is get an environmental assessment, set aside the environmental sensitive areas all at once and then put the development inside of those environmental sensitive areas as a frame work. She cannot see how what it is being proposed will work and does not understand why they would like to do it this way. If they would like to conserve environmentally sensitive areas it is key to do it all together at the front end. It needs to be laid out in advance and make sure the connections are there. She does not think they will get a 404 permit for this?

**Mr. Culpepper** replied that what she asked was on the conservation easement.

**Ms. Efland** said that her question was "what acres in the Master Plan are under conservation easement" Their answer was 46.

**Mr. Culpepper** said that her question was what they had. They currently have 46.

**Ms Efland** said that the Master Plan is not currently. The Master Plan is supposed to be their 50 year plan.

**Mr. Culpepper** stated that they offered the Town to be the holder of the conservation easement and the Town refused it. They had to go and find someone else to hold that conservation easement.

**Ms Efland:** So who is holding the conservation easement?

**Mr. Culpepper:** At this time no one is. They are still working with the court to finalize the paperwork. The County will be the holder of the conservation easement because the Town refused to hold it and Triangle Land Conservancy refused it as well because it was not big enough for them. There are 2,000 acres that are required, currently they have established a conservation easement on Stinking Creek and they hope to have more conservation easements on

the premises. They will be protecting environmentally sensitive areas but all of the areas under the South West Shore Assessment are not environmentally sensitive.

**Ms. Efland** said what she is disagreeing with is the difference between 46 acres and 2,785 acres. The other 1,920 that they have is not conserved, its active recreation and everything else.

**Mr. Culpepper** responded that it will be used for what the Town wishes to use it for, it will be Town's property.

**Ms. Efland** said that the 25 % the Town has set aside was done, gone monitored to make sure nothing happens to it and now we will talk about recreation on top of it. She thinks that what she is being told so far is that they have put 46 acres and that is the answer to her question today on the Master Plan Map.

**Chatham Park Representative:** They have been working on a wetlands bank for 6 years with CORPS, It totals 46 acres, and they will have much more than that in conservation when they get their Plan done. All they are working on now is 46 acres.

**Ms. Efland** said that areas that are sensitive are not readably spread across the site; therefore, if they start pulling the same amount of area every time something is built they don't save the correct areas. If it's going to be done by the small area plans it is a must that the wildlife corridors and also some of the other stuff be defined in advance and it must be set aside in advance and leave it alone and develop around it.

**Mr. Culpepper** replied that it is not the way the plan is laid out and it is not going to be the way the plan will be laid out so he suggested they move into the next item.

**Mr. Taylor** asked if it was correct that there are 160 acres roughly mapped out on the map.

**Mr. Culpepper** said that on Park Planning there are proposed park locations delineated but that is subject to the Town desiring and accepting those locations.

**Mr. Taylor** said that there are supposed to be 667 total acres designated for parks which mean that there is 507 acres are yet to be determined.

**Mr. Culpepper** said that actually all of them need to be determined, those presented are just two park locations they proposed for consideration.

Responding to Mr. McConnaughey's question on the availability of their gis data **Mr. Culpepper** stated that they are PDF's at this time and at the time of the approval they will

submit the information to the Town. They have had some cases where people have taken the information and misinterpreted it, then suggested negative information.

**Mr. Taylor** said that providing the Town with their maps and plans would be helpful because it would be easier to see how all these things align since the ones they have are in different scales.

**Mr. Culpepper** said that all of their maps are in the same scale and a full size version of them has been submitted to the Town.

**Mr. Plummer:** Wanted confirmation that when this started a year ago the Board chose this path because essentially there would be a rezoning and then each project to be done had to come back to the Planning Board. He believes Mr. Messick said that as we look at each site plan the Planning Board can make the decision to approve or deny to some extending without being capricious. But there will be much control as the Planning Board will make recommendations and submit to the Commissioners for final approval. There were many valid points and questions tonight but a lot of those issues be addressed at a later date or do they really need to be addressed within the Master Plan.

**Mr. Bass** said that many of the issues such as water and sewer can be addressed as development comes up. The larger issues such as open spaces and laying it out should be done at the Master Plan level.

**Ms. Efland** said that one of her concern was how they plan for transit and regional transit, another question was what the road network will look like and is there going to be a rich network of road connectivity within the site so that it encourages pedestrians use.

**Mr. Culpepper** stated that they were somewhat hesitant at the beginning to take on and just blanket the complete streets but it was shown that this would be a better way to clearly state that; therefore, they are fully committed to complete streets and inter connectivity. They also have the need to get rezoning done so they can present the board with the small area planning and show they have done and will do all that things that requested. They are trying to get to the detail that everybody wants but for 7,000 acres is beyond their ability to do it all at once.

**Ms Efland** wanted an explanation on the 5%, 15% they want without having to do anything.

**Mr. Culpepper** said that all the permits and site plans still need to be approved. They have all the current zoning ordinances and all still applies. They do not have Carte Blanche for 5%-15%.

**Ms. Efland** stated that when reading the July 2013 Planning Board Minutes it was said by Mr. Culpepper that the codes and existing ordinances can be ignored and they come up with entirely

separate rules and regulations but it is incumbent upon the Town to insist on whatever rules and regulations it thinks is appropriate. However, what he is saying now is that the way this is structured, as long as there is no small area plan they must abide by all the current zoning rules and regulations.

**Mr. Culpepper** said that there are 4 or 5 points in the ordinance, they are able to request that certain areas of the ordinance do not apply to them. They asked for several, they scaled that back and they are not required to have side yard setbacks, front yard setback those portions of the ordinance do not apply to them and it's specifically noted in that page. Included into that 5%, 15%.

**Ms. Efland** then asked where does that 5%, 15% have to be? Will it be anywhere they want over the entire 7,000 acres?

**Mr. Culpepper** said that was correct, but it still has to come to the Board and comply with the visions, statements and the guides of the Master Plan for approval. It is an effort that is being reviewed for a 25,000 square foot medical office building. UNC is desperate to get up and running, the 5%, 15% was offered as a suggestion to help them get in.

**Mr. Messick** added that unless the Town makes an exception any development that occurs is going to be continuous to the existing Town limits, they are going to have to start inside and go out to the extent that it involves any Town utility the Town still has the right to approve an extension of the water and sewer or whatever.

**Mr. Culpepper** said they already have a capacity allocation for the sewer and they have no other capacity allocation. Any other types of systems that might propose would have to be permitted by the Town, the State and everybody else involved.

**Chairman Bland** stated that the issue before them is to resolve this Land Use Plan and any other plans. He is aware of the transportations plan but asked Mr. Messick if there were any others plans to deal with?

**Mr. Bass** stated that they have a bicycle and pedestrian plan and other general policies such as wastewater allocation that the Board has adopted over the last 2 years.

**Mr. Plummer** is aware that this build out will take 50 years. Looking around the room most of the people present tonight will not be here in 25 years but he does have 15 year old son at home that loves Pittsboro and has said he will continue to live here. He does not want to pigeon hole these people tonight as what they will be doing 25 years from now. He wants his son and his generation to be serving the community on this Board and making decision as things come up.

His opinion is that this plan is consistent with the Land Use Plan. If anyone says it is not then the blame should be placed on the Land Use Plan because it is a very generic document. He thinks that many of these issues are very valid but they can be addressed at a later date. Essentially this is just a rezoning and it is the first step in many steps that will be coming. He much rather see the same developer over and over again that deal with a bunch of independent subdivision developers that depend on selling a house next month to continue to be in business.

**Chairman Bland** said that there are a couple of things in the Land Use Plan that exist here. It says the Plan does not establish the standards for development, finance the infrastructure to support development or provide the detailed designs for new community facilities. It also states that a place type or land use designation is aspirational: it identifies what might ideally happen at some point in the future, based on the community's goals envisioned in the land use plan. It is a recommendation as opposed to a requirement.

**Mr. Plummer** reiterated by stating that it identifies what might happen at some point in the future based on the community's goals and the community is the people present tonight, however, it will not be the same 10 to 15 years from now.

**Chairman Bland** said that the idea was that this entire thing was negotiated, discussed, planned and then adjusted, then it comes back at a heavier level than what it started. It seems that at one point it's been agreed on and then it comes back. The Commissioners have said that this is what they now want and have agreed to.

**Mr. Fiocco, Town Commissioner**, stated that there is no agreement at this time. The last Board meeting made recommendation to the developer and the developer has resubmitted this plan with their take on addressing those comments, but the Board has not reconvened to review, agree or vote on it.

**Mr. Plummer** stated that the developer is exceeding what is required. They are asking them to do more than what is in the Town's ordinance. The Town should have changed their ordinance years ago if they wanted the buffers and setbacks to be larger. He has been on the board on and off for some years and has seen time after time where they have asked a developer to do more than what is required. That is why there are statues and laws and ordinances and requirements, a minimal standard is set and if they do not like the minimal standard they need to raise it, however, they cannot raise it at the time of application. He feels they are meeting and in some areas exceeding the Town's requirements.

**Ms. Efland** stated that she is a big proponent of planned development and feels it could be developed in the best way possible. For Pittsboro and the County it represents a huge economic development opportunity. She believes that what is in place is good but feels it's the Planning

Board's task to look at the land use plan and not the zoning because zoning sometimes lags, many times zoning is not changed but the Land Use Plan is a vision and goal of where the Town wants to go in the future. It is more important to say this is compatible with the vision and goals of the plan as opposed to what are the rules presently, especially when entering into a development agreement. Looking at this Master Plan there is the vision and then there are the goals to support the visions, how can you really say what is going to happen with Police and Fire and Schools except "well that is down the road". On housing, there is no information on what type of housing will be proposed. There is not enough there to see the aspirations of the goals. Part of the vision of the whole plan was to protect natural resources including sensitive lands, water, and Pittsboro's rural heritage but how can that be possible when they don't set aside land for any environmentally sensitive land or any planning except when they do small area plans and there is 27 of them. It's hard to see how they can meet the environmental goal of the Land Use Plan if they don't look at those areas at the front end and insure they have connectivity across and all the other things that need to be done to insure that they perform their intended purpose and that they are not just islands in each of the 27 areas. The whole open space, parks, environmentally sensitive area thing is a big issue. At the last Town Board meeting the Commissioners suggested 1000 feet on the Haw River. Another suggestion is to set the environmentally sensitive lands aside in advance which has not been done. The 1000 feet request is in the South West Shore Assessment.

**Mr. Plummer** said he never heard of the 1000 feet request unless they adopt that and it is applicable.

**Ms. Efland** said it is referred in the Land Used Plan which is adopted by Pittsboro.

**Mr. Culpepper** stated that it is referred in one place in the last sentence on the last paragraph and required that Chatham Park incorporated the comments of the South West Shore with regards to transportation.

**Mr. Taylor** inquired about the assistance to the Planning Staff and how is that going to happen or develop?

**Mr. Culpepper** said it was a separate agreement from the rezoning phase that was presented previously which allocates \$300,000.00 a year towards the Planning Department. It goes in a declining scale as the tax revenues replace it. It is his expectation that they will resubmit that agreement to the Commissioners.

**Chairman Bland** went back to the conservation easement of the 47 acres and asked if they could resolve that again clarifying that the 2000 some odd acres do exist or will exist somewhere.

**Mr. Culpepper** said they have proposed their planned requirement and their open space requirement, two separate things. One meets the Town's requirement for park land the other is open space which is not currently a Town requirement. There are not many Towns that have requirements that attach open space to non residential or residential. They do say that all of the open spaces, whether an easement, conservation easement or restricted covenants have to be protected from development for the satisfaction of the Town in order to be counted as open space. They were trying to do a mitigation bank and they were testing it out so these 47 acres were just a test for conservation easement to see how they go thru the process who would be involved and what was going to be necessary.

**Ms. Efland** once again stated that her main concern is that when there is 27 separate small areas and they are bringing in land to be decided for parks and open spaces, 27 times over how many years just does not work. The really environmental sensitive areas have to be laid out in advance across the entire tract.

**Mr. Culpepper** stated that there is nothing that says that the small area plans is limited to where the open space is, in fact the park land specifically states it can be in an adjacent area. Therefore, there can be a small area plan that has no park land in it and even outside of Chatham Park which is where the fee-in-lieu law comes in. It could be where the Town decides they want a park but instead of building a park within that small area plan they would give the Town the cash so they could buy the land.

**Ms. Efland** said that parks are not her single concern, what really concerns her are the environmentally sensitive lands and the wildlife corridors. Those are the thing that should be preserved up front. It bothers her that the Haw River dumps into Jordan Lake and is the drinking water source for a large population and 250 feet on each side is not right. They need to lay out land in advance They don't need to lay out the entire 2,685 acres that are in that South West Shore Conservation Assessment but that should become the guide to use in the most important lands that need to be set aside. Part of having planned developed is that you are allowed to exceed densities and other things in exchange for protecting more environmentally sensitive areas than you normally would. It is a give and take and they would benefit by being able to have zero lot lines that allows development much more intensively than they otherwise could and make much more money on the land they do develop.

- **Chairman Bland requested motion.**
- **Mr. Taylor made motion that the resolution recommending an amendment to the zoning ordinance of the Town of Pittsboro for Chatham Park is consistent with the Land Use Plan.**
- **Motion seconded by Mr. Plummer.**
- **Vote: 4 in favor - 1 against**

**D. BOARD MEMBER CONCERNS**

**Mr. Taylor** expressed concern on the civility lost in some of these communications and would like to remind everyone that they all have to live here. It seems that all of the information and data that is being received and published is getting to a point that is counterproductive towards working together. He has no problem with people having opposing opinions. The purpose and process of these Boards is that every one's voice will have the opportunity to be heard. The Planning Board just makes the recommendation, they have no ability to say it will or will not happen, but for everyone's sake some of the chatter out there needs to get more civil.

**Mr. Plummer** agreed and stated that even though some members did not agree he still loved the dialog because there have been too many meetings where mum is the word. He is encouraged by the members of the Board when they have these kinds of discussions. He also encourages public participation but only when there is a public hearing. However, he wishes that some of the rough emails being sent are toned down.

On another topic he wanted to know what the requirements were for curb side trash pickup and can residents block half the street with yard debris?

**Ms. Platon** explained that residents must call Town Hall and request a pick up, The Town staff then writes a work order for Public Works. The items must be placed at the curb, however, in some neighborhoods there is no curb and the waste ends up on the street.

**E. REPORTS AND ANNOUNCEMENTS**

None

**F. ADJOURNMENT**

- **Chairman Bland asked for motion to adjourn.**
- **Mr. Taylor made motion to adjourn.**
- **Motion seconded by Mr. McConnaughey.**
- **Motion carried unanimously.**

**Planning Board meeting adjourned at 8:55pm. Next Planning Board Meeting is scheduled for Monday, June 2, 2014 at 7:00pm**

*Heana H. Platon*

**Administrative Support Specialist**