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**TOWN OF PITTSBORO
PLANNING BOARD MEETING
MINUTES
Wednesday, July 16, 2014, 7:00 PM**

ATTENDANCE

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

Absent: Alternate Member, Bob McConnaughey

Staff Present: Stuart Bass, Planning Director, Fred Royal, Town Engineer, Ileana Platon, Administrative Support Specialist

A. CALL TO ORDER

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

B. APPROVAL OF MINUTES

- **Ms. Elfland stated that she has provided Mr. Bland with a page of corrections to be made to the Minutes of May 5, 2014.**
- **Mr. Bennett made motion to approve the minutes with the corrections as submitted by Ms. Elfland.**
- **Mr. Plummer seconded the motion**
- **Vote: Unanimous**

The June 18, 2014 Minutes were not distributed to the Board at this time.

C. ELECTION OF OFFICERS

Action Needed

The resignation of Chairman John Clifford earlier this year created the need to elect officers. Tonight a formal vote for Chairman and Vice Chairman is on the agenda.

- **Motion made by Mr. Bennett to elect Raeford Bland as Planning Board Chairman.**
- **Seconded by Mr. Taylor.**
- **Vote: Unanimous.**

- **Motion made by Mr. Bland to elect Shannon Plummer as Planning Board Vice Chairman.**
- **Seconded by Ms. Elfland**
- **Vote: Unanimous**

D. OLD BUSINESS

1. SP-2014-03

Chatham Park Medical Office Building

Action Needed-Discussion, Recommendation to Town Board

Mr. Bass stated that this is a site plan presented last month for a 25,000 square foot medical/health office building. Location is off of Suttles Road and on the northeast quadrant of the US 64/15-501 interchange. The site area is approximately 6 acres of undeveloped property. The project has been allocated wastewater capacity of (4,000 gpd) by the Town Board of Commissioners. Utilities are within the immediate vicinity area, the utility plans are separate and are currently being reviewed. The comments from the Board at the last meeting were specifically related to storm water. Distributed to the Planning Board were revised plans submitted by the applicant proposing a different approach to the storm water.

Jordan Brewer of Kimley Horne & Associates stated that on the prior plan there was a storm water wet pond on a downstream end which treated the nutrients to below the 10 pound breaker per year nitrogen requirement. Based on comments made by the Planning Board at the previous meeting they have added in two additional bio retention areas designed to the bio swale that were there to include an internal water storage system and move the wet pond north of the site and also change it to a bio retention area with internal water storage. This reduces the total nitrogen exports down and qualifies as an LID (low impact development) project per the new State requirements.

Ms. Elfland asked what the TNPT ended up as.

Mr. Royal said 3.66

Ms. Elfland expressed her appreciation to Chatham Park for taking the initiative to take another look at how to meet the actual target. She thanked them for their efforts in reducing the nitrogen by 2/3 and meeting the Board's requirement.

- **Motion made by Ms. Alston to approve.**
- **Seconded by Mr. Taylor.**
- **Vote: Unanimous.**

E. NEW BUSINESS

1. Belmont Apartments

Action Needed – Discussion, Recommendation to Town Board

Mr. Bass stated that this project goes back a few years; it is part of a mixed use plan development that was approved by the Town Board in 2006. The property is located behind Lowe's and the surrounding commercial area. The site is currently undeveloped. The location is on the southeast quadrant of the US 64/15-501 interchange. The total project area is 152.6 acres but the apartment unit site is for 6.75 acres. The property is zoned MUPD (Mixed Use Planned Development) prior to this rezoning on November 2006 the subject property was zoned R-10 (Residential).

The overall project was designed to have a variety of housing units including single family townhomes and apartments. This is the first project that the Board will see as far as the approval. There is a sewer capacity reserve for this particular property which was purchase in 2009 for 40,000 gallons per day; this agreement was done between the Town and Ricky Spoon Builders, Inc. and remains in effect. There was not an allocation request required because there is sewer associated with this site and that is part of the process that will be taken care of as this moves forward.

Staff recommends conditional approval of the proposed request subject to final review and comments of technical details associated with utilities, and subject to issuance of a stormwater permit and authorization by the Town Engineer. All other requirements as detailed in the Master Plan dated November 22, 2006 remain in effect and binding for this project. The map of the site shows that the road ends after the Lowe's building but will be constructed to continue into the apartment complex. At the moment the apartments will sit in the middle of the site and as the site grows the road network will connect to Chatham Park subdivision and will go out again to another exit/entrance to 15-501.

Joe Faulkner with the CE Group stated that they were involved with the original rezoning of the property back in 2006. He explained to the Board the location of the site on the map, the original concept and the new design for the site. On stormwater they will be doing a large wet pond in the back which is being designed for ultimate built out on the watershed, so as additional development comes in the pond does not have to be disturbed. Currently they will be well over treating for the apartments. The way they have done their nitrogen litigation as far as the Jordan Falls tool spreadsheet is only for this property and the road. To separate it does not create a nightmare to keep as development is added, however, the pond itself has been designed for the drainage area that will ultimately drain to it which is about 25 acres.

Jim Chandler for Chandler Engineering described the apartment complex. There will be 76 units with two parking spaces per unit, an area for dumpsters and recycling, and a covered picnic shelter with grills, two areas with play equipment, and a gazebo at the front which can serve as a bus stop waiting area, trails and bike racks. There will also be a fully furnished Community Building with a computer center, a full kitchen, a big screen TV and will serve as a gathering center that can be used for parties and functions. The layout was driven by comments for adequate fire access and there will be fire lanes around all the buildings for easy access and coverage.

Ms. Elfland asked Mr. Royal where he stands on the storm water.

Mr. Royal said that the plans look good, but this is a unique case where the Master Plan Site already has a NCDENR DWQ storm water permit, it is essentially immovable other than if the Town chooses to make changes. Then they would have to submit the package to DENR for their approval and modify the permit.

Ms. Elfland said that if the permits are from 2006 they are old.

Mr. Faulkner said that in 2006 DWQ was in the process of changing their regulations to how they currently are so the pond has been design to meet the changes.

Ms. Elfland said that they are just looking at the pond and wonders if that is going to take care of the problem. Have they looked at anything else or is the pond the only solution?

Mr. Faulkner said that due to the size of the watershed they feel that it is the best solution. **Ms. Elfland** asked in what way.

Mr. Faulkner said that from a study standpoint walking around it has 10 foot shelves. Ultimately there will be pedestrian paths and trails through the developments. At this stage it is a little premature until the plans develop out; this is just the first step of a large neighborhood.

Mr. Royal said that just because of the unique nature of this Master Plan, the way the drainage works, the topography and the soils in his opinion it wins itself to a wet pond, especially for a highly impervious apartment complex with lots of runoff. Up on the hill there it will probably be residential at some point and how the stormwater will be handled for that is another matter, however, this pond will be waiting there as the one option.

Mr. Bennett asked what the projected built out time would be.

Ricky Spoon of Ricky Spoon Builders, Inc. said that the plan is to come back soon with proposals for 100 single family homes. Eventually the area will be filled in with residences. Once everything is approved and permits are obtained the construction will start immediately

Mr. Bland wondered about the flow of traffic within the complex and future construction around the site of these apartments.

Mr. Spoon said that their next step is to work on roundabouts and connectivity towards additional developments. They are trying to run some numbers on the cost and have met with Mr. Royal and Mr. Bass to calculate the cost of building more homes on the site.

Mr. Bass said that they still have some technical details such as utilities as this moves forward. Mr. Royal will ultimately issue a stormwater permit and operation and maintenance agreements for recordation. They are recommending approval, pending the approval of final construction details.

- **Ms. Alston made motion to approve, contingent upon the technical issues discussed (utilities and storm water) finalized before construction.**
- **Mr. Bennett seconded the motion**
- **Vote: Unanimous**

2. Stormwater Ordinance

Propose Language Revision

Information to be distributed at the meeting.

Action Needed - Discussion

Mr. Royal stated that the stormwater ordinance issue came up at the last meeting. The ordinance was based on a model ordinance that was drafted by the State and the Town elected to use that model instead of writing a new ordinance. This is the beginning times of stormwater in Pittsboro and we are now breaking down this ordinance. One of the items that came up was the total

nitrogen standard which is 3.8 pounds per acre per year maximum for many sites; however, several provisions later it gave developers the right to do partial offset payments for additional nitrogen running off the site up to 6 pounds for residential and 10 pounds for commercial. The question was raised on how the Town can make sure that the developers are trying to achieve 3.8 and not just pulling out their checkbooks. After some thoughts and phone calls he came up with this recommendation to clarify and remind that the NCDENR's stormwater design manual is our stormwater manual. The NCDENR manual has a chapter describing the process that must be followed to select stormwater BMP's. Stormwater BMP's are fickle and you can't successfully shoehorn certain types of BMP's on certain types of lands because of soils, ground water, topography and types of developments. There are many variables in how you select your physical or structural best management practice. It was not wise to come up with a numeric value and a percent because the problem is that a lot of structural BMP's do not meet a percentage so this would preclude from using those types of BMP's, by doing so you may be forced to use only 2 that may not work on the site because of soils, topography and type of development. The decision was to just remind everyone to read the guideline and follow it, if this is done the developer would then reach a solution that would please everyone, and if it turns out that buy out is necessary at that point then it's fine. This puts them on notice that they cannot just skip over and discriminately write a check instead of trying to put the best BMP on the site.

Ms. Elfland stated that when she read the ordinance her concern was that the developer is required to fill out the spreadsheets and calculate the load and it would then have to be shared and reviewed by the Town Engineer, however, the part that says you can buy down is sort of disconnected. In her opinion it is not something that should be prescriptive and what happened with Chatham Park is a perfect example. Their original proposal was to do the minimum and do the 10 and buy down the rest until we discussed it and they agreed to go back and reviewed it. Tonight they came back and ended up qualifying for Low Impact Development and mitigating 100% of what they are required with no payment. The point is that somehow the developers have to go to the Town Engineer and show their worksheets, BMP's and what they are planning to do and get an agreement that they have done the best they could instead of just throwing the worksheet and going off and writing a check.

Mr. Bland's concern was that there will be occasions where there is adequate area, however, there will be times where the space is limited and that can create a problem.

Mr. Royal went on to describe of a situation that will be coming to the Planning Board soon which was approved as a Subdivision ten years ago and a stormwater pond was built back then, however development stopped. The existing stormwater pond that is not meeting the current ordinance. There will be cases where the infill is perfectly acceptable in our ordinance but we would have to work through issues like nutrients, operations and maintenance plans and easements that the Town did not require back then.

Ms. Elfland said that if this was approved ten years ago there are other things in stormwater other than pollutants like volume and rate. Just because it got approved ten years ago shouldn't it be looked at again?

Mr. Royal said that every new development or redevelopment has to meet the new ordinance so whatever was approved years ago is no longer valid. Everything has to be brought up to the current ordinance, but at the same time if they have the physical capability of using an existing pond by all mean they should. We should give them all the credit for using that pond but they have to do a little more to meet our current Ordinance.

Ms. Elfland asked if what Mr. Royal is suggesting meet what she original suggested at the last meeting.

Mr. Taylor believes it does and it is written that they have to prove to the Town's Engineer that the provided evidence is accepted by the stormwater administrator and that they have followed the guidelines.

Mr. Bennett asked, at what point does the developer bring their site Plan to the Town's Engineer.

Mr. Royal said that they usually go to the Planning Director with zoning or subdivision type of questions, then Mr. Bass will arrange to have a predesign meeting. They sit down with these Engineers and Developers review their plans and provide them with the rules, discuss the project and then they come back with their first set of plans. There was a project that they met with the Engineer four times before he even brought one sheet of paper with plans on it. This was at the very beginning of our new Ordinance and everyone was looking at new stuff, it took some time but they eventually got approval.

Ms. Elfland stated that on the last 3 or 4 projects that have come up to the Board recently it seems that they all want to approve the conditions but the stormwater is not ready. Why is the Board getting into this mode of always saying that they will approve the condition and they won't even look at it. The Board should not get into this habit, however, they should also not get in the habit of getting some big set of process that will hold everybody up.

Mr. Royal said that it also has to do with the timing of when the plans are given to the Planning Director, how much staff time is needed for review and when does it make it to the Planning Board. There is a good chance that the plans will not be in their complete state when it gets to the Planning Board, they will be 80-90% complete but not ready for permits. If the developer is told that the plans must be given at a certain date in order to make it to the Planning Board Meeting

they will do the best to complete the plans to the extent they can but chances are they will not be completed and the staff will not be able to do a thorough review so that conditionality type issue will come up. The same situation will happen with utilities, water and sewer.

Mr. Plummer stated that what happened with Chatham Park was a success but it's hard to use them as an example because they have lots of resources. His concern is the little guys. If the parcel is smaller would it be harder to follow these guidelines, is it going to incur a lot more cost to meet the 3.8.

Mr. Royal said that stormwater is not an inexpensive venture. The lot size is dependent on what type of development it is. On average stormwater can cost between 5 to 15% of the total project cost. In some projects the Engineers have to go back and redo the plans several times to make it affordable like build smaller devices around the perimeter of the property, there are several ways to do it but the applicant has to be educate. It completely depends on what is getting built and what performance standard has to be met.

Ms. Elfland state that basically the Ordinance is what the State requires, is not in addition of what the State requires.

Mr. Plummer asked if when people have the option to make an offset payment does it go to preserve land somewhere else?

Mr. Royal said theoretically. It goes to the Ecosystem System Enhancement Program (EEP).

Ms. Elfland said that her general observation is that people in Pittsboro that are concerned about development are mostly concerned about water quality. Her question is that if they bought it off instead of doing it would it mitigate stormwater that would end up in the same place as if they would mitigate it on site?

Mr. Royal said that is has to be in the watershed. Whatever projects they spend their money on will wind up having water flow through it and it will go into Jordan Lake. The answer to the question is yes but how long and where and when do they do it in addition to all the paperwork.

Mr. Plummer said that he is fine with is as long as they have the ability to negotiate. He does not want to tie the hands of the little guys trying to do something in Pittsboro.

Mr. Bland said that they are working on a win-win situation so whatever the circumstances are there is an avenue for everybody to work something out. It's a working together situation.

Ms. Elfland asked what would be the next step.

Mr. Royal stated that his recommendation is to endorse a policy statement that makes it clear have it in writing and bring it up to the Board of Commissioners for their review. Then the Town has this policy in effect that makes it clear on how to go about selecting BMP's and so forth. He is suggesting that it does not go in the Ordinance but just as a policy statement.

The Planning Board Members asked if by doing this would it have the same affect and would it be enforceable.

Mr. Royal said that by experience if the Development Community understands what policies are then they would know what they are expected to do. He does not recommend an Ordinance revision at this time.

Mr. Bland asked if they can agree to establish this as a Policy Statement.

Mr. Bass said it can also be added as an attachment to the permit application.

Mr. Taylor asked what happens if the applicant does not want to do it due to the fact that it is not an ordinance.

Mr. Royal said that the Design Manual is in the ordinance, all this policy does is enhances it as part of the design manual, they have to follow the Design Manual. If the applicant does not want to follow the Design Manual and insist on doing it their way and Staff does not think it's the best it would not be recommend to the Planning Board. If this Policy Statement creates too many problems it can be reviewed and change the language in the Ordinance.

This Policy Statement will be in the stormwater program of the Town and will be attached to documents, posted on the web and added to the permit applications so everyone will be on notice.

- **Mr. Taylor made motion to recommend addition of a Policy Statement to the Ordinance.**
- **Mr. Bennett seconded.**
- **Vote: Unanimously.**

F. BOARD MEMBER CONCERN

None

G. REPORTS AND ANNOUNCEMENTS

None

H. ADJOURNMENT

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

Planning Board meeting adjourned at 8:13pm

Next Planning Board Meeting is scheduled for Monday, August 4, 2014 at 7:00pm

Keana H. Platon

Administrative Support Specialist