

**MINUTES
TOWN OF PITTSBORO
PLANNING BOARD MEETING
Monday, May 6, 2012, 7:00 PM**

ATTENDANCE

Members Present: Kenneth Hoyle, Raeford Bland, Alfreda Alston, John Clifford, Bob McConnaughey {Alternate}, Rob Butler {Alternate}

Members Absent: Shannon Plummer, Karl Shaffer

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

A. CALL TO ORDER

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

B. APPROVAL OF MINUTES

- **Approval of minutes of meeting held April 15, 2013 (Chair Hoyle)**
Motion made by Mr. Clifford to approve the minutes.
Seconded by Mr. McConnaughey.
Vote: 6-0

C. OLD BUSINESS

- 1. SD-2013-01 Proposed Subdivision Development – Kensington Park**
Action Recommended – Discussion, Recommendation to Town Board of Commissioners

Mr. Hoyle advised that this was tabled at the last meeting due to questions regarding the length of the cul-de-sac according to the ordinance. He asked Mr. Bass to inform on new information.

Mr. Bass said he went back to the subdivision proposal that was tabled to clarify this matter. Based on the electronic record of the edit to the subdivision ordinance, this change was made by the planning consultant representative on August 31, 2010 immediately prior to his arrival. He has researched the minutes, ordinances and files at his disposal with the assistance of the Town Clerk and could not find evidence of where this language was formerly adopted and no one can remember having discussed this particular text change or having adopted this particular language. His suggestion is that it was never properly adopted. The original language written prior to this edit states that a cul-de-sac designed to have one end permanently closed shall be no more than one thousand (1,000) feet long unless necessitated by topography or design considerations. The length of a cul-de-sac shall be measured from the center of the turnaround to the intersection of its centerline with the center line of the connecting non cul-de-sac street. This is the validated and controlling language therefore; we recommend this proposal before the Town Board Commissioners for recommendation, again subject to the final technical review associated with the design elements of the subdivision. Mr. Messick also agrees with this direction.

Mr. Hoyle wanted to make sure this would be recorded in the minutes and be a form of explanation going to the Commissioners before approval. He asked Mr. Royal if he had an opportunity to review it and if he had any questions.

Mr. Royal replied that he has reviewed it and had no questions only generated comments and presented them to the applicant.

Mr. Hoyle stated that the other issue he raised was the location of the sidewalks and explained that the reason was because there are more houses on the right hand side versus the left.

The developers said that sidewalks would be situated on the right hand side starting on Park Drive and going all the way up the cul-de-sac continuing to and around the second cul-de-sac.

Mr. Hoyle recommended approval to send it to the Commissioners.

Mr. Bland made motion to approve. Mr. Clifford seconded

Vote: 6-0

Mr. Hoyle asked when would this project be started in which the developer replied by the middle of July 2013.

D. NEW BUSINESS

1. Chatham Park Investors LLC

Update on the status of Chatham Park's Future PDD Rezoning.
Action Recommended – Presentation and Discussion

Mr. Culpepper stated that the main purpose for his presence tonight is to bring the Planning Board up to date on the fact that they have submitted a rezoning case for the entire 7,120 acres of Chatham Park. That rezoning case for a Planned Development District requires the submittal of a Master Plan. The application and Master Plan was submitted on Friday. Basically he just wanted to advise that the application is in and the process has started and they want to do everything they can to make it as easy as possible to the staff and the Board.

Mr. Culpepper said that he had provided Mr. Hoyle with a copy of the documents and had delivered more copies for the other Planning Board members. He has also provided Mr. Bass with 24x36 maps and there is an electronic version of the text and maps which has also been submitted and is available. The first couple of pages covers the elements of the Master Plan then tabs are divided by sections. The first group of maps is the analysis of what is there, followed by land uses. What they have done is used the Town's table of permitted uses and broken up the project into 27 sections, the table of permitted uses is the permitted uses in each one of those sections. Note that we have prohibited any Hydraulic Factoring. Hopefully the document will read well, there are maps at the end of each section and there are some things as a Master Plan at the end that are areas that they would hope to move forward within the next couple of years. The main point is that the submittal and approval of this Master Plan is not an event but a process. There are still a lot of things to do and this is just one more step in this process. They are hoping to inform the Board as much as they can and move forward with the recommendation from the Planning Board for approval to the Town Commissioners.

Mr. Hoyle said it is a large document and it will take some time to review it but it is very readable and easy to follow. Although the maps are small there are larger copies available. The Planning Board will need to have a number of work sessions to analyze it. In regards to having a work session with the field experts he would rather have the session with Mr. Culpepper and at that point bring out the subjects that may require the assistance of those experts.

Mr. Culpepper replied that if it was okay he would much rather have those experts present just so they can listen to the questions.

Mr. Hoyle then said that a lot of work, time, effort and money has been spent on this project and feels it should be moved forward. To do the necessary work to get it expedited as soon as possible he suggested a work session on May 22, 2013 and another on June 5, 2013 at 7 pm.

Mr. Culpepper stated that if any questions arise he is available by phone or e-mail and is willing to assist any of the Planning Board members. Mr. Culpepper can then bring all the support he needs.

2. REZ-2013-01

Randolph Development Group LLC Rezoning

Conditional Zoning District, Proposed Bojangles' and Spec Building

Action Needed – Discussion, Consideration of Recommendation to Town Board of Commissioners

Mr. Bass stated that this is a proposal to rezone 2.46 acres of vacant, undeveloped property off of US 15-501 from *C2: Conditional Use District zoning* to *C2: Conditional District Zoning*. This is the new language adopted in March that allows for conditions placed on a rezoning. This property was originally part of the American Asset Corporation rezoning that involved 46.77 acres. It was zoned from R-A2 to C-2 conditional use on May 13, 2008. The property is located across from Northwood High School. There are several zoning-rezonings that have taken place in the area, the most recent a C-2 zoning to the east. These properties are designated as Commercial on the Thoroughfare Business on the Future Land Use Map. The property is also in the designated Transportation Overlay District. The current zoning C-2, is defined by the description of C-2 zoning which is primarily described as certain areas that are designed for citizens using the major highways that run through or around the City. It accommodates intensive commercial uses such as shopping centers and strip centers as well as free-standing, highway-oriented business establishments. Additional conditions were placed on the property via the Special Use Permit and included limitations on certain uses permitted by right in the C-2 District. The proposed zoning C-2 CZ, in essence, supplants the conditions in that the proposal and is now defined by the accompanying site plan. There are sewer and water lines along US 15-501. Formal engineering studies will be required prior to any site development. There is a pump station associated with the Carolina Living and Learning Center. This is a commercial project so there will be no associate population change. The latest traffic count provided by NCDOT indicated approximately an Annual Average Daily Traffic count of 14,000 vehicle trips per day. Access to this property would be off Russett Run Road and Suttles Road as depicted on the site plan.

Going from C2 conditional use to C2 conditional district zoning is not that great of a change, it is consistent with the current Land Use Plan and other applicable adopted plans, policies and documents. He wanted to point out that associated with the original conditional use district zoning a number of usages which are allowed by right in C2 were prohibited and are listed in the Staff Analysis.

Mr. Patrick Bradshaw, attorney representing Randolph Development Group which is proposing this rezoning addressed the Board and wanted to introduce his clients and owners of

Randolph Development Group, Mr. Joe Millikan and Dr. Bob Straub. Also present is the engineer with the Isaacs Group in Charlotte, which has prepared the site plan.

He wanted to briefly emphasize some points that Mr. Bass covered, this is property which is already zoned either C2-CU and the southernmost quarter of an acre is currently zoned straight C2, without conditions. What they are proposing is to create a new conditional zoning district under the Town's recently revised ordinance. As Mr. Bass mentioned the future Land Use Map and the Land Use Plan does designate this property for commercial use. This property was a very small piece of the 47 acre proposal that American Asset Corporation obtained approval for in 2008 with a special use permit, since it appears that the plan is not going to be pursued this property and the rest of the American Asset Corporation property is now under separate ownership, his clients only own these 2.46 acres the rest of the property is now owned by Chatham Park Investors. He has not seen the proposal that Chatham Park Investors has presented but to his understanding the rest of that property is included in the Master Plan they are currently proposing. Addressing the prohibited uses from the American Asset Corporation permit, some of those uses are permitted uses in a C2 district some of them are special uses. The ones that are special uses would not be allowed under their proposal in any event but his client is willing to have all of those uses prohibited under this approval as well. His clients believe it would be a great improvement to the Town and are glad to answer any questions.

Mr. Hoyle asked Mr. Bass if the site plan application was completed.

Mr. Bass replied that he wanted to present it to the Planning Board tonight for information and to make the Board aware, and to be able to address any concerns they might have. But they are still in the process of completing the technical reviews.

Mr. Hoyle stated that he as well as other members of the Board have questions. It is difficult to get to the need of the situation without having a complete site plan in their hands according to the ordinance, one being the topo map.

Mr. Bland wanted clarification and asked if there were two issues presented, one being the rezoning and the other the site plan.

Mr. Bass responded that the approval for the rezoning will include the site plan. **Mr. Messick** added that in order to get the conditional zoning there must be plan.

Mr. Bradshaw said that they have submitted to the Town a complete site plan including the topo map and included all the requirements under the Town's ordinance.

Mr. Hoyle stated that they do not have it.

Mr. Bradshaw asked if he could make a procedural recommendation by saying that the zoning has to go to a Public Hearing anyway and they were hoping to have that hearing on May 28th, 2013. The usual procedure is that the Board of Commissioners would not act on the application on the night that they have the Public Hearing. So if the Planning Board has any questions or needs additional information then there is another opportunity for this to be taken up at the next Planning Board meeting after the Public Hearing and before it goes back to the Board of Commissioner for final action.

Mr. Bradshaw said that it is his understanding that the Commissioners current practice is not to act at the same meeting as the Public Hearing. The Planning Board will have the opportunity for review at their June meeting.

Mr. Bass said that it is correct. They have made a policy statement not to act on the same night of the Public Hearing. The goal tonight was to get the Planning Board members familiar with this application, because it is complicated. The Town has never done this before, a conditional district rezoning. Another issue is annexation.

Mr. Bradshaw said that in regards to the annexation there is a pending bureau irrevocable addition for annexation on this property before the Town. The Town has chosen not to act on it.

Mr. Hoyle asked if what they want is for the Board to reflect on what they presently have.

Mr. Bass replied that what they would like is global concerns from the Board and the applicant can take those into consideration as they move forward in the process.

Mr. Bland said he has driven on Suttles Road he know the parcel is in a hole and their access is off of Russett Run Road which drops down about 15 feet. It just looks odd and could not figure out how it will appear. His concern is how it will look like.

Mr. Wayman stated that their two exit points will be on Russett Run Road and grading will be a huge challenge. It is in a hole and in relation to 15-501 it is about 11 feet below the road. They have a pretty steep driveway of 8-10 percent. He then explained how they will fix that problem plus the issue of the storm water. They have an arrangement with Chatham Park Investor that they will obtain some of the fill from them.

Mr. Hoyle asked if they had any proposal to do anything in regards in getting off 15-501, if they are going to widen the road?

Mr. Wayman said they will have a right turn lane. This is predoctored by a process with NCDOT, they had requested a three lane driveway off of 15-501 with a turn lane but that was denied.

Mr. Hoyle suggested that they continue the curbing all the way down to the exit.

Mr. Clifford was interested on the drive-thru and asked if once a customer leaves the drive thru do they have to circle around or is there enough room to exit off the pork chop. His other question was where would the sewer hookup be.

Mr. Wayman explained that there is enough room to exit off the pork chop. In reference to the sewer hookup there is a joint venture with Chatham Park to run a line into the property on Suttles Road, Chatham Park Investors engineers are designing the line.

Mr. Culpepper stated that there is an easement that was created on one side of the property for access to the sewer hookup. What Chatham Park is doing is designing gravity down the back that would serve several properties.

Mr. Clifford then asked about the other proposed building mainly because it has 95 parking spaces when only 68 are required

The response was that it would be a building that would be proposed for other purpose such as retail, office or institutional uses that would be allowed in a C-2 district. The parking spaces were calculated for a building of that size.

Mr. Hoyle asked Mr. Messick if it was acceptable to proceed with this second building without having any idea of what would be located there.

Mr. Messick responded that once approved anything can go there, {per the conditions that are approved}.

Mr. Hoyle said that this concerns him because it plainly states proposed uses of land and structures and he has a great deal of reservation on recommending anything to the Commissioners without knowing what could go there.

Mr. Miliken said it would be a commercial building but that some uses would be prohibited. They already have an allotment for water and sewer so there would not be another restaurant situated there.

Mr. Bradshaw stated that for permanent building in commercial uses it is not possible to predict exactly what the uses will be so you have permitted uses in the C-2 district and if there are some that the Board would like to prohibit we would certainly open to consider. He did point out that at least ten of those business that were in the AAC prohibited list were special uses and would not be allowed under what they propose. What they proposed are permitted uses in a C-2 district but they are willing to eliminate some of those as well.

Mr. Hoyle asked what was their position on impervious surfaces?

Mr. Wayman said 53 percent

Mr. Hoyle asked if they were aware of the fact that since it exceeds 24 percent they have to be at least 100 feet buffer from the stream.

Mr. Miliken said that it was to their understanding that this stream is classified intermittent.

Mr. Hoyle requested some sort of camouflage around the building with landscaping.

Because of the drop around the property Mr. Clifford asked what sort of signs would they be placing at the property. Also the location of the lights are important and would they be shining down at the store? There is an Autism center nearby as well as private residences.

Mr. Miliken said that there will be a monument sign on the corner and then the signs on the building and the wattage would be toned down.

Mr. Bass stated that this will go to a public hearing and it will come back to the Planning Board

Mr. Hoyle asked for motion to send this to the Commissioners.

Ms. Alston made motion to approve. Mr. Butler seconded.

Vote: 5-0

E. BOARD MEMBER CONCERNS

None

F. REPORTS AND ANNOUNCEMENTS

Mr. Bass had two informational items. The first is an article from the Coates' Canons: NC Local Government Law Blog on Permit Expiration. The second item is an article on Smarter Growth from the Atlantic Cities.

Mr. Hoyle asked for motion to adjourn.

Ms. Alston made motion to adjourn, seconded by Mr. Clifford.

Meeting adjourned at 8:00 p.m.