



Town of Pittsboro
Planning Board Meeting Minutes
Monday, August 1, 2016

ATTENDANCE

- Members Present: Raeford Bland, Chair, Brian Taylor, Carolyn Elfland, Alfreda Alston, and Beth Turner
- Staff Present: Jeff Jones, Planning Director, Victoria Bailiff, Planner II, Paul Messick, Town Attorney and Denice Bryant, Planning Board Clerk
- Guest Speakers: Patrick Bradshaw, Mark Ashness and Roger Waldon

A. CALL TO ORDER

Chairman Bland called the meeting to order at 7:05 pm.

B. APPROVAL OF MINUTES

The minutes were approved with two corrections.

- Ms. Taylor moved to approve the minutes of July 6, 2016 with the two corrections.
- Seconded by Ms. Elfland.

Vote: Aye 5 Nay 0

D. OLD BUSINESS

None

E. NEW BUSINESS

REZ-2016-05 Mellott/Crissman Rezoning (Jeff Jones)

Mr. Jones stated the first item on the agenda is Mellott/Crissman – Russett Run Rezoning. The property owners are Rocky & Janie Crissman and Alvin Mellott. They are proposing to rezone approximately 190.487 acres, along Russett Run, from RA-2 (Residential Agriculture) to R-10 (High Density Residential).

The R-10 district is defined as a medium to high density residential area where single family and multi-family dwellings are commingled and certain open areas where similar residential development will likely occur. The uses permitted in this district are designed to stabilize and protect the essential characteristics of the area and prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.

Public facilities and services rendered by the Town of Pittsboro, water and wastewater, are available to the property.

Population will increase with future development of these parcels along with changing the transportation patterns.

There was a Public Hearing held on July 25, 2016. Five concerned citizens spoke during the meeting, some of the concerns raised regarding the proposed zoning change were:

- Increase Density
- Future Access
- Potential Stormwater runoff from future development
- How these parcels being surrounded on three sides by Chatham park PDD fit with Future Plan of Chatham Park

Mr. Jones stated that concerns were brought up about road connections in and around this area. The Comprehensive Transportation Plan that is adopted and what we are seeing in this area and Russett Run and rezoning area is a future North/South collector that would run essentially from the bridge under construction now towards 15-501. It appears that if you get down to the parcel level that part of that North/South collector would impact some of the properties, at least the eastern portion of the properties up for rezoning. The Comprehensive Plan has a future connection to Russett Run or Country Route Road, Charlie Brooks' extension – these are some of the major transportation improvements happening in the area. It could change location depending on environmental and engineering factors that we would look at later in the process.

Staff recommends approval of the proposed amendment, as the proposed amendment is consistent with the Future Land Use Plan for Medium Density Residential. However, once subdivision plans are submitted staff will have to further evaluate whether the proposed development of these parcels conforms to the currently adopted Land Use Plan. The Land Use Plan specifically states that Medium Density Residential neighborhoods should generally, resemble Chatham Forest in terms of lot size and development patterns.

Chairman Bland made the comment that one road comes in from the East on the Transportation Plan, another comes from the north.

Mr. Jones stated as before it looks like there is Charlie Brooks' extension and Eubanks connector would go more South, connector which would run out to 15-501. Currently there are no plans showing any from East to West. Mr. Jones pointed out on the Transportation Map the road extensions.

Mr. Taylor asked what it is going to do going to R-10 as far as sewer capacity changing that density.

Mr. Jones stated that each home is generally around 360 gallons per day for a 3 bedroom house, so you would do the math and take that out from 90 homes that could be built to somewhere around 700/800 lots that could be created.

Ms. Elfland asked who the expert about sewer is. I know that we have had a moratorium on development of sewer, but we don't anymore. However, we haven't built any more capacity, we just don't have the moratorium. What really is the bottom line on this as far as sewer capacity. I want to know what would happen if it were rezoned R-10 and built out to the maximum possible density under R-10.

Mr. Royal stated he had not run the math, it would be whatever phase that was submitted to us with a site plan with an engineer's seal capacity calculation request.

Ms. Elfland asked how much sewer capacity do we have left before we have no more.

Mr. Royal stated that it changes every day, with a guess of 70,000. We have paper flow out there that could be used or transferred. We are probably in the 150 range if you add it all up. We cannot over allocate above 750,000 gallons a day in our current plan. We are not in the business of allocating sewer capacity based on ideas, it has to be a firm, solid site plan that Jeff and I would be looking at.

Ms. Elfland asked why we think R-10 is better than R-12 since R-10 is what we currently have as Medium Density.

Mr. Jones stated that future plans will need to adhere to what the Comprehensive Plan has, it will resemble a development pattern much like Chatham Forest – lot size, things of that nature.

Ms. Elfland stated we have had issues here before, mostly because R-10 allows multi-family.

Mr. Jones said both R-10 and R-12 would allow with Special Use Permit.

Chairman Bland stated he would like to resolve the sewer issue. It seems if anybody does anything of this size beyond 70,000, someone would have to build another sewer facility.

Mr. Jones stated that we are not at that subdivision stage yet. That would have to be looked at when someone comes in to develop.

Mr. Patrick Bradshaw, representing the Crissmans' and Mellott in their request to rezone their property into the ETJ. Mr. Bradshaw made note that both had owned that property for a number of years. This rezoning is necessary to carry out the Land Use Plan which calls for this property to be zoned Medium Density Development. The current is Low Density and Agricultural use. The R-10 zoning will also rule out a number of commercial uses that the existing zoning would allow. At the Public Hearing there was some concern expressed about the impact on possible development of this property, which would be on the existing private easement (Russett Run). The Transportation Plan again as Mr. Jones discussed shows the North/South connector, proposed that this would join this property on the East and there are several other possible future road improvements that would handle traffic from this site. It is highly unlikely that the Town would allow subdivision of this property relying solo on Russett Run for access. Highly likely that there will be connectivity in Chatham Park which adjoins this property on 3 sides. Low Density and Agricultural zoning is not appropriate for this property any longer and it is not consistent with your Land Use Plan. This request is just a rezoning request, if someone wanted to subdivide this property they would have to come back before the board for that which is totally different from the rezoning request. We are requesting that that Planning Board recommend approval.

Ms. Turner asked about the commercial uses.

Mr. Bradshaw stated RA-2 allows for agricultural operations that is not allowed in R-10. It would allow antique shops, limited manufacturing facilities, veterinary clinics, and churches. R-10 is pretty much a Residential District with some limited institutional.

Chairman Bland mentioned that in the Planning Packets the Public Hearing notes from Ducka Kelly and Amanda Robertson were included. He asked if anyone had anything else to add.

Ms. Ducka Kelly wanted to continue to address the water and sewer issue as a health and safety concern and runoff. She mentioned there was one pond that never completely empties and that is a health concern with misquotes in the sitting water. The traffic coming into that road with this high density living and the accidents at the stop light at the school.

Ms. Elfland had some comments that she struggles with the development in the area with the number up to 70,000 people coming in to the area. Do I want to live in this area when it is that big. It is a decision people have to make, it is a done deal, it is coming, this particular area surrounded by Chatham Park on three sides, it makes sense to have a zoning that is compatible with that. Concern that she has is that she is not sure we have the right regulatory framework to deal with this. We don't know what the road connectivity is going, we don't have any small area plans from Chatham Park, and ideally you would have open space that would be connected, trails, sewer and water developed. We have nothing from Chatham Park as far as their development and timeline. How much of it is a Use by Right that we start losing control once it gets rezoned. Concerned about the sewer capacity, which we don't have the sewer capacity. It takes years to build a new sewer plant. Chatham Forest is used always as a good example of Medium Development. We have not written any Affordable Housing Ordinance or Reform. No Environmental protection in the current Zoning. It could just sit there as is, or we could get a big development in here. I don't know if we are prepared to deal with it.

Chairman Bland stated that there is no sewer available anywhere at this point. Let's consider the idea whether this piece fits the Land Use Plan. Maybe we need a definition of the ETJ, meaning that it is soon to be in Town, otherwise it would not be called that.

Ms. Elfland mentioned that the Town does not allow wells and septic tanks on R-10 size lots.

Chairman Bland asked again for what reason was the ETJ created.

Mr. Taylor stated it was for future expansion for the Town.

Chairman Bland asked what an ETJ is for and asked Mr. Messick and Mr. Bradshaw if they know or have an explanation, what we are supposed to do with the ETJ.

Mr. Taylor asked if Chatham Park would be transferring over to being part of the Town. This will make a land lock piece of the ETJ.

Mr. Jones stated on 3 sides it would be.

Chairman Bland asked Mr. Jones to point out on the slide exactly where Russett Run is located. What are those 3 lots to the lower left.

Mr. Jones stated they are part of the rezoning, all the lots in red.

Mr. Taylor asked where the Living/Learning Center.

Mr. Jones pointed out the location of the Living/Learning Center.

Chairman Bland asked about the properties to the North, Ms. Kelly was the only property owner at the meeting. Chairman Bland asked Ms. Kelly where her property was. Also, where is this easement we keep hearing about.

Ms. Ducka Kelly stated that her property was the first property that Russett Run comes through. The easement comes through the western property line.

Ms. Elfland stated that Mr. Messick was asked about the whole sewer issue capacity. Also, when we get to the part about rezoning, if we know we don't have enough sewer capacity to serve that, then is that a legitimate reason to say that we recommend it not be rezoned because how do you promote the health, safety and public welfare when you rezone something that you know you can't serve with water and sewer.

Mr. Messick stated that this is not a development plan, this is a rezoning. This particular land has no road access, no water or sewer but with that being said the Planning Board voted for the Land Use Plan 4 short years ago. If it was to come back to the Planning Board for development which would be down the road, it would have to meet the requirements, this is just whether or not this particular acreage is appropriately zoned.

Ms. Elfland asked if the Planning Board can say that we don't want to rezone any more big parcels until the UDO is adopted.

Mr. Messick stated that might be somewhat arbitrary.

Ms. Elfland remarked that her issue is that she does not think we have any regulatory framework now to deal with this kind of thing.

Mr. Messick stated that we have lots of regulatory framework, Chatham Forest is a good example for the Land Use Plan, you say suburban, which is what the Land Use Plan contemplated that this property be suburban.

Mrs. Elfland stated that the Land Use Plan did not contemplate a Town the size that Pittsboro was going to become when the Land Use Plan was adopted.

Mr. Messick stated that it did from day 1 knowing that Chatham Park was coming. Chatham Park was at the Planning Board Meetings and Board of Commissioners meetings from the beginning. What the Planning Board needs to do is to determine if it is Consistent or not and then make a Recommendation to the Board of Commissioners.

Chairman Bland stated that it is obvious that it is consistent with the Land Use Plan.

Written Consistency Statement of the Town of Pittsboro Planning Board to the Town of Pittsboro Board of Commissioners – Rezoning Case #REZ-2016-05 Mellott/Crissman

Motion A:

Motion to adopt the following resolution: RESOLVED, that the Town of Pittsboro Planning Board hereby advises and comments to the Town of Pittsboro Board of Commissioners that the proposed rezoning is consistent with the Town of Pittsboro Comprehensive Plan, including the land Use Plan, and other applicable plans and policies adopted by the Town of Pittsboro. The following reasons and other matters were considered in the deliberations of the Town of Pittsboro Planning Board with respect to this motion: the proposed rezoning is reasonable considering the size and location of the property subject to the proposed rezoning and the potential benefits to development of the Town of Pittsboro and surrounding community; the adjoining lands are either zoned or used for residential uses; and proposed rezoning advances the public health, safety or welfare of the Town of Pittsboro.0

- Ms. Alston made a motion that it is consistent with the Land Use Plan.
- Seconded by Ms. Turner.

Vote: Aye 5 Nay 0

Chairman Bland stated we need to decide whether to rezone from RA-2 to R-10.

There was continued discussion around the Recommendation to the Board to rezone the property. Mr. Taylor, Ms. Elfland and Ms. Turner has reservations about rezoning.

Ms. Elfland stated that at this point we do not have any idea what they are going to do with this property, all they are asking for is it to be rezoned. A year from now if they decide they want to rezone and build a housing development it has got to come back to the Planning Board, it has to have water and sewer or it will not be approved. Basically we vote for it or we don't.

Ms. Turner stated that it seems a little conflicting with the potential benefit to the development of Pittsboro and we can go back to the sewer question, but the word benefit to me seems like doing this now could potential be unbeneficial with Motion A.

Written Recommendation of the Town of Pittsboro Planning Board to the Town of Pittsboro Zone Case #REZ-2016-05 Mellott/Crissman

Motion B:

This foregoing motion (as marked) was adopted by a vote of 2 (for) to 3 (against). Prior to adoption of the foregoing motion, on August 1, 2016 the Town of Pittsboro Planning adopted a motion addressing consistency of the proposed rezoning with the Town of Pittsboro Comprehensive Plan, including the Land Use Plan, and other applicable plans and policies adopted by the Town of Pittsboro in a document entitled "Written Consistency Statement of the Town of Pittsboro Planning Board to the Town of Pittsboro Board of Commissioners as to Pittsboro Zoning Case #REZ-2016-05 (Mellott/Crissman)", which document is attached hereto and incorporated by reference (the "Consistency Statement"). The Consistency Statement addresses consistency and other matters as deemed appropriate by the Town of Pittsboro Planning Board. The adopted motion, together with the Consistency Statement, shall be forwarded to the Town of Pittsboro Board of Commissioners as the written recommendation of the Town of Pittsboro Planning Board to the Town of Pittsboro Board of Commissioners with respect to the proposed rezoning in case #REZ-2016-05.

- Ms. Elfland made the motion to deny on Motion B on the rezoning.
- Mr. Taylor seconded.

Vote: Aye 3 Nay 2

Site Plan – Sp-2016-03 Lot 9, 64 East Business Park (Victoria Bailiff)

Ms. Bailiff stated the second item on the agenda is the Site Plan for Lot 9, 64 East Business Park located on the southwest corner of East Street and Industrial Park Drive. It is currently zoned C-2 (Commercial), acreage is 0.91 acres on a vacant lot and proposed use is General Retail. The plans have been reviewed in accordance with the Town's applicable development ordinances by the appropriate departments. The proposal is to construct a one story commercial retail building totaling 7,850 square feet.

Mr. Turner asked which lot is the Pittsboro Animal Supply on currently.

Ms. Bailiff stated that it is next to the State Employees Credit Union.

Mr. Turner wanted to know if this was just a build out for future use.

Mr. Jones stated that we do not know yet what will be there.

Chairman Bland stated we don't know what the building is for yet, just a site plan for building.

Ms. Bailiff stated it is for general retail.

Ms. Elfland asked if this is under the Stormwater limit, but part of the development.

Mr. Royal stated that it meets the gross development, based on Dan Deacon's overall initial Stormwater scheme, they just can't exceed total build out of the entire development of 75% impervious and that is what we will have to monitor. The Stormwater pond that we had repaired is fully operational, each lot will utilize that.

Chairman Bland asked if anyone had talked with the Pet Supply Store.

Ms. Elfland asked if they had any rules.

Mr. Ashness stated that he could speak for the group. The developer and owner were at the meeting along with Dan Deacon who was one of the original developers. About 12 years ago we did the design of the Business Park for Dan Deacon, like some of the projects you are going to see in the future Dan had the foresight instead of having a bunch of little ponds on each lot, there is actually a tract (little over 2 acres) that has the Stormwater pond. That is what allows each lot to have more impervious surface than what it would have because that open space is calculated into the total tract. Dan has also been the dictator with regards to the architectural review for the site plan. Anyone that submits a site plan for any of the 10 lots, Dan reviews that for consistency, so there is someone looking at that aspect. This particular retail facility will look nice, nice presentation both from 64 and Industrial Park Drive, lined up our accesses with State Employees Credit Union entrance.

Chairman Bland asked about the trees that have been cut over there near the pond. Is someone in charge of managing that.

Mr. Ashness stated that Operations and Maintenance assigned to that structure, I am sure that now Roger is moving forward, that is something the Town will check periodically. When each lot gets filled there is a certain amount of money they will be sending to maintain that aspect.

- Ms. Alston made a motion to approve.
- Seconded by Mr. Taylor

Vote: Aye 5 Nay 0

UDO Module 2 Update (Roger Waldon)

Mr. Jones introduced Roger Waldon who will be giving a highlight of Module 2 which staff will be working with the Town Board to come up with a schedule that will be outlined to this group, to the Technical Advisory group. Mr. Waldon and Mr. Jones have developed a timeline of meeting dates, meeting weeks that we want to target that include everything from Technical Advisory Committee, Planning Board meetings, Public meetings that we are going to have on the UDO with the Public Hearings, along with deadlines. A timeline/goal to meet until the end of this year and first of next year. Meetings are subject to change or additional meetings added as we go forward with the UDO.

Roger Waldon from Clarion Associates gave an overview of Module 2 of the UDO. Mr. Waldon also went over Article 4 and 5 that was previously left out of Module 1. Article 4 has Environmental and Open Space Standards and Article 5 has Development Standards. Incorporated lots of new sections.

E. Board Member Concerns

None

F. Reports and Announcements

Mr. Jones stated that the next joint meeting would be held in 2 weeks (3rd Monday of the month).

G. Adjournment

The Planning Board meeting adjourned at 8:45 pm.

Next Planning Board Meeting is scheduled for Wednesday, September 7, 2016.

Denice Bryant
Planning Board Clerk