

MINUTES
TOWN OF PITTSBORO
PLANNING BOARD MEETING
Wednesday, September 5, 2012, 7:00 PM

ATTENDANCE

Board Members Present: Kenneth Hoyle, John Clifford, Shannon Plummer, Karl Shaffer, Raeford Bland.

Board Members Absent: Alfreda Alston.

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

A. CALL TO ORDER

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

B. APPROVAL OF MINUTES

Mr. Shaffer requested some corrections on last month's minutes. Motion was made by Mr. Clifford and seconded by Mr. Shaffer to approve the minutes of August 6, 2012 after corrected.

Motion approved unanimously.

Before moving on with the agenda Mr. Hoyle inquired if Mr. Terry had submitted to the board an evaluation in regards to the Land Use Plan. Mr. Bass responded no.

C. OLD BUSINESS

1. Land Use Plan

Mr. Hoyle stated that at the last meeting the planning board had briefly looked at the Land Use Plan knowing to have it ready if possible and have some kind of recommendation to send on to the Commissioners for their review. He requested comments from each Planning board member beginning with Mr. Bland.

Mr. Bland reading from a five page document he wrote stated the following. The Land Use Plan is largely absorbed with infrastructure in such detail that it seems unfitting for a Land Use Plan except to say that Land must be used for Waste Water Treatment Plants and Water Treatment Plants and to locate such. Naturally, transportation is important, but the transportation plan is another issue, except to say that certain space on the land is reserve for roads, walkways and biking, the issue is the plan for land use. Many of us appreciate the historic issues, but they need not absorb much space in the Land Use Plan.

Photographs need captions, ought to be relevant and contemporary. What has happened is curious, but the point is: forward thinking. We already appreciate our historical past and there are other associations and venues for that. Fifty or one hundred years ago, water, sewers, roads, schools, housing and employments were not the same issues and did not have the same relevance as now.

Generally, the first 50 pages or so could be combined into three or four. Maps One rating travel time might be useful to a new resident, but in this computer age it is not very necessary. There are many sources of such maps too. We know there was great public input. Goals and visions are pretty stock comments, no one would think any Land Use Plan would be otherwise. Does anyone not agree with being healthy, low impact, good employment, physically sound, conserving resources, sound education and decent housing?

The census data for Chatham are of general interest. Those are the people currently using the land (but not all the land) right now. Others will be using the land in the future with those here now. So the census data for those unknowns would be more relevant and that cannot be know. The same goes for the remarks census data or the demographics and according to the draft the projection's are anybody's guess. The current Land Use Map tells us what? (Map 3 already exists), not hard to figure out. We still don't have a plan. So far, we are halfway through the draft without a plan.

We have already dealt with the transportation plans (Map 4) and all the water issues. The watershed (Map 5) tells us where to build roads, houses and infrastructures (Geography). Section 5.4-Downtown is the first key issue that might relate to land use, specially the parking section and the rehabilitation of buildings. Parking is necessary and rehabilitation is sound thinking. Still the consistent appearance is an idea of what ought to be with little of how it can come about. Most of the action words under section 6 are ADOPT, AMEND, COMPLETE, DEVELOP, STUDY, CONSIDER, CONDUCT and LOOK.

Section 5.5 says to make the town look nice. Section 5.6 goes back to historical stuff. I suppose Map 7, Historical District is what is now current. Nice to see, but is it a plan or what exists now? Section 5.7 It's nice, to have parks. I suppose Map 8 is a map of a proposed land use plan because the word "proposed" is on the map in places. Section 5.8 mentions police, firemen, etc. but does it tell us when we need to hire more, or reduce the force?

Is there a building like the one on top of page 84 in Pittsboro? I suppose it must represent some kind of housing. Does this photo mean there should be such in town? Can't tell as there is no relevant information. Land certainly ought to be used for housing and people with meager means ought to be able to live according to those means. Those with massive means may have other choices, which might include lavish housing or modest living. So capacity as well as preference comes into play. Land will be available for all, most related to zoning.

Section 5.10 looks like zoning- set aside places for business. Section 5.11 comes close to looking like a Land Use Plan, six or so pages to page 103 and proceeding (Land Use) and the key to those maps. That is nearly all that is a plan to me and seems to be about what we all thought we had. In short: It looks nice and has lots of colors and nice maps. There is census data, descriptions of the town, historical and some current information. There is talk of the infrastructure which is extensive. There are a couple of places that touches on a Land Use Plan. In the end I am moved to observe that there is considerable verbiage in the justification for itself, mainly in the second section. The definition for Land Used Plan is the process by which land areas are evaluated and assessed to become a basis for decisions involving land disposition and utilization. This involves studies on the environmental effects of land use and its impact on the community. I don't see much of this in the document. Perhaps five pages of text would have done it.

Mr. Clifford's comments were that he understands it began with a bad document and it has gotten better but it is not great. There is a lot of good data but he feels it does not take him anywhere. Everything is about the maps but is not sure where the maps lead to. It was discussed that this was a living document that could be changed over time, the question is what system can be put in place to make that happen.

Mr. Plummer can concur to some degree but has come to the conclusion that it is not going to be what they envisioned, a detailed data oriented booklet. There are basically ten pages of data in the plan and it would have to read through a lot of fluff to find it. This is something that has been worked on for a long time and gone through different venues but still remains in the same place. Could be that because we are the Planning Board we are more detail oriented and looking at site plans. We are uncertain that it is a clear vision statement or as clear as we think it should be. Overall, he does not have a problem with it and the details that are there are accurate.

Mr. Hoyle said that the goals and the visions are very affix stated in section C, which is good and have been worked on for quite some time but then they just drop off. There is not a clear path. Is a good document or reference but there is no plan.

Mr. Shaffer is very content with it. It takes the comments that the planning board brought together and got the goals lined up. He still sees the key elements incorporated and does agree that there is a tremendous amount of fluff to support that which he can take or leave. He is not interested in the minor stuff and not uncomfortable with the strange verbiage used on some of these things to get to the point. He had the opportunity to review the Land Use Plans from other small towns such as Carthage and Siler City and feels that this one is much more cohesive in where Pittsboro is, where it wants to go and how it is going to get there. In respect with the comment on Environmental Control he believes much of that is already built into the ordinances.

Mr. Hoyle raised the question in regards with the goals and visions. There is no indication of implementation in the plan whatsoever in regards to these. What is there is good and is well founded it is something the Commissioners approved some time ago. It is a good document, but do we need just a document or something that is a plan including on how to implement these. In response to Mr. Shaffer's request to be more detailed he stated he does not see any implementation of any of these goals and then it skips and jumps to the demographics and so forth. The goals are good, but are we going to accomplish them.

Mr. Plummer stated that he interpreted the goals as general guidelines of what we would like to see. He does not know if they are hard rules that have to be accomplished or meet within a certain timeline because circumstances change on a daily basis.

Mr. Shaffer went back and looked at the list of Goals & Visions on page 7 and 8 and stated that the ones that were not documented well were Economic Depth Development Goal, Sustainability Goal. The rest are well described.

Mr. Clifford asked how comfortable they were with vague details. Where is the plan, it could used more concrete. How much will they allow? For example if there is a good piece of development that is really good for the town, is this document or plan adaptable enough to move forward with it which would get to the conversation about a living document that we need to adjust.

Mr. Plummer saw that the maps would be the first thing they would turn to if there was a development.

Mr. Shaffer agreed by stating that anyone wanting a high density development would look at the map it would clearly be seen where the electing body that votes on these issues would deny or discourage a type of development in that space.

Mr. Clifford then asked what if the project is extremely beneficial for the town, is this document nimble enough to make it happen? These are the things that need to be brought forward to the Commissioners as far as the recommendations.

Mr. Bland state that it says Land Use Plan and that is what it is and seems to be the outline of the goal. There are goals and then there are pages 98 to maybe 103, the other stuff is not the Land Use Plan.

Mr. Plummer agreed that there is tons of additional non useful information but that is not necessarily negative or makes it any less usable.

Mr. Clifford asked who would be presenting this to the Commissioners. Mr. Bass said he would with a short presentation.

Mr. Shaffer then asked how long had the Commissioners had this Land Used Plan and Mr. Bass responded just a few days before the Planning Board did.

Mr. Clifford recommended they move on with it but as a Board they need to be crystal clear in their findings to the Commissioners. He defined findings as a list of things that can be tweaked or worked on in some of the vagueness that was brought up.

Karl Shaffer did not know how it could be mechanically done from here. Because the meeting is on tape maybe the Commissioners can hear the Planning Board's comments. All the other members have stated their comments he has yet to make a comment about any deficiencies because he does not see any deficiencies that could be called for a rewrite.

Mr. Hoyle stated that as they talk about this Land Use Plan he does not hear a complete consensus as endorsing it as it presently stands.

Mr. Plummer said he is comfortable moving it forward.

Mr. Hoyle then asked if what he was saying is that the Board endorses it completely to be sent to the Commissioners with no stipulation that some of it should be tweaked.

The Board agreed that it was very appropriate especially with the comments made by some of the Board members that they need to hear.

Mr. Shaffer did not understand the procedure and asked that if they just move and approve it tonight with no caveats, no appendixes, is it not true that the Commissioners still have the ability and authority to make that true?

Mr. Hoyle is not sure that they would get a complete endorsement from the Planning Board members present tonight to send it on as it is. He can vote for it if there are some additions or explanations made, but not the way it presently is. It is not a Plan as Mr. Bland pointed out, it is a good document there is a lot of fluff but is not what he would like to see as being stamped as a Land Use Plan for Pittsboro. We are looking out there, we are looking at a plan, we have a good stepping stone but do we have a plan here.

Motion made by Mr. Shaffer and seconded by Mr. Plummer that the Board approves the document received and send it to the Commissioners and that they be fully apprised by typed minutes of the specific comments that were made tonight. If there is enough concern that this Plan is not adequate it may die in terms of a vote. If the Planning Board strongly believes that this Plan is inadequate as it is then please let it be known with a vote.

Mr. Plummer asked Mr. Bland if he was willing to submit his comments and Mr. Bland agree but he is not going to vote affirmative for that motion.

John Clifford made a motion for this to be sent forward with the Board's questions and concerns to the Commissioners and asked that the Chairman of the Planning Board presents it to the Commissioners before Mr. Bass makes his presentation. This was what was agreed some time ago as a Board being

appointed by the commissioners and have their blessing on how it should be done. Given how important this issue has been over a long period of time and the hurdles that they have gone thru. It should be presented in a more detailed format to the Chairman and forwarded to the Commissioners.

Motion made to approve the document as it is being submitted with some additional clarifications forthcoming that can be corrected without a great deal of effort and would be presented by the Chairman of the Planning Board. Seconded by Mr. Shaffer with an amendment that all comments are part of the delivery. Amendment seconded by Mr. Plummer.

Vote taken
Aye -4 Nay-1

2. Proposed Text Amendment – Conditional Zoning Districts

Mr. Bass advised that this would be a proposed tax amendment to the zoning ordinance to create a conditional zoning district. Last meeting he provided a short power point introduction to this technique on proposing a zoning change. The difference between the conditional use district zoning that is typically used is that this is a legislative procedure, there is no conditional use permit issued, but at the same time it does have site plans and specific conditions that are approved and attached along with the conditional rezoning. He provided to the Board a rough draft which would ultimately be in the form of a text amendment to the zoning Ordinance that would create Conditional Zoning districts.

Mr. Hoyle aware that it is just a draft questioned the statement listed under Purpose stating that conditional zoning district allows particular uses to be established only in accordance with specific standards and conditions. Will the standards be spelled out with regard of conditionals zoning or with regards to the town's ordinance. He also asked if conditional zoning could be anywhere and if it is approved with a piece of property would it stay with that property or can it be transferred.

Responses were that it would be granted depending on what particular use is being requested.

Yes, it can be anywhere, it would be applicable to any of the current Town zonings and it is for a site specific development for that particular ownership of businesses.

Greensboro had it approved by the legislature in 2009. Chatham County just implemented it on July 1st.

Mr. Plummer questioned if this would be only for property that is not currently zoned for which the applicant wishes to use it for and instead of the conditional use permit they would apply for conditional zoning.

Mr. Messick replied that what is already zoned and in used would be grandfathered in if this is done, but if there is new use then they would have to apply and would have to choose under the general purpose zoning practice that was assigned with conditional use practice. Applicants can still ask for legislative rezone, it would still be an option on the table. The difference is that if they ask for the straight general use C-2 there is no negotiation between the staff, the town manager, etc. It is just when you go to that conditional use the Board can be specific about it, negotiate it, add buffer to it, anything you want to it and at least open the door to those negotiations. It starts off with a zoning district the use of everything in that zoning, the conditions is everything else that is applied on top. He pointed out one of the best uses of it is to reduce the table of permitted uses. That zoning district may have 20 permitted uses and if you cut it

down to 10 it gets rid of many that the neighbors may object to. But is not the Board's choice it is the applicant's choice. It can go all the way down to a single use but you have to be careful.

Mr. Plummer's concern was the having applicants being strung out for ever on every change of plans.

Mr. Culpepper's response was both parties can work towards a resolution. If an applicant is unable to meet the requirements he at least can make his offer and staff can vote on it. This is not available in general use.

Mr. Messick stated that if it is a process of negotiation trying to make it a better plan or a better deal and the applicant is slow to accept then what is the harm?

Mr. Plummer just does not want the Town to have the upper hand to the point where it creates a bad reputation of asking above and beyond what any other municipality requires.

Mr. Culpepper stated that the Staff and Planning board can provide the applicant with their requirements and the applicant needs to freely accept that. Unlike a special use permit where conditions can be place to meet certain requirements, specially, on a conditional zoning where only the Board can place conditions. It may not be financially feasible to the applicant. It does come down to money.

Mr. Plummer concern is for the small time business, and understands that it is their responsibility to look out for the Land Use Plan and the future of Pittsboro but not everyone has deep pockets. There are small people that want to start business and it may become an impossibility for them.

Mr. Culpepper responded that for a mom and pop that wants to develop their acreage it may be better to do it with a conditional zoning to satisfy the neighbors and the town than with strict zoning.

Mr. Messick stated that with strict zoning it may be one type of business today and another undesirable one in the future. But if there is a condition placed on it the opportunity for other types of businesses is limited and/or restricted. He sees positive things in regards to conditional zoning. But there are some downsides too, legislative means that majority rules, it means that the town can't compel anyone to rezone something and if it is rezoned it will be hard to fight to object it. What Mr. Bass contemplates here is that if the Town goes with Conditional Zoning it would get rid of the parallel conditional use system that has been in place for the last 20 years and just use Conditional Zoning plus the general purpose guide. There are some specific special uses in the ordinance that would required a special use permit and they are on a separate process, those are the ones that have standards already established that an applicant would be instructed to meet.

Mr. Bass is requesting directions, weaknesses, choices, suggestions from the Planning Board on this draft submitted tonight. It has been looked at by the courts and it's pretty straight forward. As per information from the School of Government over 60 percent of the towns in North Carolina are using this zoning, specially the larger municipalities.

Mr. Hoyle asked for Mr. Bass to get together with Mr. Messick, modify it and send it back to the Board.

3. Proposed Text Amendment – Traffic Impact Analysis

Mr. Bass stated that he is presenting to the board a rough draft which is total plagiarism from Greensboro. He reviewed some samples and found it to have the same verbiage with just some differences between requirements. Greensboro adopted this Transportation Impact study in 1999. The draft lists Applicability, Study Preparation, Improvements and Exemptions. Pittsboro has no numbers now, it is totally arbitrarily. If it goes to this level of Technical studies what would have to happen is the town would have to contract a third party certified to do a Traffic Impact Analysis.

There was a discussion among Board members on what kind of businesses would require this kind of study. They all agreed on the draft and believe it is a good idea to implement and move on to agree on legal fees to apply to and whatever other input needs to be.

D. NEW BUSINESS

There was no new business on the agenda.

E. BOARD MEMBER CONCERNS

Mr. Shaffer stated that on his frequently visits Town Lake Park he has noticed that the Rock Dam has washed out in a storm and the levels of the lake has dropped down dramatically this summer. He received a newsletter and it describes how a lot of it is going to be shallow but also describe some deep holes designed for fishing and he is unable to find out where they are. The newsletter went on to say that there will be more work scheduled and he was encouraged by that. The idea for some of it would be a wetland restoration area. Mr. Hoyle suggested he contacts Karen Hall.

He also asked who would be responsible for overseen vegetation control that has lapped over sidewalks. Sometimes is on private property and others is County and Town properties, specifically on Sanford Road near the circle where vegetation has overgrown towards the sidewalk.

Mr. Hoyle said that with the past planner they were looking into a Big Box regulation and some Commissioners have asked him where they are in terms of it. He asked Mr. Bass if they had questioned him in regards to this. **Mr. Bass** has found that draft that was previously done and is reviewing it.

Mr. Hoyle asked Mr. Culpepper to expound on what is coming around the corner.

Mr. Culpepper explained that this was something that came up in the last Commissioners meeting. For Chatham Park they were looking at a development agreement. This is something that is in the General Statute Use in other states. Mr. Owens from the School of Government said it was his responsibility to come to a town that would be doing something like Development Agreement and explain ramifications, how to use it, what it was setup for. We have the meeting in place and wanted the Planning Board to be aware of it and maybe could attend the meeting to understand what is going on. If you find this interesting there are blogs called Coates Canon sent out by the School of Government about things going on with laws in the state of North Carolina. We are looking to do a development agreement on Chatham Park in accordance with the General Statute. What the development agreement allows you to do on big project is to turn around and make a legal document between the property owner and the municipality and agree on certain items. The Development Agreement has to be approved by the Board and has to have all the legal requirements. It is a good way for a developer to establish some long term rights for the type of investment they are going into. He will send an e-mail to the board with the correct General Statute which lists the specifics of what must be included in the Development Agreement. What you do with that as long as you meet those requirements is up to the developer and the board on what they agree to. Mr. Shaffer asked if they would have to change anything in their regulations to accommodate this. Mr. Bass responded that he does not think so it is more of a contract.

F. REPORTS AND ANNOUNCEMENTS

Mr. Bass provided the Board with a Memorandum on TARPO. He wanted to make the Board aware that the Town is a member of the Triangle Rural Planning Organization. The memorandum is an annual performance report for the Fiscal year 2011-2012.

TARPO's main goals are:

- Developing long range local and regional multimodal transportation plans with NCDOT.
- Prioritizing suggestions for transportation projects to be included in the State Transportation Improvement Program (STPI)
- Providing transportation-related information and data to the public and private sectors.
- Encouraging public participation in the transportation planning process.
- Annual Planning Work Programs (PWPs) and budgets determine the specific tasks of the TARPO staff.

Motion to adjourn made by Mr. Clifford, seconded by Mr. Shaffer. Meeting adjourned at 8:37pm

Next Planning Board Meeting will be scheduled for Monday, October 1, 2012 at 7:00 pm

