

TOWN OF PITTSBORO
PLANNING BOARD
RECONVENED MEETING
JOINT WORK SESSION
MONDAY
NOVEMBER 22, 2004

Chairman Hoyle reconvened this meeting from the recessed November 1, 2004 meeting at 8:05 pm.

Attendance: Ken Hoyle, Ethel Farrell, Steve Barker, Jimmy Collins, Harold Howard.
Commissioners Present: Mayor Nancy May, Commissioners Gene T. Brooks, Clinton E. Bryant, Chris Walker, Burnice Griffin, Max G. Cotten.

River Oaks. The rezoning request for River Oaks was the only item on the agenda. Mr. Hoyle summarized the previous meeting at which the Master Plan and Fiscal Impact Analysis was discussed. He noted that the purpose of examining these items was in consideration of the rezoning request and it is necessary to examine all aspects which include the Master Plan, Fiscal Impacts, Traffic Impacts, Environmental Report and Stormwater Management Plan. The last three items will be reviewed at this meeting. Mr. Hoyle reminded the audience that this is a Planning Board meeting. The Board is charged with making recommendations to the Commissioners. He noted that the Planning Board is not an open forum; it is here to ask questions and hear the presentations of representatives of the application and to determine if those proposals satisfy appropriate ordinance requirements.

Monroe reiterated that all the comments made and submitted at the public hearing have been transmitted to both the Planning Board and the Board of Commissioners and those comments have been duly considered in the discussions of the various areas noted by Chairman Hoyle. Those comments are not being glossed over, they have reached the audience for which they were intended. Mr. Hoyle noted that we are looking at a rezoning and some of the groups which have a considerable interest in it will have an opportunity to address concerns if a project plan comes before the town. Monroe introduced Dawn Heric to present a summary of the Environmental Report. Ms. Heric is the Planning Director for the John R. McAdams Co. and a consultant to Toll Bros. She noted she would present a brief overview of environmental considerations for the River Oaks rezoning application. The Mixed Use Planned Development process requires that we define the proposed MUPD district through a narrative describing the proposed uses, dimensional standards and other development parameters such as open space and traffic circulation. The MUPD application does not require or include a proposed site plan or preliminary plat, the plan displayed tonight is an illustration of what River Oaks could look like. If the rezoning is approved, preliminary plats and site plan applications will be submitted following further site design analysis appropriate to that stage of the development process. While you do not have a specific site plan before you for your consideration, we have done significant preliminary research and evaluation of the River Oaks property and the proposed development particularly with regard to environmental issues.

For the most part Soil & Environmental Consultants has led the environmental component of research and analysis. S & EC has completed a preliminary environmental study of the River Oaks property that includes a Phase 1 Environmental Assessment, preliminary survey of wetlands and streams, vegetative analysis and a review of other pertinent issues as outlined in the S & EC Environmental Report that is included as an appendix to the application. Although this level of analysis is not required for the MUPD application, town staff encouraged Toll Bros. to provide this information in order to facilitate the review process. As a result of S & EC's research, the proposed River Oaks MUPD includes stream buffer standards that exceed both the town ordinance requirements and the state watershed control rules. As proposed, buffers will be provided for USGS mapped perennial and intermittent streams as well as for unmapped streams that have been identified in the field by S & EC. One hundred foot buffers will be provided for all existing perennial streams. Intermittent streams as shown on USGS maps will have 100 foot or 75 foot buffers depending on their proximity to the Haw River. Unmapped intermittent streams will have thirty foot buffers. As indicated in the S & EC report, land disturbance will be limited to the developed area of the site. Development will be phased so clearing and grading of the site will be done on an incremental basis as well.

A Stormwater Management Plan is included as an appendix to the River Oaks application document. As proposed, stormwater management will meet or exceed state and town requirements and is designed to protect the River Oaks property as well as the downstream environment. River Oaks will practice "source control". Small upland facilities will be placed close to the source of runoff so that natural streams and channels will not be negatively impacted. No management facilities will be located in streams or their buffers. The proposed facilities will remove 85% of the suspended solids and provide nutrient reduction for both nitrogen and phosphorous. In areas where it is not practical or possible to capture and treat runoff in ponds or stormwater wetlands other types of low impact development practices will be used; examples of these include rain gardens, infiltration trenches and hydrodynamic separators.

The physical layout of River Oaks will be designed to respect existing topographic features of the land. Roads and building sites will be located in consideration of existing slopes and soil characteristics. Stream buffers will remain undisturbed. A fifty foot undisturbed perimeter buffer will be provided around the site. Forty per cent of the site will be in protected open space of which nearly 40% of that will be in undisturbed natural areas.

The golf course will be operated in accordance with the natural resources management plan that will include conservation and enhancement of wildlife habitat in non-play areas of the course. They believe that proposed MUPPD district establishes the criteria necessary to enable development of an enduring community that meets the high standards of Toll Bros and the Town of Pittsboro. She indicated they have a large team of people present to answer any questions.

Mr. Brooks asked how many streams wet and dry were on the property. Ms. Heric indicated they are shown on several maps in the application document and those show the associated buffers. Mr. Brooks indicated they all end up in the Haw River. Ms. Heric concurred that eventually they all do. Monroe replied to Mr. Brooks that eighteen streams or branches are shown on Map 5.

Mr. Brooks asked what was meant by “enhanced wildlife”. Ms. Heric replied that they have a representative from Toll Bros. who is doing their golf course maintenance at Briar Creek. Martin Fuchs explained that Toll Bros. partners with the National Audubon Society and uses them as a third party to come in and examine the site as far as the golf course is concerned to make sure natural areas are being left in such a manner that wildlife can prosper and use them as thoroughfares and enhance their wildlife environment in terms of not just blatantly going in and cutting down trees of we don’t have to or want to. He indicated that unlike some courses you see on tv where the fairway is totally cleared and grassed from tee to green (such as Augusta National), we are not going to do that on this site. We would do “target golf” where you have the tee and open space and natural vegetative space in the fairway. That provides an enhanced environment instead of us going out and clearing the whole thing. We keep records of the wildlife that come into the golf course or are there on the golf course; it is a whole program of the Audubon Society. There are 18,000 golf courses in this country, 500 courses are certified by the Audubon Society for environmental enhancement, water quality and protection of wildlife and Toll Bros. has 15 of those.

Mr. Walker asked if they intended to utilize re-use water for irrigating the golf course. Mr. Fuchs said they would if that is deemed a requirement. Mr. Walker indicated he had played a similar course outside of Whispering Pines; they had bird houses, marshes and other amenities. Mr. Fuchs said there is a bluebird program and all kinds of environmental enhancements that go into the program; rabbit and fox dens are built and other things are done to encourage the wildlife to stay and move in to the golf course habitat once it is built.

Mr. Hoyle asked what would be the closest point of the golf course to the Haw River. Ms. Heric indicated she thought the nearest golf hole would be about 1300 feet from the river. Of course the plan is just an illustration but it is representative of what could be built with the town’s approval.

Mr. Brooks said he understands the Duke Forest now belongs to the state and that the state has some plans to consider it a park or a natural area. Should they at some point decide to change it from a natural area to a park, would there be some way you could connect some of your greenways or hiking trails to the trails they would have along the river? Ms. Heric indicated that sounded like a reasonable suggestion, it is very compatible. Mr. Bradshaw said he thinks the topography in that area on this side of the river makes trails a little bit difficult because of the steep banks. But his client is indicating they are open to discussing the possibility. Mr. Bradshaw pointed out that questions have been raised or suggestions made in a letter from the state parks department about Toll Bros. agreeing to property line adjustments allowing the state to acquire some more property nearest to the river; Toll Bros. are in communication with Joe Henderson who is the Director of the State Property Office in the North Carolina Department of Administration about that topic. Mr. Walker asked if that was the roughly ten acres brought to the Commissioners attention at the public hearing. Mr. Bradshaw indicated he thought the state would be most interested in the land closest to the river on the northeast section of the property but the discussions are not to the point where a lot of progress has been made on the specific pieces of property or accommodations that could be made for that, but they are following through with the discussions.

Mr. Walker asked who would actually run the golf course. He wondered if it would be run by Toll Bros. or sold off and run by another management group. Mr. Anhutt indicated that, typically, Toll Bros. operates the golf course. They are doing that at Briar Creek. He said the golf course is a very expensive marketing tool, it allows them to sell the type of homes they build. Once the marketing aspect is complete, we've sold all the homes, then there is a different analysis done to determine if it is in line with what they do as a company. At that point they would re-analyze whether to hold on to the course or sell it.

Mr. Brooks asked if there were any thought about recreation for this large population other than golf. Ms. Heric indicated that in addition to the golf course and the preserved natural areas, they are also proposing an extensive trail system as shown on Map 8; there will also be a clubhouse, pool, tennis courts and play areas for children. She said all those particular details would be worked out as they move further into the review process, but Toll Bros. gives a great deal of thought to the recreation amenities for the residents of the community and also that can be enjoyed by the larger Pittsboro community. Mr. Brooks indicated that even though he is getting the cart before the horse he wanted to know what opportunities there would be for the community to participate in. Mr. Anhutt replied that certainly there is the golf course and they are working with the school district for a school site and his assumption is that there would be play fields on that site that could also be used depending on the agreement between the town and the county.

Mr. Hoyle summed up the discussion by indicating his conclusion that this would be an open community, not gated. You'll have a big activity center and it will be similar to Briar Creek. Mr. Collins asked if the public would be allowed to use the swimming pool. Mr. Anhutt said the details hadn't been hammered out yet but he would assume residents of the project would have priority for memberships at the pool and tennis courts. Mr. Collins asked if the public could buy memberships if there were space left. Mr. Anhutt said that was something that could be considered; it is kind of a fine detail at this point. Typically, in a master planned community such as this, you are providing the amenities for the people who are going to live there, with the exception of the golf course which is public.

Mr. Cotton asked if the trail would be designed so that bicyclists could use them. Ms. Heric said they hadn't gotten in to all the details but what they have discussed is that the trails would be arranged in a hierarchy that would have some of the trails paved, some mulched and some may just be natural areas that have been exposed to foot traffic. It is their anticipation that some of the trails will be available to cyclists and some will not, it will depend on the sensitivity of the area in which they are located. Mr. Hoyle reiterated that some of the points being discussed tonight would be examined in more detail at a later time if we get part the rezoning.

Monroe asked that it be understood that the applicant is not representing the Environmental Report as a full blown Environmental Assessment. This is an environmental report at an early stage of a planning review of a proposed project which is at the stage of rezoning. Asking an individual at this stage to do more than this is tantamount to someone buying furniture for a house on which an offer has been made but not accepted and financing has not been guaranteed. He asked that we keep in perspective this report, although submitted, if the rezoning is approved it would not obviate the need for the applicant to do a full blown environmental assessment at the

time a development plan is drawn, proposed and submitted; we would expect that as would various federal and state regulatory agencies.

The key with this report is to identify any “red flags”; and Monroe said that from what he has seen, the red flags do not appear to be there. He noted that the report indicates that significant portions of this property were timbered in the last 10-20 years. The Chatham County Natural Heritage and Wildlife Habitat Inventory has identified that in the past, timbering has created sedimentation problems for the Haw River, so the river has already been impacted by this property even though there was no apparent development on the property.

He noted that a letter from Carol Tingley of the Parks and Recreation Division of the Department of Environment and Natural Resources has asked that the town impose a condition of an 88-1000 foot buffer along the Haw, 200 foot native forested buffers along perennial streams and 100 foot forested buffers on intermittent streams. Section 6.1C1 of the Town’s Subdivision Regulations requires a water hazard setback extending 100 feet landward from the Haw River. In addition to that, a 100 foot setback should apply to each side of continuously flowing and intermittent streams as shown on the USGS maps within 2500 feet of the Haw, which would satisfy Ms. Tingley’s request for 200 foot boundaries, and, in fact, she asked for 100 feet on intermittent streams and within 2500 feet of the Haw, a 200 foot buffer would be imposed. A 75 foot setback shall apply on each side of continuously flowing and intermittent streams beyond the 2500 foot distance to the Haw. Beyond that, the town doesn’t have the legal authority to require or impose standards that exceed town ordinances. We can ask that the applicant consider standards that are stricter than this but we don’t have the legal standing to require them. Federal or state regulatory agencies may have that kind of authority in the review of a development plan. In addition to citing the Inventory, Ms. Tingley asked that the town respect the fact that this project would be adjacent to what was the Duke Forest property and is now the Lower Haw River Natural Area. In addition, she indicates that there is an intention at some point in the future that there may be more active recreational opportunities provided along this property now owned by the state. That would require a change in the designation from a natural area to a state park since a natural area by its very definition would preclude active recreational opportunities. He believes we have an opportunity to have an applicant who is willing to work with the state to achieve goals that both the state and the applicant find important and that would benefit the community as a whole.

The applicant has indicated that all streams on the property are classified within the Watershed Overlay Protection Ordinance and that they will comply with all the requirements. There are certain requirements that the Chatham County ordinance imposes that are stricter than the Town of Pittsboro watershed overlay ordinance would require and we don’t have the legal authority to demand that they be held to the Chatham County standards, we only have the authority to require what our zoning ordinance stipulates.

Appendix E, the Stormwater Management Plan, indicates that they propose to minimize impacts to water quality by preserving vegetated open space, preserving riparian buffers, implementing erosion and sediment control practices and incorporating stormwater treatment facilities that minimize and treat runoff at the source. These are Best Management Practices which are encouraged by the State of North Carolina and as a

statement within the narrative of the Master Plan indicates, the applicant has said he is willing to go along with those.

If the rezoning is approved we would be required to hold the applicant to the standards so we would have a more rigorous review of the development plan which would be presented to us; we're not at that stage yet, we haven't granted a rezoning or even communicated if we are willing to.

As was noted earlier, the applicant intends to partner with the Audubon Society in the development of a golf course. That demonstrates one more effort to respect the integrity and interest in this property and its proximity to the Haw River.

Mr. Hoyle asked that the following statement from Monroe's memo be incorporated into the record. "The Report indicates that appropriate actions will be taken to minimize impacts of sedimentation. The proper design, inspection and maintenance of best management practice structures will ensure...the project is...not expected to have any adverse impact on the Haw River habitat and aquatic life". The Report states that the system will be designed to protect the downstream environment. Mr. Hoyle said he believes it is self evident looking at what is proposed here what they intend to do and they would have to come back for specific review of development plans if the Commissioners approve the rezoning.

Mr. Bradshaw asked to clarify the error Monroe cited regarding the statement that this property did not adjoin any state Natural Area. He noted that was a mistake in the report. The state Natural Area that North Carolina recently acquired from Duke University is relatively new but we all knew it was there, so it was an omission and Mr. Monroe has been very thorough in his review of the report. When he brought that to our attention we went back and did some research and looked at the County Natural Heritage Inventory on file at the county planners' office. He said he wanted to point out from a sense of full disclosure so you will have all the information, this property is within an area that the Inventory identified as the Pittsboro Firetower Wilderness. This is an area that runs from Firetower Road to the Haw River. This Inventory was prepared before the US 64 By-pass was constructed and, regardless of what you think of most of northeast Pittsboro, as far as he could tell, the only reason it is in the Inventory is because it is a large tract of land that didn't have roads through it. Well now it does have roads through it and, in fact, the Inventory says that if the US 64 By-pass transects the center of the tract development is sure to follow greatly reducing the significance of this tract as a wildlife reservoir. He noted he just wanted all to be aware this Inventory mentions this property and that the construction of the US 64 By-pass obviates the significance of calling this area a wilderness.

Mr. Hoyle asked Mr. Brooks if he could give some historical insight into this area. Mr. Brooks said that at one time there were a few roads there and one led to the first courthouse in Chatham County which was not in Pittsboro but on the Haw at a place called Redfield Ford. One of the largest Baptist revivals held in the 1700's was on the Haw right below this property with over 500 people being baptized by Shubal Stearns, the founder of the Baptist Church in this state. During the Civil War a whole company known as the Haw River Boys, over 200 men, were recruited from the small farms in that area and at the end of the war General O.O. Howard held a pontoon bridge across the river. So there's been a lot of activity in the area. It didn't exist just as a wilderness when John Alston's people went through it in 1701 until a few months ago.

Earl Lewellyn of John R. McAdams Co. briefly summarized the Traffic Impact Analysis which he prepared. He noted the project would be accessed through connections to Suttles Road and Eubanks Road. Given the proximity of the site to two important arterials, US 15-501 and US 64 By-pass, the traffic can be efficiently dispersed in several different directions.

Lucy Gallo spoke at the last meeting about the conservative nature of assumptions in the Fiscal Impact Analysis. Similarly, Mr. Lewellyn said, the Traffic Study was prepared in a very conservative manner. The method for generating school traffic for determining internal trip capture within the development, the method for generating golf course associated traffic and technical assumptions were all treated in a very conservative manner with the result that it is more likely that the external impact of the project is overestimated.

Based on the traffic study there are several improvements in the area that are recommended. At the Russet Run intersection with US 15-501 a modification of the traffic signal is indicated to permit a southbound protected left turn movement from 15-501 to Russet Run. That is an improvement that isn't necessary to achieve an acceptable level of service but they felt it was important to benefit the queuing of traffic at that intersection. Also at that intersection they are recommending an exclusive right turn lane from Russet Run westbound onto 15-501.

Down at the Eubanks Road intersection with 64 business they are recommending: signalization of the intersection; a westbound right turn lane from 64 to Eubanks; an eastbound left turn lane from 64 to Eubanks; and a southbound left turn lane from Eubanks to 64.

At the interchange ramp of eastbound US 64 By-pass and 15-501, signalization of the intersection is recommended. It appears to meet warrants today but just the peak hour warrant and they feel it should continue to be analyzed to make sure it would be in the best interests to have a signal there throughout the day.

With the improvements just mentioned together with the improvements going on at 15-501 by DOT currently, all of the signalized intersections in the study area will operate at a level B or better. Mr. Hoyle asked for a further explanation of level of service. Mr. Lewellyn said that level of service for signalized intersections ranges from A to F, A being the best, F being the worst. They are ranked on the amount of expected delay occurring at the intersection. What they found is that the signalized intersection would operate at a level B. Generally speaking, DOT's standard level of service is D although in some corridors that are heavily congested, Level E is accepted.

Mr. Walker asked for a clarification of the signalized ramp recommendation at 64 By-pass and 15-501. Mr. Lewellyn noted it is on the south side of the bridge. Mr. Walker asked if there would be a signal at Powell Place and wondered what the distance would be between the two intersections. Monroe replied that the Powell Place traffic impact analysis found that the interchange of the eastbound exit ramp from 64 By-pass to 15-501 warranted a traffic signal now but DOT didn't feel it was necessary to install it at this time. There will be a traffic signal at the entrance to Powell Place that would coincide with the entrance to a proposed commercial development on the east side of 15-501. It is conceivable that from the entrance to Powell Place to Northwood High School there could be three signals; it is also conceivable that those signals would be synchronized so there would be sequential movement of traffic. In response to Mr. Walker's question, Monroe said it is about 750 feet from the entrance to Powell Place to the eastbound exit

ramp from 64 By-pass. Mr. Walker asked what was the delay expected at level B. Mr. Lewellyn replied that for signalized intersections at Level B the overall average controlled delay ranges from 10 to 20 seconds.

Mr. Hoyle asked if he had indicated an exclusive right turn lane on 15-501. Mr. Lewellyn clarified that he recommended a right turn lane from Russet Run onto 15-501 north.

Monroe added that that would mean the addition of a new lane on Russet Run.

Mr. Cotton asked how many vehicles were projected to each household in the development. Mr. Lewellyn replied that it varies. For single family development it is generally assumed there will be about 10 trips per day; for multi-family, roughly 7 trips per day are estimated. The total projection for daily trip generation is 6700 vehicles in and 6700 vehicles out. He noted for intersection analysis they don't use daily numbers, they use the worst case peak hour. Mr. Cotton said that ingoing traffic would be determined by commercial uses. Mr. Lewellyn said that commercial activity does affect inbound and outbound traffic particularly in the pm peak hour. Monroe pointed out that in terms of projecting traffic the engineer looked at travel to and from an exclusively public golf course, since this is going to be a semi-public golf course, in reality, a lot of the trips will originate inside the project, but, in calculating service, those were considered to be coming from outside the project so the actual traffic generated by the golf course is overstated. The retail space that is anticipated in the commercial core is intended to be a convenience for the residents of the project and not intended to be something to which the general public would be drawn except to the golf clubhouse where they might purchase golf accessories.

Monroe indicated that the last thing he wanted to point out is that in the last appendix, identified as Public Utilities, thee applicant states it is his intention to utilize public water and public sewer. There had been some rumors in the community that this golf course was intended to be used as a sprayfield, but according to statements made in the application it is the intent of the developer to utilize public sewer. Mr. Bradshaw added that for those who are concerned about the application of re-use water to irrigate the golf course, the impetus is not coming from the developer, the Town of Pittsboro has an ordinance that requires the subdividers of property to utilize the towns re-use system if it exists.

Mr. Hoyle asked the Board's pleasure. Mr. Hoyle referred to a list he asked be prepared which defined the changes the Board had sought to the narrative during discussion at these meetings. Mr. Hoyle reminded the Board that Mr. Howard was removed from making any motions or voting on them in this case.

Ms. Farrell made a motion to recommend approval of the rezoning with the stipulated changes to the Master Plan narrative (attached to these minutes). Mr. Collins seconded the motion and it passed unanimously (4-0).

No members brought forth any Board Member Concerns.

Ms. Farrell made a motion to adjourn. Mr. Barker seconded the motion. The meeting was adjourned at 8:48 pm.

ATTEST:

Nancy R. May, Mayor

Alice F. Lloyd, CMC, Town Clerk