

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
DECEMBER 13, 2004
7:00 P.M.

Mayor Nancy R. May called the meeting to order and gave invocation.

ATTENDANCE

Members present: Mayor Nancy R. May, Commissioners Max G. Cotten, Burnice Griffin, Jr., Clinton E. Bryan, Jr., Gene T. Brooks and Chris Walker.

Other staff present: Manager David Hughes, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr. and Planner David Monroe.

AGENDA APPROVAL

Motion made by Commissioner Walker seconded by Commissioner Griffin to approve the agenda as presented.

Vote Aye-5 Nay-0

CONSENT AGENDA

Motion made by Commissioner Walker seconded by Commissioner Griffin to approve the consent agenda.

- Minutes of the November 22, 2004 Board of Commissioners meeting and the joint Planning Board meeting on November 22, 2004.
- Set employee Christmas luncheon for Wednesday, December 22, 2004 at 11:30 a.m.
- Set 2005 schedule for Board of Commissioner's regular meeting and the date for the 2005 Christmas Parade.

Vote Aye-5 Nay-0

A COPY OF THE 2005 SCHEDULE IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 483

CITIZENS MATTERS

NONE

OLD BUSINESS

REZONING REQUEST – TOLL BROTHERS, INC.

Consider a rezoning request from Toll Brothers, Inc. The request is for a rezoning of 773.46 acres in the Extraterritorial Jurisdiction (ETJ) from the current zoning of R-A5 to R-A2 to Mixed-Use Planned Development (MUPD). The area being considered is east of Pittsboro and due north of the northern termination of Eubanks Road.

Reports from Planner Monroe:

The Planning Board review of the River Oaks rezoning request began with an examination of the Master Plan Narrative. The Board heard a presentation of the project overview by Attorney Bradshaw in which he noted the project would feature compact lot sizes reduced dimensional requirements conforming to cluster development options and would result in reserved open space. He brought attention to areas where the proposed project is not only consistent with but “advances the goals and implementation strategies of the Town’s Land Use Plan”.

Mr. Tom Anhutt provided the Board with a background of the Toll Bros. and described their Briar Creek Country Club project which would be a model for River Oaks. The Board next reviewed my memo (which is attached to this transmittal). I noted that the plan narrative would benefit by more thoroughly describing the variety of housing types contemplated by the developer.

It was also noted that a statement should be included to stipulate that the Town of Pittsboro parking requirements will be satisfied for those uses associated with the Activity Center.

I also asked for clarification of the maintenance of “private” access streets in the town home and multi-family villages. Additionally I sought clarification of whether or not road pavement width includes curb and gutter. Finally, I asked that the narrative acknowledge that planting schemes would be provided within commercial and condominium/apartment site plans.

Ms. Lucy Gallo then presented a summary of the Fiscal Impact Analysis. She explained that all the assumptions cited and modeling performed was purposely conservative so that revenues generated by the project will probably be higher than the report suggests. The report also looked at the expenses the town would incur as a result of the project (such as additional administrative staff, police, etc.). The report concluded that, at build out, the project would generate an annual surplus to the town in excess of one million dollars.

The Board then reviewed my memo analyzing the fiscal study. I concurred that the assumptions were indeed conservative and asked for clarification of school construction costs. Ms. Gallo pointed out that with the combination of impact fees paid to Chatham County for schools and the annual property taxes paid to the County, sufficient revenue would be generated to cover the cost of public school construction needs generated by the project.

At the reconvened meeting the Environmental Report, Stormwater Management Plan and Traffic Impact Analysis were discussed. (The meeting minutes are included in your binders.) The Environmental Report noted that all stream buffers would have undisturbed natural vegetation and would meet or exceed town and state width requirements. The Stormwater Management Plan indicated that run off would be managed at the source by 40 or more facilities which will include ponds, stormwater wetlands, rain gardens, infiltration trenches and hydrodynamic separators. No stormwater management facilities would be located in streams or their buffers. Mr. Lewellyn detailed the findings of the Traffic Impact Analysis and listed the improvements the report recommended. He concluded that with the installation of these improvements all signalized intersections would operate at a Level of Service "B". After considerable discussion the Planning Board recommended that the Commissioners approve the MUPD rezoning request for River Oaks and the associated Master Plan Narrative with the following conditions:

- Incorporate a statement of the variety of housing types and dimensional requirements (including height) associated with those;
- Revise the statement regarding reversion of the school or civic site to occur no sooner than 5-7 years;
- Distinguish more clearly what is intended to be a public street or a private street;
- Indicate that parking requirements of the zoning ordinance will be satisfied in both residential and commercial areas;
- Acknowledge that planting schemes would be provided within commercial and condominium/apartment site plans

Although it is not a part of the Master Plan narrative, the Environmental Report should be amended to acknowledge the adjacent Lower Haw River Natural Area.

RIVER OAKS FISCAL IMPACT ANALYSIS

The Fiscal Impact Analysis prepared by Ms. Gallo asserts that the proposed River Oaks project will have a positive net fiscal impact on the town and on Chatham County. The Analysis is based on a number of assumptions which the author asserts have been made purposefully conservative. It assumes that 100% of governmental costs vary according to

population changes (the more people in a community, the more employees it takes to deliver the same level of service) and that all government services are currently provided at full capacity (that current employees can't do any more work).

The report assumes that there are 2.49 persons per household. The 2000 Census reported 2.34 persons per household for Pittsboro, 2.47 persons for Chatham County and 2.49 persons for the State of North Carolina. Persons per household are used to calculate estimated population for River Oaks.

River Oaks population is used to estimate sales tax revenues for Articles 40, 42 and 44. By using the state average for persons per household rather than the Pittsboro census number, the report may have slightly overstated these tax revenues (to the tune of \$25-35,000).

The population figure is also used to project marginal operating costs of delivering government services to River Oaks. Using the higher population figure overstates the cost of delivering services (by as much as 6%) and, thus, is in keeping with the assertion that the approach in the study is to be conservative in estimates.

Comments in the report made by Manager Hughes tend to suggest that the author may have estimated more full time employees than might actually be needed to deliver services to River Oaks. This furthers the assumption of the conservative approach. The report assumes .4 students generated per household. A 1996 Tischler & Associates report estimated the rate at .37 (using Census data). The actual student generation rate for Briar Creek is .36. The IPSAC study done for Chatham County schools in June 2004 calculated .298 for single family residences not in a major subdivision and .276 for those parcels within a subdivision. Higher generation rates were identified in Siler City and Silk Hope but more potential new students were projected for North Chatham and Pittsboro because of the available parcels in existing and proposed subdivisions. Clearly, projects such as River Oaks will have an impact on Chatham County schools. By using a higher generation rate than that identified by the IPSAC study the author has acted responsibly.

Mr. Eby suggested in his handout that it would be more appropriate to use a student generation rate of .52 which is the cumulative rate for Chatham county homes 1-10 years old. His argument is that this will be the age of River Oaks homes at build out. But the methodology of the report was based on the assumption that revenues and expenditures were based on constant 2004 dollars and included no inflation during the project's build out. Using a cumulative rate for one element in the study would have unduly skewed the measurement of that element in relation to the rest of the study. If the author were to employ Mr. Eby's cumulative sgr, it would be necessary to incorporate inflationary factors in all other facets of the study to accurately reflect the projected affect of the development.

The additional operating costs to Chatham County schools attributed to River Oaks are estimated at \$1.4 million annually. The capital costs attributed to housing 618 students is estimated at \$13 million. Some of that is offset by impact fees \$2.3 million @ \$1500 per residence, and if the County raises that impact fee to \$3500 as is being discussed, the impact fees rise to \$5.4 million.

Another instance in which the author may have conservatively estimated tax revenue collection is seen in the estimation of property taxes related to motor vehicles. It can reasonably be assumed that individuals occupying a residence with an average value of \$393,000 will probably own two cars. Using the \$26,350 value assumed in the study would mean that each of the vehicles would be worth just over \$13,000 and that would translate to modestly priced models two or more years old; certainly conservative by today's standards.

Much has been written and said implying that residential development does not generate as much tax revenue as it costs to provide governmental services to them. Valid arguments can be made that this is so; just as valid arguments can be made that residential structures over a certain dollar amount do pay their own way. But the point may be that there is always a degree of cross-subsidization of the residential sector by the commercial sector. That is why commerce is so highly sought, to keep the property tax rates residents pay manageable.

Attorney Patrick Bradshaw addressed the board as did Lucy Gallo regarding the narrative of the River Oaks Master Plan.

Planner Monroe asked that a courier document he received be noted in the minutes; that document incorporates the changes to the Master Plan narrative that the Planning Board had requested.

Commissioner Walker would like some type assurance that they would do something towards affordable housing.

Attorney Bradshaw stated Toll Brothers will not object to adding five acres for civic purposes in the future.

Mayor May stated this is only a rezoning request.

The following elements shall constitute the narrative of the River Oaks Master Plan:

- Executive Summary
- General Application
- Project Overview
- Appendix A: Maps and Plans
- Appendix E: Stormwater Management Plan
- Appendix F: Public Utilities

The Fiscal Impact Analysis, Transportation Impact Analysis and Environmental Report are considered documents supporting the review of the rezoning request and may constitute areas for consideration of any potential development plans, but are not a part of the official Master Plan narrative.

Motion made by Commissioner Walker seconded by Commissioner Griffin to approve the rezoning request from Toll Brothers, Inc. with the changes noted by Mr. Monroe.

Vote Aye-5 Nay-0

**A COPY OF THE REZONING IS ON FILE WITH THE TOWN PLANNER.
A COPY OF THE ADDENDUM IS RECORDED IN THE BOOK OF
RESOLUTIONS NUMBER ONE, PAGES 521-541**

SPRAY FIELD/HAW RIVER DISCHARGE

Consider engineering contracts for the Environmental Assessments, Engineering Alternative Analysis and Preliminary Engineering Report for the spray field discharge and the Haw River discharge. Goldstein and Associate's proposal is \$55,519 for the spray field EA and \$39,560 for the Haw River EA. There are two Diehl and Phillip's proposals. One in the amount of \$26,100 is for the Engineering Alternative Analysis for the Haw River Discharge. The other proposal in the amount of \$15,620 is for the Preliminary Engineering Report for the spray field discharge. Taken together the engineering costs for the spray field studies are \$71,139. The combined costs for the Haw River/Jordan Lake discharge is \$65,660.

Motion made by Commissioner Brooks seconded by Commissioner Walker to accept the proposals from Goldstein and Associates in the amount of \$55,519 for the spray field EA and \$39,560 for the Haw River EA and the proposals from Diehl and Phillips in the amount of \$26,100 for the Engineering Alternative Analysis for the Haw River Discharge and \$15,620 for the Preliminary Engineering Report for the spray field discharge.

Commissioner Cotten stated he doesn't think we are ready to study spray fields when we don't have a site yet.

Manager Hughes stated this does not give permission to proceed. A lease will have to be signed for a spray field site first.

Vote Aye-5 nay-0

**COPY OF PROPOSALS IS RECORDED IN THE BOOK OF RESOLUTIONS
NUMBER ONE, PAGES 484-506**

REZONING REQUEST – THOMAS COCHRAN

Consider a rezoning request from Thomas Cochran to rezone a 1.36 acre parcel located at 959 East Street. The request seeks a change from C-2CU of .67 acres fronting on East Street to CU and .67 acres fronting on Thompson Street to O & I.

Report from Planner Monroe:

The Planning Board reviewed Mr. Cochran's request to rezone his property at 959 East Street from C-2 CU to C-2 and O & I. As the new landowner, Mr. Cochran would like to subdivide the property and has, therefore, requested that the conditional use designation be dropped and an O & I zoning be applied to the Thompson Street frontage of this lot. Although the land was zoned with a conditional use for Mr. Scott Brown, there is no evidence of a conditional use permit ever having been issued. The minutes of the Planning Board meeting at which the D.J. Entertainment site plan was considered are missing two pages where the application was being discussed.

When the building was constructed some additional pavement was installed to create a loading area for the east side of the building and to provide access along the back. This raised concerns about lot coverage with a potential subdivision. Mr. Cochran's surveyor determined that impervious surface would be 65.9% if a new lot line were struck at the edge of the existing pavement.

The Planning Board found that an O & I zone would be an appropriate transition on the north portion of this property. It was felt that the asphalt pavement should be removed from the rear of the existing building. The Board recommended that the Commissioners approve the rezoning to C-2 and O & I and that the zone district line be coincident with a property line to be created by a minor subdivision.

Commissioner Brooks asked about greenery and screening.

Motion made by Commissioner Brooks seconded by Commissioner Griffin to approve the rezoning request with the condition that the asphalt behind the building be removed.

Vote Aye-5 Nay-0

A COPY OF THE REZONING IS ON FILE AT THE PLANNER'S OFFICE.

NEW BUSINESS

SITE PLAN – HOLT'S INTERIORS

Consider a commercial site plan for a proposed expansion of Holt's Interiors at 1089 East Street.

Planner Monroe's report:

The Planning Board reviewed Mr. Hancock's application to expand the building at Holt Interiors (1089 East Street) by adding two retail shops and increasing warehouse space. During the discussion of the site plan Mr. Collins recalled that there was a septic tank on the property and questioned if it was still in use.

I obtained a report prepared in June by Jay Johnston which was an analysis of the system at this property. He determined that there is a 1200 gallon septic tank and a 1200 gallon pump tank with a submersible septic pump that serves both Holt Interiors and Pittsboro Farm & Garden. He calculated flow from the existing employees and proposed new employees at 450 gallons per day and noted that the pump can move 2100 gallons per hour. He concluded that the system can handle 8 times the projected capacity. So what had been a concern of the Planning Board is resolved.

The Board recommended that the Commissioners approve the site plan with the following conditions:

- That the two loading zones shown at the rear of the building be paved;
- That the dumpster must be screened;
- That the six parking spaces on the west of the addition be paved and striped;
- That the grading at the front of the property be sloped to direct stormwater flow into the catch basin there;
- That stormwater runoff from the roof of both buildings be piped to the catch basin;
- That a new location be identified for the free standing sign.

Motion made by Commissioner Brooks seconded by Commissioner Griffin to approve the commercial site plan for a proposed expansion of Holt's Interiors at 1089 East Street subject to the following conditions:

- That the two loading zones shown at the rear of the building be paved;
- That the dumpster must be screened;
- That the six parking spaces on the west of the addition be paved and striped;
- That the grading at the front of the property be sloped to direct stormwater flow into the catch basin there;
- That stormwater runoff from the roof of both buildings be piped to the catch basin;
- That a new location be identified for the free standing sign.

Vote Aye-5 Nay-0

**COPY OF CHECK LIST IS RECORDED IN THE BOOK OF RESOLUTIONS
NUMBER ONE, PAGES 507-511**

PHASE 1-A POWELL PLACE

Consider a final plat for Phase 1-A Powell Place.

Report from Planner Monroe:

The Planning Board reviewed this application seeking Final Plat approval for a portion of Phase I of Powell Place. The Subdivision Regulations allow a developer to seek approval of a portion of an approved Preliminary Plat if certain conditions are satisfied. A revised plat has been submitted following the Planning Board meeting identifying the area included in the request (9.33 acres out of 31.46). In addition, rights of way widths and open space areas have been properly identified.

A letter from Mr. Oldham indicates that 53% of the improvements required for Phase 1A have been completed. His letter indicates that their desire is to record the plat after the water line is installed and the stone base has been completed (on or around December 17th). He also estimated the cost of installing the balance of the required improvements and calculated the amount of a letter of credit that would be provided to the town to guarantee completion of the improvements. Attorney Bradshaw has been in communication with Attorney Messick to come to an agreement on the form of that financial guarantee.

Mr. Powell has provided a written guarantee to assure the town that the roads will be maintained in a suitable condition until accepted by the town or state. I would ask that this guarantee be amended to stipulate that the maintenance will be provided for 12 months from the date of installation of the pavement since the applicant wishes to record the plat before paving the street.

The Planning Board recommended that the Commissioners approve the Final Plat with the condition that the Town receives an acceptable financial guarantee in the amount of \$455,649.69 and that the plat not be recorded until the water line and the stone base are installed.

Commissioner Cotten asked if DOT had approved one entrance. That was correct.

Motion made by Commissioner Walker seconded by Commissioner Griffin to approve the final plat for Powell Place Phase 1A with the condition that the plat not be released until the sub base has been installed.

Vote Aye-5 Nay-0

A COPY OF THE FINAL PLAT FOR POWELL PLACE 1A IS ONE FILE WITH THE TOWN PLANNER. INFORMATION IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 512-517

SCADA SYSTEM

Consider a contract to provide Supervisory Control and Data Acquisition (SCADA) System to water plant. \$30,000.00 was included in this year's budget for SCADA system.

Manager Hughes stated it is a better way to manager the plant.

Motion made by Commissioner Bryan seconded by Commissioner Brooks to approve the contract with Custom Controls Unlimited, Inc. in the amount of \$27,479.00.

Vote Aye-5 Nay-0

A COPY OF THE CONTRACT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 518-520

COMMISSIONER CONCERNS

Commissioner Brooks asked about Rectory Street where they are tearing down the house that the children used to live in. He would like it put on the next agenda if you have an answer from the church about whether they objected to the street not being one-way.

Commissioner Brooks stated he noticed the playground at the Kiwanis Club has been closed – he wanted to know if it was closed.

Manager Hughes stated it is closed because they have to have the matting replaced.

Commissioner Walker stated the Town Staff did a wonderful job with the Christmas Parade. He has heard a lot of positive feedback.

Planner Monroe stated he has two planning board members with expiring terms and he would like permission to advertise.

Motion made by Commissioner Brooks seconded by Commissioner Cotten to authorize that the two vacancies are advertised.

Vote Aye-5 Nay-0

CLOSED SESSION

Motion made by Commissioner Brooks seconded by Commissioner Bryan to go into closed session pursuant to NCGS 143-318.11(a)5 to consider acquisition of real property.

ADJOURNMENT

Motion made by Commissioner Brooks seconded by Commissioner Bryan to adjourn.

Vote Aye-5 Nay-0

Nancy R. May, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk