

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
OCTOBER 25, 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**

Commissioner Cotten requested that Item #3 – Resolution In Support of 3-M Reuse Project be removed from the consent agenda and placed on the regular agenda.

Motion made by Commissioner Cotten seconded by Commissioner Brooks to approve the agenda as presented with the deletion of Item # 3 “Resolution in support of 3-M reuse project” and that it be put on the regular agenda. Vote Aye-5 Nay-0

**CONSENT AGENDA**

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

- Minutes of the October 11, 2004 Board of Commissioners meeting.
- Tolling and Accounting Order for Time Warner Cable service.
- Approval of Property tax refund for Service Distributing in the amount of \$469.84

Vote Aye-5 Nay-0

A COPY OF THE TOLLING AND ACCOUNTING ORDER FOR TIME WARNER CABLE SERVICE IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 295

## **CITIZENS MATTERS**

None

### **PUBLIC HEARING**

Motion made by Commissioner Walker seconded by Commissioner Griffin to go into a public hearing.                      Vote     Aye-5     Nay-0

Mayor May stated that Mr. Heath Williamson has temporarily withdrawn his proposed zone change and development at 287 East Street (formerly Pittsboro Ice & Fuel). The scheduled public hearing will not be held.

Mayor May stated the procedures to be followed during the public hearing:

- Speakers are asked to be precise and not repeat statements already made.
- Public comments or presentation will be limited to three minutes and time cannot be ceded to others. A written presentation will be accepted if so desired.
- The developer will make a 30-45 minute presentation at the beginning of the public hearing.
- The Board will then hear comments from the public.
- The Commissioners may ask questions of speakers following their presentation.
- Following the presentations and questions by the public, the developer/applicant will be provided time to address concerns/issues raised during the hearing.
- If necessary, the public hearing will be continued to October 28<sup>th</sup>.
- A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting is guilty of a Class 2 misdemeanor.

### **PUBLIC HEARING**

#### **REZONING REQUEST FROM TOLL BROTHERS, INC.**

Mayor May stated Toll Brothers, Inc. has requested a rezoning of 773.46 acres in the Extraterritorial Jurisdiction (ETJ) from the current zoning of R-A5 and 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.

Prior to the meeting written comments were received from; Bickett & Isabell Eubanks; James William & Carolee Eubanks; Thomas & Frances Danek, Chatham County Economic Development Corporation and T. Douglas Hillabush which will be included in the proceedings of this meeting.

A COPY OF THE WRITTEN COMMENTS FROM THE ABOVE INDIVIDUALS ARE RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 296-302

**PRESENTATION – TOLL BROTHERS, INC.**

Patrick Bradshaw, Attorney for Toll Brothers, Inc. read a prepared statement which is incorporated into the minutes of this proceeding.

A COPY OF WRITTEN COMMENTS FROM PATRICK BRADSHAW IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 447-452

Lucy Gallo, CPA, went over the fiscal impacts of the project which are entered into the proceedings of this meeting.

A COPY OF THE FISCAL IMPACTS OF THE PROJECT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 347-425

Earl Lewellyn, Traffic Engineer with J. R. McAdams Company went over the traffic impact analysis which is incorporated into the proceedings of this meeting.

A COPY OF THE TRAFFIC IMPACT ANALYSIS FOR RIVER OAKS DEVELOPMENT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE PAGES 426-446

Tom Anhut, Vice President of Toll Brothers, spoke about the plans Toll Brothers had for the 773.46 acres of property. He stated he grew up in a small town in Michigan similar to Pittsboro. Ten years ago he joined Toll Brothers in the Philadelphia area developing communities while being married and raising three children. A little about Toll Brothers:

- Tenth largest home builder in the Country with 45 markets in 22 states.
- This year Toll Brothers will build approximately 6,000 homes at an average sales price of about \$600,000.
- Have the financial strength and resources to make projects and commitments like River Oaks a reality.
- 2004 marks the 10<sup>th</sup> year anniversary of Toll Brothers entry into the triangle market. They have two communities in Cary and expanded to open Brier Creek community in northwest Raleigh in 1999.
- Reputation as one of the premier builders and developers in the area.
- Brier Creek is their flagship community and model for River Oaks.
- At build out there will be 1300 families living in 19 separate villages surrounding an Arnold Palmer signature golf course.
- They employ 225 people.

- Will directly invest 450 million dollars in the local economy while building Brier Creek Community, \$5 million in property taxes to the City of Raleigh and Wake County at build out, as stated earlier it will have the same type economic stimulus to the Town of Pittsboro and Chatham County.
- Encourage everyone here to visit Brier Creek.
- They strive to be good neighbors raising hundreds of thousands of dollars for numerous charitable organizations.
- They are excited about becoming a strong community partner with the Town of Pittsboro.

## **PUBLIC COMMENTS**

John Krombach, 1022 Sanford Road, spoke in support of the proposed MUPD.

Billy Hughes, 250 W. Cornwallis, asked about the feasibility of non-potable water within the development.

Jon Moore, Civil Engineer & Senior Project Manager, stated they would be following the Town's subdivision ordinance regarding non-potable re-use water.

Billy Hughes, 250 W. Cornwallis, stated he has confidence in Mr. Monroe and Mr. Hughes. We are going to have development one way or the other.

Mike Watkins, 400 Prince Creek, has concerns about 1) light pollution, noise and traffic, 2) surrounding view and 3) security.

Pierre Lauffer, 330 Hatley Road, has fifteen years of experience doing EIA's and EIS's, tends to look at this in the finished form. He has noticed some trends that are kind of troubling. Traffic impacts, who's going to pay for this the Town or Chatham County? He presented several handouts that are incorporated into the proceedings of this meeting.

**A COPY OF THE HANDOUTS PRESENTED BY PIERRE LAUFFER IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 303-335**

Connie McAdams, 597 Alston Chapel Road, read a prepared statement in opposition to the proposed change which is incorporated into the proceedings of this meeting.

**A COPY OF WRITTEN COMMENTS FROM CONNIE MCADAMS ARE RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 336-339**

Carol Hewitt, 424 Johnny Burke Road, moved here 23 years ago. She only heard about this about one hour ago and would encourage the board to consider information provided from Haw River Assembly before you make any decision. Consider the impact this development will have on the Haw.

Robert Eby, 1056 Fearington Post, read a prepared statement in opposition to the proposed change, which is incorporated into the proceedings of this meeting.

**A COPY OF WRITTEN COMMENTS FROM ROBERT EBY IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 340-341**

Ralph Miles, 7021 Carpenter Fire Station Road, Cary, Chatham County Taxpayer, owns property off west intersection. He likes what Toll Brothers do – go look at Brier Creek. He is in favor of the rezoning request.

Linda Jacobs, 290 East Street, a part of the business community read a letter from Paul McCoy in favor of River Oaks, a copy of which is incorporated into the proceedings of this meeting.

**A COPY OF THE LETTER FROM PAUL MCCOY IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 342**

Ann Hedgecock, Business Community, read a letter from Julius Graham Thomas, Jr. which is incorporated into the proceedings of this meeting.

**A COPY OF THE LETTER FROM JULIUS GRAHAM THOMAS, JR. IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 343**

Elaine Chiosso, Rock Rest Road, Pittsboro, Haw River Assembly. She has great sadness about his proposal. It was such a happy day when the state purchased land surrounding the Haw. Haw River Assembly invites you to take a canoeing trip on the Haw. The Haw was omitted in Toll Brothers report. Pittsboro has an extremely large ETJ. We need to protect our incredible resources. The environmental report does not mention the phosphorus. She does not feel they were given enough time to speak tonight.

Catherine Deininger, Goldberry Lane, Pittsboro, would urge the board not to approve this rezoning without a lot more discussion. Haw River Assembly offers the following comments on the proposed River Oaks mixed use, golf course and housing development, which will impact the Haw River, Jordan Lake and the new Lower Haw River State Natural Area.

- Allow more time for the proposal to be studied thoroughly by citizens and appropriate state agencies before any decisions are made by the Town on the River Oaks project. The State Clearinghouse should review all relevant aspects of the projects impact on natural resources. The Town of Pittsboro should require the developers to submit a complete and well-documented Environmental Impact Assessment, and the town could ask peer consultants or an appointed expert advisory committee to review the EIA.
- The Town of Pittsboro should encourage Toll Brothers to sell land to the State of North Carolina to provide a larger buffer area between the development and the Lower Haw State Natural Area.
- Because of the importance of the aquatic habitat for protected species in the Lower Haw River State Natural Area, the developers should follow the NC Wildlife Resources Commission's Report.
- Golf courses, with their large area of "greens" planted in grass do not have the best kind of vegetation for spray irrigation fields for uptake of nutrient and slowing of storm water.

Dan Deacon, 458 Eagle Drive, have been impressed with the work Toll Brothers have done on other projects.

Barrett Powell, Silk Hope, has business interest here and he is in favor of the proposed development.

Ricky Spoon, 2475 Red Bud, one of the largest property owners in the Chatham County. He has been to Brier Creek and he feels that Toll Brothers does a good job. He is in support of this project.

Mark Ramsey – 173 Beachtree, Cary, we are going to get development we need to look at how we will get it.

Commissioner Brooks asked Lucy Gallo if there was one model for the existing Town and another model for the proposed development. Ms. Gallo explained.

Commissioner Walker asked a question about student generation rates.

Commissioner Brooks asked about projected traffic.

Commissioner Bryan asked the developer if they intended to work with the residents on Eubanks Roads regarding berms, etc. to protect their privacy.

Commissioner Brooks asked how much undisturbed property there would be. 40% which will include golf course, buffers and berms.

