

**TOWN OF PITTSBORO
PLANNING BOARD MEETING MINUTES
Monday, December 7, 2015, 7:00 PM**

ATTENDANCE

Members Present: Raeford Bland, Oakley Bennett, Brian Taylor, Carolyn Efland, Shannon Plummer, Alfreda Alston

Staff Present: Jeff Jones, Planning Director, Paul Messick, Town Attorney, Fred Royal, Town Engineer, Denice Bryant, Customer Support Specialist

A. CALL TO ORDER

Chairman Bland called the meeting to order at 7:00 pm

B. APPROVAL OF MINUTES

- **Mr. Bennett moved to approve the minutes.**
- **Seconded by Mrs. Alston.**

Vote: Aye 6 Nay 0

C. OLD BUSINESS

None

D. NEW BUSINESS

➤ **SP-2015-04**

West Street – Dental / Office Building

Action Needed – Discussion, Recommendation to Town Board

Mr. Jones presented a PowerPoint presentation of the undeveloped site for a commercial building for a dental office (maybe 2 more offices) on .68 acres on West Street. The existing zoning is Office and Institutional (O&I) and the adjacent properties are O&I also. Utilities are within the immediate vicinity and are available to the property.

A **Staff Analysis** was prepared for the Planning Board. This proposal is being presented to the Board as a Site Plan for review and recommendation. The plans have been reviewed in accordance with the Town's applicable development ordinances by the appropriate departments. This proposal is to construct a one story commercial totaling 5,228 square feet. Staff recommends approval of the proposed request, subject to issuance of an erosion control permit by the County and an Encroachment agreement by NCDOT.

Mr. Jones stated that building will be a dental office with additional office space to be leased out. Parking is to the rear and faces West Street. There is a landscape plan showing various trees and shrubs per the ordinance site

Mr. Jones introduced the applicants: **Mark Ashness** and **Trey Adams**.

Mr. Bland asked to hear from the applicants.

Mr. Ashness said that Mr. Jones had covered all material regarding West Street Office Building. He stated that they have elected to put the building closer to the street with the parking behind. The windows from all sides will be a great improvement to the site. Mr. Ashness introduced Mr. Adams.

Mr. Bennett asked about the HVAC system being in the back.

Mr. Ashness confirmed that the HVAC system would be in the back.

Mr. Adams, from the Lundy Group thanked the Board for having him there. He stated that Dr. Barringer, DDS is the dentist that is relocating her office to that site in Pittsboro, hopefully expanding her practice. The remaining 2,300 square feet office space remaining will be leased for professional office space.

Mr. Plummer asked Mr. Adams if he thought it would be 1 or 2 offices available.

Mr. Adams said there will be two entrances, probably 1.

Ms. Alston asked about any remaining issues?

Mr. Ashness stated that between now and the construction, there will be building plans drawn up and submitted to Chatham County inspections and at that point we will need those 2 permits signed off by the Town.

Ms. Elfland asked about the back of the building?

Mr. Adams stated that there will be windows at the back along with signage. People will be able to see the building from the front instead of a parking lot. Along with the landscaping around the building that will improve the site.

Mr. Ashness commented on the windows having good access from all around the building. Back and front will be very professional looking.

Ms. Elfland asked about the impervious surface, street elevation?

Mr. Ashness said that it was 54%, there was a good deal of land in front and back (back having a significant amount of land with some really nice trees, with a pretty good slope going down from the site.

Mr. Plummer asked about the sidewalks, do they go all the way around to the back?

Mr. Ashness stated that the sidewalk extends to back all the way to the parking area.

Mr. Bland asked about the surrounding buildings and if this building would block the others?

Mr. Ashness made mention to the parking lot being open in the back, the building itself set off to side with driveway to right. Building is not being built right on top of the other buildings and they will still be visible.

- **Mr. Bennett made the motion to approve.**
- **Seconded by Mr. Plummer.**

Vote: Aye 6 Nay 0

Mr. Bland moved to the 2nd item on New Business.

- **REZ-2015-05**
Ogle Rezoning Request
Action Needed – Discussion, Recommendation to Town Board

Mr. Jones referenced the Ogle Rezoning Request to rezone approximately 15.61 acres of a larger 32 acre parcel on 480 Mt. Zion Road from Heavy Industrial (M-2) to Residential Agricultural (R-A). The applicant is Mr. Greg Ogle.

The existing use is Residential. Adjacent Land Uses is Residential in nature. North parcel immediately adjacent is zoned M-2, and is part of the Pittsboro Place development. South is Residential zoned property and is vacant, zoned R-A. West is split zoned property of M-2 and R-A, and has one house on property. East, the land is owned by Chatham Park Investors zoned PPD and is vacant.

The property at one time was part of a larger rezoning that took place in the early 1990's that zoned much of the property to the north M-2 or Heavy Industrial. The property was eventually sold as a residential lot in 1995 to the Ogle's and they proceeded to build a home on their property.

The Analysis is structured to address the information that should be considered for a map amendment as outlined in the Zoning Ordinance and city zoning enabling statutes for the State of North Carolina.

Map Amendment to the Land Use Plan and Future Land Use Plan

The Ogle property has a split designation of Medium Density Residential Neighborhood and Heavy Industrial, reflecting the current zoning. The medium-density residential neighborhood category would include residential developments with access to both public water and sewer services. Development in this area could include single-family homes, accessory apartments, churches, parks, community buildings, schools, swim or tennis clubs, and other neighborhood facilities. Clustering of lots, particularly in water supply watersheds, is encouraged as a way to provide common open space and recreation facilities.

The Industrial category includes indoor manufacturing, warehousing, and trades. The largest area designed for this type of use is in the southeast quadrant of the town near Moncure-Pittsboro Road and Industrial Park Drive.

Suitability of proposed zoning district classification:

The current zoning is R-12 Medium Density Residential. This district is defined as medium density residential areas mostly single-family dwellings and certain open areas where similar residential development will likely occur. The uses permitted in this district are designed to prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.

Availability of Public Facilities

Public facilities and services rendered by the Town of Pittsboro, water and wastewater, are not available to the property.

Population Change

No population change is anticipated with this proposed change.

Transportation Patterns

There are no changes to transportation patterns as a result of this proposed change.

Staff Recommendation:

Staff recommends approval of the proposed amendment. While not entirely consistent with the Future Land Use Plan Map, the property is under one ownership and is currently being used as Residential. Additionally, the surrounding parcels are either vacant or residential in nature as well. Staff supports the proposed change to the zoning map.

Planning Board Recommendation:

Adopted Staff's recommendation and forward to the Town Board of Commissioner's with a positive recommendation for approval.

Mr. Bennett wanted to know if the variance is attached to the Deed.

Mr. Jones stated that is was not.

Mr. Bland made mention Mr. Ogle already has his house in the Industrial location which is already way out of compliance.

Mr. Jones replied that it correct.

Mr. Ogle spoke on behalf of his property and home. He stated he bought the property in 1995 and in the last 3 months found out about the split zoning issues. He is concerned that if something was to happen to his home while zoned as is, he would not be able to replace his home. His tax record indicates that it is zoned R-A. He is and will be using the land as Agricultural. The power line runs through my property and was there when he bought.

Mr. Bennett wanted to know from Mr. Ogle if approved would he be re-deeding the property?

Mr. Ogle stated that it is one deed now and would remain that way.

Ms. Elfland brought up another piece of property that had this same problem. Their house was damaged and they were not allowed to move back in to their home. She stated Mr. Ogle had a legitimate request. The land needs to be zoned properly. Ms. Elfland wanted to know the difference in Medium Residential and Residential-Agriculture?

Mr. Jones stated this land use would cater to R-12, R-10 type of zoning. R-A is more rural and we go to lower density – R-A2 and R-A5, close to the middle for R-A. Mr. Jones pointed out that this is a fairly large parcel of land and if someone was to buy the land the Future Land Use Plan would support that and would just have to come back to us for a rezoning. Any use as Industrial would have to be south of the creek on that particular piece of property. You have a natural dividing line with that creek.

Mrs. Elfland made mention that about 20 years ago something went wrong and there are a lot of people with these same issues.

Mr. Plummer stated that he is not fond of the Land Use Plan, there are conflicts.

Mr. Jones stated that the current Land Use Plan; zoning line and designation line are virtually the same.

Ms. Elfland would like there to be more consistency, hoping UDO will fix some of the problems. There could be some detrimental things that happen to the character of the Town if this problem is not addressed. Ms. Elfland would not like Industrial around Roberson Creek and is sure there are homeowners not wanting to find out their land has been zoned Industrial. Now is the time for the UDO to address issues and try and fix them.

Ms. Elfland made a motion that the rezoning request is inconsistent with the Land Use Plan.

Seconded by Ms. Alston.

Vote: Aye 6 Nay 0

Mr. Jones presented 3 different Motions with the help of **Mr. Messick**. Option B was chosen due to stating that it is inconsistent which is as follows:

(B) _____ Motion to adopt the following Resolution: RESOLVED, that the Town of Pittsboro Planning Board recommends approval of the proposed rezoning. 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 the development of the Town of Pittsboro and surrounding community; the adjoining lands are either zoned or used for residential uses; and the proposed rezoning advances the public health, safety or welfare of the Town of Pittsboro, but is not consistent with the Town of Pittsboro comprehensive plan, including the Land Use Plan, and other applicable plans, policies, and documents adopted by the Town of Pittsboro.

- **Mr. Bennett made the motion to approve.**
- **Seconded by Ms. Elfland.**

Vote: Aye 6 Nay 0

Mr. Taylor brought up the old Chicken Plant, part of Chatham Park and Potterstone. Ms. Elfland stated that it has a spray permit. Intended use down the road is a water treatment plant.

Mr. Plummer asked Mr. Ogle if he understood what had happened and the result was it would be recommended to be rezoned. Mr. Jones will be getting with Mr. Ogle to go over all this with him.

D. BOARD MEMBER CONCERNS

Mr. Taylor asked where we were with UDO.

Mr. Jones stated that he had gotten the information after hours but would be taking it before the Town Commissioners next week with Roger Walden.

Ms. Elfland had a question regarding the dwellings around the town that were deteriorated and dilapidated. Are there ordinances regarding this and what can be done about this? The blighted properties in the central business district is a real concern.

Mr. Jones stated that the UDO should help with this. There does need to be inspections, the Town Code could expand, nuisance language is lacking and needs to be updated. Mr. Jones wants to Inventory the Town, take pictures and get with the proper people (consultants) and have the tools and manpower to address these Blighted areas. Housing is different, will have to get with Chatham County because they do the Town's inspections. I am here to help with the Town and make it better.

Mayor Cindy Perry spoke on the same subject, she lives on Hillsboro Street and has a house across from her that is in really bad shape and another one a couple of houses up the street. It not only is a blight, but the health and human standards.

Mr. Messick stated that part of the problem is limited resources.

Mr. Royal is working with owner of the old Ford lot.

E. REPORTS AND ANNOUNCEMENTS

Mr. Bland asked if the Planning Director had any more remarks, ideas.

Mr. Jones stated that at the January 4th meeting, have an orientation meeting for the Planning Director and Planning Board. There are four seats to be filled (Mr. Plummer, Ms. Alston, Mr. Bennett and Mr. McConnaughey) and Mr. Jones said he had the applications with

him if you wanted to fill them out and get back to him by January 4th. He then will take them to the Town Commissioners. The February meeting the seats will be filled or re-appointed. Mr. Jones reminded board that they are welcome to call and/or email him with any questions that you have at any time.

F. ADJOURNMENT

- **Ms. Alston made the motion to adjourn.**
- **Mr. Bennett seconded.**

Vote: Aye 6 Nay 0

Planning Board meeting adjourned at 8:00 pm.

Next Planning Board Meeting is scheduled for Monday, January 4, 2016.

Denice Bryant

Customer Support Specialist