

**TOWN OF PITTSBORO
PLANNING BOARD MEETING
MINUTES
Wednesday, June 18, 2014, 7:00 PM**

ATTENDANCE

Members Present: Raeford Bland, Shannon Plummer, Carolyn Elfland, Brian Taylor, Oakley Bennett, David McConnaughey,

Staff Present: Stuart Bass, Planning Director, Ileana Platon, Administrative Support Specialist, Fred Royal, Town Engineer

A. CALL TO ORDER

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

B. APPROVAL OF MINUTES

Minutes from the May 2014 Planning Board Meeting were not distributed to the Board today. Suggestion was made to table the Minutes until next meeting.

C. NEW BUSINESS

1. SP-2014-03

Chatham Park Medical Office Building

Action Needed – Discussion, Recommendation to Town Board

Stuart Bass, Planning and Zoning Director said this is a site Plan for Chatham Park Medical Office Building. The location is off of Suttles Road, northeast quadrant of US 64/15-501 interchange. It is currently zoned PDD (Planned Development District). The adjacent zoning is R-A2 (Residential-Agricultural), O&I, (Office & Institutional), and C2-CZ (Highway Commercial-Conditional zoning. The project area has been identified as 9.44 acres and the site area is 6.00 acres. Currently is undeveloped property and the proposed use is for a Medical Office Building. Utilities are within the immediate vicinity area but will have to be constructed to the site. Currently they are reviewing the utility and road plans that were submitted under a separate cover.

Tonight 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 ordinance by the appropriate departments. The project was allocated wastewater capacity of (4,000gpd) by the Town Board of Commissioners on March 10, 2014. The applicant is proposing to construct a 25,000 square foot building for use as medical/health offices.

Staff Recommendation is for conditional approval, subject to noted revisions as attached upon submission of final Site Plan. Subject to issuance of a storm water Permit and authorization by the Town Engineer. Becky Smith from Hydrostructures, and Consulting Engineer that reviews the Town's Utilities Plans present tonight to answer any questions the Board may have.

Mr. Bland requested elaboration on the approval upon the conditions and if it had anything to do with the Site Plan.

Becky Smith explained that conditional approval would be conditional on them resubmitting the utilities changes that are written up on those pages and then discussing them until a final approved set that addresses all of them. Fred Royal, Town Engineer would have the same comments on the stormwater. This provides an opportunity to look at all the comments made and make the necessary changes and get a final set back to the Planning Board.

Mr. Plummer asked that if they move this forward tonight would it be something that can be hatched out before the Commissioners see it?

The response was yes and then it would not come back to the Planning Board.

Becky Smith said that a lot of the utilities comments that are specific to the site are meter placements which is important to Engineering and the maintenance department but not Site Plan worthy.

Ms. Elfland said that to her recollection on the utilities there was some comments from Kimley Horn to the effect that what they had submitted was efficient. If this is their attitude how is all this going to be ironed out before the Site Plan goes to the Commissioners.

Becky Smith responded that there could be some confusion in what they felt was detailed necessary for a Site Plan. She has specifically gone in detail and covered everything up front in order to have just one review.

Mr. Culpepper said that it was a preliminary comment in which they met all the requirements on the Site Plan checklist that they were given. It is not unusual for the Town the way they did the procedure but it is unusual for them to do the procedure the way the Town does it. They see the Site Plan as general location of buildings and parking lots, the construction plan is something different. They will give all that the Board needs and fine tune all the details. Nothing on that site will be different than what is showing in the plans right now. The only thing that could change is a meter placement or a fire hydrant location. The Planning Board would not be seeing construction detail documents.

Ms. Elfland wants to make sure it is not going to fall thru the cracks because it is being negotiated and then it will go to the Commissioners.

Mr. Culpepper said it is not their intention to circumvent any requirements they will comply with all the requirements and will read all the comments.

Mr. Bland just wanted to make sure that except for minor details what is seen today will be the same when the work is finished.

Mr. Bennett questioned why the UNC Medical building is facing east instead of west towards 15-501 also there is only a 10-15 feet buffer between Suttles Road and 15-501 and not much shrubbery and questioned the landscaping and ability to see the additional buildings that may be going up in that area.

Mr. Culpepper said that Suttles Road which parallels the 15-501 interchange is a two lane state road that is about all that is ever going to be. The section by the Bojangle's in the future will become a right in right out road because Suttles Road is too close to 15-501 and the new signal. The main road in this area will be in front of this proposed medical office building due north towards a roundabout keeping the traffic away from the Autism Center. The development as currently planned will face that main road with a tree lined street with by planes. It is not shown in detail because the access necessary for this medical office building is just the new road to the south off of Suttles Road. They will be coming back with more details because they are also working on a Hospice Site on the corner near the Autism Center but to do that there has to be a new road. On the landscaping the site where the Medical Office building rises there will be landscaping around the building but the landscaping below is not shown on these plans and will be presented in the constructions plans details. They are working to obtain permission from DOT to do landscaping between Suttles Road and 15-501.

Mr. Bennett asked Mr. Bass if the Ordinance concerning the number of employees per office space would be revised.

Mr. Bass stated that the ordinance targets facilities that would be located in a residential district or R-12 district.

Ms. Elfland stated that the Town's stormwater ordinance states that Nitrogen needs to be reduced to 3.8 but it can be further reduced to 10 for commercial and buy your way out the rest by getting offsets thru DENR which the letter from Kimley Horn indicates that they intend to do that. She reviewed the map and tried to figure out what actual storm water mitigation was on site but it looks like roof leaders running into a hole, like an old fashioned pond, does it meet DENR's requirements? The other issue is concern that developers can just do the minimum and buy out of the difference. The intent of the Ordinance is that if it is physically impossible to mitigate on site then you meet with the Engineers and discuss the plan. She feels that they should mitigate to the required levels, if they can't they should come and explain why, then once an agreement is reached they can move on, however, when looking at the map of this site there are so much more opportunities to mitigate storm water. This is really a concern and wonders if the Town's

Ordinance has a loophole that allows people to buy their way out, does what they have here meet the intent of the Ordinance? This is all in the Town Ordinance Section 302 and 305.

Mr. Royal stated that he had also asked the same question and is waiting for an answer. They have not been thru the detail discussions.

Ms. Efland asked if they want to recommend approval under the conditions that the Planning Board specified and also recommend to the Town to look at the storm water Ordinance.

Mr. Royal said that the intent is to do everything on site. Section 305 in the Ordinance is an Administrative burden to the staff and also in legal time because it takes a lot of work to do and to follow the paper trail. This is something the Town has not done before, it is new territory. The intent of the Ordinance is not to exceed 3.8 pounds per acre per year of nitrogen and 1.43 per year for phosphorus. Going forward the requirement for any builder is for them to prove why they can't do this, or why is it unreasonable, they have an entire design manual to follow.

Mr. Taylor's concern is that this is the first project for Chatham Park and has been very controversial. To have the first project and have a buy out of 60% of the stormwater sends a very mixed message.

Mr. Royal continue by explaining the about wet ponds and stormwater differences, advantages and disadvantages.

Ms. Efland agrees with Mr. Taylor on this being the first project and not sending a good message about Chatham Park and them mitigating the minimum paying for the rest and not trying to be creative, innovative and using BMP's or the effort to try to comply.

Mr. Royal said that as a Storm Water administrator he is not going to recommend that every project that comes up goes straight to section 305. There are other reasons regarding storm water that must be met. Ultimately all this water goes into Jordan Lake and the reduction of nitrogen and phosphorus is the main concern. He continued to explain the other requirements of the Ordinance and the steps that should be taken by the developers. In the end the Town is responsible for administrating and insuring that the ordinance is being met with whatever method the developer uses.

Sal Musarra of Kimley Horn stated that all they can do is react and respond to the Town's ordinance as it is today and it seems there is some discussion about the nature of the ordinance itself, however, their plans are and can be fully compliant with the current ordinance. Their intent is to work with the staff and come up with the best solutions possible. In reference to the comments provided they came in with additional stormwater design calculations, storm water reports when they resubmitted the plans. They have detailed grading plans, however, they are not at a construction document level but on a site plan process. Some of the things that are being asked for are valid and they are typically addressed at the construction document level where they

can spend more time with the Town's Engineer working on those details and incorporate them into the plan.

On their current plans they did incorporate a bio swale which is labeled within the parking area, so instead of doing the typical curb and gutter and mounding they inverted it so they can take water in and bio swale will take out some of the pollutants and provide an infiltration measure before it gets to the pond which will also give some additional water quality. Going underground there are a millions options for doing things like that, they are not all the best but there are lots of options. Bottom line is that their plans meet the ordinance today and if the ordinance is open to change in the future they would meet it too. They are willing to and intend to work with the Town staff to improve as needed including the storm water issue if there is a feasible way to do it within the confines of the site.

Ms. Elfland stated that the intent of the ordinance is to be met on site, nowhere in the ordinance does it say "only if you cannot meet it on site".

Mr. Musarra said that on this site they are also dealing with the extra demand of storm water that will be coming off the new public road system.

Mr. Taylor suggested if an amendment can be made on the ordinance to state that applicants must try to meet the 3.8 required for stormwater and only if they can prove they are unable then they have the option to buy out. It is important that they try to meet the criteria on this first building any way they possibly can or prove they can't. It is extremely critical that Chatham Park sends a clear message of exceptional development right off the bat.

Mr. Bass said that they can bring some proposed text to the ordinance.

Mr. Royal said that his interpretation of ordinance 302C is that the developer shall determine the need for engineered stormwater controls to meet these loading rates (3.8) by using these tools and these tool shall be provided in digital form to the Stormwater Administrator for review and approval. They need to show that they can meet it but have a valid argument if they cannot.

Discussion continued between the Planning Board members on the clarity of the Town's stormwater ordinance.

Mr. Culpepper agreed that there are some very valid points in the questions raised by the Board members. This item will not go to the Commissioners until July 28th and the Planning Board will have another meeting before then. They would like to work with Mr. Royal on some of these issues and see what they can achieve. At this moment he is asking the Board to table the decision and allow them the opportunity to meet with the staff and return in July. They will make every effort to meet the 3.8 without having to do a buy down, however, there may be a possibility that a buy down may be necessary.

- **Bland asked for a motion**
- **Ms. Alston made motion to table it till next meeting**
- **Mr. Bennett seconded**
- **Vote: Unanimously**

D. BOARD MEMBER CONCERNS

Mr. Taylor asked if on next month's agenda they can to formally vote for Chairman and Vice Chairman of the Planning Board since right now they are operating without a Vice Chair and an interim Chairman.

E. REPORTS AND ANNOUNCEMENTS

Mr. Bass stated that he has distributed some Informational Articles to the Board to read at their leisure. He is also asking to reschedule July's meeting from the 7th to another day because of the Fourth of July weekend.

The Board members will review their schedule and for now the meeting is scheduled for Monday, July 14, 2014.

F. ADJOURNMENT

- **Chairman Bland asked for motion to adjourn.**
- **Ms. Alston made motion to adjourn.**
- **Motion carried unanimously**

Planning Board meeting adjourned at 8:03pm

Next Planning Board Meeting is scheduled for Monday, July 14, 2014 at 7:00pm

Keana A. Platon

Administrative Support Specialist

