



Town of Pittsboro, North Carolina

Department of Planning

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TO: Bryan Gruesbeck, Town Manager

FROM: Roger Waldon, Interim Staff, Planning Department

SUBJECT: Proposed Process for Review and Approval of Small Area Plans
Pursuant to the Chatham Park Master Plan - REVISED

DATE: September 14, 2015

Attached is a recommended process for use in receiving, reviewing, and taking action on Small Area Plans for Chatham Park that will be submitted to the Town. This proposal was first reviewed and discussed by the Town Board on August 24, 2015, and the Board requested consideration of a series of revisions. The attached process, dated September 14, has been revised to respond to the suggestions made by the Town Board on August 24. We ask the Board of Commissioners to endorse this revised process for use as Small Area Plans are prepared and submitted. Also attached to this memorandum is a copy of comments about Small Area Plans that we have received from a citizen group.

A related item on tonight's agenda is a recommended adjustment to the Town's Fee Schedule for Planning-related applications, recommending that the application fee for submittal and processing of a Small Area Plan be adjusted to reflect the recovery of Town costs that will be incurred with adoption of the process described in this report.

Background

The Chatham Park Master Plan that was approved by the Pittsboro Board of Commissioners contains a provision that calls for Small Area Plans to be prepared. Specifically, 27 sections, or "Small Areas", are identified in the Master Plan for development. Except as otherwise provided in the Master Plan, before development can occur in a Small Area, a "Small Area Plan" for that Small Area must be approved by the Town. (The exception is that 5% of the maximum number of residential units and 15% of the maximum amount of non-residential square footage allowed under the Master Plan may be developed prior to the approval of a Small Area Plan.)

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The Town does not currently have a process for review and approval of Small Area Plans, as described in the Chatham Park Master Plan. In acknowledgement of this situation, the Master Plan also includes this language: “The legislative process for review and approval of Small Area Plans, including amendments of approved Small Area Plans, will be determined by the Town.”

Accompanying this memorandum is description of a process that we recommend for the Town’s use in reviewing and taking action on Small Area Plans.

Summary of Proposed Process

As we presented to the Town Board on August 24, this proposed process was developed by our Planning staff, and incorporates:

- The description of Small Area Plans as included in the Chatham Park Master Plan;
- The topics of information that the Master Plan lists as intended components of a Small Area Plan;
- Additional detail that our staff believes to be necessary information in order for the Town to review and act on a Small Area Plan; and
- A review and approval process that mirrors the Town’s current process for review of site plans and subdivision applications (review by staff, recommendation by the Planning Board, and action by the Board of Commissioners).

We are suggesting two opportunities for public review/comment on Small Area Plans that are submitted: A public information meeting shortly after a Small Area Plan is received by the Town, and an opportunity for public comment to the Board of Commissioners before action is taken to approve/deny a Small Area Plan. Those opportunities are detailed in the attached process.

Revisions Since August 24

Drawing upon the Town Board’s discussion and suggestions during the August 24 meeting, and additional review of possible approaches to this review process, we have made a series of revisions to the original August 24 proposed process. Following is a list of those revisions, which have been incorporated into the attached Process document dated September 15, 2015:

- Clarification that the term “descriptions” in the required information about existing conditions includes use of maps and narratives.
- Clarification that required information about existing public infrastructure is to include information about existing streets, utilities, and parks.
- Clarification that the term “descriptions” in the required information about proposed development includes use of maps, narratives, and illustrations.
- Addition of a required statement of approach to provision of transit services.

- Clarification that, regarding reference to SW Shore Plan recommendations, the applicant is to list applicable recommendations and identify which are being addressed and implemented and which are not.
- Clarification that analyses of financial impacts should include consideration of both public facilities and public services.
- Clarification that a reference to 10 days for determination of completeness of a submitted application means 10 business days.
- Change to the approach of the required up-front Public Information Meeting: revised to direct that the proposed meeting be set up, facilitated, and summarized by Town Staff rather than the Applicant (with provisions for cost recovery of this change to be built into the application submittal fee).
- Clarification that the Planning Board may prepare a recommendation to the Town Board, instead of “shall issue.”

We believe that these revisions serve to clarify and improve the process that was initially proposed on August 24.

Related Requirement for Additional Elements

As we reported on August 24, a separate provision of the approved Chatham Park Master Plan calls for preparation of a series of “Additional Elements” to address matters not addressed in the Master Plan. The elements are to contain details that, once approved by the Town, will govern land use and development in Chatham Park with respect to the matters addressed by that Additional Element.

The approved Master Plan prescribes the process for review and approval of these Additional Elements: the same as the process currently included in Pittsboro’s Zoning Ordinance for ordinance amendments.

There are no requirements regarding the sequencing of Small Area Plan and Additional Element submittals; they can be prepared and submitted one before or after the other, sequentially, or simultaneously. We believe that there would be benefit in being able to consider both Small Area Plans and Additional Element materials together, if circumstances align in a way that such simultaneous submission and review can be possible. We encourage consideration of that possibility and, if it is possible, we would arrange schedules accordingly to accommodate that approach.

Timing

A suggestion was offered during the August 24 meeting that endorsement of this recommended Small Area Plan process be deferred until the new Planning Director is in place. We agree that it will be important to have the process reviewed and potentially adjusted by the new Planning Director. One of the advantages of establishing this procedure administratively, with the endorsement of the Board of Commissioners, is that it can be

amended/adjusted fairly easily. Given that there is need to have a procedure in place soon, so that it is clear what information needs to be prepared and submitted, and what review process everyone can expect, we recommend moving forward now with establishing the procedure. One of the first tasks for the new Planning Director will be to become familiar with this process and prepare to facilitate review and discussions. There will be opportunity for adjustments to the procedure if the new Planning Director finds need to recommend changes.

Related Proposal for Adjustment to Fee Schedule

The Town's current Fee Schedule for Planning-related applications specifies an application fee for a Small Area Plan at \$825. We believe that the review process outlined here will require more resources than would be covered with that fee, and accordingly recommend that the Town Board of Commissioners consider a fee structure on September 24, 2015.

Recommendation

We recommend that the Board of Commissioners endorse the attached process for use in the submittal requirements, review, and action sequences to be followed in review of Chatham Park Small Area Plans.

Process for Review and Approval of Small Area Plans

Town of Pittsboro
September 14, 2015

This “Process for Review and Approval of Small Area Plans” (the “Small Area Plan Process”) prescribes the process to be used by the Town of Pittsboro (the “Town”) for review of and action on Small Area Plans that are prepared and submitted pursuant to an approved Chatham Park Planned Development District Master Plan. Included are sections on Context, Overview of Process, Submittal Requirements, and Procedures.

Context

On May 11, 2015 the Town of Pittsboro amended its Zoning Ordinance regulations and created a general purpose zoning district entitled “Planned Development District (PDD)”. Chatham Park Investors LLC (“Applicant”) filed an application dated May 19, 2015 to have a large tract of land it owns (“Chatham Park”) zoned to this new base zoning district. As required by ordinance, the application to rezone this land to PDD included submission of a Planned Development District Master Plan (“Master Plan”). Pursuant to Section IX of the Master Plan, the Land Use Plan Map for Chatham Park identifies twenty-seven (27) sections, or “Small Areas”, for development. Except as otherwise provided in Section IX, before development can occur in a Small Area, a “Small Area Plan” for that Small Area must be approved by the Town. The exception is that 5% of the maximum number of residential units and 15% of the maximum amount of non-residential square footage allowed under the Master Plan may be developed prior to the approval of a Small Area Plan. On August 10, 2015 the Town approved the rezoning map amendment request and Master Plan for Chatham Park.

The approved Master Plan specifies information required to be included in any request for approval of a Small Area Plan. The Master Plan provides that Small Area Plans are not site plans or subdivision plans, but that site plans and subdivision plans are required for development within Small Areas.

Section IX of the Master Plan, in referring to Small Area Plans, states that “All such plans shall be acceptable to the Town . . .”; that “The applicant may expect that a proposed Small Area Plan, or amendments to a Small Area Plan, will be processed in a timely manner”; and that “The legislative process for review and approval of Small Area Plans, including amendments of approved Small Area Plans, will be determined by the Town.”

This Small Area Plan Process document prescribes the legislative process for review and approval by the Town of Small Area Plans in Chatham Park.

Overview of Small Area Plan Review and Approval Process

This set of procedures has been established by administrative action and approved by the Board of Commissioners pursuant to provisions in the Town's Zoning Ordinance and provisions in the approved Chatham Park Master Plan. Key references to Zoning Ordinance provisions and Master Plan provisions follow:

- Section 5.8 of the Zoning Ordinance establishes the Planned Development District.
- Section 5.8.3 of the Zoning Ordinance requires that a master plan be prepared and submitted to the Town, and prescribes the information that is to be included in a master plan.
- Section 5.8.9 of the Zoning Ordinance authorizes the Town Manager or Manager's designee to interpret the development standards and/or plans contained in the Master Plan.
- The proposed Master Plan for Chatham Park contains general details regarding Site Elements, Land Use Elements, Utility and Stormwater Elements, Public Service Elements, Transportation Elements, Parks, Greenway, Recreation, and Open Space Elements, Development Standards/Regulations, and Phasing.
- Section II of the proposed Master Plan contains a Land Use Plan that identifies 27 specific "Sections".
- Section IX of the proposed Master Plan defines these 27 Sections as "Small Areas," and requires that a Small Area Plan be submitted and approved for each specific Small Area, prior to development in that Small Area, with the following exception: *5% of the maximum number of residential units and 15% of the maximum amount of non-residential square footage allowed under the Master Plan may be developed prior to the approval of a Small Area Plan.*
- Section IX of the proposed Master Plan describes information that must be included in a Small Area Plan.
- Section IX of the proposed Master Plan states that the legislative process for review and approval of Small area Plans will be determined by the Town.

The intent is for Small Area Plans to contain more specific information about proposed development than is included in the Master Plan. The intent is also that Small Area Plans will not contain detail as specific as is required for the Town's Site Plan and Subdivision processes.

A filing fee for Small Area Plan applications shall be established by the Pittsboro Board of Commissioners (the "Town Board") as part of the Town Board's adopted Fee Schedule. Following are the details regarding submittal requirements and procedural steps.

Submittal Requirements

Submittal to the Town of a request for review and approval of a Small Area Plan proposed for Chatham Park (an “Application”) may be done only by Chatham Park Investors LLC or any person or legal entity to whom the right to submit Small Area Plans has been assigned in writing. Chatham Park Investors LLC, or any subsequent assignee, shall notify the Town of any assignment of the right to submit Small Area Plans for Chatham Park to the Town and shall provide a copy of the written assignment, which shall be executed by both the assignor and the assignee. The person or legal entity that has the right to submit a proposed Small Area Plan is referred to as the “Applicant”. A Small Area Plan Application shall be submitted to the Town’s Zoning Enforcement Officer on the form, if any, required by the Town and with payment of the filing fee prescribed by Fee Schedule adopted by the Town. A Small Area Plan Application may include one or more of the twenty-seven (27) Small Areas identified in the Master Plan.

Small Area Plan Applications shall contain the following information (together, the “Application Materials”):

- Map showing the location and boundaries of this Small Area within the context of the full Chatham Park Master Plan (Context Drawing).
- Descriptions of existing conditions within the Small Area using maps and narratives, including:
 - Existing topography.
 - Existing improvements, including buildings.
 - Existing public infrastructure, including streets, utilities, and parks.
 - Boundaries of flood zones, base flood elevations, and water supply watersheds.
 - Historic sites.
 - Environmental features, including streams, buffers, wetlands, steep slopes greater than 20%, Natural Heritage Areas, Upland Mature Hardwood Forests, sub-watersheds containing federally listed aquatic species, and game land hunting safety buffers.
- Descriptions of proposed development within the Small Area using maps, narratives, and illustrations, including:
 - Detailed descriptions of proposed development, including design guidelines.
 - Location and quantity of proposed uses.
 - Road layout and types internal to the Small Area.
 - Approach to providing bicycle/pedestrian facilities internal to the Small Area.
 - Connections to roads, bicycle, and pedestrian travel ways exterior to the Small Area.
 - Approach to provision of transit services, including (1) description of current and/or future transit service possibilities within the Small Area and connecting to external destinations, and (2) land use mix and design principles for the Small Area to encourage/facilitate transit use.
 - Water and sewer demand projections.
 - Proposed approach to stormwater management.
 - Proposed approach to provision of recreation, open space, and buffer areas.
 - Proposed approach to public art.

- Description of SW Shore Plan recommendations that are applicable to the Small Area, along with discussion of which are being addressed and implemented and which are not.
- Analyses of capacities, impacts, and planned provisions related to public facilities, including:
 - Transportation planning analysis internal and external to the Small Area.
 - Demand/capacity analysis and plans for water supply and wastewater treatment.
 - Financial impact analysis focusing on required public facilities and services.

Procedures

Following are the procedures for submittal, review, and approval of a Small Area Plan in Chatham Park.

1. **Pre-submittal Meeting**: Prior to submittal of a Small Area Plan Application, the Applicant shall meet with the Town's Zoning Enforcement Officer to discuss the specific area included in the Small Area and the Application Materials to be submitted with the Application.
2. **Submittal of Small Area Plan Application**: Within ten (10) business days of the filing of the Application, the Zoning Enforcement Officer shall review and determine whether the Application Materials are complete and notify the Applicant of the determination. In this context, "complete" means that the Application Materials contain all of the information required by this Small Area Plan Process. If the Zoning Enforcement Officer determines that the Application Materials are complete, the Zoning Enforcement Officer shall refer the Application to a Technical Review Committee ("TRC") for review of the Application Materials. The TRC shall be composed of such Town staff and third-party consultants as the Town determines are reasonably necessary for a thorough review of the Application Materials. Upon a determination of completeness of the submittal, the Zoning Enforcement Officer shall arrange for the submitted Application Materials to be placed on the Town's website for access by the general public.
3. **Public Information Meeting**: Upon a finding of completeness of the Application, the Zoning Enforcement Officer shall set up and facilitate a Public Information Meeting in Pittsboro to allow public review of the Application Materials. Only one public meeting is required for an Application(s) with respect to two or more Small Areas submitted to the Town on the same date. Notice of the date, time, and place of the public meeting shall be posted in the Town Hall, in or near the office of the Town Clerk, and on the Town's website not less than ten (10) days prior to the date of the scheduled public meeting. At the Public Information Meeting, the Applicant will present the Application Materials and answer questions. The Zoning Enforcement Officer will invite comments on the Application Materials and prepare a summary of questions, answers, and comments from the meeting (prepared as a "Summary Report") for use by the Planning Board and Board of Commissioners in their review of the Application. The application fee for submittal of a Small Area Plan will include a component to cover the Town's costs in setting up, facilitating, and preparing reports for the this Public Information Meeting.

4. Review and Recommendation by Planning Board: Within a reasonable time following preparation of the Summary Report and completion of review of the Application Materials by the Technical Review Committee, the Zoning Enforcement Officer shall schedule review of the Application Materials by the Town's Planning Board. The Zoning Enforcement Officer, or a person on the TRC designated by the Zoning Enforcement Officer, shall prepare a report on the Application Materials for consideration by the Planning Board (the "Staff Report"). The Planning Board may prepare a recommendation to the Town Board regarding the proposed Small Area Plan.
5. Revisions to Plan. Applicant may revise a Small Area Plan at any time before the Planning Board makes a recommendation to the Town Board with respect to the Plan, or if the Planning Board does not make a recommendation on the Small Area Plan to the Town Board, at any time before the Town Board votes to approve or deny the Small Area Plan. Following issuance of a Planning Board recommendation to the Town Board, without further consideration by the Planning Board, Applicant may revise the Small Area Plan only to address any suggestions or recommendations from the Planning Board, Town staff, or Town Board. If Applicant desires to revise the Small Area Plan for any other reason following the Planning Board recommendation, Applicant may do so only if the Town Board, prior to any vote on the Small Area Plan, refers the Small Area Plan back to the Planning Board for its review of such revised Small Area Plan.
6. Review and Action by the Pittsboro Board of Commissioners: Within 30 days of the date of the Planning Board recommendation, or within 60 days of the date of referral to the Planning Board if no timely recommendation from the Planning Board has been received, unless a longer period is necessary due to the submission of Small Area Plan(s) for more than two (2) Small Areas contemporaneously, the Town Board shall consider the Application. Prior to any decision the Board may allow public input and comment, both oral and written, upon the Application, including receiving comments at the Board of Commissioners meeting at which action is scheduled. The Town Board of Commissioners may approve the Application for a Small Area Plan, or deny if it shall find that the Application fails to comply with the requirements of the Master Plan or fails to adequately protect the public health, safety or welfare. Within seven (7) days following determination by the Town Board, the Zoning Enforcement Officer shall notify the Applicant of the decision by first class mail.
7. Amendment of Approved Small Area Plan: The process for amendment of a Small Area Plan shall be the same as the process for initial approval of a Small Area Plan, except that an approved Small Area Plan will be deemed to be amended to conform to a site plan or subdivision plan approved by the Town for development within the applicable Small Area, whether such site plan or subdivision plan was approved before or after Town Board approval of the Small Area Plan.