



MEMORANDUM

To: Planning Board

From: Janie Phelps, Planner II

Date: July 17th, 2023

**Re: Chatham Park Landscaping Element Text Amendments
PB-23-218**

REQUEST:	<p>Patrick Bradshaw, on behalf of Chatham Park Investors LLC, are requesting the below text amendments to the Chatham Park Landscaping Element. Text changes will be noted as follows:</p> <p>Red and underlined text – additions to the element Strikethrough Text – deletions from the element</p>
BACKGROUND:	<p>The applicant is proposing to amend multiple sections of the Chatham Park Landscape Element, as attached with reasoning in their application.</p>
RECOMMENDATION:	<p>In addition to the requested revision in Section 2(iii), staff recommends the applicant revises aforementioned paragraph 4. The suggested change is in sentence two and is proposed to read, “The buffer agreement shall be submitted to <u>and approved by</u> the Planning Director prior to approval of a development plan on any of the properties subject to the buffer agreement...”.</p> <p>Staff has provided the Planning Board with the following motion:</p> <p>Make a motion to make a recommendation to Approve or Deny the text amendments for PB-23-218 to the Chatham Park Landscaping Element and Adopt the Town of Pittsboro Planning Board Land Use Plan Consistency Statement for Approval if approved, or table the discussion to the next planning board meeting on August 21, 2023.</p>

PUBLIC HEARING:

A Public Hearing is tentatively scheduled to be held on August 14, 2023. Planning Board discussion and recommendations will be forwarded to the Board of Commissioners.

TOWN OF PITTSBORO

PLANNING DEPARTMENT



ATTACHMENTS:

- Staff Memo
- Application from Chatham Park Investors LLC and requested revisions

RECOMMENDED ACTION:

Staff has provided the actions available for the Planning Board:

Make a motion to recommend APPROVAL of the text amendments for PB-23-218 to the Chatham Park Landscape Element.

OR

Make a motion to recommend DENIAL of the text amendments for PB-23-218 to the Chatham Park Landscape Element.

OR

Table the item for further discussion to the meeting scheduled August 21, 2023.

TOWN OF PITTSBORO
TEXT AMENDMENT APPLICATION



APPLICANT INFORMATION

Applicant Name	Chatham Park Investors LLC, by Patrick E. Bradshaw, Attorney
Physical Address	128 Hillsboro Street, Pittsboro, NC 27312
Mailing Address	PO Box 607, Pittsboro, NC 27312
Phone	919-542-2400x1
Email	bradshaw@bradshawrobinson.com

PLEASE ATTACH THE PROPOSED CHANGES

The changes proposed are to the Chatham Park PDD Master Landscaping Plan Additional Element. See the proposed changes attached.

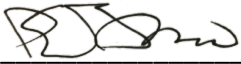
Application will be uploaded into OpenGov. The fee is \$1,500. You may pay with check made to the Town of Pittsboro, or with card through the system (2.99% + \$0.99 convenience fee to the payee)

SIGNATURE BLOCK

I/we, the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests for information as designated by the Town of Pittsboro Zoning Administrator.

Chatham Park Investors LLC, by Patrick E. Bradshaw, Attorney

Applicant – Print Name



Applicant's Signature

June 2, 2023

Date

Proposed Changes to the Chatham Park PDD Master Landscaping Plan Additional Element

1. AMEND Section 2, Exemptions.

Exemptions

Notwithstanding anything to the contrary in this Element, perimeter buffers on a Lot ~~or an IMUD~~ in Chatham Park are not required in the following instances:

(i) Adjacent to a public or private street right of way or other transit right of way; when a streetscape buffer or street trees are required by this Element.

REASON: Remove inappropriate reference to “IMUD” and unnecessary punctuation.

2. AMEND Section 2, Exemptions.

If adequate vegetation to satisfy the perimeter buffer requirements of this Element does not exist on a Lot, or has been disturbed as allowed by this Element or any other development regulation applicable in Chatham Park, the perimeter buffer requirements of this Element may be satisfied by planting new vegetation meeting the requirements of this Element.

Notwithstanding anything to the contrary in this Element, perimeter buffers and perimeter boundary transitions are not required in the following instances:

(i) Along common boundaries of Lots in Chatham Park where the Lots are developed or approved for development as a single development project or a phase of a single development project (examples: single-family detached lot subdivision, townhouse development, office park development, shopping center, mixed-use/multi-use development).

(ii) Along the boundary of a Lot in Chatham Park that adjoins property not in Chatham Park where the Lot in Chatham Park and the property not in Chatham Park are developed or approved for development as a single development project or a phase of a single development project (examples: single-family detached lot subdivision, townhouse development, office park development, mixed-use development), and where the Town Unified Development Ordinance or other Town ordinances do not require a buffer on the property not in Chatham Park.

(iii) Along the boundary of a Lot in Chatham Park where the owner of the Lot and the owner of the adjoining property (whether in or outside of Chatham Park) agree to a perimeter buffer or perimeter boundary transition different from what would be required without the agreement. Such agreement shall comply with the requirements for a “buffer agreement” as described in numbered paragraph 4 in the section of this Element titled “Determining Perimeter Buffers”.

REASON: Remove unnecessary punctuation. Add exemptions from perimeter buffers and perimeter boundary transitions for each of the following instances: (i) where adjacent properties in Chatham Park are developed as a single coordinated project or phase; (ii) where a property in Chatham Park and an adjacent property not in Chatham Park are developed as a single coordinated project or phase; and (iii) where the owners of adjoining properties agree to

alternative buffers or transitions. This will promote innovative land planning and site design, consistent with the purposes of Planned Development Districts described in the UDO.

3. AMEND the introduction to Table 2.1.

Table 2.1 specifies the type of perimeter buffer that must exist or be provided as development occurs, subject to modifications as allowed in this Element or any other Additional Element (for example, reduction in buffer width where a fence is utilized). The buffer type is indicated by letter and the total buffer width in feet is indicated by number. The width and density of the required perimeter buffers are determined based upon the ~~land use classification~~ Land Use Class described in **Table 2.2**.

REASON: Substitute the phrase “Land Use Class” to be consistent with the usage in Table 2.2.

[Amendments continue on following page.]

4. AMEND Table 2.1.

Table 2.1. Required Width of Vegetated Perimeter Buffer and Perimeter Boundary Transitions by Land Use Class¹

Land Use Class	Adjacent Land Use Class						
	1	2	3	4	5	6	7
1	0	10	10	10	20	20	20
	-	B	B	B	B	B	B
2	10	0	20	20	30	30	50
	B	-	B	A	A	A	A
3	10	20	20	20	30	30	50
	B	B	B	A	A	A	A
4	10	20	20	20	20	20	50
	B	A	A	C	B	B	B
5	20	30	30	20	20	20	50
	B	A	A	B	C	B	B
6	20	30	30	20	20	20	30
	A	A	A	B	B	C	B
7	20	50	50	50	50	30	20
	A	A	A	A	A	A	A

¹ Notwithstanding Table 2.1 requirements, no vegetated buffers are required along the common boundaries of adjacent Lots in Chatham Park PDD that have the same Land Use Class, and no vegetated buffers are required along the common boundaries of a Lot in Chatham Park PDD with Land Use Class 2 and an adjacent Lot with Land Use Class 3.

REASON: Correct the table heading to include Perimeter Boundary Transitions. Add Note 1 to provide that no vegetated buffers are required on boundaries between Lots within the Chatham Park PDD with the same Land Use Class or between Lots within the Chatham Park PDD with Land Use Class 2 and Land Use Class 3. Class 2 and Class 3 both include residential uses.

5. AMEND Table 2.2: Land Use Classes.

Land Use Classes

Table 2.2: Land Use Classes (per Table of Permitted Uses in Chatham Park PDD Master Plan)

CLASS	USES INCLUDED
Class 1	-Uses permitted under the <i>Agricultural Uses</i> category, including produce stands. -Cemetery or mausoleum. -Public Parks and golf courses without sports lighting. -Open Space, including private parks.
Class 2	-Single-family detached dwellings in subdivision where the average lot size is equal to or greater than six thousand square feet (6,000 SF).
Class 3	-Single-family detached dwellings in subdivision where the average lot size is less than six thousand square feet (6,000 SF). <u>-Townhouses and duplexes.</u> - Condominium developments containing detached condominium units.
Class 4	-Athletic fields (public and private) with sports lighting. -Uses permitted under the <i>Residential Uses</i> category. - Adult care homes. -Neighborhood recreation centers, indoor and outdoor (public and private, including recreational facilities owned by a property owners' association). -Office uses with a gross floor area on the property of fifty thousand square feet (50,000 SF) or less. -Parking lots as a principal use containing less than fifty (50) parking spaces. -Uses permitted under the <i>Educational & Institutional Uses</i> use category.
Class 5	-Uses permitted under the <i>Recreational Uses</i> category. - Office uses with a gross floor area on the property of more than fifty thousand square feet (50,000 SF). - Parking lots as a principal use containing more than fifty (50) parking spaces. -Utility substation, minor.
Class 6	-Uses permitted under the <i>Business, Professional, and Personal Services</i> category; - Commercial condominiums. -Uses permitted under the <i>Retail Trade</i> category. - Shopping centers; <u>mixed-use/multi-use development.</u>
Class 7	-Uses permitted under the <i>Wholesale Trade</i> category. -Uses permitted under the <i>Transportation, Warehouse, and Utilities</i> category. - Uses permitted under the <i>Manufacturing and Industrial</i> category. - Uses permitted under the <i>Mining Uses</i> category. - Correctional, penal institutions, jails

NOTES for Table 2.2

1. When a specific use from a particular Use Type in the Table of Uses in the Chatham Park PDD Master Plan is included in a Class different from the Class that includes the Use Type, the Class in which the specific use is included controls.
2. Uses not addressed in Table 2.2 may be assigned to a Class by the owner/applicant, based upon the characteristics of the proposed use and of the Class to which it is assigned, subject to approval of the Planning Director.

REASON: Add townhouses and duplexes, which are not currently mentioned in Table 2.2 specifically, to Class 3 with single-family detached dwellings on smaller lots and condominium

developments containing detached condominium units, which are uses to which they are similar.
Add “mixed-use/multi-use development” as a land use in Class 6.