

Pittsboro Matters demands a stop work order on Chatham Park bypass construction

Pittsboro Matters' attorney Robert Hornik has asked the Town of Pittsboro to issue a "Stop Work" order for Chatham Park Investors to immediately halt their highway construction work currently going on just north of the US 64 bypass, including a proposed overpass at that location. In a letter sent to Town Attorney Paul Messick, Hornik spelled out why this highway and overpass construction violated the terms of the Chatham Park PDD Master Plan, which requires detailed site plans, extensive review and Town Board approval before such construction can begin.

Hornik also wrote that if he does not receive a response from the Town by April 6 indicating that the "Stop Work" order has been issued, Pittsboro Matters is "prepared to ask the Court to intervene, and to issue an injunction to stop the work until such time as the legal issues about compliance of the work with the Master Plan (and, I would add, the validity of the Master Plan itself) is resolved."

The public was repeatedly assured during the development review process that "the unprecedented flexibility" granted Chatham Park, Hornik wrote, "should not be of concern because every single aspect of the proposed development – including detailed infrastructure and small area plans – would have to be submitted to the Town as part of detailed site plans, subject to public hearings and staff review, and approved by the Town Board." Hornik, of the Brough Law Firm in Chapel Hill, added: "This building of the proposed US 64 bypass and parkway connected to the proposed North Village violates those assurances and raises serious questions about the Town's ability and willingness to enforce the terms of the PDD master plan."

On December 23, 2014 Pittsboro Matters and six adjacent property owners filed a second lawsuit challenging a new Chatham Park Master Plan that was approved by the Town board on December 9. This new master plan superseded the earlier master plan approved on June 9, 2014 that had also been subject to a legal challenge by the same plaintiffs.

Hornik, in his letter to the Town, pointed out that none of the PDD Master Plan requirements for starting roadway construction on a section of the proposed development have been met by the developers, including submitting site plans and a proposed development agreement, setting up a Development Committee, or obtaining final transportation plan approvals that include transit.

This was not the first time that Hornik raised concerns about Chatham Park Investors' (CPI) intention to commence construction of the highway and US 64 overpass. On October 29, 2014 Hornik wrote to Town Planner Stuart Bass asking for a formal, written determination about whether the town considers that this construction required site plan approval. He also asked to be notified of any application for or grant approval regarding this overpass and highway construction. He did not receive a response from the town.

"We are outraged that Chatham Park Investors have begun construction on highway work to serve their North Village before they have submitted any of the required proposed site plans," said Pittsboro Matters board chair Amanda Robertson. "They assured the public they would submit detailed plans subject to substantive review, but then brazenly started mowing down forest areas with their bulldozers for a massive proposed bypass around Pittsboro, with no such review and no apparent worry that Pittsboro officials would call them on their unlawful actions."

“This callous disregard for the public interest demonstrates that the Chatham Park PDD Master Plan is not worth the paper it was printed on,” Robertson stated. “This further demonstrates what we have been worried about all along: Chatham Park Investors are now in charge of Pittsboro’s future.”

Pittsboro Matters contends they were forced to file a lawsuit challenging Chatham Park because the Town Board refused to include in the Master Plan reasonable protections for Pittsboro’s quality of life, and environment. Pittsboro Matters has recommended that a master plan for Chatham Park should include a comprehensive plan and design for the entire development; environmental, socio-economic, transportation and fiscal impact assessments of the overall plan; donated land for the necessary new public schools; affordable housing; true buffer protections, more parks and recreation land; setting aside at least 30% of the areas near the Haw River and Jordan Lake as natural areas; and robust citizen engagement in the overall design and in the small area plans.

The second lawsuit filed by Pittsboro Matters includes the following claims: the Planned Development District (PDD) ordinance and PDD Master Plan did not meet the requirements for approval; the PDD Master Plan violated the PDD ordinance; the Master Plan is not consistent with the Town’s land use ordinance; both the PDD ordinance and Master Plan are unconstitutionally vague; and, the Master Plan and rezoning violated plaintiff’s equal protection and substantive due process rights under the North Carolina Constitution, as well as the Fourth and Fourteenth Amendments to the United States Constitution by acting for the sole benefit of Chatham Park Investors.