

CHATHAM COUNTY PLANNING BOARD
MINUTES
June 2, 2009

The Chatham County Planning Board met in regular session on the above date in the auditorium of the Agriculture Extension Building in Pittsboro, North Carolina. A quorum was present to begin the meeting. The members present were as follows:

Present:

Jim Hinkley, Chair
Warren Glick, Vice-Chair
James Elza
Barbara Ford
Judy Harrelson
David Klarmann
Susan Levy

Absent

B. J. Copeland
Karl Ernst
Timothy Keim
Delcencia Turner

Planning Department:

Keith Megginson, Planning Director
Benjamin Howell, Planner
Lynn Richardson, Subdivision Administrator
Kay Everage, Clerk to the Board

Other

Tom Glendinning
Parliamentarian to the Board

Member Jim Elza provided cake, tea and lemonade for everyone in celebration of his birthday.

- I. CALL TO ORDER: Chair Hinkley called the meeting to order at 6:37 p.m.

Members absent:

The clerk stated that Karl Ernst called Chair Hinkley earlier today to say that he would not be at tonight's meeting; that Ms. Turner's mother past away; that Mr. Copeland is recovering from knee surgery; and that she had not heard from Mr. Keim.

Funeral arrangements for Ms. Turner's mother.

Chair Hinkley stated that a copy of the funeral arrangements for Ms. Turner's mother was provided Board members earlier tonight; that he plans to attend and would hope that other members would do the same; that a card for Ms. Turner was being passed around tonight for Board members and Planning staff to sign; and that Ms. Ford ordered flowers to be delivered to the church tomorrow from the Planning Board.

- II. APPROVAL OF AGENDA: Ms. Harrelson made a motion; seconded by Mr. Glick to approve the agenda as submitted. There was no discussion and the motion passed unanimously.

- III. CONSENT AGENDA:

A. Minutes: Consideration of a request for approval of the May 5, 2009 Planning Board minutes.

Mr. Glick made a motion; seconded by Ms. Harrelson to approve the consent agenda as submitted. There was no discussion and the motion passed unanimously.

IV. PUBLIC INPUT SESSION: Fifteen-minute time of public input for issues **not on agenda**. Speakers limited to three minutes each.

There were no requests to speak at this time.

V. PRELIMINARY PLAT APPROVAL:

- A. Request by Keith Hurand, Sr., Vice President, on behalf of NNP Briar Chapel, LLC, for subdivision preliminary plat approval of "**Briar Chapel, Phase 5, South A**", consisting of 28 lots on 9.86 acres, located off U.S. 15-501 N/ Briar Chapel Parkway, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this request. She stated that this issue was tabled at the May 5th Planning Board meeting to allow Fred Royal, Chatham County Environmental Resources Director, additional time to review stream determinations and some storm water questions; and that the Board has sixty days (from the official date of submittal, i.e., May 5th) to act on this request; that July 4th would be the deadline and the Board does not meet again until July 7th.

Lee Bowman and Bill Mumford, developers were present.

Gray Styers, Attorney, speaking on behalf of the developer, stated that Fred Royal visited the site since the last Planning Board meeting; and that Mr. Royal has summarized his findings in an E-mail dated May 21, 2009 (included in tonight's agenda packet).

There were no questions or concerns of the Board.

Motion to approve

Mr. Elza made a motion; seconded by Ms. Harrelson, to grant approval of the road names 'Serenity Hill Circle' and 'Hill Creek Boulevard' and preliminary plat approval of "Briar Chapel, Phase 5, South A" as submitted and as recommended by staff, with the following condition:

1. The final plat shall state that no affordable lots are located within Phase 5, South A.

There was no discussion and the motion for approval passed unanimously.

VI. EXTENSION OF FINAL PLAT DEADLINE:

- A. Request by Nicolas P. Robinson, Attorney-at-Law, for a three (3) year extension of the development schedule for **Phase 2A of The Bluffs Subdivision** extending the final plat deadline from December 31, 2010 to December 31, 2013.

Ms. Richardson reviewed the agenda notes for this request. She stated that the Planning Board recommended denial of an extension request for Phase 1B during the April 7th Planning Board meeting; that the request was then tabled by the Board of Commissioners at their April 20th meeting; and that if the Commissioners approve the request for an extension of final plat submittal for Phase 1B, the infrastructure would not be in place when needed for Phase 2A if the deadline for 2A is not also extended. Ms. Richardson used the plat map to explain the various phases and their status in the subdivision process.

Nicolas P. Robinson, Attorney was present representing the developers. Mr. Robinson gave a summary of events regarding this subdivision. He stated that the Planning Board began its review two meetings ago (April); that the Planning Board made a recommendation to the Commissioners to deny the request of extension for Phase 1B; that after a long discussion the Board of Commissioners tabled the request; that one of the points of emphasis of that discussion was why an extension request was not also requested for Phase 2A of The Bluffs; that he explained that the final plat deadline on this Phase 2A was not until December 31, 2010, whereas, the deadline for extension on the final plat originally requested (Phase 1B) is December 31, 2009; that the Commissioners indicated a desire to discuss all lots that border Dry Creek at the same time; and that this is the reason for tonight's request.

Board discussion followed. Some issues noted were:

- possibly consider 100 ft. buffers along Dry Creek
- steep slopes
- soil and erosion control
- environmental assessments of 2 projects previously reviewed
- access to lots 32 and 33 (Rock Rest Rd.)
- financial guarantee, i.e., infrastructure, economy, contract dispute
- utilities
- spray irrigation system
- this discussion identical to Phase 1B – very serious problem

Adjacent Landowners

The following adjacent landowners spoke:

- **Alice Yeaman**, 633 Rock Rest Road,
- **Thomas Marriott**, 633 Rock Rest Road,
- **Cathy Markatos**, 800 Rock Rest Road, and
- **Jerry Markatos**, 800 Rock Rest Road.

Some of their concerns were:

- entire Bluffs development of 117 lots stretching from Dry Creek on the south and Haw River on the north was rushed through Planning Board and County Commissioners in fall of 2006
- no Environmental Impact Assessment [EIA] done at the time even though includes area in the Chatham County Natural Heritage Inventory
- rare plants / trees, Carolina Ladle Crawfish, Cape Fear Shiner and 4-toed salamander exist in this area – complete disregard for the natural environment
- smaller lots, i.e. 3 acres
- lay of land changed to fit development
- clearing of lots by individual owners, i.e. buffers left along creek
- deny request and have an EIA done on entire development and reviewed by the Environmental Review Board
- supposed legal dispute between Aqua and the developers, i.e. permits extended
- development phasing, i.e. time frame
- flood plain larger than shown on survey for lot #15, i.e. 100 ft. buffer could make a difference
- fire lane used by surveyors and others creates erosion, i.e. plans, traffic
- soils – not well suited, i.e. doesn't perk

- steep places on southern end of property
- careful environmental plans very important

Mr. Robinson addressed some of the above issues.

Board discussion followed regarding, 1.) stages of the various phases in the subdivision process and the need for consistency, 2.) road layout, 3.) and environmental issues, i.e. wastewater treatment plant not available. Chair Hinkley noted that the Environmental Review Board could address some of the above issues. Ms. Richardson stated that staff has spoken with an Aqua representative and that there is legal discussion between the parties as indicated by Attorney Robinson. It was noted that the residents of Rock Rest Road are opposed to paving the road. Attorney Robinson stated that a letter from Aqua was received stating that there was sufficient capacity allocated to the final plat for Laurel Ridge, Phase 1A and available.

Motion to deny

Ms. Levy made a motion to recommend denial of the request for extension for Phase 2A of The Bluffs; and to instruct the developer to bring a new proposal that would enable them to continue with the development with Environmental Assessment, safeguards for protecting water sources (such as the Haw River, Jordan Lake, and Dry Creek) and responsibly develop the project. Ms. Ford seconded the motion. Discussion followed.

Amendment to motion

Mr. Elza made an amendment to the motion that no final plat of Phase 2A be permitted until sewer availability is demonstrated to the satisfaction of the county attorney. Ms. Levy accepted the amendment and Ms. Ford seconded the motion to the amendment. There was no further discussion and the motion to the amendment passed unanimously.

Vote on motion including amendment

The motion for denial passed 6-1 with all Board members present voting in favor of the motion/amendment; except Mr. Klarmann who voted against.

VII. OLD BUSINESS:

1. *Lystra Gardens*

It was noted that the issue of extensive land clearing on this property had been resolved. Mr. Glick voiced concern regarding timbering non-agriculture land. He asked that the Planning Board consider reviewing this issue during the July or August Planning Board meeting and to discuss if the Board wishes to continue such an operation of timbering anytime, anywhere, under any circumstances; or to possibly look at a different opinion and to petition the State if necessary. Some Board members agreed that the Subdivision Regulations provide some restrictions but that landowners could timber individual properties if so desired.

2. *Westfall*

Board members discussed Westfall being developed under the old regulations.

Ms. Harrelson stated that the County Commissioners are discussing the possibility of implementing a Tree Ordinance for the protection of some trees, i.e., grand trees.

Mr. Glendinning referenced the County Tax Department's classification of various parcels regarding undeveloped and/or residual parcels and the ability to differentiate between them, i.e., appraisals.

Loyse Hurley, 16 Matchwood, Pittsboro, NC, and member of the Chatham Citizens for Effective Communities [CCEC], stated that a section in the Zoning Ordinance was reserved for agriculture and that the Board may want to review this when warranted, i.e., timbering.

3. *Zoning Board of Adjustment [ZBOA]*

Mr. Megginson stated that the Board of Commissioners would be continuing the review of this issue (Bluegreen Golf Clubs, Inc. for failure to remove a temporary structure on their property) during their regular meeting June 15.

4. *Sustainable Communities Presentation*

Chair Hinkley stated that an excellent presentation was given last Thursday (May 28) of sustainable communities at the Carolina Preserve; that the presentation was mainly regarding urban matters; but that there were some applicable things discussed that would apply to the Board's situation as county planners. Mr. Elsa stated that there was emphasis on what we can do about environmental issues, i.e., stream preservation, steep slopes, local foods, local woods, and transit; and that Planning Boards are supposed to be more active with pushing local interests, i.e., foods & etc.

5. *Fieldstone*

Ms. Ford stated that she has not heard anything more from Rachael Thorn, Chatham County Soil Erosion & Sedimentation Control Officer regarding corrective measures relative to recent violations. She added that she would E-mail Ms. Thorn and follow-up.

6. *Joint Meeting of Commissioners and Planning Board*

Chair Hinkley stated that the County Commissioners have set a joint workshop for August 11 at 6:00 P.M. (meeting place to be determined) regarding the Corridor Committee's recommendations.; that the Planning Board has already made comments to the Commissioners; and that the Commissioners want to meet with the Planning Board to discuss these recommendations.

7. *Amberly*

Mr. Klarmann asked about the status of this development since he recently read in the newspaper about some foreclosures in the development. Mr. Elza stated that the new sections are not doing very well but that he was not aware of any foreclosures.

VIII. NEW BUSINESS:

A. Planning Director's Report

1. *Update from May 13 joint Cary/Chatham meeting*

Mr. Megginson stated that the Commissioners have met twice recently with Cary and have set additional meeting dates for June 16, July 17, and August 14; that various issues continue to be discussed, i.e., joint wastewater treatment plant, taxation, annexation, land use plan, transportation; that the Commissioners have received a voluntary request for annexation on Pittard Sears Road (dead-end road that goes back to the golf course); and that meetings are scheduled for 9:00 a.m.

2. *Director of Sustainable Communities Development*

Mr. Megginson stated that the Commissioners have hired Cynthia Van Der Wiele for this position; that she is scheduled to begin work on June 15; and that additional information regarding Ms. Van Der Wiele can be found on the county website.

B. Planning Board Members Items

1. *Public Hearings*

Chair Hinkley stated that only three (3) Planning Board members attended the public hearing last week (Warren Glick, Barbara Ford and himself); that Tim Keim was also present but left the meeting prior to the public hearing; that he encourages Board members to attend these hearings; and that the next scheduled public hearing is July 20.

2. *July Planning Board Meeting*

Chair Hinkley stated that our next meeting is scheduled for July 7 and would be held in this same room. Mr. Elza stated that he would not be at this meeting.

3. *Funeral / Flowers for Ms. Turner's Mother*

Chair Hinkley stated that he plans to attend the funeral for Del's mother, Ms. Gladys Elwood Harris, tomorrow at 1 p.m. at Macedonia A.M.E. Zion Church, Sanford, NC, Gulf Community. He encouraged other members to attend if possible. Ms. Ford stated that she would let members know about the cost for the flowers as soon as she receives her statement.

IX. ADJOURNMENT: There being no further business, Mr. Klarmann made a motion; seconded by Ms. Harrelson to adjourn the meeting. There was no discussion and the motion passed unanimously. The meeting adjourned at 8:12 p.m.

James R. Hinkley, AICP, CZO, Chair

Date

Attest:

Kay Everage, Clerk to the Board

Date