

CHATHAM COUNTY PLANNING BOARD
MINUTES
November 3, 2009

The Chatham County Planning Board met in regular session on the above date in the auditorium of the Cooperative Extension Building in Pittsboro, North Carolina. Members present were as follows:

Present:

Jim Hinkley, Chair
Warren Glick, Vice-Chair
B.J. Copeland
James Elza
Judy Harrelson
Timothy Keim
Susan Levy
Bill Sommers
Delcencia Turner

Absent

Karl Ernst
Barbara Ford

Planning Division:

Jason Sullivan, Acting Planning Director
Benjamin Howell, Planner
Angela Birchett, Zoning Administrator
Kay Everage, Clerk to the Board

Other

Tom Glendinning
Parliamentarian to the Board

Commissioner Sally Kost
Liaison to the Board

Commissioner George Lucier

- I. CALL TO ORDER: Chair Hinkley called the meeting to order at 6:30 p.m.

Board Quorum:

The clerk stated that a quorum was present to begin the meeting. She noted that members Barbara Ford and Karl Ernst notified staff that they would not be at tonight's meeting.

- II. APPROVAL OF AGENDA: Ms. Levy made a motion; seconded by Mr. Keim to approve the agenda as submitted. There was no discussion and the motion passed 8-0-1 with all members present voting in favor of the motion, except Mr. Glick who abstained. Mr. Glick noted that he was not in attendance at the last Planning Board meeting on September 1, 2009.

- III. APPROVAL OF CONSENT AGENDA:

A. Minutes: Consideration of a request for approval of the September 1, 2009 Planning Board minutes.

Motion to Approve Consent Agenda

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

Welcome Bill Sommers

Chair Hinkley introduced and welcomed new Planning Board member, Bill Sommers, who was appointed to the Board yesterday during the regular Commissioner's meeting (November 2, 2009) by Commissioner George Lucier.

Comments from Mr. Sommers:

Mr. Sommers stated that he and his wife Joan reside in Farrington Village; that his wife is a practicing painter and member of the Chatham Artist Guild; that his life has been divided between twenty years as a municipal administrator in a number of local governments in the United States and some thirty years working overseas in local government and development programs in a dozen countries; that his last overseas assignment was in Bosnia; that he also served as the Commissioner for Inspections and Building in the City of Boston and as the Commissioner of Public Works for the City of Cambridge, Massachusetts; that since coming to Chatham County in 2003 he served as a member of the former Water Policy Board and has maintained a working relationship with the Chatham County Water Department to the present day; that he has written a number of papers and memorandums regarding a variety of planning proposals involving Chatham County during the six (6) years as a resident; that he is honored to have received this appointment; and that he hopes to justify that honor as a contributing member of the Chatham County Planning Board.

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

No one requested to speak at this time.

- V. ZONING AND ORDINANCE AMENDMENTS: Items for November 16, 2009 Public Hearing:

- A. Public Hearing request by Kenneth Hoyle and Floyd Coleman for a conditional use rezoning on Parcel 2759, located at 9555 US 15-501 N, Baldwin Township, from R-1 Residential to Conditional Use Neighborhood Business (CU-NB), on approximately 2.285 acres.
- B. Public Hearing request by Kenneth Hoyle and Floyd Coleman for a conditional use permit on Parcel 2759, located at 9555 US 15-501N, Baldwin Township, for multiple uses as stated in the application and as allowed in the Table of Permitted Uses for the Neighborhood Business District.

Items continued from September 21, 2009 Public Hearing:

- C. Public Hearing request by Brian Sawyer for a conditional use rezoning on Parcel 82735, located at 525 Old Farrington Rd., Williams Township, from R-1 Residential to Conditional Use Neighborhood Business (CU-NB), on approximately 1.16 acres
- D. Public Hearing request by Brian Sawyer for a conditional use permit on Parcel 82735, located at 525 Farrington Rd., Williams Township, for multiple uses as stated in the application and as allowed in the Table of Permitted Uses for the Neighborhood Business District.

Mr. Sullivan stated that the above items [A – D] are scheduled for public hearing Monday, November 16, 2009; that the hearing would be held in the District Courtroom; that items A and B are new applications; and that items C and D are continuations.

Chair Hinkley encouraged Board members to attend the upcoming public hearing since the Board would be reviewing the items during the December Planning Board meeting.

Chair Hinkley noted that Kenneth Hoyle, Pittsboro Planning Board Chair, was present at tonight's meeting; and that Mr. Hoyle was also co-applicant of above items A and B.

VI. NEW BUSINESS:

A. County Commission Chair George Lucier will present a request to the Planning Board to begin the process of updating the Land Use Plan and incorporating transportation, farmland preservation, economic development, parks and recreation into a comprehensive planning process.

Chair Hinkley stated that he requested Commissioner Lucier to address the Planning Board regarding the above.

Commissioner Lucier stated that with the current economic crisis the Planning Board has seen a slowdown in the number of applications received; that each year the Commissioners review their goals and expectations to be accomplished during the upcoming year; that one of those goals is to have the Planning Board update the Land Conservation and Development Plan (the plan); that ideally this update would have been before the various ordinance revisions during the last two years but it was important to get the ordinance amendments in place first before the moratorium on large residential developments ended; and that some other plans in place or currently being developed relevant to the Land Conservation and Development Plan are:

- Economic Development Plan - currently being implemented
- Farmland Preservation Plan - to be presented to the BOC November 16
- Recreation Master Plan - recently updated
- Conservation Plan - currently being initiated
- Affordable Housing Task Force - recommendations

Commissioner Lucier stated that a difficult part of this job is recognizing how to go about it and making sure that plans in place are all compatible; that citizens of the county and applicants for development need to know what to expect relative to any issues they may have; that it is the charge of the Planning Board to periodically update the Land Conservation and Development Plan; that a subcommittee from the Planning Board needs to be established; that the subcommittee should have some kind of involvement with representatives of the other plans (as noted above) on updating the plan; and that Cynthia Van Der Wiele, Sustainable Communities Development Director, would be addressing this task and presenting recommendations to the Commissioners.

Discussion among the Board followed regarding:

- direction to follow
- interaction with towns and other jurisdictions
- compatible plan
- possible UDO [Unified Development Ordinance] for the county

Kenneth Hoyle, Pittsboro Planning Board Chair, stated that the Pittsboro Planning Board made a mistake by hiring a consultant to prepare their Land Use Plan; that they paid the consultant \$44,000; that it took the consultant three years to present a document; that the text was approximately three inches thick and worthless because it was not written with language that could be understood; that they are currently reviewing the document and trying to develop a real true plan that can be understood; and that he encourages Chatham County not to hire a consultant as they mistakenly did. Mr. Hoyle invited members of the Chatham County Planning Board to attend the Pittsboro Planning Board meetings. He stated that he would discuss the proposed subcommittee referenced above with his Board.

Commissioner Kost stated that a UDO would be an intensified undertaking but would make our rules and regulations much easier for developers, Planning Board, Commissioners, staff, and everyone; that yesterday the Commissioners adopted a draft of the Parks and Recreation Master Plan that provides a working document; but that the text still needs some minor revisions.

Joint Cary Plan – follow up

Commissioner Lucier stated that the two Boards (Cary Town Board and Chatham County Board of Commissioners) met recently and agreed to move forward with a draft Land Use Plan; that there have been several community meetings; that additional meetings are scheduled for community comment November 18 and 30; that a subcommittee of the two Boards has been working on this issue for some time; that these Boards will meet again with comments from the scheduled community meetings and make some potential revisions; and that a public hearing would be scheduled after that time.

Land Conservation and Development Plan - Subcommittee

Following discussion, it was the consensus of the majority of the Board to delay putting together this subcommittee until the Planning Board receives information from Ms. Van Der Wiele, i.e., other Boards, people involved, and etc

B. Allison Weakley with Robert J. Goldstein & Associates will present a Conservation Plan update.

This item was not presented since Ms. Weakley was unable to attend tonight's meeting.

C. Vice Chair Glick and Chair Hinkley will lead a discussion on the broader responsibilities of the Planning Board.

- Some Planning Board Responsibilities

Chair Hinkley stated that the Planning Board has been a reactionary group in this county rather than a planning group thinking about the future; that over the years

the Planning Board has been responsive to developers, realtors and people who want to develop property; that we have not been proactive which seems to be our calling, i.e., General Statutes, ordinances adopted by our County Commissioners; that we as a Board need to change our mode of operation to the point where we will be thinking about the future and doing some brainstorming; that we have the capacity on this Board to do this, i.e., background, interest; that his experience in planning over the years dealt with both land use planning and comprehensive planning as well as dealing with a Planning Board responsible for infrastructure, i.e., extension of water and sewer, clean water reservoirs, schools, and locating an airport.; that in some cases the School Board has been doing the land use planning in Chatham County; that fire and police protection are elements that go into the land use plan; that there are possibly five or six major issues but ten difference aspects that relate to land use planning; and that we should think comprehensively about those things and how they fit into the Land Conservation Plan.

- Town of Cary

The Board discussed the proposal by the Town of Cary to put an 8.5 mile out-fall sewer through Chatham County. It was noted that an environmental assessment is being done, i.e. affluent into our rivers.

- Wastewater Discharge

Commissioner Kost stated that a study was done and a letter received from the State for approval of 19 million gallon discharge (200,000 people) of wastewater capacity per day into Cape Fear; that the Commissioners discussed the importance of Chatham County working closely with the municipalities of Pittsboro, Cary, and Chatham County; that Cary was evaluating another option of a direct discharge into Harris Lake that would bring up the water level of the lake (which was what Progress Energy wanted to do to support additional reactors); that the Chatham County option is the preferred option; and that a regional partnership is being discussed for a regional intake on Jordan Lake for water, i.e. west side of Jordan Lake at Bells Landing.

- Goodnight property

Commissioner Kost stated that Mr. Culpeper attended a recent RPO (Regional Planning Organization) meeting (that does much of the transportation planning in Chatham County) and discussed putting up an overpass (on US 64) and building a parkway from US 64 to Highway 15-501; and that the parkway could potentially open up further Chatham County land that hasn't had direct access. She reiterated the importance of working closely with other municipalities on various issues.

- Environmental Management Commission – need representation from Chatham County

Mr. Copeland stated that Chatham County has never had a member on this Commission; that we not only need to have our comprehensive plan in order but also need to be a part of the larger picture as well; and that it is important to know what our plan is before we even enter the bigger picture.

- Utilities

Mr. Sommers pointed out the importance of planning for both existing and potential intervention; i.e., Chatham County to control total water volumes.

- Affordable Housing

Ms. Levy stated that the Affordable Housing Task Force has been meeting for approximately four years; that the Task Force has presented recommendations to the Board of County Commissioners; that an undertaking of the Affordable Housing Advisory Board is to take the recommendations and try to implement them; and that many of the recommendations relate to planning issues, i.e., density.

- Farmland Preservation

Chair Hinkley stated the importance of farmland preservation.

Mr. Keim referenced the following specifics for future consideration:

- when cheap produce in California will no longer be available, and
- a more sustainable food security here in Chatham County.

Mr. Glick stated that he would like to see Chatham County provide funds for hydroponic farming in the county.

- Wetlands

Ms. Turner cited the need for the Planning Board to have stronger authority to make decisions about the county.

Chair Hinkley noted three (3) additional concerns as follows:

- transportation
- inter-connectivity, and
- long cul-de-Sacs

D. Member Jim Elza will report on the Major Corridor Overlay District work with the Board of Commissioners.

Mr. Elza stated that there are recommendations from the Major Corridor Task Force and Planning Board as well as guidelines from the Appearance Commission and Zoning Ordinance; that there is an outline on how one might go about putting things together in the Zoning Ordinance; that this would mean that the current major corridor document would be cut and pasted somewhat in order to incorporate into the Zoning Ordinance; that the major corridor overlay states that everything has to be a conditional use permit; that one dilemma is that some of these areas have been zoned, i.e. under the old conditional use permit or straight zoning; that straight zoning would require a conditional use permit with limited uses; that the Conditional Use Law states that the property owner has the option to submit a conditional use district; that a site plan requirement is being considered relative to landscaping, parking, buffers, topography, and etc.; that if approved a conditional use permit would not be necessary (an alternative system); that the appropriate zoning would have to be in place; and that one of

the standards of the overlay cannot be that you have to apply for a conditional use permit.

Commissioner Kost stated that the Board of Commissioners continues to discuss this issue that would require updating the Land Conservation and Development Plan.

VII. STAFF ITEMS:

A. Planning Director Staff Report

1. *September 17 Chatham/Cary Planning Meeting Update*

Jason Sullivan, Acting Planning Director, referenced letter dated October 30, 2009, distributed earlier tonight to Board members including a map of the joint planning area. He stated that the letter and map were recently sent to residents in the joint planning area advising them of two (2) upcoming meetings; that citizen comments from these input meetings will be compiled; that the subcommittee (that has been meeting this Summer) composed of elected Board members from Chatham County and Cary will reconvene and review these comments to see if there are any changes that need to be made; that a final plan is anticipated for joint public hearing (for both jurisdictions) Spring 2010; and that the issue would be referred to the Planning Board after public hearing. Mr. Sullivan noted that once the joint plan is adopted there would be another series of activities to be undertaken regarding design guidelines that would apply within the joint planned area for both jurisdictions.

Chair Hinkley encouraged Board members to attend the joint meetings referenced above.

2. *Minor Subdivisions Update*

Mr. Sullivan stated that an updated spreadsheet was included in tonight's agenda packet.

3. *Stormwater Ordinance Amendment Update*

Mr. Sullivan stated that amendments have been made to the Stormwater Ordinance to better accommodate minor subdivision requests; that applicants were having to hire an engineer to review their plans regarding stormwater controls at an additional expense; that staff discussed whether anything was actually being achieved by having an engineer review all minor subdivisions; that Fred Royal, Director, Environmental Resources Division, worked with Planning staff to develop draft language (that was referred to the Environmental Review Board and Board of Commissioners) to better streamline this process.

4. *New Subdivisions and Rezoning*

Chair Hinkley stated concern that properties and subdivisions are not being inspected after approval to make sure that the permitted use is being utilized and that subdivisions are being developed accordingly.

Mr. Sullivan explained that a subdivision final plat indicates, 1.) how the project has been developed or 2.) how it is to be developed (if there is a financial guarantee); that different departments regulate various activities, i.e.,

Sedimentation and Erosion Control, Environmental Health; that we do not currently check every detail; but that our enforcement officer inspects various sites before a CO (Certificate of Occupancy) is issued. Mr. Elza stated that one advantage of the new Sustainable Communities Development Department is that the director, Ms. Van Der Wiele, has the ability to make sure that various things can happen, i.e., buffer regulations and etc. Setbacks and footings were discussed.

Break [8:14 P.M.]

5. Budget Update

Mr. Sullivan stated that the county is in the beginning stages of the budget process; that the next deadline is December 1 to provide a “heads up document” showing any potential large items for the upcoming year, i.e., Land Use Plan, Major Corridor Overlay Districts; that some of these could possibly be completed this year or may roll over to the next budget year, i.e., joint Cary plan; that the Planning document is incorporated into others submitted to the Commissioners; and that staff needs to be aware of any large items that the Board might foresee for this budget.

Discussion followed regarding staffing. Mr. Sullivan stated that Ms. Van Der Wiele would be assessing the needs for the Sustainable Communities Development Department [SCDD] and staffing issues at that level; that a new transportation planner is now on staff under a separate division of the SCDD; that there would be some shifting of responsibilities from Ben Howell to the new transportation planner; and that various activities within the department as well as the economy would project any additional staffing.

Mr. Sommers complimented the Planning staff on the division’s website noting its precise data and easy access. Ben Howell stated that updates regarding the Joint Land Use Plan with Cary were posted on the website earlier today, i.e., letter, new maps; and that additional information would be added in the coming week.

6. December Planning Board Meeting – Dunlap Classroom

Mr. Sullivan reminded Board members that the December Planning Board meeting would be held in the Dunlap Classroom since the auditorium of the Agriculture Extension Building is not available.

7. Planning Board Training

Mr. Sullivan stated that, with Mr. Sommers joining the Planning Board, a Planning Board training session is scheduled for November 10 at 10:00 a.m. in the conference room of the Dunlap Building; and that any interested Board members are welcome to attend the session. Chair Hinkley stated that he attended last year’s session which was very informative. He encouraged Board members to attend.

VIII.

A. Board Members Items:

1. *Public Hearing November 16*

Chair Hinkley encouraged Board members to attend this upcoming public hearing to be held at 6:00 p.m. in the District Courtroom. He noted that the Board would be reviewing the hearing issues during the December Planning Board meeting.

2. *Subcommittee – Land Conservation and Development Plan*

Board members reiterated that they would prefer waiting until they have received information from Ms. Van Der Wiele before committing (possibly during the December Planning Board meeting.)

3. *Retirement Reception for Keith Megginson*

Chair Hinkley thanked staff for the wonderful party given Mr. Megginson in honor of his recent retirement. He noted that Mr. Megginson will be sorely missed by citizens of Chatham County.

B. Thank You from Angela Birchett:

Ms. Birchett stated that she and her family have been overwhelmed with the many cards and well wishes since the recent passing of her Dad. She thanked everyone for their thoughtfulness.

IX. ADJOURMENT: There being no further business Ms. Harrelson made a motion; seconded by Mr. Keim to adjourn the meeting. There was no discussion and the motion passed unanimously. The meeting adjourned at 8:42 p.m.

James R. Hinkley, AICP, CZO, Chair

Date

Attest: _____
Kay Everage, Clerk to the Board

Date