

CHATHAM COUNTY PLANNING BOARD
MINUTES
January 5, 2010

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. Members present were as follows:

Present:

Jim Hinkley, Chair
Warren Glick, Vice-Chair
B.J. Copeland
Karl Ernst
James Elza
Barbara Ford
Judy Harrelson
Susan Levy
Bill Sommers
Delcenia Turner

Absent

Timothy Keim

Planning Division:

Jason Sullivan, Acting Planning Director
Benjamin Howell, Planner
Lynn Richardson, Subdivision Administrator
Kay Everage, Clerk to the Board

Others Present

Tom Glendinning
Parliamentarian to the Board

- 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; and that Mr. Keim was out of town and would not be here tonight.
- II. APPROVAL OF AGENDA: Ms. Harrelson made a motion; seconded by Mr. Sommers to approve the agenda as submitted. There was no discussion and the motion passed unanimously.
- III. APPROVAL OF CONSENT AGENDA: Ms. Harrelson made a motion; seconded by Mr. Copeland to approve the consent agenda as submitted. There was no discussion and the motion passed unanimously.
 - A. Minutes: Consideration of a request for approval of the December 1, 2009 Planning Board minutes.
- IV. PUBLIC INPUT SESSION: Fifteen-minute time of public input for issues **not on agenda**. Speakers limited to three minutes each.

Barbara Ford and Warren Glick arrived at this time [6:40 – 6:42 respectively].

James LoFrese, 22002 Turner, Governors Club, Chapel Hill, NC 27517 spoke about concerns regarding a significant amount of silt deposited into Cub and Partin Creeks as well as the lower pond located in the Stone Brook section of Governors Club. Mr. LoFrese stated that the

environmental impact has been reported to both Chatham County and North Carolina officials; that the source of the silt has been determined to be coming from a site off Governors Club property, specifically from Joes Road; that the Joes Road property was used as a fill dirt dump site; that dirt was taken from the UNC campus; that the initial site on Joes Road was not permitted to receive the fill dirt since it was understood that less than 20,000 sq. ft. of fill would be received; that the property owner has been given citations from both State and Chatham County but has not responded to date; that the problem began on November 11, 2009 and continues to create an environment problem for the stream bed and the pond; that a construction company has begun to install silt fencing and has covered the fill dirt with straw; and that the area continues to erode silt and impact the pond. Mr. LoFrese questioned why there was no oversight at the project and what could be done as soon as possible to remediate and restore the area.

Board discussion followed. Some specifics noted were:

- concern and interest that the issue be resolved
- no response from landowner regarding citations issued
- county attorney to review the issue regarding possible legal status
- Mr. Sullivan to follow up on the issue and advise Planning Board members by E-mail, and
- to discuss the matter during next month's Planning Board meeting

Motion

Mr. Glick made a motion; seconded by Mr. Sommers that this Planning Board should instruct the Planning Director and the secretary to write a letter on behalf of the Planning Board to ask the county manager, county attorney, and other officials of the county to investigate this so that we can get a clear determination of where we stand; and that this should be reported back to the Planning Board by next month's meeting.

Discussion followed. Mr. Sullivan stated that it might be more appropriate for the Planning Board Chair to write the letter referenced in the above motion. He noted that:

- he is not clear as to what would be included in the letter;
- is this an issue of the specific project or a broader issue of general protection in the county; and
- discuss with the Sustainable Communities Development Director before sending a letter.

Discussion followed. Mr. Copeland suggested reviewing our current ordinances for safeguards to prevent things like this from happening in the future, i.e., is 20,000 sq. ft. adequate. Mr. Sommers confirmed that the above motion is to express the concern of the Planning Board to the county manager and county attorney that a situation has arisen in which the county is involved and that legal and/or administration action should be taken to respond to this issue.

Motion restated

Mr. Glick restated the motion to write a letter of inquiry to the county manager, Board of Commissioners, and county attorney, to investigate this incident and advise the Planning Board as to what approach can be taken legally in terms of present action and for future action. Discussion followed regarding who should be sent the letter and/or copied.

Motion amended

Mr. Glick amended his motion to clarify that the letter be addressed to the county attorney and Cynthia Van Der Wiele, Director, Sustainable Communities Development with a copy sent to the county manager and Board of Commissioners. Mr. Ernst seconded the amendment.

Mr. Ernst asked that the above amendment also include that this letter be written by the Planning Board Chair [with assistance by whomever].

Call the Question

Mr. Ernst called the question, seconded by Mr. Glick. There was no discussion and the motion to call the question was unanimous.

Amendment to motion

Board members voted unanimously to the amendment to the motion.

Vote on original motion

The above motion passed unanimously. Chair Hinkley stated that a letter would be produced and provided, signed by him; that the letter would be addressed to Cynthia Van Der Wiele and county attorney as noted above with copies sent to the county manager and Board of Commissioners. Mr. LoFrese asked to also be copied on the letter.

Motion to re-examine ordinance

Mr. Copeland made a motion to ask the Planning Department to re-examine the ordinance for removal of dirt in disturbance areas and advise the Planning Board (at next month's meeting) if changes are needed regarding safeguards about the amount of sediment going into a stream and how to prevent these happenings in the future. Mr. Glick seconded the motion. Discussion followed. Mr. Sullivan stated that erosion control issues should probably be reviewed by Jim Willis, Chatham County Soil Erosion & Sedimentation Control Inspector and that he would pass this information on to Mr. Willis. The motion passed unanimously.

[7:20 p.m.]

V. FINAL PLAT APPROVAL:

- A. Request by Fitch Creations, Inc. for subdivision final plat approval of "The Knolls", consisting of 28 lots on 19.744 acres, located off SR-1817, Millcroft, Williams Township.

Ms. Richardson reviewed the agenda notes for this subdivision request. She stated that the Board was provided a revised preliminary plat map earlier tonight approved by the Board of Commissioners August 18, 2008 that replaces attachment #2 in tonight's agenda packet; that the plat meets the requirements of the Subdivision Regulations with the final approvals of other agencies; and that staff recommends approval of the application as submitted with one (1) condition as noted in tonight's agenda packet regarding financial guarantee.

No adjacent landowners requested to speak.

R.B. Fitch, Fitch Creations; **Dan Sears**, Sears Design Group, P.A.; and **Alan Keith**, Diehl & Phillips, P.A., were present representing the development.

Board discussion followed. Mr. Sommers and Mr. Elza voiced concerns regarding utility easement, surface water runoff, and wastewater utilities.

Mr. Sommers had questions regarding the wastewater treatment facility capacity and how surface water runoff within The Knolls was to be handled. Mr. Alan Keith addressed the questions and stated that the permit for the Wastewater Collection System Extension (for The Knolls and Henderson Place) had been received prior to preliminary plat submittal in August 2008 and that the plant does have the capacity to serve both projects. He stated that the surface water runoff will be handled by ditch sections and piping and is designed to dissipate in the common areas, that no stormwater devices were located within The Knolls and that the plan is consistent with the overall stormwater system for Fearrington Village.

Some other issues discussed by the Board and addressed by Mr. Keith were:

- why change in plan at this nature
- common area, i.e., HOA to own
- lot 4100 stream buffer (100 ft.), and
- street dedicated for all maintenance.

Motion to approve

Mr. Ernst made a motion; seconded by Ms. Levy to grant approval of "The Knolls" as submitted and as recommended by staff, with the following condition:

1. The final plat shall not be recorded until the county attorney has approved the financial guarantee.

There was no further discussion and the motion for approval passed 8-2 with all Board members present voting in favor of the motion; except Elza and Sommers who voted against.

B. Request by Bill Mumford, Sr. Project Manager on behalf of NNP Briar Chapel, LLC for subdivision final plat approval of "Briar Chapel, Phase 5, Section 1", consisting of 28 lots on 6.43 acres, located off SR-1528, Andrews Store Road, SR-1526, Parker Herndon Road, and Briar Chapel Parkway, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this subdivision request. She stated that staff recommends approval of the application with two (2) conditions as listed in tonight's agenda notes regarding a financial guarantee and sufficient gravel on the roadway.

No landowners requested to speak.

The Planning Board discussed the request. A question of concern was raised regarding the platting of the spray areas.

Keith Hurand and **Lee Bowman** were present representing the applicant. Mr. Bowman addressed the above concern regarding spray areas. He stated that for aesthetic purposes, they wanted to increase the level of the holding ponds; that they wanted to use the water in the spring for the landscaping instead of potable water; and that spraying was scheduled to begin in spring of 2010.

Motion to approve

Ms. Levy made a motion; seconded by Ms. Harrelson to grant final plat approval of Briar Chapel, Phase 5 South, Section 1 as submitted and as recommended by staff, with the following two (2) conditions:

1. The plat not be recorded until the county attorney has approved the form and amount of the financial guarantee.
2. The plat not be recorded until the roadways, Serenity Hill Circle and Hill Creek Boulevard, have sufficient gravel for emergency vehicle access in order for the public health and safety to be protected.

There was no further discussion and the motion for approval passed 9-1 with all Board members present voting in favor of the motion; except Mr. Elza who voted against. Mr. Elza stated that his concern that the spray irrigation system is still not installed was his reasoning for voting against the request.

Incorporation as a Municipality

Chair Hinkley proposed that the Planning Board consider the idea of suggesting that the county consider municipality incorporation. He stated that the State could incorporate the development; that this development would be large enough for a police department, for maintaining their own water and sewer, for maintaining their roads, for providing garbage and trash pick-up and for providing other municipal services; that they are going to be larger than any community in the county; and that the Planning Board should begin the process of thinking about this issue.

Board discussion followed. Some specifics noted were:

- overuse of county services
- to what result was the Board discussing the issue
- reiterating concerns discussed early in the process, i.e., before any ground breaking began

- conduct of the PUD, i.e., dedication of open space and utilities
- currently only 60 houses of the proposed 2400 built
- HOA not always in agreement to incorporate
- residents would impact a decision to incorporate
- consider fees other than tax revenue, i.e., impact fee.

VI. NEW BUSINESS:

No reports were submitted.

VII. STAFF ITEMS:

A. Planning Director Staff Report

1. *Minor Subdivisions Update.*

Mr. Sullivan stated that this update was included in tonight's agenda packet.

2. *Discussion of a Planning Board member appointment to serve as a non-voting member on the Affordable Housing Advisory Board.*

Re: Memorandum dated 12/22/2009 included in tonight's agenda packet

Mr. Sullivan stated that what was the Affordable Housing Task Force is now the Affordable Housing Advisory Board; that there is a seat on this advisory board for a Planning Board member to serve as a non-voting member; that Del Turner was our most recent member to serve on the Affordable Housing Task Force; and that the Planning Board needs to have Ms. Turner re-appointed or appoint another Planning Board member who is willing to serve.

Board discussion followed. Chair Hinkley stated that he understood that Ms. Turner was a standing member of the committee; that the Planning Board would also have a non-voting member appointed to serve in an advisory capacity; and that Susan Levy was recommended as a consulting member. After reviewing the December 7, 2009 Board of Commissioner's minutes [work session] it was understood that the Commissioners left it up to the Planning Board to appoint their own ex-officio member to serve on the Affordable Housing Advisory Board.

Motion to appoint Del Turner - Withdrawn

Mr. Ernst made a motion to appoint Del Turner as Planning Board representative to serve on the Affordable Housing Advisory Board. Ms. Turner stated that at this time she was unsure about serving on the Board. Mr. Ernst withdrew his motion.

Motion – no 2nd

Mr. Ernst made a motion to postpone consideration of this appointment until next month's Planning Board meeting. The motion died for lack of a second.

Discussion

Chair Hinkley referenced the memorandum included in tonight's agenda packet regarding a meeting of this advisory board scheduled for tomorrow morning. Staff members noted that they would not be attending this meeting.

Ms. Turner asked that a motion be made to appoint Susan Levy to this advisory board.

Motion to appoint Ms. Levy

Ms. Ford made a motion; seconded by Mr. Ernst to approve Susan Levy as the Planning Board ex-officio member to the Affordable Housing Advisory Board. There was no further discussion and the motion passed unanimously. Ms. Levy thanked the Board for the appointment and promised to be an admirable reporter.

3. Reminder to Planning Board members that the Chair and Vice-Chair appointments are in February.

Mr. Sullivan stated that the Planning Board Rules of Procedure state that the Board is to elect Chair and Vice-Chair each year; and that this should be done during next month's Planning Board meeting. Ms. Harrelson and Mr. Elza stated that they would not be at next month's meeting. It was noted that a proxy vote was not addressed in the Planning Board Rules of Procedure.

VIII. BOARD MEMBER ITEMS:

1. 15-501 Sidewalk Bids

Mr. Howell stated that the construction contract had been executed; that he met with the contractor today; that construction is expected to begin next month [February]; and that the contracted completion date is June 15, 2010.

2. Joint Corridor

Mr. Elza stated that nothing has occurred since our last Planning Board meeting.

3. Board Coordination Meeting

Mr. Glick stated that approximately 15 or 20 groups were represented; that the representatives explained what their individual group was doing; that in some instances there were thoughts about the future; that there was nothing definitive; that it was left up to each group to proceed in any way deemed appropriate; that groups were to do that in cooperation with as many other groups as seen appropriate; that those attending the meeting consisted of chairs and vice-chairs of a number of different county advisory groups; that members of the various groups were also welcome to attend; and that the meeting was offered by the County Manager's Office. Mr. Ernst also attended the meeting and stated that "LEED Certification" was discussed and was a concerned topic.

4. Land Use Plan

Mr. Sullivan stated that the report from Cynthia Van Der Wiele, Director, Sustainable Communities Department, would be sent to Charlie Horne, County Manager by the end of the week; and that the report would then be forwarded to the Board of Commissioners.

5. Sawyer Application

Mr. Sullivan stated that the Commissioners approved the rezoning request but postponed making a decision on the conditional use permit (CUP) application because Mr. Sawyer was not present at the meeting to answer questions regarding exterior appearance of the proposed building and outside storage; that the CUP application would be reviewed at the January 19, 2010 Board of Commissioner's meeting; and that Mr. Sawyer has stated that he **would be** present at that meeting.

6. Approvals –time limit

Mr. Sullivan explained that any time limits associated with an approval starts January 1, 2011. [For example, if the Board approves something this month and there is a time period of one year, that one year time limit doesn't start until January 1, 2011.]

7. Joint Chatham/Cary Plan Subcommittee

Mr. Sullivan stated that the next scheduled meeting of this subcommittee is February 4, 2010 from 9:30 a.m. – 11:30 a.m. at the Cary Fire Station #7.

- IX. ADJOURNMENT: There being no further business, Mr. Ernst made a motion; seconded by Ms. Ford to adjourn the meeting. There was no discussion and the motion passed unanimously. The meeting adjourned at 8:40 P.M.

James R. Hinkley, AICP, CZO, Chair

Date

Attest:

Kay Everage, Clerk to the Board

Date