

# CHATHAM COUNTY PLANNING BOARD

## MINUTES

February 2, 2010

The Chatham County Planning Board met in regular session on the above date in the classroom of the Henry H. Dunlap Building in Pittsboro, North Carolina. A quorum was present to begin the meeting. Members present were as follows:

Present:

B.J. Copeland, Vice - Chair  
Karl Ernst  
Barbara Ford  
Warren Glick  
Jim Hinkley  
Timothy Keim  
Susan Levy  
Bill Sommers  
Delcenia Turner

Absent

James Elza, Chair  
Judy Harrelson

Planning Division:

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

Others Present

Tom Glendinning  
Parliamentarian to the Board

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

II. APPROVAL OF AGENDA:

Motion

Mr. Glick made a motion to readjust the Planning Board agenda at this point in the meeting to hold election of officers; and that those elected would then step in and direct tonight's meeting; and that in the future, election of Planning Board officers are to be held at the close of the January meeting. Ms. Levy seconded the motion.

Discussion followed regarding Planning Board "Rules of Procedure" and the above two (2) part motion to, 1.) amend tonight's agenda, and 2.) make a rule change to election of Planning Board officers in January instead of February, as currently stated in said "Rules".

Motion amended

Mr. Glick amended his motion to only include the first part of his above motion- that tonight's agenda be amended to elect officers at this time (i.e., Item IX. A. listed on tonight's agenda now becomes the first item of business on this agenda).

Ms. Levy seconded the motion and the motion for amendment passed unanimously.

Motion

Mr. Ernst made a motion; seconded by Ms. Ford to approve tonight's agenda as amended. There was no further discussion and the motion passed unanimously.

III. APPROVAL OF CONSENT AGENDA:

A. Minutes: Consideration of a request for approval of the January 5, 2010 Planning Board minutes.

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

IV. ELECTION OF OFFICERS:

A. *Nominations for Planning Board Chair*

Ms. Ford nominated **Jim Elza** to serve as Planning Board Chair for the upcoming year. There were no other nominations. Mr. Ernst moved that the nominations be closed; seconded by Ms. Ford. The nominations were closed by a unanimous vote of the Board. Ms. Ford read the following statement from Mr. Elza who was unable to attend tonight's meeting:

*"To the Chatham County Planning Board:  
I will be humbled and honored to serve as the chairman of the Chatham County Planning Board. I regret that I am unable to attend the February meeting. Best Regards, Jim Elza"*

B. *Nominations for Planning Board Vice-Chair*

Mr. Glick nominated **B.J. Copeland** to serve as Planning Board Vice-Chair for the upcoming year. There were no other nominations. Ms. Ford moved that the nominations be closed; seconded by Mr. Ernst. The nominations were closed by a unanimous vote of the Board. Mr. Copeland accepted the nomination of Planning Board Vice-Chair.

Mr. Copeland chairs meeting

At this time, Mr. Copeland took the chair in Mr. Elza's absence.

Thanks to past officers

Mr. Sommers proposed a moment of "thank you" for the retiring chair and vice-chair. He stated that both Mr. Hinkley and Mr. Glick have done a spectacular job and deserve our thanks and commendation for the work that they have done and for the efforts that they have made for the Chatham County Planning Board.

V. 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.

VI. PRELIMINARY PLAT APPROVAL:

A. Request by Bill Mumford, Sr., Project Manager on behalf of NNP Briar Chapel, LLC for subdivision preliminary plat approval of "Briar Chapel, Phase 5, Section 2", consisting of 32 lots on 6.71 acres, located off Andrews Store Road, SR-1528 / Parker Herndon Road, SR-1526 and Briar Chapel Parkway, Baldwin Township.

Mr. Sullivan reviewed the agenda notes and plat map for this subdivision request. He stated that this section of Phase 5 consists of individual single-family dwellings; that all lots would be accessed internally off Briar Chapel Parkway by way of Serenity Hill Circle; that the 2005 master plan showed the entire Phase 5 (Sections 1 and 2) having 38 lots and a shorter roadway length; that with the inclusion of Phase 5 South, Section 2 (and adding in what was approved as final plat for Section 1), there is now a total of 60 lots with an extension of the roadway length; that a letter from attorney Gray Styers, Jr. was included in tonight's agenda packet and provides background and information on behalf of Briar Chapel as it relates to these changes; that staff deferred making a recommendation on this request until after discussion at the February 1 Board of Commissioners meeting work session regarding modifications to the Master Plan; and that based on that discussion, staff recommends approval of the request as submitted.

Board discussion followed. Some specifics noted were:

- As the Briar Chapel project has progressed and the various phases and sections have been brought for review, the original Master Sketch Plan has been modified.
- Staff has asked for clarification from the Board of County Commissioners regarding modifications to the Master Sketch Plan.
- Per Board discussion the change of internally lot design can be reviewed by the Board under conditions 18 and 19 of the Conditional Use Permit.
- Questions were raised regarding, 1.) water system, 2.) size of water quality pond # 9, and 3.) retaining wall shown to be constructed on Lots 584 -- 587.

**Bill Mumford** and **Lee Bowman** were present representing NNP Briar Chapel LLC. Mr. Mumford addressed the above.

Motion to approve

Mr. Ernst made a motion; seconded by Mr. Hinkley, to grant approval of the request as submitted and as recommended by staff. There was no further discussion and the motion passed unanimously.

Briar Chapel utilities information session

Mr. Mumford stated that some questions were raised about the utility system and spray irrigation system at Briar Chapel; that in talking with Planning staff, he has extended the offer to host a Briar Chapel utilities one-on-one information session; that this would be a public forum; that the Planning Board and any other boards or commissions would be invited to attend; and that the forum would:

- outline what the Briar Chapel utilities is
  - a. what the intensions are
  - b. how it works, how it is managed, operated, reported, and monitored.

Mr. Mumford added that Briar Chapel could possibly host a meeting first to coincide with a Planning Board meeting and temporarily have a discussion on this issue; that a field workshop could also be held (with warmer weather and usage of the spray irrigation system during development) to demonstrate the facilities; that the public would also be invited to attend; and that he could meet with individual Home Owners Associations.

## VII. ZONING AND ORDINANCE AMENDMENTS:

A. Request by the Chatham County Board of Commissioners to consider amendments to the Zoning Ordinance, Off-Premise Sign Ordinance, and Lighting Ordinance. The proposed amendments are for changes to temporary signs, non-conforming provisions, internally illuminated signs, and dimensional requirements for signs in the O&I zoning district.

Mr. Copeland stated that a joint public hearing of the Planning Board and County Commissioners was recently held on this request (January 19, 2010); that public input was received; and that the Commissioners are now awaiting assessment and recommendation from the Planning Board.

Mr. Sullivan stated that the bulk of the proposed amendments are located in the Zoning Ordinance; that the Board of Commissioners asked staff to review temporary signage, particularly regarding:

- nonprofit events
- real estate open house signs
- banners, and
- construction signs.

He explained that there are several technical amendments to the definitions (Section 7) to add more information for enforcement assistance; that there are some changes to the non-conforming provisions (Section 9) to address some concerns of the Commissioners (to allow a non-conforming sign to be replaced or relocated on the landowners property); and that proposed amendments also include regulations governing signs (Section 15).

**Zoning Ordinance Proposed Amendments:** - Some suggestions/revisions by the Board were as follows:

**Section 15.1** - *Delete "See Definitions, Section 7" – 1<sup>st</sup> Sentence*

Mr. Sullivan will check to see if it is legally ok to delete this.

**Section 7** - *"Animated Sign" - deleted by staff*

Mr. Howell explained that staff deleted this definition because the term is not used in any ordinance but is rather referred to as "flashing, intermittent".

**Section 9.4**

1. F) *"Non-conforming Signs: Any permanent, on-premise sign may be **replaced**, repaired or relocated on the property, provided that the replaced, repaired or relocated sign does not exceed the size (square footage) or height of the original sign".*

Add - that if replaced, the replacement must conform to the new regulations.

\*\*See discussion below under "Off Premise Sign Ordinance" review.

Mr. Hinkley made a motion; seconded by Ms. Levy to approve the additional language that if a sign is replaced then the replacement must conform to the new regulations; \*\*and that the issue regarding ***internally illuminated signs being prohibited*** is revisited during next month's Planning Board meeting. The motion passed unanimously.

**Section 15.4 #6.** - *"Signs with flashing, intermittent or animated illumination except for official warning or regulatory signs".....*

Mr. Glick suggested language – "mechanical animation".

Mr. Howell stated that this was covered under #9 that states, "Signs intentionally set in motion by wind, water, motor drive or otherwise".

Mr. Copeland stated that tonight's proposed revisions that went to public hearing were noted with additions underlined in green type and deletions with strikethrough in red type; that these proposals were for review tonight; and that other ordinance language was not on the table for tonight's review since additional revisions would need to go back through the public hearing process.

**Section 7** - *"Awning" and "Canopy"*

Mr. Hinkley suggested that a statement or provision be added to allow awnings and moveable canopies to take advantage of passive solar energy.

Mr. Sullivan stated that this would not be prohibited based on the proposed language and that a solar panel would not be regulated as a sign.

**Section 15.5 #6**

*"Announcement signs of professions or businesses, not exceeding two square feet in area, fixed flat against the building where such profession or business is carried on. There shall be a limited of one such sign per establishment".* – deleted by staff

Mr. Ernst was concerned about the deletion of this language.

Mr. Sullivan stated that if it is in a business zoned district a much larger wall sign would be allowed (than just the two square feet). Mr. Howell noted this was also covered under the Home Occupation section for home occupation businesses.

**Section 15.2** - *Material and Design* – deleted by staff, and

**Section 15.3** - *Illuminate Designs, Electrical Parts* - deleted by staff

Mr. Glick asked if these sections were addressed elsewhere in the ordinances. Mr. Howell stated that sections 15.2 and 15.3 were deleted since these (or part of) are covered in the existing building codes; and that the lighting section covers part of section 15.3.

**Section 15.5 #9 - Election Signs**

Mr. Sullivan stated that current language states that there can be a sign for a political candidate 30 days prior to the date of election; that the sign shall be removed no later than 10 working days after the date of the election; that this language introduces some complexities with enforcement; that generally from the Primary to the General Election we are not going to make people take signs down; that the Commissioners asked that staff run this proposal as broadly as possible; and that there was enough flexibility in the public hearing language should revisions be warranted.

Ms. Birchett explained that general practice has been that after Primary Election signs were removed of the losers of that election; that those going on to General Election would leave their signs where they were initially in preparation for that election; and that after the General Election all signs were to be removed.

**Section 15.11 – A.**

*“No sign shall be erected, placed, attached, suspended, altered, removed, relocated or otherwise put into use or structurally changed except pursuant to a permit issued by the Planning Division”.*

Mr. Sommers noted that Article VIII. B. of the Off-Premise Sign Ordinance amendments states: *“The sign administrator may inspect all signs for compliance with these maintenance requirements”.* He voiced concern about the administrator procedure by the Planning Division and the assigned sign administrator is unclear.

Mr. Sullivan stated that Angela Birchett is the Zoning Administrator as defined by the Zoning Ordinance; that Ms. Birchett handles the issuance of all sign permits; and that above referenced language regarding “sign administrator” is located in the Off-Premise Sign Ordinance proposed amendments and would be reviewed later in this discussion.

Board discussion followed regarding a detailed outline of the timelines between the Primary Election, the electioneering and etc. It was noted that potentially signs could be erected beginning February and remain until 10 days following the November election. Ms. Ford recalled a suggestion made at the recent public hearing to allow signs 30 days prior to “early voting” for the Primary Election. Mr. Copeland noted that this would only be a difference of six (6) days. It was the consensus of the majority of the Board to leave this issue for legal counsel. Ms. Birchett stated that copies of our sign regulations are included in the packet distributed by Board of Elections.

**Section 15.10**

A. *“No such signs shall be permitted on public property or within public rights-of-way unless authorized by the responsible landowner or agency”. – Delete words “landowner or”*

*“There shall be no more than one (1) sign per tax parcel”. – Add word “tax”*

Motion

Mr. Glick made a motion; seconded by Mr. Hinkley to support the proposed Zoning Ordinance amendments as submitted with the changes noted in tonight's discussion. There was no further discussion and the motion passed unanimously.

**Lighting Section Proposed Amendments:**

**Section 13.12** of the Chatham County Zoning Ordinance

**George Farrell, Jr.**, 354 McGhee Rd., Chapel Hill, NC, was present.

Mr. Farrell stated that he is owner of Farrell's Store located at the corner of Farrington Point Road and McGhee Road; that recently he received a canopy violation that has since been fixed; and that he is concerned with proposed language that states:

“Lighting fixtures illuminating signs and billboards shall be aimed and shielded so that direct illumination is focused exclusively on the sign”.

Mr. Farrell explained that his canopy lighting is exclusively inside the sign; that the lighting is probably more efficiently projecting on the sign with less intrusiveness to the outside; that lighting is very important; that their lights are left on at night (under current regulations) for security purposes; and that there has been an attempted break-in at his business. Mr. Farrell stated that he would furnish staff a picture of his canopy lighting for distribution to Planning Board members.

Mr. Sullivan stated that lighting standards were adopted in 2007 and incorporated into the Zoning Ordinance; that a section regarding “internally illuminated signs” was complicated and therefore was deleted from the standards; that staff understood that internally illuminated signs would not be allowed in the future; that the proposed language is to clarify the way standards have been enforced since 2007; and that a text amendment would be needed to address Mr. Farrell's concerns. Mr. Sullivan noted that lighting provisions were developed to address light glare and light pollution and were designed to have light directed down onto the ground from the light source; and that Mr. Farrell is the first applicant for a new sign since 2007.

In order to address Mr. Farrell's concern, Mr. Copeland asked that Mr. Sullivan (between now and next month's Planning Board meeting) inform the Board of the pros and cons in order to make a recommendation to the Commissioners relative to possibly holding another public hearing if ramifications should warrant an amendment. \*\*See Mr. Hinkley's motion noted above under discussion of Zoning Ordinance proposed amendments, Section 9.4. – which includes that the issue prohibiting internally illuminated signs be revisited at next month's Planning Board meeting.

**Off-Premise Sign Ordinance Proposed Amendments:**

Mr. Sullivan explained that the only changes made to this section are addressing how to handle non-conforming signs; and that the amendment would allow for non-conforming signs to be replaced, repaired or relocated on the same property. (i.e., would not have to comply with new regulations.)

**Motion**

Following Board discussion, Mr. Glick made a motion; seconded by Ms. Ford to make the following revision to the proposed amendments:

Article VIII. MAINTENANCE, Section 109.00, Non-conforming Signs, B.  
“Any off-premise sign may be replaced (**replacement must conform to the new ordinance regulations**), repaired or relocated on the property it is located”. Add - that if replaced, the replacement must conform to the new regulations.

The motion passed unanimously. Mr. Sullivan stated that this same language exists in the Zoning Ordinance (Section 9.4) and that we would need to be consistent. \*\*See vote in above Zoning Ordinance discussion.

VIII. **NEW BUSINESS:**

No reports were submitted.

IX. **STAFF ITEMS:**

A. Planning Director Staff Report

1. *Minor Subdivisions Update.*

Mr. Sullivan stated that there were no changes since last month’s update.

2. *Update on considering ordinance revisions regarding land disturbance*  
***Re: LoFrese discussion last month***

Mr. Sullivan stated that he has spoken with Jim Willis, Chatham County Soil Erosion & Sedimentation Control Inspector, regarding issues brought before the Board about the storm water pond impacted by off-site sediment; that Mr. Willis has been working with the property owner who is now in compliance as far as erosion control; that the Division of Water Quality [DWQ] is also involved in this site regarding the sediment in the stream; that the landowner appears to now be in compliance with the sediment issue; and that DWQ continues to work with the landowner to remove approximately 50 feet of pipe installed in the creek as well as fill material associated with the pipe.

Mr. Glick requested a letter be sent to Mr. LoFrese indicating to him that action has been taken. Mr. Sullivan stated that he would relate this request to Jim Willis. Mr. Copeland suggested that the letter also be signed by the Planning Board and that he could assist with drafting the letter with the cooperation of staff. It was noted that at this point no fines have been issued by Chatham County.



3. *Chatham/Cary Joint Plan Subcommittee*

Mr. Sullivan stated that the subcommittee would be meeting again this Thursday morning from 9:30-11:30 at Carpenter Fire Station in Cary, NC (near intersection of Carpenter Fire Station Road and Hwy NC 55); and that this is a continuation of the on-going meetings of the joint plant for that area (east of Jordan Lake and north of Water Creek). Mr. Howell noted that the agenda for this meeting would be posted on the website tomorrow morning.

4. *First Plat Submittal*

Mr. Sullivan distributed a copy of the attachment E-mailed yesterday to Board members by Lynn Richardson regarding subdivision first plat submittal, i.e., language from current Subdivision Regulations. He stated that staff has received its first application; that with the new regulations a public hearing would be held by the Planning Board in March (instead of just reviewing the application); that procedurally nothing would change; that legal ads **do not** have run in the local newspaper but adjoining property owners are notified; that hard copies of the application would be provided at next month's Planning Board meeting; and that information is posted on the website if anyone wishes to review the request in advance. He explained that the Heard family wants to create a one (1) acre lot that has an existing cell tower; that since this is a non-residential subdivision of land it is treated as a major subdivision; that the Planning Board Chair can postpone discussion at the close of the public hearing and then have up to two (2) meetings to make a decision; but the Board can also discuss the request and make a decision after the close of the public hearing.

5. *Agenda Item for March*

Mr. Sommers requested an agenda item be added to the March Planning Board meeting to discuss the change of the Planning Board calendar regarding election of officers, i.e. change "Rules of Procedure" to state that elections are to be held during the January meeting.

X. BOARD MEMBER ITEMS:

A. Election of Planning Board Officers  
See Item IV.

XI. ADJOURNMENT: There being no further business, Mr. Copeland declared the meeting adjourned at 8:35 P.M.

\_\_\_\_\_  
James Elza, Chair

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Kay Everage, Clerk to the Board

\_\_\_\_\_  
Date