

CHATHAM COUNTY PLANNING BOARD
MINUTES
May 3, 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. Members present were as follows:

Present:

James Elza, Chair
B.J. Copeland, Vice - Chair
Barbara Ford
Warren Glick
Judy Harrelson
Susan Levy
Bill Sommers
Delcencia Turner

Absent

Karl Ernst
Jim Hinkley
Timothy Keim

Planning Division:

Jason Sullivan, 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: Chairman Elza called the meeting to order at 6:30 p.m.
- II. DETERMINATION OF QUORUM: The clerk stated that a quorum was present to begin the meeting (8 Board members).
- III. APPROVAL OF AGENDA: Mr. Glick made a motion; seconded by Ms. Turner to approve the agenda as submitted. There was no discussion and the motion passed unanimously.
- IV. APPROVAL OF CONSENT AGENDA:
 - A. Minutes: Consideration of a request for approval of the March 2, 2010 Planning Board minutes.

Mr. Glick made a motion; seconded by Ms. Levy to approve the consent agenda as submitted. There was no discussion and the motion passed unanimously.
- 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. SUBDIVISION PRELIMINARY and FINAL PLAT APPROVAL:
 - A. Subdivision Final Plat Approval: Request by Lewis Metty Development Co, LLC for subdivision final plat approval of "Cedar Mountain – Phase Two", consisting of 6 lots on 12.017 acres, located off SR-1540, Jones Ferry Road, and Cedar Grove Road, Baldwin Township.

Mr. Sullivan reviewed the agenda notes for this subdivision request. He stated that all six (6) lots are served by off-site sewer systems; that staff condition #2 addresses this; that today staff received an E-mail from Jim and Bev Wiggins representing the Chatham County Historical Association regarding the old chimney located on the proposed property; that the Wiggins only request was that the location of the chimney be shown on the plat; that a copy of this correspondence was distributed to the Board earlier tonight (and is filed in the Planning Department and is posted on the county website); that the revised plat indicates the location of the old chimney; and that staff recommends approval of the request as submitted with conditions #1 and #2 as noted in tonight's agenda notes. (Note: Condition #3 has been met regarding the old chimney.)

Board discussion followed regarding, 1) unsuitable soils, 2) off-site sewage treatment systems, and 3) the six separate supply lines for the septic systems. Mr. Sullivan addressed these issues.

The developers, Kirk Metty and Chuck Lewis, were present.

No adjoining landowners spoke.

Motion to approve

Ms. Levy made a motion; seconded by Mr. Copeland to grant final plat approval of "Cedar Mountain, Phase Two" as submitted and as recommended by staff; and with the deletion of condition #3 that has been met. There was no further discussion and the motion passed 7-0-1 with all Board members present voting in favor of the motion; except Mr. Sommers who abstained due to his concern about the long term maintenance of the off-site septic areas. The two (2) conditions are as follows:

1. The plat shall not be recorded until the county attorney has approved the form of the financial guarantee.
2. The septic supply lines shall be installed for all six (6) lots by one contractor a minimum of 30 inches deep, and inspected by Chatham County Environmental Health prior to recordation of the final plat.

B. Subdivision Preliminary and Final Plat Approval: Request by GV Commercial, LLC for subdivision preliminary and final plat approval of "Governors Village Parcel "C", consisting of one (1) non-residential lot on 2.63 acres, located off SR-1008, Mt. Carmel Church Road, and Moring (private), Williams Township.

Mr. Sullivan reviewed the agenda notes for this subdivision request. He stated that this is also being submitted under the old Subdivision Regulations (pre-December, 2008 regulations); and that both current and old regulations consider a non-residential lot as a major subdivision. Mr. Sullivan reviewed some background information addressed in tonight's agenda notes. He noted that staff recommends approval of the request as submitted with the following condition:

1. The following information and/or corrections shall be made to the final Mylar prior to recordation: adjoining property owners, parcel ID # 8097, and correct scale.

Chris Ehrenfeld, applicant, GV Commercial, LLC, was present.

Mark P. Ashness, Engineer, CE Group, Inc. was present representing the applicant.

Board discussion followed. Some specifics reviewed were:

- vested rights
- county water lines
- sewer system
- future use of buildings
- storm water easement (building #1)
- storm sewer easement (building #2)
- parking
- landscaping

Mark Ashness and Chris Ehrenfeld addressed the above. Mr. Ashness explained the 2001 concept plan. He noted that easements were not required by either the county or developer but were added for protection.

No adjoining landowners spoke.

Motion to approve

Ms. Ford made a motion; seconded by Mr. Copeland to grant preliminary and final plat approval of "Governors Village Parcel "C", consisting of one (1) non-residential lot on 2.63 acres, as submitted and as recommended by staff; with additional conditional #2 regarding storm water easements as noted below. There was no further discussion and the motion passed unanimously.

The two (2) conditions are as follows:

1. The following information and/or corrections shall be made to the final Mylar prior to recordation: Adjoining property owners
Parcel ID # 8097
Correct scale
2. Any utility or storm water easements must be relocated if a building is to be constructed over them and a new plat showing the location of the easement recorded prior to the approval of a building permit.

VII. ZONING AND ORDINANCE AMENDMENTS:

Item from 4-19-10 Public Hearing:

- A. Request by Lauren Fitts dba Carolina Waterscapes for a revision to an existing conditional use permit for a landscape design, food and beverage retail, and general retail business, located at 781 Mt. Carmel Church Rd., Parcel No. 19430, Williams Township, to include personal service shop specifically for exercise instruction, massage and physical therapy, acupuncture, and Bodywork for physical health.

Ms. Birchett reviewed the agenda notes and the five (5) required findings for this application. She stated that the request does not require any additional square footage to the existing building; that no additional parking would be needed; that there would be no noticeable physical or structural changes to the existing facility except for additional wording on the existing sign; and that staff recommends approval of the request as submitted with seven (7) conditions (note: conditions 1-6 were attached to the current conditional use permit; condition #7 was added by staff regarding letter of approval as noted below):

1. Required landscaping shall be as specified by the Chatham County Appearance Commission and shall be shown on a revised site plan. Required landscaping shall be completed on or before March 15, 2003.
2. Lighting shall be as shown on the site plan and as approved by the Chatham County Appearance Commission with all lights being shielded on top and sides to prevent glare and spillage onto adjacent properties. Lighting on sign shall be "down lighting".
3. The business must be in operation on the property within 12 months from approval by the Board of Commissioners and/or a building permit must be obtained within twelve (12) months from approval for any renovations to the structure and remain valid during the construction period or the conditional use permit will become null and void.
4. Prior to issuance of a building permit, an engineer's report on the structural integrity of the structure is to be provided to the Building Inspections Department.
5. Prior to issuance of a building permit, staff must receive a copy of the commercial driveway permit from NCDOT and a copy of the erosion control permit, if required, by NCDENR.
6. A seven-foot (7') high fence shall be constructed to screen the dumpster on the rear of the property prior to March 15, 2003.
7. A letter of approval from an inspection by Environmental Health shall be provided before any additional activities may commence on the property verifying the septic system will support additional uses as described in the application.

Ms. Lauren Fitts, applicant, was present. Ms. Fitts stated that she is a certified Pilates' instructor; that Yoga is the main added physical therapy; and that all required licensing is valid.

No adjoining landowners spoke.

Discussion followed regarding sufficient parking and a previous sign violation.

Motion to approve

Mr. Copeland made a motion; seconded by Ms. Harrelson to grant approval of the request as submitted and as recommended by staff. There was no further discussion and the motion passed unanimously. The seven (7) recommended conditions are listed in discussion above. Ms. Birchett stated this recommendation would be forwarded to the Commissioners next month.

Discussion after Motion

Mr. Glick stated that it would have been helpful if staff had informed Board members in advance of the sign violation noted above. Mr. Sullivan stated that staff generally does not address violations in agenda notes especially when the applicant is trying or has already rectified the problem. Mr. Glick stated that he was in agreement with staff.

VIII. NEW BUSINESS:

A. Agri-tourism – discuss possible amendment to the Zoning Ordinance

Mr. Sullivan stated that staff does not have anything to present to the Board tonight regarding this issue; that Mr. Guy Loeffler presented information to the Board of Commissioners several months ago regarding possible activities other than a winery, i.e. special events, restaurant; and that Mr. Loeffler may be submitting recommendations for amendments to the Zoning Ordinance to revise the Agri-tourism.

Farmland Preservation Plan

Mr. Howell stated that the plan discusses different ways to allow “value added agriculture”. Mr. Sommers requested that copies of the plan be provided to Board members. Mr. Sullivan stated that he would provide digital copies (90+ pages) via E-mail. Mr. Copeland and Ms. Turner asked for hard copies instead of an E-mail.

Chatham Conservation Plan

Chair Elza stated that next month's Planning Board agenda would include a presentation by Allison Weakley regarding this subject.

Board discussion followed regarding bona fide farming, zoned and unzoned portions of the county.

Ms. Turner left the meeting as this time [7:50 p.m.]

IX. STAFF ITEMS:

A. Planning Director Staff Report

1. *Minor Subdivisions Update*

Mr. Sullivan referenced the updated spreadsheet included in tonight's agenda packet listing approved minor subdivisions.

2. *Discussion of Scheduling Changes on the Board of Commissioner's Agenda*

Mr. Sullivan stated that Commissioner Kost asked that this item be presented to the Planning Board; and that this issue is relative to the timing of when we submit our items to the Board of Commissioners and how it impacts the application process. Mr. Sullivan explained that in the past our agenda abstracts were prepared on Wednesday following Tuesday's Planning Board meeting and sent to the clerk's office to meet the deadline for the next Commissioner's meeting two (2) weeks out; that the clerk's office has revised their deadline date and we are now required to submit our abstracts (and all printed materials) by noon on Tuesdays; and that this results in the Commissioners reviewing our Planning items the following month during their second meeting which is a night meeting.

Board members discussed possibly changing the Planning Board calendar but it was the consensus of the majority of the Board to not make any changes at this time and to review this issue later.

3. *Joint Chatham-Cary Plan Update*

Mr. Sullivan stated that the subcommittee (3 Cary Town Council members and 2 Chatham County Board of Commissioners) continues to work on a joint plan for the Chatham/Cary area; that during their last meeting on April 15, 2010 the subcommittee discussed the mixed use node and what to do with different land use changes on the plan; that the next subcommittee meeting is scheduled for May 18, 2010 at 9:30 a.m. - 11:30 a.m. at the Cary fire station on Carpenter Fire Station Road hosted by The Town of Cary; and that discussion of the mixed use node would continue along with consideration of two (2) map changes requested by citizens.

4. *Joint Chatham-Orange Workgroup Update*

Mr. Sullivan stated that in 2009 the Chatham County Commissioners established a working group with Orange County (composed of two Chatham County Commissioners, Orange County Commissioners, representatives from Chapel Hill, Carrboro, Hillsboro, Pittsboro, OWASA, and UNC); that the committee has met a couple of times reviewing general topics of mutual interest; that the last meeting was last month (April 22) at the OWASA facility in Carrboro; that Chatham County has provided updates on commercial projects along Hwy 15-501 north of Pittsboro; that the committee has discussed the joint courtesy review process that Orange County has in place along with their transit plans; and that Melissa Guilbeau, Chatham County Transportation Planner is scheduled to address the committee at the upcoming meeting scheduled for the last week in August, 2010.

Mr. Sommers noted that NCDOT is sending him the proposed plan for widening of Smith-Level Road that is to start just before the Carrboro line because Orange County did not want widening in the area due to existing facilities. Mr. Sullivan addressed this issue.

5. NC-APA Workshop on Farmland Preservation Planning Update

Mr. Sullivan stated that the workshop was held this past Friday; that Ben Howell was instrumental in planning the workshop; that Del Turner and Bill Sommers attended as well as several staff members; that the workshop was very informative covering a range of topics relating to farmland (from traditional farms to Community Gardens in Carrboro); and that copies of the power point presentations would be provided to interested Board members.

Mr. Sommers stated that he was very pleased to attend the workshop; and that he was proud of Chatham County representatives who took part in the presentations.

X. BOARD MEMBER ITEMS:

1. Manns Chapel Church

Mr. Copeland asked about the status of the issue regarding Manns Chapel Church possibly being utilized with a restaurant. Ms. Birchett stated that this has gotten caught up in the "Permitting Extension Act" and that nothing to date has been submitted to the Planning Department. Mr. Sullivan stated that there were issues with the septic system and that they were not awarded the grant that had been requested.

2. Abstention

Chair Elza stated that he suspects that our Planning Board Bylaws and Roberts Rules do not match.

Tom Glendinning, Planning Board Parliamentarian, gave the following information relative to abstaining:

- a) It is the right of a member to express their opinion (this includes by abstaining)
- b) The only thing that would require an explanation is if there is a direct personal interest
- c) When affecting one's self – a person may opt to abstain
- d) A rule against explanation - a member has no right to explain his vote during voting which would be the same as debate at such time (debate happens before the vote)
- e) Changing one's vote – someone may change their vote with Board approval to do so – unless in Bylaws, Board determines rules

Mr. Glick reminded Board members that the Board of Commissioners requested that if there is an abstention there should be an explanation regarding the basis for the abstention.

