

**CHATHAM COUNTY PLANNING BOARD  
MINUTES  
February 1, 2011**

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:

Michael Mayo, Chair  
Karl Ernst, Vice - Chair  
Philip Bienvenue  
Kathryn Butler  
Philip Canterbury  
B.J. Copeland  
James Elza  
Mike Grigg  
Dwayne Howard  
Timothy Keim

Absent

Susan Levy

Planning Division:

Jason Sullivan, Planning Director  
Angela Birchett, Zoning Administrator  
Ben Howell, Planner

Others Present

Tom Glendinning  
Board Parliamentarian

- I. CALL TO ORDER: Chair Elza called the meeting to order at 6:29 p.m.
  - II. DETERMINATION OF QUORUM: Ben Howell stated that a quorum was present to begin the meeting.
  - III. APPROVAL OF AGENDA: Mr. Copeland made a motion; seconded by Mr. Keim to approve the agenda as submitted. There was no discussion and the motion passed unanimously. (10 members)
  - IV. APPROVAL OF CONSENT AGENDA:  
Minutes: Consideration of a request for approval of the January 4, 2011 Planning Board minutes.  
  
Mr. Keim made a motion; seconded by Mr. Grigg to approve the consent agenda as submitted. There was no discussion and the motion passed unanimously.
  - V. ELECTION OF OFFICERS:
    - A. **Nominations for Planning Board Chair**
      - Mr. Copeland nominated Jim Elza for re-election
      - Mr. Mayo nominated Karl Ernst
      - Mr. Howard nominated Michael Mayo
- There were no other nominations and the open voting was as follows:

**1<sup>st</sup> Vote**

Jim Elza = 4 votes (Keim, Copeland, Butler, Elza)  
Michael Mayo = 4 votes (Grigg, Howard, Bienvenue, \*Mayo)  
Karl Ernst = 2 votes (Canterbury, Ernst)

\*Mr. Mayo retracted his initial vote for Karl Ernst since he was not aware that he could vote for himself.

**2<sup>nd</sup> Vote**

Jim Elza = 3 votes (Copeland, Keim, Elza)  
Michael Mayo = 7 votes (Bienvenue, Butler, Canterbury, Ernst, Griggs, Howard, Mayo)

Mr. Mayo took the chair.

**B. Nominations for Planning Board Vice-Chair**

- Mr. Elza nominated B.J. Copeland
- Mr. Howard nominated Karl Ernst

There were no other nominations and the open voting was as follows:

**Vote**

B.J. Copeland = 3 votes (Elza, Keim, Copeland)  
Karl Ernst = 7 votes (Howard, Bienvenue, Butler, Canterbury, Grigg, Mayo, Ernst)

Mr. Ernst was elected Planning Board Vice-Chair.

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

There were no requests from the public to speak at this time.

**B. BOARD COMMENTS:**

- 1) *Mr. Canterbury stated that he had been asked by a citizen if the impact fee would apply to his lot that has had a pre-existing septic system for 15 years; or would the lot be considered grandfathered.*

Mr. Sullivan stated that this question would need to be forwarded to Jenny Williams, Central Permitting Director, to determine whether or not the impact fee would apply.

- 2) *Mr. Mayo stated that he received a telephone call from a gentleman who had a question about potholes in the road at Crosswinds Estates, Highway 64 (east of Mt. Gilead Road).*

Ms. Richardson stated that NCDOT should be contacted if this concerns a public road; that if it is a private road it would be an issue for the homeowners; and that the gentleman could contact her for further assistance.

- 3) *Ms. Butler stated that she received an anonymous letter from a citizen about a building they consider an eyesore.*

Ms. Butler submitted the letter to Ms. Birchett for follow-up.

VII. PRELIMINARY and FINAL PLAT APPROVAL:

Request by Bill Mumford, Assistant Vice President on behalf of NNP Briar Chapel, LLC for dedication of public right-of-way for a portion of Granite Mill Boulevard and a portion of Boulder Point Drive, located off S. R. 1528, Andrews Store Road, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this request. She stated that one issue discussed at the recent Technical Review Committee meeting was regarding the turning radii of the roadways at the intersection of Granite Mill Boulevard and Boulder Point Drive; and that after the agenda notes were distributed staff added a condition #2 that reads:

Condition #2 – Revisions shown on revised map, and as specified in E-mail from Curtis Blazier dated January 31, 2011, be shown on the final plat.

Lee Bowman, Project Manager, gave a general background/update about Briar Chapel. Some specifics noted were:

- currently 130 residents
- top 10 selling development in Triangle
- started new phase of construction for 175 additional lots
- anticipate 150 new residents in 2011
- the Margaret B. Pollard Middle School is a great addition to Chatham County – Briar Chapel proud to be partners
- worked diligently with Chatham County School Board and NCDOT regarding the school, and
- major road improvements to Andrews Store Road for the school opening.

Tom Bender, Chatham County Fire Marshall, addressed fire code interpretation, and access difficulty for emergency equipment. He distributed and briefly reviewed the following hand-outs: (Copies are filed in the Planning Department.)

Attachment A - Chapter 1, Scope and Administration – from fire codes

Attachment B - Chapter 5, Fire Service Features – from fire codes

Attachment C - "Auto Turn Using Chatham Fire Truck Dimensions" – from NCDOT

Attachment D - "Appendix D, Fire Apparatus Access Roads" – can only be enforced if locally adopted into codes; Chatham County has not adopted Appendix D but use as reference

Mr. Bender expressed concern regarding, 1.) turning radii of the roadways at the intersection of Granite Mill Boulevard and Boulder Point Drive, and 2.) whether or not the radii are adequate for fire apparatus vehicles to negotiate the turns.

Board discussion followed. Some specifics discussed were:

- *If there is a fire would/could the Fire Department respond* - Fire Department would respond but could possibly have difficulty with turns.
- *Minimum turning radius* - not specified in Fire Code

- *Simplify turning radius when road is completed* - up to the engineer
- *Where did interpretation originate* - Richard Strickland, Office of State Fire Marshall
- *Is there concern for safety and/or vehicle damage* - safety first concern
- *Intersection concern* - per Grant Livengood, McKim & Creed, (engineers for Briar Chapel), this intersection is legal and fire apparatus can make turns
- *Is this setting a future precedent* - built to NCDOT specifications; not setting a precedent without changing ordinance

Attorney Nicholas Robinson was present representing the applicant.

Mr. Robinson stated that he requested planning staff to remove condition #1 that reads:

Condition #1 - That the turning radii at the intersection of Granite Mill Boulevard and Boulder Point Drive be re-evaluated by Briar Chapel, North Chatham Fire Department, and the Chatham County Fire Marshall prior to any future subdivision submittals extending said roadways to the north and east to future phases of the development and that adequate turning radii as recommended by the Fire Code Official/Fire Marshall be provided to accommodate fire apparatus access.

Mr. Robinson distributed and briefly reviewed the following material: (A copy labeled Attachment E is filed in the Planning Department)

- 1) Page 17 of the Chatham County Compact Communities Ordinance; and
- 2) Letter with attachments dated May 12, 2010 to McKim & Creed from Reuben Blakley, NCDOT regarding plan approval subject to stipulations and recommendations (Subdivision Roads; Minimum Design and Construction Criteria For Subdivision Roads; Updates To January 2000 Subdivision Manual Effective January 2010; and NCDOT Traditional Neighborhood Development (TND) Guidelines dated July 2000).

Mr. Robinson pointed out that the plat meets the Chatham County Subdivision Regulations and should be approved without condition #1 noted above; and that the applicant is okay with condition #2 proposed by staff regarding revised plat.

Motion to approve

Mr. Elza made a motion; seconded by Mr. Ernst, to approve the preliminary and final plat as submitted with staff condition #2 - but **not condition #1**.

Mr. Grigg stated that he would be abstaining from voting because his son is a resident of Briar Chapel. There was no discussion and the motion passed 9-0-1 with all Board members present voting in favor of the motion; except Mr. Griggs who abstained. The one (1) condition is as follows:

- Revisions shown on revised map and as specified in E-mail from Curtis Blazier dated January 31, 2011 be shown on the final plat.

VIII. ZONING AND ORDINANCE AMENDMENTS: *Items from 1-18-11 public hearing:*

1. Request for a text amendment to the Chatham County Zoning Ordinance by Lauren Thomas to reduce the minimum acreage requirement for daycare centers in the principle residence.

Ms. Birchett reviewed the agenda notes for this request. She stated that staff recommends approval of text amendment to reduce the minimum acreage requirement from three (3) acres to **one (1) acre** with all other requirements remaining.

Lauren Thomas, applicant, was present. Ms. Thomas stated that she is allowed up to fifteen (15) after-school children but only twelve (12) pre-school children; and that she doesn't plan to do after-school day care. She noted that her one (1) acre has allowed her to do necessary revisions and still have extra land, i.e. septic, in addition.

*Motion to approve*

Mr. Ernst made a motion; seconded by Mr. Keim to recommend approval of the text amendment as submitted and as recommended by staff. Discussion followed regarding, 1.) change in ordinance would reflect future requests; and 2.) noise and/or restrictive covenants not issues. The motion to approve passed unanimously.

Ms. Birchett explained that the next two requests (Items 2. and 3.) fall under the quasi-judicial proceedings since they are conditional use permits; that all evidence supporting the requests had to be available at the January 18, 2011 public hearing and cannot be altered; but that clarification of a particular point would be permitted.

2. Request for a revision to an existing conditional use permit by McGill Environmental located at 634 Christian Chapel Church Rd., Parcel No. 5596, to add a modular office building to the site.

Ms. Birchett reviewed the agenda notes and the five required findings for this request. She stated that the application is for an additional office building to serve as office space, lunchroom, locker room, and restroom for employees; that it is staff opinion that the five (5) required findings have been met and that the request is recommended for approval; and that the only condition that planning staff recommends is that previously approved conditions remain valid and in effect.

Motion to approve

Mr. Keim made a motion; seconded by Mr. Ernst, to recommend approval of the request as submitted and as recommended by staff with the above condition. Discussion followed.

Steve Cockman, Manager, McGill Environmental, stated that the facility is located virtually in the center of the property's 50 acres; and that the structure is well within the required setbacks.

Cindy Perry, Attorney, was present representing the applicant. Ms. Perry stated that the plant is over 1,000 feet from any residential structure and meets buffer requirements.

The motion passed unanimously. The condition is as follows:

- All previously approved conditions as stated shall remain valid and in effect with the approved revision.
3. Request for a revision to an existing conditional use permit by Colvard Farms Homeowner's Association, located at 9310 NC Hwy 751, for multiple revisions.

Ms. Birchett reviewed the agenda notes and the required five (5) findings for this request. She stated that the first part of the request is regarding building setbacks; that staff revised the word, "buildings" to read, "dwellings or accessory dwellings" as noted in staff conditions 2 and 3; and that the second part of the request is to create three (3) non-residential subdivision lots for their water and sewer utilities to be conveyed to a management company. Ms. Richardson, Subdivision Administrator, addressed this 2<sup>nd</sup> part of the request.

Ms. Richardson stated that the applicant proposes to subdivide subdivision lots (total of less than five (5) acres) located around the existing wastewater treatment plant, community water system, and storage pond/pump station; that these three lots would be deeded to Aqua North Carolina who would own and manage the wastewater treatment facility, the community water system, and the storage pond/pump station; that the Subdivision Regulations state that non-residential lots are to be approved by the Board; and that a subdivision application would be submitted pending approval of the zoning request.

Ms. Birchett explained that one of these lots does not meet the lot size requirement; and that staff requests:

- that the Board allow a minimum lot size of less than 10,000 sq. ft. to accommodate the 0.24 acre tract that comprises the community water system
- to allow the easement serving these three (3) lots to be 25 feet in width, and
- to allow this application to serve as their sketch design so that the applicant may go forward in creating these three (3) non-residential lots.

Ms. Birchett stated that staff recommends approval of the request as submitted with changes to conditions 1 thru 4 as specified in tonight's agenda notes.

Board discussion followed. Some specifics reviewed were:

- Reason for creation of lots
- Duke Power easement – included in lot
- Utility lots – need to address standards
- Triangle lot outline on plat map (3.17 acres) – total lot being deeded to Aqua North Carolina
- Adequate emergency access
- Staff sent approximately 200 adjacent landowner letters advising of request – no opposition noted

Motion to approve

Mr. Copeland made a motion; seconded by Mr. Keim to grant approval of the request as submitted and as recommended by staff. There was no discussion and the motion passed unanimously (10). The four (4) conditions are as follows:

- 1) A 50-foot undisturbed buffer area has been established along the outside property line adjacent to the public lands managed by the US Army Corps of Engineers and is shown on recorded plats.
- 2) A 50-foot rear setback for dwellings or accessory dwellings, in addition to the 50 foot undisturbed buffer, is established and is shown on recorded plats.
- 3) Within the required minimum 50-foot dwelling and/or accessory dwelling setback area, there is a restriction prohibiting the cutting of trees 18 inches or greater in diameter. This shall be documented in the Declaration of Covenants, Conditions, and Restrictions of Colvard Farms Subdivision.
- 4) All other conditions as approved shall remain valid and in effect at all times.

IX. NEW BUSINESS:

1. *Parliamentarian*

Chair Mayo reappointed Tom Glendinning as Planning Board Parliamentarian.

X. STAFF ITEMS:

Planning Director Staff Report

1. *Minor Subdivisions Update*

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

2. *Chatham-Cary Joint Land Use Update*

Mr. Howell stated that this past December the Commissioners decided to continue meeting with Cary as a joint - committee to work on the Joint Use Plan; that Commissioners Bock and Petty were appointed as members of this committee; that Commissioner Stewart was also added to the committee; that on January 15 the committee members met with three of the Cary Town Council members to continue working on the Joint Land Use Plan; and that their next meeting is scheduled for February 16 at the Jordan Lake Visitor's Welcome Center.

3. *Streamlining Discussion – February 8 Board of Commissioners Retreat*

Mr. Sullivan stated that staff would be presenting streamlining efforts requested by the Commissioners at their upcoming retreat at Camp Royal; that background and process for a business to open in the county would be reviewed to give the Commissioners a better understanding of the steps involved; that the subdivision process would also be reviewed with the current subdivision regulations; and that staff would then receive further direction from the Board of Commissioners.

XI. BOARD MEMBER ITEMS:

1. *Additional Information – requested from Board*

Chair Mayo asked about the protocol for obtaining additional information on a specific item. Mr. Sullivan stated that Board members should contact staff or him for additional information on a particular issue.

Mr. Ernst encouraged Board members to review the Chatham County Planning website.

XII. ADJOURNMENT: There being no further business, Mr. Ernst moved; seconded by Mr. Keim to adjourn the meeting. There was no discussion and the motion to adjourn passed unanimously (10). The meeting adjourned at 8:23 p.m.

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Michael Mayo, Chair / Date

Attest:

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