

CHATHAM COUNTY PLANNING BOARD
MINUTES
April 5, 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
Philip Bienvenue
Kathryn Butler
Philip Canterbury
B.J. Copeland
James Elza
Mike Grigg
Dwayne Howard
Timothy Keim

Absent

Karl Ernst, Vice-Chair

Planning Division:

Jason Sullivan, Planning Director
Ben Howell, Planner
Lynn Richardson, Subdivision Administrator
Angela Birchett, Zoning Administrator
Kay Everage, Clerk to the Board

Others Present

Tom Glendinning
Parliamentarian

- I. CALL TO ORDER: Chair Mayo 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.
- III. APPROVAL OF AGENDA: Mr. Copeland made a motion; seconded by Ms. Butler to approve the agenda as submitted. There was no discussion and the motion passed unanimously.
- IV. APPROVAL OF CONSENT AGENDA:
Minutes: Consideration of a request for approval of the March 1, 2011 Planning Board minutes.

Mr. Copeland noted one correction to the minutes as follows:

- Page 15 – 1st paragraph
Environmental Management Commission Appointments
Last sentence states, “It was noted that the County Commissioners (and not the Planning Board) would ~~be responsible for~~ **recommend** appointing a designee”.

Mr. Copeland made a motion; seconded by Mr. Grigg, to approve the consent agenda as submitted with one revision to the March 1, 2011 Planning Board minutes as follows:

delete - ‘be responsible for’
add - ‘recommend’.

Mr. Copeland explained that the County Commissioners are not responsible for appointing a designee but could recommend one. Mr. Copeland called the question 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. SUBDIVISIONS:

A. Final Plat Approval

Request by George J. Retschle, P. E., Ballentine and Associates on behalf of Jim Hodgkin and Sheryl-Mar for final plat approval of Fieldstone, Phase 1, consisting of 14 lots, on 23.79 acres, located off Mann's Chapel Road, S. R. 1532, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this application. She stated that her notes incorrectly refer to an 'As-Built letter'; that this should state, 'Built to Standards letter' from NCDOT regarding construction of the public road; that the 5-ft. wide private easement shown on the plat along the roadways has been removed and replaced with a public utility easement (per Leonard McBryde, Chatham County Utilities Director) to accommodate any county water lines, water meters, or fire hydrants that might be located outside the public road right-of-way; that this change will be shown on the Milar copy; and that a revised copy of the plat map is available on the county website. Ms. Richardson cited that the Planning Department recommends granting approval of the acceptance of the financial guarantee and approval of the final plat of Fieldstone, Phase 1, with the following two (2) conditions:

1. The plat not be recorded until staff has received an updated Cost Opinion letter from the engineer and the Built to Standards letter from NCDOT regarding construction of the public road.
2. The plat not be recorded until the county attorney has reviewed and approved the form of the financial guarantee and the contract.

Jim Hodgkin, owner, and George Retschle, applicant and engineer, were present. Mr. Retschle used the large plat map to point out erosion control structure locations on the property. He noted that the entire subdivision is very stable.

Ms. Richardson and Mr. Howell showed pictures of the development taken during their recent site visit of the property.

Board discussion followed. Mr. Elza noted language on the plat map as follows:

- *not for recordation, sales or conveyances*

- *that the boundaries not surveyed are shown as broken lines*
- *jurisdictional wetlands*

These were addressed by staff. Ms. Richardson noted that Phases 1 and 2 would be reviewed under the old regulations [prior to January 2008]; and that any potential future Phase would be reviewed under new Subdivision Regulations and possibly affecting buffering, cul-de-sacs, and bridging.

Motion to approve

Mr. Copeland made a motion; seconded by Mr. Keim to grant approval of the acceptance of the financial guarantee and approval of the final plat of Fieldstone, Phase 1, as submitted and as recommended by staff, with the following two (2) conditions:

1. The plat not be recorded until staff has received an updated Cost Opinion letter from the engineer and the Built to Standards letter from NCDOT regarding construction of the public road.
2. The plat not be recorded until the county attorney has reviewed and approved the form of the financial guarantee and the contract.

There was no further discussion and the motion passed unanimously.

B. Preliminary and Final Plat Approval

Request by Colvard Farms HOA for preliminary/final subdivision of three non-residential lots to consist of Lot #201, Waste Water Treatment Plant, 1.34 acres, Lot 202, Community Water System, .24 acres, and Lot #203, Storage Pond and Pump Station, 3.17 acres, located off Colvard Farms Road (private), Williams Township.

Ms. Richardson reviewed the agenda notes for this subdivision request. She showed pictures of the development taken during a recent site visit by her and Ben Howell. Ms. Richardson stated that staff recommends approval of the request as submitted.

Jeff N. Hunter, developer and agent for the Homeowners Association, was present.

Board discussion followed and some specifics reviewed were:

- *Implication of changing the road from 25 ft. wide to 30 ft. wide*

Ms. Richardson stated that Tom Bender, Chatham County Fire Marshall has reviewed and approved the 25 ft. wide easement (previously approved by the Board of Commissioners) regarding a fire road access.

- *County line location*

Ms. Richardson used the large plat map to point out the Colvard Farms development and the county line. She noted that the three (3) lots requested in this application are located in Chatham County. [Note: Colvard Farms consists of 307 acres in Chatham County and 27 acres in Durham County.]

- *Homeowners Association*

Mr. Hunter stated that a management company acts on behalf of the Homeowners Association; and that this office is located in the recreation center of Colvard Farms in Chatham County.

- *Treatment Center Storage Pond*

Mr. Hunter stated that this was designed by State rules; and that the developer decided at the time that it would be better to have a larger pond to allow for more storage.

- *Lot #203 design [storage pond and pump station] – bottom left area and irrigation lines – platting issues*

The Planning Board expressed concern regarding the configuration of Lots 199 and 203. Ms. Richardson stated that there is an agreement between the property owner of parcel # 76393 and the Homeowners Association [HOA] that the area north of Parcel 76393, be left as an undisturbed buffer and will remain as a portion of Lot #199. Mr. Elza questioned the use of the area between Lot 203 and 199 and whether or not there was sufficient width for maintenance. Mr. Hunter stated that there was a private irrigation line from a community well on Lot 199 that serves several lots and that the line runs from the well and then along the western boundary of Lot # 199. Mr. Elza restated his concern about maintenance. The Board also asked where the areas for spray irrigation in this area were located. Mr. Hunter noted that there were various agreements between the landowners and Aqua, North Carolina regarding spray irrigation areas.

- *Additional information to show on final Mylar*

Ms. Richardson stated that staff would recommend that the final Mylar show the private irrigation line, the width of the area in question, and provide a note regarding spray irrigation.

Motion to approve

Mr. Copeland made a motion; seconded by Mr. Grigg to grant preliminary and final plat approval of three non-residential lots to consist of Lot #201, Waste Water Treatment Plant, 1.34 acres, Lot 202, Community Water System, .24 acres, and Lot #203, Storage Pond and Pump Station, 3.17 acres; as submitted and as recommended by staff; with the following two (2) conditions:

1. The final Mylar shows the existing private irrigation line, and
2. The final Mylar provides a note regarding the spray irrigation areas.

There was no further discussion and the motion passed 8-1 with all Board members present voting in favor of the motion; except Mr. Elza who voted against. The two conditions are noted above.

VII. ZONING AND ORDINANCE AMENDMENTS: - *Items from March 21, 2011 Public Hearing.*

A. Request by the Chatham County Board of Education for a text amendment to Section 15.5.6 of the Chatham County Zoning Ordinance, Signs Permitted in Any Zoning District, to allow up to two (2) signs for each street abutting the lot or one (1) such sign not exceeding 64 sq. ft. in area.

Ms. Birchett reviewed the agenda notes for this request that would allow 1.) compliance with the Margaret Pollard Middle School sign, and 2.) some flexibility. She stated that staff recommends approval of the amendment as submitted.

Board discussion followed. Some specifics discussed were:

- *Sign area 64 sq. ft. - possibly re-address considering the physical size of the sign and making that the determining factor of the square footage*

Ms. Birchett explained that if the size of the structure is regulated this would decrease the amount of copy area (lettering within the perimeter). Mr. Sullivan stated that the Board might want to look at this as a future amendment; that sign regulations could be complicated; and that at times it becomes an issue of where to designate the sign (i.e., Briar Chapel - where does the sign stop and a rock wall begin).

- *Re-write the proposed amendment to cover monument signs for the bulletin boards (i.e., height and conventional requirements).*

Mr. Sullivan stated that staff agrees that there is much work to be done in the ordinance not only on signs but other areas that need to be visited; that there are currently items that have to be addressed at the direction of the Board of Commissioners; and that sign and lighting regulations need to be revisited.

- *Sign Permit not issued for the Margaret Pollard Middle School*

Robert Logan, Chatham County School Superintendent, stated that there had not been a building permit application but that building specifications were submitted on the entire structure; and that they were not aware that a sign permit was required in addition to the specs. Mr. Sullivan stated that there had been some confusion on the applicant's part of the permitting process; and that there had been no public complaints regarding the sign.

Motion to approve

Mr. Keim made a motion to recommend approval of the amendment as submitted. Discussion followed regarding sign content (we cannot regulate), and the sq. ft. of the sign (limited to 32 sq. ft.). Mr. Copeland seconded the motion. There was no further discussion and the motion passed 8-1 with all Board

members present voting in favor of the motion; except for Mr. Elza who voted against. Ms. Birchett noted that this recommendation would be forwarded to the Commissioners for their May 16, 2011 meeting.

- B. Request for a revision to an existing conditional use permit for Windsong Muse, LLC, on property located at 2490 & 2492 Seaforth Rd., Parcel No. 17475, New Hope Township, to add an additional commercial driveway; reconfigure the use of the smaller, previously labeled two-vehicle garage area for additional recording space; interior parking and travel areas; and relief from the expectations for the generation of renewable energy on site.

Ms. Birchett reviewed the agenda notes and the five (5) required findings for this request. She showed pictures of the facility and explained the proposed expansion of the recording services which has already been approved as a use. Ms. Birchett stated that staff recommends approval of the request with the following nine (9) conditions:

Site Specific Conditions:

1. There shall be one (1) sign no larger than 32 square feet at the entrance to the property. Interior signage is permitted as described in the application for an illuminated sign at the new studio center but is to be no larger than 32 square feet.

Standard Site and Permit Conditions:

2. Signage, parking, and lighting shall conform to the current regulations in the Chatham County Zoning Ordinance (December 2008 version). All recommendations as submitted by the Appearance Commission shall be followed. Plantings shall be done at the next optimal planting season upon this approval and prior to the certificate of occupancy. Landscaping shall be maintained and comply with the intent of the ordinance at all times.
3. All parts of the application, notes, and approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place.
4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Stormwater Management, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the issuance of the first building permit or alterations permits.

Standard Administrative Conditions:

5. Appeal - The County shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the County concerning this resolution, or any action

- to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the County harmless from all loss, cost or expense, including reasonable attorneys fees, incurred in connection with the defense of or response to any and all known or unknown actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of or resulting from this decision.
6. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspection, established from time to time.
 7. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
 8. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
 9. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

Ms. Birchett reminded the Board that this was a quasi-judicial process and that no new evidence would be permitted at this time.

Michael Tiemann, applicant, stated that the excitement around the current cultural arts are ready to begin recording records and making videos of artists performing in a recording space; that Chatham County is a convenient location; and that there is almost no facility like this one as close to an airport as this is. He explained the double-masonry construction of the structure with rigid insulation for soundproofing.

Mr. Grigg made a motion; seconded by Mr. Keim to approve the request as submitted and as recommended by staff. There was no discussion and the motion passed unanimously. The nine (9) conditions are as follows.

- C. Request by Rocky McCampbell to rezone approximately 1 acre of a 4.03 acre tract located at 1115 Mt. Carmel Church Rd., Parcel No. 64812, Williams Township, from R-1 Residential to Conditional Use Neighborhood Business (CU-NB).

Ms. Birchett reviewed the agenda notes for this rezoning request. She stated that this is the first of a two-step process; that this request is to determine if the property is a good location for non-residential; that anything about the use and

etc. would be reviewed in the next application for a conditional use permit (CUP); and that staff recommends approval of the rezoning request as submitted.

Rocky McCampbell, applicant and Alice D. Cheek Martindale, landowner, were present.

Motion to approve

Mr. Copeland made a motion; seconded by Mr. Canterbury to approve the rezoning request as submitted and as recommended by staff. There was no discussion and the motion passed unanimously.

D. Request for a conditional use permit by Rocky McCampbell on Parcel No. 64812 located at 1115 Mt. Carmel Church Rd., for a dog grooming business on approximately 1 acre.

Ms. Birchett reviewed the agenda notes and the five (5) required findings for this request. She showed pictures of the plantings, garage design and other areas of the development. Ms. Birchett stated that staff recommends approval of the request as submitted with the following nine (9) conditions:

Site Specific Conditions:

1. The mechanical barrier to be installed shall be reviewed and approved by the Chatham County Fire Marshal for emergency access requirements.

Standard Site and Permit Conditions:

2. Signage, parking, and lighting shall conform to the current regulations in the Chatham County Zoning Ordinance (December 2008 version).

3. All parts of the application, notes, and approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place.

4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Stormwater Management, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the issuance of the first building permit.

Standard Administrative Conditions:

5. Appeal - The County shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the County concerning this resolution, or any action to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the County harmless from all loss, cost or expense, including reasonable attorneys fees, incurred in connection with the defense of or response to any and all known or unknown actions, causes of action,

claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of or resulting from this decision.

6. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspection, established from time to time.
7. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
8. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
9. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

Ms. Birchett reminded the Board that this was a quasi-judicial process and that no new evidence would be permitted at this time.

Rocky McCampbell, applicant stated that he and the landowner would own the existing home on the adjacent property with plans to rent out the house.

Motion to approve

Mr. Elza made a motion; seconded by Mr. Bienvenue to grant approval of the request as submitted and as recommended by staff. There was no discussion and the motion passed unanimously. The nine (9) conditions are listed above.

Ms. Birchett stated that this recommendation would be forwarded to the Board of Commissioners for their May 16, 2011 meeting.

VIII. NEW BUSINESS:

No reports were submitted.

IX. STAFF ITEMS:

Planning Director Staff Report

1. *Susan Levy*

Mr. Sullivan stated that Susan Levy has resigned from the Planning Board; that she was appointed by Mike Cross; and that Commissioner Cross would at some point be making a recommendation to the Commissioners to fill this position.

2. *Budget Update*

Mr. Sullivan stated that the Planning Department's recommended budget has been submitted to the County Manager's Office; that he is scheduled to review

the submittal tomorrow with the assistant county manager; that there is nothing new to report other than we are going through the budgeting process; and that we will see how things develop with the Board of Commissioners during the coming months. Mr. Sullivan stated that he appreciated the Board's willingness last month to forego the \$5,000 allocated for reimbursement. He noted that this doesn't mean that the Commissioners would accept this but that this was included as part of required budget cuts.

3. Public hearing update on Zoning Ordinance amendments from March 21st Board of Commissioner's meeting

Mr. Sullivan stated that the following was continued for public hearing April 18, 2011; and that the meeting would probably be held in the auditorium of the Agriculture Building in Pittsboro, NC.

Public hearing request by the Chatham County Board of Commissioners for text amendments to the Chatham County Zoning Ordinance to delete the requirement for an Environmental Impact Assessment on non-residential, general use zoned properties in Section 11.3 and to add "Telecommunications Towers" in the list of permitted use in Section 10.3 as a correction to an earlier amendment.

4. 2010 Census data update

Mr. Howell stated that data from the 2010 census for North Carolina was released March 2, 2011; that according to the census data the Chatham County population grew by slightly more than 14,000 in the last ten years; and that since 1990 we have grown by over 24,000 people. He gave a Power Point presentation and a copy is attached for your reference.

X. BOARD MEMBER ITEMS:

1. The "County Line" newspaper

Mr. Keim stated that a recent article noted that Townsend Poultry Plant in Siler City, NC (soon to become a company named Omtron from the Ukraine) plans to ship grain from the Ukraine to the United States; that the grain would be used in the chicken plant processing; that the processed meat would then be shipped back to the Ukraine; and that he thought it would be a good idea if Chatham County would test this grain to make sure it is not radioactive.

Mr. Grigg stated that he is in this business and is assured that the grain will be tested **before** it arrives at our ports (**and when** it arrives) with both USDA and FDA being involved; that the reasoning behind this (if it is decided to bring the grain into the United States) is that the increased price of ethanol has driven the grain markets in the Midwest "out the roof"; that grain production in North Carolina alone runs the big five (5) feed mills in Eastern North Carolina approximately 2-1/2 weeks; that the grain is currently shipped by rail or truck; and that if concerns are investigated they would most likely be found unwarranted.

XI. ADJOURMENT: There being no further business, Mr. Copeland made a motion; seconded by Mr. Grigg to adjourn tonight's meeting. There was no discussion and the motion passed unanimously. The meeting adjourned at 8:30 P.M.

_____/_____
Michael Mayo, Chair / Date

Attest:

_____/_____
Kay Everage, Clerk to the Board / Date