

**CHATHAM COUNTY PLANNING BOARD**  
**MINUTES**  
**June 7, 2011**

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

Present:

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

Absent

James Elza

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 6:25 p.m.
- II. DETERMINATION OF QUORUM: The clerk stated that a quorum was present to begin the meeting.
- III. APPROVAL OF AGENDA: Chair Mayo noted that staff has requested (per the applicant) a postponement of the Mark Moldenhauer rezoning and conditional use requests [Item VII. - Numbers 1 and 2 below] until the July Planning Board meeting.

Motion to approve

Mr. Ernst made a motion; seconded by Mr. Grigg to approve the agenda as submitted with the one change referenced above and stated below:

- Postponement of the Mark Moldenhauer requests [Item VII. - Numbers 1 and 2 listed below] until the July 12, 2011 Planning Board meeting. There was no discussion and the motion passed unanimously (8 members).

IV. APPROVAL OF CONSENT AGENDA:

Minutes: Consideration of a request for approval of the May 3, 2011 Planning Board minutes.

Motion to approve

Mr. Copeland made a motion; seconded by Mr. Keim to approve the consent agenda as submitted. There was no discussion and the motion for approval passed unanimously (8 members).

- 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 FINAL PLAT APPROVAL:

Request by Bill Mumford, Assistant Vice President on behalf of NNP Briar Chapel, LLC for final plat approval of "Briar Chapel, Phase 5 North", consisting of 174 lots on 45.92 acres, located off Andrews Store Road / Parker Herndon Rd, Baldwin Township.

At this time, Kathryn Butler joined the meeting via telephone (9 members now present).

Ms. Richardson reviewed the agenda notes for this subdivision request. By using the large plat map she reviewed, 1.) the proposed travelways within this phase regarding emergency vehicle access and, 2.) the additional fire hydrant located at lot #531 (previously listed as lot #530). She stated that Chief Strowd has approved the submitted plans; that the plat meets the requirements of the Subdivision Regulations and the Compact Community Ordinance as well as other agency approvals; and that staff recommends granting approval of the financial guarantee and approval of Briar Chapel, Phase 5, North as submitted 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 public roadways have sufficient travel surface for emergency vehicle access in order for the public health and safety to be protected.*

Lee Bowman, Project Manager, Newland Communities, was present representing Briar Chapel.

There was no discussion among the Board.

Motion to approve

Ms. Butler made a motion; seconded by Mr. Ernst to recommend approval of the request as submitted and as recommended by staff with the two (2) conditions noted above. Discussion followed regarding, 1.) sheet 6 of the proposed maps and, 2.) possible conflict for Mr. Grigg voting since his son is a resident of Briar Chapel. It was the consensus of the majority of the Board that it would **not** be a conflict for Mr. Grigg to participate in discussion/voting on Briar Chapel applications.

The motion passed unanimously (9 members). The two (2) conditions are listed above.

Briar Chapel update

Mr. Bowman stated that currently there are approximately 165 residents; that Briar Chapel is one of the top five (5) developments in the Triangle; that approximately 15 phases are estimated for the development; and that the Planning Board should see proposed plans for Phase 6, South (approx.120 lots) within the next few months. Mr. Griggs encouraged Board members to visit Briar Chapel to see the progress of the beautiful development.

VII. ZONING AND ORDINANCE AMENDMENTS:

Items from May 16, 2011 Public Hearing:

1. Request by Mark Moldenhauer for a Conditional Use District [CUD] Rezoning from R-1 Residential to CU Light Industrial on Parcel No. 67592, located at 1971 Lystra Rd, on approximately 1 acre of a 5.032 acre tract.

2. Request by Mark Moldenhauer for a Conditional Use Permit [CUP] on Parcel No. 67592, located at 1971 Lystra Rd., on approximately 1 acre of a 5.032 acre tract, for a mulching operation.

***See Item IV. Approval of Agenda [above] – These items were postponed for discussion until the July 12, 2011 Planning Board meeting.***

VIII. NEW BUSINESS:

1. *EDC and NC Rural Center*

Mr. Bienvenue inquired about the possibility of having the Economic Development Commission [EDC] and the North Carolina Rural Center join the Planning Board in August for a training session. He noted that we need better county representation on some State Boards, i.e. DOT and Environmental Management.

Mr. Copeland suggested that the Chairman of the County Commissioners meet with The Speaker of the House and make this case. He stated that 1/3 of the members of the Environmental Management Commission are appointed by the Speaker; that 1/3 is appointed by the President Pro-Tem of the Senate; that 1/3 is appointed by the Governor; and that both DOT and the Environmental Management make many decisions affecting Chatham County, i.e. Highway 64 revisions.

Motion - Mr. Bienvenue Liaison for Planning Board

Following discussion, Mr. Ernst made a motion; seconded by Mr. Copeland to designate Philip Bienvenue as the Planning Board liaison to the Economic Development Commission and the North Carolina Rural Center to facilitate a joint session between the three (3) groups to talk about economic development and etc. There was no discussion and the motion passed unanimously (9 members). It was noted that Mr. Bienvenue would report feedback to the Planning Board during the July 12, 2011 Planning Board meeting.

IX. STAFF ITEMS:

1. *Minor Subdivisions Update*

Mr. Sullivan stated that an updated minor subdivision spreadsheet was included in tonight's agenda packet.

### *2. Update on the Watershed Review Board*

Mr. Sullivan stated that the Board discussed this issue briefly during last month's Planning Board meeting; that the Commissioners were discussing shifting the Watershed Review Board responsibilities from the Environmental Review Board to the Planning Board; that a public hearing was held on this issue during last night's Board of Commissioner's [BOC] meeting; and that at the conclusion of the public hearing the BOC voted unanimously to leave the Environmental Review Board as the Watershed Review Board.

### *3. Subdivision Regulations Revision Update*

Mr. Sullivan stated that the Board of Commissioners will review draft revisions during their work session June 20, 2011; that it is likely a public hearing would be scheduled for July 18<sup>th</sup>; and that the Planning Board would be receiving a packet of these proposed revisions.

### *4. July Planning Board Meeting*

Mr. Sullivan reminded the Board that the July meeting is scheduled for July 12 (2<sup>nd</sup> Tuesday in July) due to the July 4<sup>th</sup> holiday.

### *5. Joint Plan with Cary - update*

Mr. Sullivan stated that the county continues to work with the Town of Cary on developing a joint plan for the area north of White Oak Creek and east of Jordan Lake; that the subcommittee (composed of our elected officials) modified the schedule for reviewing and approving the plan; that a public input session is scheduled for June 29 at 6:00 p.m. at North Chatham Elementary School with a 30 minute open-house followed by a staff presentation and then public input; that the subcommittee is scheduled to meet again on July 19 from 9:30 – 12:00 at Carpenter Fire Station to review feedback from the June 29 meeting; and that the subcommittee would begin the process of adopting the plan by the end of 2011.

### *6. Budget*

Mr. Sullivan stated that the Board of Commissioners' approved the county budget last week; that the Commissioners adopted the Budget Ordinance during their meeting last night; that reimbursements for Planning Board members (approximately \$5,000 for Board attendance/mileage) were cut from the budget; that one change in the Planning Department is that the position of Melissa Guilbeau, Transportation Planner will now come under the Planning Department; and that her time is reduced to half time.

## **X. BOARD MEMBER ITEMS:**

### *1. E-mail Traffic Regarding Planning Board Business*

Mr. Ernst urged caution regarding personal E-mails involving county business relative to the Public Records Law.

Mr. Sullivan explained that under the North Carolina Public Records Law anything written while doing county business should be produced if a public records request is received. He gave an example of an issue regarding a law suit that the county was in several years ago. He stated that there was a public

records request from the opposing attorney for all personal E-mail accounts that involved any county business. Mr. Sullivan noted that due to the numerous county advisory boards our MIS Department is not equipped to handle the hundreds of additional E-mails as well as increased technical difficulties.

Mr. Sullivan cited that the Planning Department has new recording equipment that can easily produce a recorded copy of a particular meeting. Last month was our first time using the new system and the morning following the meeting staff had a request for a digital recording of the meeting. He noted that we would not be putting these recordings on the web but that they are available upon request.

*2. EDC and NC Rural Center - Discussed under New Business - See Item VIII. above.*

- XI. ADJOURNMENT: There being no further business, Mr. Copeland made a motion; seconded by Mr. Ernst to adjourn the meeting. There was no discussion and the motion passed unanimously. The meeting adjourned at 7:15 p.m.

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Michael Mayo, Chair / Date

Attest:

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Kay Everage, Clerk to the Board / Date