



CHATHAM COUNTY PLANNING BOARD
Minutes
November 1, 2011

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

Present:

Karl Ernst, Chair
B.J. Copeland, Vice-Chair
Philip Bienvenue
Kathryn Butler
Mike Grigg
Timothy Keim

Absent:

Philip Canterbury
James Elza
Dwayne Howard

Planning Department:

Jason Sullivan, Planning Director
Lynn Richardson, Subdivision Administrator
Kay Everage, Clerk to the Board

Other:

Tom Glendinning, Parliamentarian

- I. CALL TO ORDER: Chair Ernst 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 (6 members).
- III. APPROVAL OF AGENDA: See Item IV. below.
- IV. APPROVAL OF CONSENT AGENDA:
Minutes: Consideration of a request for approval of the October 4, 2011 Planning Board minutes.

Items III. and IV. were considered approved by the Board as submitted.
- 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:
Request by Ricky Spoon for a variance from the Subdivision Regulations, Section 7.4 B (3) to allow a fifth (5th) lot on a private perpetual easement within Henry's Ridge Subdivision, specifically for Lot 8, parcel #83686, to be allowed to use Henry's Watch Lane for access to Henry's Ridge Road versus constructing a separate driveway.

Ms. Richardson reviewed the agenda notes for this request. She showed various pictures of the proposed site taken during her recent visit to the property (cul-de-sac, easement). Ms. Richardson stated that the request is to allow lot #8 to use the same private easement (Henry's Watch Lane), currently utilized by four (4) other lots thus requiring a variance from the Subdivision Regulations; that the applicant must meet the four (4) required findings (Section 1.13 of the Subdivision Regulations) in order for a variance request to be granted; that the Planning Department does not think the these findings have been met; and that staff does not recommend approval of the variance request based on not meeting the findings of fact and Section 7.4 B (3) of the Subdivision Regulations. She referenced the following three (3) conditions recommended by staff if the Planning Board is in favor of granting approval of the variance request:

1. The five lots served by the private easement have a road maintenance agreement to meet the standards set out in Section 7.2 D (2) of the Subdivision Regulations, see attachment #6 for standards, and that staff review and approved said agreement prior to recordation.
2. A deed restriction shall be placed on Lot 8 stating that the access to Lot 8 is by Henry's Watch Lane only and that no additional driveway is allowed to be constructed within the flag portion of Lot 8 out to Henry's Ridge Road.
3. A building permit for Lot 8 not be issued until the road maintenance agreement and deed restriction have been recorded with the Office of the Register of Deeds.

Ricky Spoon, applicant was present. Mr. Spoon stated that he appreciated Ms. Richardson's fairness in dealing with this request; that he understands that the request does not meet the required four (4) findings; but that he would appreciate the Planning Board granting his variance request as submitted.

Some specifics discussed by the Board and addressed by Ms. Richardson and Mr. Spoon were:

- Lot #8 currently owned by Ricky Spoon
- Option – deed portion of lot #9 and eliminate this proposal
- Lot #9 access
- Acreage involved

Brenda Gordon, adjacent property owner (Lot#7) was present. Ms. Gordon stated safety concerns if another individual driveway accessing Henry's Ridge Road is constructed. She noted that she was in favor of this variance request.

Ms. Richardson stated that the owner of Lot # 9 had called and stated that although they were in favor of the variance request, they had a concern regarding continued maintenance of the 'flag' portion of Lot # 8.

Add condition #4

Mr. Spoon suggested a condition #4 be added stating that the land (30 foot strip) be taken from Lot #8 and given to Lot #9. The Planning Board suggested adding language that if the owners of Lot #9 are not agreeable then the issue would be reviewed again by the Planning Board.

Motion to approve

Mr. Bienvenue made a motion; seconded by Ms. Butler to recommend approval of the request as submitted; including the 3 conditions recommended by staff; and with the addition of a condition #4 as stated below:

There was no further discussion and the motion passed unanimously. The four (4) conditions are as follows:

1. The five lots served by the private easement have a road maintenance agreement to meet the standards set out in Section 7.2 D (2) of the Subdivision Regulations, see attachment #6 for standards, and that staff review and approved said agreement prior to recordation.
2. A deed restriction shall be placed on Lot 8 stating that the access to Lot 8 is by Henry's Watch Lane only and that no additional driveway is allowed to be constructed within the flag portion of Lot 8 out to Henry's Ridge Road.
3. A building permit for Lot 8 not be issued until the road maintenance agreement and deed restriction have been recorded with the Office of the Register of Deeds.
4. The 30 foot strip be recombined with Lot 9 as long as Lot 8 retains the required amount of useable area of 1.50 acres and if the owners of Lot 9 are agreeable. If the owners of Lot 9 are not agreeable, the issue shall be reviewed again by the Planning Board.

VII. ZONING AND ORDINANCE AMENDMENTS:

Chair Ernst referenced items 1- 6 listed below that are scheduled for public hearing November 21, 2011(at 6:00 p.m. in the auditorium of the Agriculture Extension Building in Pittsboro, NC). He explained that items 3-6 are quasi-judicial requests; that any evidence and/or testimony presented during the public hearing is what would be addressed by the Planning Board; that any new information would not be allowed after the public hearing on items 3-6; and that the Board should review these application packets (distributed at tonight's meeting) prior to the public hearing. Chair Ernst noted that he would not be able to attend the public hearing but encouraged Board members to attend if possible.

Legislative Requests:

1. Public Hearing request by Cindy Perry, Attorney, on behalf of Jeffrey House dba Jordan Dam RV Park, for a conditional use rezoning on 1.435 acres from R-1 Residential to Conditional Use B-1 Business, Parcel No. 88475, located

at off Moncure School Rd., Haw River Township, to add to the existing campground property for an expansion.

2. Public Hearing request by Courtney Hopper and Dana Kadwell dba CandD Events, for a conditional use rezoning on 7.925 acres from R-1 Residential to Conditional Use Regional Business (CU-RB), Parcel No. 5802, located off Pea Ridge Rd., Cape Fear Township.

Quasi-Judicial Requests:

3. Public Hearing request by Cindy Perry, Attorney, on behalf of Jeffrey House dba Jordan Dam RV Park, for a revision to the existing conditional use permit on Parcel No. 11257, located at 284 Moncure School Rd., Haw River Township, to an expansion to the existing campground area.
4. Public Hearing request by Courtney Hopper and Dana Kadwell dba CandD Events, for a conditional use permit for bed and breakfast inns as defined in Section 10.13, also banquets, conventions, and other similar events (i.e. weddings, reunions, etc.) on Parcel No. 5802, on 7.925 acres, located off Pea Ridge Rd., Cape Fear Township.
5. Public Hearing request by Markus Wilhelm dba Strata Solar, for a revision to an existing conditional use permit on Parcel No. 76255, located at 2835 Farrington Point Rd., on approximately 14.15 acres, formerly the Sandhills Grading Company, to add an additional use for a public utility as a 1.1 MW solar farm.
6. Public Hearing request by Warren Mitchell dba Ironclad Self Storage for a revision to the existing conditional use permit on Parcel No. 71691, located at 102 Vickers Rd., Williams Township, to add the additional use of self-storage facility/mini-warehouse storage facility with related retail and services (i.e. moving truck rental).

VIII. **NEW BUSINESS:**

No items were presented.

IX. **PLANNING DIRECTOR'S REPORTS:**

1. Minor Subdivisions update.

Mr. Sullivan stated that the minor subdivision update was included in tonight's agenda packet.

2. Update on prayer at the Planning Board meetings – See “Prayer at Public Meetings” NC Local Government Law Blog included in tonight's agenda packet.

Mr. Sullivan stated that the Planning Board discussed this issue last month; that material was included in tonight's agenda packet from the NC School of Government Blog entitled, “Prayer at Public Meetings”; that he has spoken with the county attorney regarding this issue; that having a prayer at the meetings is not a problem; but the issue is that the prayer needs to be a non-sectarian prayer as addressed in the blog referenced above.

January 3, 2012 meeting

Following discussion, it was the consensus of the majority of the Board that members consider this issue and make a decision at the January 2012 Planning Board meeting.

3. *Update on Construction and Demolition Recycling Chapter of the Chatham County NC, Code of Ordinances*

Mr. Sullivan referenced material distributed during tonight's meeting entitled:

- Proposed Changes to the Chatham County C & D Recycling Ordinance (2 pages); and
- Chatham County Construction And Demolition Recycling Ordinance (17 pages).

He stated that this issue is scheduled for public hearing November 7, 2011; that the Board of Commissioners may take action at this hearing; that tonight's information material is the same that would be presented to the Commissioners at that scheduled public hearing; and that the Planning Board **would not** be taking any action on this issue.

4. *Update on Chatham-Cary Joint Plan*

Mr. Sullivan stated that this issue has been on-going for approximately seven (7) years; that the joint subcommittee met again last week and made a recommendation back to both elected Boards for the plan document; that the staff would be scheduling a public hearing (for both Boards) for a date in January 2012; that this item would then go to both Planning Boards; that our Planning Board could possibly review this issue at the February 2012 Planning Board meeting and make a recommendation to the Commissioners on the Joint Land Use Plan; that the issue would then go to the Joint Issues Committee (composed of members of the elected Boards in both jurisdictions) who would then make a recommendation back to both Boards; that the Plan could be adopted Spring 2012; that all draft documents have been posted on our website; and that hard copies of the final document would be provided to the Planning Board prior to public hearing.

5. *2012 Planning Board Calendar – discuss meeting dates*

The clerk stated that in order to prepare the 2012 Planning Board calendar the Board needs to review the Planning Board meeting dates. She noted that when the 2011 calendar was set the Board opted to change July (4th of July week) and September (Labor Day week) meeting dates.

Following discussion, it was the consensus of the majority of the Board to revise July and September 2012 meeting dates to the 2nd Tuesday of the month as follows:

July

Tuesday, July 10, 2012

September

Tuesday, September 11, 2012

Board members opted **not** to change the November 6, 2012 (Election Day) Planning Board meeting date.

X. BOARD MEMBER ITEMS:

Two (2) Planning Board Vacancies

Mr. Copeland inquired if there were any plans to appoint these two positions since they had been vacant for some time now. Mr. Sullivan stated that there should be one (1) appointment; possibly two (2) during the upcoming Commissioner's meeting November 7th.

XI. ADJOURNMENT:

There being no further business, Mr. Keim made a motion; seconded by Mr. Grigg to adjourn the meeting. There was no discussion and the motion to adjourn passed unanimously. The meeting adjourned at 7:18 P.M.

_____/_____
Karl Ernst, Chair / Date

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