



**CHATHAM COUNTY PLANNING BOARD**  
**Minutes**  
**December 6, 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  
Philip Canterbury  
James Elza  
Mike Grigg  
Dwayne Howard  
Timothy Keim  
Donna Kelly  
Cecil Wilson

Absent:

Planning Department:

Jason Sullivan, Planning Director  
Ben Howell, Planner  
Lynn Richardson, Subdivision Administrator  
Angela Birchett, Zoning 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 (10 members)
- III. APPROVAL OF AGENDA: See Item IV. [Approval of Consent Agenda] below.
- IV. APPROVAL OF CONSENT AGENDA:  
Minutes: Consideration of a request for approval of the November 1, 2011 Planning Board minutes.

There were no objections to above items III. and IV. and were considered approved by the Board as submitted.

Kathryn Butler arrived at this time [6:35 P.M.]

V.

A. WELCOME NEW PLANNING BOARD MEMBERS:

Chair Ernst introduced and welcomed two (2) new Planning Board members as follows:

*Board Member:*

Donna Kelly  
Cecil Wilson

*Appointed By:*

Commissioner Pamela Stewart; and  
Commissioner Mike Cross.

B. 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. CHATHAM COUNTY ECONOMIC DEVELOPMENT CORPORATION:

Dianne Reid, President, Chatham County Economic Development Corporation gave a presentation on the Chatham County Economic Development Strategic Plan. Ms. Reid distributed a hand-out titled, "Chatham County Economic Development Strategic Plan, Executive Summary", dated June 2008.

Joe Glasson, Chair, Chatham County Economic Development Corporation was present and addressed various questions of the Board.

The Planning Board requested a copy of the 2010-2011 Economic Development Annual Report.

VII. SUBDIVISIONS:

1. Request by Bill Mumford, Assistant Vice President on behalf of NNP Briar Chapel, LLC for subdivision preliminary plat approval of "Briar Chapel – Phase 6 South" consisting of 134 lots on 51.25 acres, off Andrews Store Road, SR-1528, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this subdivision request. She stated that staff recommends approval of the proposed road names (Wildwind Drive, Treywood Lane, Sage Brush Road, Pebble Throw Lane, Copper Lantern Drive, and Heatherwood Drive) and preliminary plat approval of the request as submitted.

Lee Bowman, Project Manager, Newland Communities, was present representing the development. Mr. Bowman gave a brief update on Briar Chapel.

Bev Wiggins was present representing the Chatham County Historical Association. Ms. Wiggins was concerned with preserving the history of the area. She stated that members of the Historical Association would be meeting soon with Lee Bowman to discuss the possibility of designating an alternative interpretive site and to preserve that site so that it does not deteriorate.

Motion to approve

Following Board discussion, Mr. Copeland made a motion; seconded by Mr. Keim to recommend approval of, 1.) road names as referenced above and 2.) subdivision preliminary plat for Briar Chapel – Phase 6 South as submitted and as recommended by staff. There was no further discussion and the motion for approval passed unanimously [11 members].

2. Request by Bill Mumford, Assistant Vice President on behalf of NNP Briar Chapel, LLC for subdivision preliminary plat approval of “Briar Chapel Parkway and Boulder Point Drive Extensions”, off Andrews Store Road, SR-1528, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this subdivision request. She used the overview map to point out the Briar Chapel Parkway and Boulder Point Drive areas and proposed extensions.

Lee Bowman, Project Manager, Newland Communities, was present representing the development.

Motion to approve

Mr. Grigg made a motion; seconded by Mr. Keim to recommend approval of Briar Chapel Parkway and Boulder Point Drive Extensions as submitted and as recommended by staff. There was no discussion and the motion to approve passed unanimously. [11 members]

**VIII. ZONING AND ORDINANCE AMENDMENTS: - *Items from November 21, 2011 Public Hearing***

1. 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.

Ms. Birchett reviewed the agenda notes for this rezoning request. She stated that it is staff’s opinion that the objectives of the Land Conservation and Development Plan have been met and will continue to be met with the additional land; and that staff recommends approval of the request as submitted.

Jeffrey House, applicant, was present.

Cindy Perry, attorney representing the applicant was present. Ms. Perry gave a brief history of the property.

Some specifics reviewed by the Board were:

- area residents are supportive of the request; and
- no additional sites are being added – only changing density.

Motion to approve

Mr. Elza made a motion; seconded by Mr. Copeland to recommend approval of the rezoning request as submitted and as recommended by staff. Chair Ernst commented on the support of Mr. House's neighbors and community. The motion for approval passed unanimously. [11 members]

2. 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.

Ms. Birchett reviewed the agenda notes for this conditional use permit revision request. She addressed the required five (5) findings that must be met as required by the Chatham County Zoning Ordinance; and she used the overview map to point out various sites on the property. Ms. Birchett stated that staff recommends approval of the request as submitted with additional conditions listed in tonight's agenda notes ("Site Specific Conditions" #2, #3, and #4); and that previous conditions applied at original permit approval in 2007 are listed in "Site Specific Condition" #1 [bulleted].

Cindy Perry, attorney representing the applicant was present. Ms. Perry stated that the applicant is confident that the environmental examination of the property (by the Chatham County Environmental Quality Department staff) would yield minimal buffering of the existing pond.

Board members discussed 1.) maintenance of the existing pond and dam, and 2.) last bulleted condition in #1 that states: "The property owner shall maintain a log of record on the occupants of the campground". Ms. Birchett stated that maintaining a log is required by Law on all campgrounds.

Jeffrey House, applicant stated that no additional plantings are proposed along the pond or dam.

Motion to approve

Mr. Copeland made a motion; seconded by Ms. Butler to recommend approval of the request as submitted and as recommended by staff with the following conditions:

Site Specific Conditions

1. All previous conditions not expressly stated hereinafter shall remain in effect and shall be complied with. They are:
  - There shall be allowed one (1) sign, non-illuminated, no larger than 32 square feet and no taller than 6 feet at the entrance to the property.
  - Recommendations from the Appearance Commission shall be followed. Any additional plantings shall be done at the next optimal planting season following the approval date and shall be maintained to thrive and provide the appropriate screening as required. The Appearance Commission, with the

- Planning Department, may review the landscaping and screening after one year of the initial planting to verify appropriate measures have been taken as requested. Should there be any changes in the landscaping for effectiveness of screening and environmental protections, they shall be given to the applicant at that time and the applicant will be given ample opportunity to take the corrective measures.
- There is to remain and be maintained a 50 foot vegetated, screening buffer around the perimeter of the campground area.
  - Any stormwater measures that may be required shall conform to the 2 year, 24 hour storm event and a plan submitted to the Planning Department prior to its construction.
  - There shall be no more than 44 units on this property as stated in the application. The spaces may be completed in phases as stated in the application. A building permit shall not be issued for any phase without the required permits from the Chatham County Environmental Health Department.
  - Campground use is for temporary use only. "Temporary" is defined in this instance as up to two (2) years per unit. No permanent structures or tents are allowed, only campers, travel trailers, recreational vehicles and motor homes.
  - Units must be spaced a minimum distance of 30 feet apart.
  - There shall not be any trash accumulation on the campground property. Trash removal shall be the responsibility of the campground owner.
  - The property owner shall maintain a log of record on the occupants of the campground. This information is to include the name of the temporary resident, the tag number of the camper, motor home, travel trailer, or recreational vehicle, and the dates they checked into the campground as well as the dates they checked out. A copy of this log shall be available to the Planning Department and a copy filed in the Planning Department office every twelve months.
2. A survey shall be provided to the Planning Department the amount of impervious surface for all areas being used for the campground and boat storage areas.
  3. Documentation on any buffering requirements from the Environmental Quality Department shall be provided before the Certificate of Occupancy is issued on the new expansion area and the pier.
  4. Should buffering be required around the pond, a revised site plan showing the relocation of the spaces shall be provided to the Planning Department before any permits are issued to relocate the electrical and/or wastewater hookups.

**Standard Site Conditions**

5. Signage, parking, and lighting shall conform to the Chatham County Zoning Ordinance.
6. The application 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.

7. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Storm water Management, Building Inspections, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.

**Standard Administrative Conditions:**

8. 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.
9. 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.
10. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
11. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
12. 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.

There was no further discussion and the motion for approval [with the above 12 conditions] passed unanimously. [11 members]

3. 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.

Ms. Birchett reviewed the agenda notes for this rezoning request. She stated that the proposed property is currently undeveloped; that approximately two-thirds of the property is not usable for development purposes because of floodable and potential wetland areas; and that the Planning staff recommends approval of the rezoning request as submitted.

Courtney Hooper and Dana Kadwell, applicants were present and addressed various questions of the Board.

Motion to approve

Mr. Elza made a motion; seconded by Mr. Keim to recommend approval of the zoning request as submitted and as recommended by staff. There was no discussion and the motion for approval passed unanimously. [11 members]

4. 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.

Ms. Birchett reviewed the agenda notes for this conditional use permit request and the required five (5) findings that must be met as required by the Chatham County Zoning Ordinance. She used the overview map to point out proposed sites on the property.

Courtney Hooper gave a brief summary of the proposed development. She and Dana Kadwell answered various questions of the Board. Ms. Hooper stated that the proposed ballroom would accommodate a maximum of 150 people; that a grass parking lot is planned; and that hay would be utilized in the grass parking area during inclement weather.

Motion to approve

Mr. Wilson made a motion; seconded by Mr. Copeland to recommend approval of the request as submitted and as recommended by staff with the following conditions:

Site Specific Conditions

1. Recommendations as provided by the Chatham County Appearance Commission shall be complied with and as required in Section 12 of the Zoning Ordinance. Plantings shall be installed at the next optimal planting season following the start of development and shall be complete before a certificate of occupancy is issued. The landscaping shall be maintained so as to thrive and survive at all times.
2. Once development of the commercial business starts, the project shall be completed within two (2) years of the date of approval of the building permit associated with the business portion.
3. A final survey for the site with final impervious surface calculations shall be provided to the Planning Department before the certificate of occupancy is issued.

Standard Site Conditions

4. Signage, parking, and lighting shall conform to the Chatham County Zoning Ordinance.
5. The application 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.

6. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Storm water Management, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.

**Standard Administrative Conditions:**

7. 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.
8. 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.
9. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
10. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
11. 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.

There was no discussion and the motion for approval (with the above 11 conditions) passed unanimously. [11 members]

5. 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.

Tim Keim recused himself from this issue.

Ms. Birchett reviewed the agenda notes and the required five (5) findings for this request. She referenced the following material distributed to the Board tonight as follows:



- E-mail dated November 30, 2011 from Blair Schooff
  - addresses questions presented at recent public hearing that needed additional clarification; and
- Maps titled, "Farrington Farm, 2835 Farrington Point Rd., Chapel Hill, NC 27517 dated 12/6/2011 showing
  - existing conditions, site plan, and photos

Ms. Birchett stated that staff recommends approval of the request with conditions listed in tonight's agenda notes.

John Morrison, chief-operating officer for Strata Solar stated that this project is intended to be a showcase; that their office is approximately 5 miles from this property; and that they plan to bring customers to this site.

Some specifics reviewed by the Board and addressed by Mr. Morrison were:

- > voltage generated – stepped up to whatever the transmission line is that runs across the north side of the property – the modules would not produce more than 600 volts
  - > selling energy to Progress Energy
  - > on site security
  - > solar farm – purchased materials would be assembled and installed [no manufacturing on site]
  - > glare from panels – solar panels do not reflect the light, only absorb sunlight
  - > project regulated by State
  - > average height of panel above ground – approximately 10 ft. high
  - > fencing height – 6 ft.
  - > power goes to Progress Energy
- a meeting with area residents was held by applicant

Motion to approve

Mr. Grigg made a motion; seconded by Mr. Howard to recommend approval of the request as submitted and as requested by staff. There was no further discussion and the motion for approval passed 10-0-1 with all Board members voting in favor of the motion; except Mr. Keim who abstained due to a personal connection with the project. The 10 conditions are as follows:

Site Specific Conditions

1. Before construction of the panels can take place on the property, a soils compaction test will be required, as directed by the Buildings Inspections Supervisor, and submitted to the building inspections and planning department offices. Upon approval from the building inspections supervisor, placement of the panels may begin.
2. The recommendations by the CCAC shall be followed. Any new plantings are required to be installed at the next optimal planting season following this approval. Landscaping and screening shall be maintained at all times.

Standard Site Conditions

3. Signage, parking, and lighting shall conform to the Chatham County Zoning Ordinance.
4. The application 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.
5. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Storm water Management, Building Inspections, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.

Standard Administrative Conditions:

6. 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.
7. 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.
8. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
9. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
10. 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 here.

IX. NEW BUSINESS:

No items were submitted.

X. PLANNING DIRECTOR'S REPORTS:

1. *Minor Subdivisions update.*

Mr. Sullivan stated that recent activity was provided in tonight's agenda packet.

2. *Chatham County Joint Land Use Plan*

Mr. Sullivan stated that Board members were provided copies of the Plan document tonight in advance of the public hearing to be scheduled in January, 2012; and that if members have any questions about the Plan to please call or E-mail him or Ben Howell at the Planning Department.

XI. BOARD MEMBER ITEMS:

1. *Approval of 2012 Planning Board Calendar*

It was the consensus of the Board that the 2012 Planning Board Calendar be approved as proposed.

2. *Update on prayer at the Planning Board meetings*

Chair Ernst reminded the Board that this item would be discussed during the January 2012 Planning Board meeting (as decided during last month's meeting).

3. *Impact Fee*

Mr. Canterbury stated that he was recently asked by a citizen building a house in Chatham County (approx. 2500-3500 sq. ft.) why he was charged two (2) impact fees; that the house is being built on one slab; and that the homeowner is building an area (on the other side of a breezeway) for his some who has some physical disabilities.

Mr. Sullivan stated that this application was discussed when the Planning part of the permit was addressed; that impact fees are collected in the Central Permitting Department; that this particular structure is actually two houses; and that there are two separate independent living units attached by the breezeway.

Ms. Birchett stated that the applicant/homeowner was charged one full fee (\$3500) and one accessory fee (\$1100).

XII. ADJOURNMENT: There being no further business, Mr. Copeland made a motion to adjourn with the notation that (with the Chair's guidance) the meeting adjourned ten minutes earlier than proposed on tonight's agenda. Mr. Grigg seconded the motion and the motion passed unanimously. [11 members] The meeting adjourned at 8:35 P.M.

\_\_\_\_\_/\_\_\_\_\_  
Karl Ernst, Chair / Date

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