



CHATHAM COUNTY PLANNING BOARD

Minutes
July 10, 2012

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, Chairman
B.J. Copeland, Vice-Chair
Philip Canterbury
James Elza
Mike Grigg
Dwayne Howard
Donna Kelly
Cecil Wilson

Absent:

Philip Bienvenue
Kathryn Butler

Planning Department:

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

- I. INVOCATION AND PLEDGE OF ALLEGIANCE: Mr. Grigg delivered the invocation and afterwards invited everyone to stand and recite the Pledge of Allegiance.
- II. CALL TO ORDER: Chair Ernst called the meeting to order at 6:30 P.M.
- III. DETERMINATION OF QUORUM: The clerk stated that a quorum was present to begin the meeting (8 members).
- IV. APPROVAL OF AGENDA: See Item V. below.
- V. APPROVAL OF CONSENT AGENDA:
Minutes: Consideration of a request for approval of the June 5, 2012 Planning Board minutes.

Mr. Ernst noted one revision to the minutes as follows:

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Change ~~Ms. Brown~~ to Ms. Kelly as follows:
“Mr. Copeland made a motion; seconded by Ms. Kelly”

There were no objections to above items IV. and V and were approved as submitted with the one revision to the June 5, 2012 minutes noted above.

- VI. 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.

VII. SUBDIVISIONS:

1. Request by Bill Mumford, Assistant Vice President, on behalf of NNP Briar Chapel, LLC for subdivision final plat approval of “Right-of Way and Easement Dedication Plat of Briar Chapel – Briar Chapel Parkway and Boulder Point Drive”, located off Andrews Store Road, SR-1528, and Parker Herndon Road, SR-1526, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this request.

Mr. Lee Bowman, Project Manager, Newland Communities and Mr. Chris Seamster, RLA, Project Manager/Landscape Architect, McKim & Creed, were present representing the applicant. Mr. Bowman stated that the applicant was in agreement with staff condition regarding the financial guarantee and contract.

Board discussion followed. Ms. Richardson addressed emergency access.

Motion to approve:

Mr. Copeland made a motion; seconded by Mr. Wilson to grant approval of the financial guarantee and approval of the plat titled “Briar Chapel – Briar Chapel Parkway and Boulder Point Drive Extensions” as submitted and as recommended by staff, with the following condition:

1. The plat not be recorded until the county attorney has approved the financial guarantee and contract, not to exceed two years, for the completion of the remaining improvements.

There was no further discussion and the motion for approval passed unanimously (8 members). The one (1) condition is listed above.

Mr. Elza voiced concern about culverts and bridges. It was noted that this development is governed by the old regulations.

2. Request by Bill Mumford, Assistant Vice President, on behalf of NNP Briar Chapel, LLC for subdivision final plat approval of “Briar Chapel – Phase 6 South”, consisting of 138 lots on 51.25 acres, located off Andrews Store Road, SR-1528 and Parker Herndon Road, SR-1526, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this request. She stated that staff recommends additional language be added to the plat regarding the trail and retaining wall easements; and that staff condition #2 has been revised to address this issue and reads as follows:

- The plat not be recorded until the changes as specified above are made to the plat, i.e. show the retaining wall maintenance easement, a note added

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regarding the pedestrian trail and the off-street parking areas along Treywood Lane and Sagebrush Road.

Ms. Richardson stated that staff recommends approval of the financial guarantee and approval of the plat titled "Briar-Chapel – Phase 6 South, with condition #1 as stated in tonight's agenda notes and condition #2 as revised above.

Mr. Lee Bowman, Project Manager, Newland Communities and Mr. Chris Seamster, RLA, Project Manager/Landscape Architect, McKim & Creed, were present representing the applicant.

Board discussion followed regarding the retaining wall. Mr. Bowman and Mr. Seamster answered questions of the Board.

Motion to approve:

Mr. Wilson made a motion; seconded by Mr. Howard to grant approval of the financial guarantee and approval of the plat titled "Briar Chapel – Phase 6 South" with the two (2) conditions recommended by staff; with revised language to condition #2 as noted above by Ms. Richardson. There was no further discussion and the motion for approval passed unanimously (8 members). The two (2) conditions are as follows:

1. The plat not be recorded until the county attorney has approved the financial guarantee and contract, not to exceed two years, for the completion of the remaining improvements.
2. The plat not be recorded until the changes as specified above are made to the plat, i.e. show the retaining wall maintenance easement, a note added regarding the pedestrian trail and the off-street parking areas along Treywood Lane and Sagebrush Road.

VIII. ZONING AND ORDINANCE AMENDMENTS:

Item from May 21, 2012 Public Hearing:

Legislative

1. Request by Strata Solar for a text amendment to the Chatham County Zoning Ordinance, Section 7.2 Definitions, Section 10.13 Table of Permitted Uses, and Section 14.1 Off-street Parking Requirements to allow various provisions for solar energy.

Ms. Birchett reviewed the agenda notes for this request. She referenced 'Attachment A' included in tonight's agenda packet listing proposed amendments to the Chatham County Zoning Ordinance regarding the use of "solar" within the county.

Beth Trahos, Attorney, Smith Moore Leatherwood LLP, was present representing the applicant.

Lance Williams, Finance Administrator, Strata Solar, was present.

Board discussion followed. Some specifics reviewed were:

- **height** - 25 feet maximum of collectors and all their components as measured from the grade of the base of the collector to its highest point.
- **screening / buffering** - shorter plant material / lower screening; screen type B of Section 12 standards - add language, "In cases where buffers do not exist:....." - see revised Attachment A below
- **fencing** – 6 ft. tall with wire top, i.e., is 6 ft. sufficient - some fencing used for security vs. a softener of the visual impact
- **setback** – greater than two (2) acre sites – change from 100 foot minimum perimeter setback to a 50 foot minimum perimeter setback provided at least a minimum 100 foot setback is maintained from public roadway
- **landscaping** – don't want unnecessary landscaping
- **acreage** – solar farms on less than 2 acres vs. greater than 2 acres

Beth Trahos asked, 1.) to provide alternate recommendations regarding screening and, 2.) modify the setbacks on the greater than two (2) acre sites. Ms. Trahos and Mr. Williams were concerned that 40 foot trees (if required) would potentially block the needed sunlight directly affecting the panels.

Board members agreed that screening should be done, but thought there could be a modification that would not interfere with panels and protect adjacent landowners as well. The revised wording as provided by Mr. Elza is shown in "Attachment A" below. Ms. Trahos and Mr. Williams agreed to the Planning Board recommendations regarding setbacks as discussed above and referenced below in Attachment A.

Motion to approve

Mr. Grigg made a motion to approve the amendments as outlined in "Attachment A"; as modified in tonight's discussion. Mr. Copeland seconded the motion. There was no further discussion and the motion passed unanimously (8 members) to recommend approval of the amendments as outlined in "Attachment A" as modified below:

ATTACHMENT A

Sections of the Chatham County Zoning Ordinance to be amended for the use of "solar" within the county.

Section 7.2 Definitions

Photovoltaic System – An active solar energy system that converts solar energy directly into electricity.

Solar Collector – A device, structure or a part of a device or structure (i.e. array, panel, etc.) installed for the sole purpose of the collection, inversion, storage, and distribution of solar energy. This device may be roof-mounted or ground-mounted as an accessory use (Refer to Section 17.6 for general standards).

ATTACHMENT A – cont.

Solar Energy – Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Farm – A use where a series of solar collectors are placed in an area for the purpose of generating photovoltaic power for an area greater than the principle use on the site or as the principle use on the site for off-site energy consumption. The use of solar collectors for personal or business consumption that occurs on-site is not considered a solar farm.

Section 10.13 Table of Permitted Uses

	R5	R2	R1	O&I	B1	NC	CB	RB	IL	IH
Solar Farm <less than 2 acres follow Section 17.6	P	P	P	P					P	P
Solar Farm >greater than 2 acres follow Section 17.6	CU	CU	CU	CU					P	P

Section 17.6 Standards for Solar Energy Uses

This section is intended to provide the opportunity for solar energy to serve as a viable form of energy generation while protecting public health, safety, and general welfare. All regulations in the zoning ordinance shall apply unless expressly allowed or modified in the below standards.

A. Solar collectors shall be permitted as an accessory use to existing structures or facilities in any zoning district under the following standards:

1. Roof mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.
2. Ground mounted solar systems shall meet the minimum zoning setbacks from property lines for the zoning district in which it is located.
3. The maximum height for a ground mounted solar system under this standard is 15 feet as measured from the grade of the base of the collector to its highest point.

*B. Solar farms on **<less than two (2) acres** in size shall meet the following standards:*

1. Collectors and all their components shall not exceed 25 feet in height as measured from the grade of the base of the collector to its highest point.
2. All structures and collectors shall meet a 50 foot minimum perimeter setback from all property lines.

3. In cases where buffers do not exist, a modified version of the Type B buffer as described in Section 12 of the Zoning Ordinance shall be appropriate to the location of the site, the adjacent land use, and the area topography.
- C. *Solar farms on **>greater than two (2)** acres in size shall meet the following standards:*
1. A conditional use permit shall be applied for and approved before any activity may proceed on the proposed solar farm site and must comply with Section 17.1 Procedures for Conditional Use Permits.
 2. Collectors and all their components shall not exceed 25 feet in height as measured from the grade of the base of the collector to its highest point.
 3. All structures and collectors shall meet a 50 foot setback minimum perimeter setback from all property lines with a 100 foot minimum setback from any public roadway where applicable.
 4. In cases where buffers do not exist, a modified version of the Type B buffer as described in Section 12 of the Zoning Ordinance shall be appropriate to the location of the site, the adjacent land use, and the area topography.
- D. *All solar farms shall comply with the following:*
- Shall comply with all Building and Electrical codes.
 - Shall not create a visual safety hazard for passing motorist or aircraft.
 - Shall be removed, at the owner's expense, within one hundred and eighty (180) days of determination by the Planning Department the facility is no longer being maintained in an operable state of good repair or no longer supplying solar power.

Items for July 16, 2012 Public Hearing:

Legislative Public Hearing

1. Public Hearing request by Derry & Cathy Smith to rezone approximately 2.003 acres, Parcel No. 85396, located on the Pittsboro Moncure Rd., Haw River Township, from Residential (R1) to Conditional Use Neighborhood Business (CU-NB).

Quasi-Judicial Public Hearing

2. Public Hearing request by Derry & Cathy Smith for a conditional use permit to construct an automobile service specifically for manual washing and detailing of vehicles on approximately 2.003 acres, Parcel No. 85396, located on the Pittsboro Moncure Rd., Haw River Township.

Chair Ernst reminded Board members that the above applications are scheduled for public hearing July 16, 2012 during the Board of Commissioner's meeting; and that application information was distributed earlier tonight. He encouraged members to attend public hearings.

IX. NEW BUSINESS:
No items were submitted.

X. PLANNING DIRECTOR'S REPORTS:

1. *Minor Subdivisions Update*

Mr. Sullivan stated that this spreadsheet was included in tonight's agenda packets.

2. *Public Hearings*

Mr. Sullivan stated that the July 16, 2012 public hearing would be the last time the Board would see 'conditional use rezoning with conditional use permit' since we are now under the new process.

XI. BOARD MEMBER ITEMS:

1. *Minor Subdivision Spreadsheet - (Item #8) North Chatham Fire Department*

Mr. Wilson stated that this township should read 'New Hope' and not 'Williams'. It was noted that next month's update would reflect this revision.

XII. ADJOURNMENT: There being no further business the meeting adjourned at 7:40 P.M.

_____/_____
Karl Ernst, Chair / Date

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