



CHATHAM COUNTY PLANNING BOARD
Minutes
August 7, 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 Bienvenue
Philip Canterbury
Mike Grigg
Donna Kelly
Cecil Wilson

Absent:

Kathryn Butler
James Elza
Dwayne Howard

Planning Department:

Jason Sullivan, Planning Director
Benjamin Howell, Senior Planner
Angela Birchett, Zoning Administrator
Kay Everage, Clerk to the Board

- I. INVOCATION AND PLEDGE OF ALLEGIANCE: Mr. Copeland delivered the invocation and Mr. Grigg lead 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 (7 members present).
- IV. APPROVAL OF AGENDA: See Item V. below.
- V. APPROVAL OF CONSENT AGENDA:
Minutes: Consideration of a request for approval of the July 10, 2012 Planning Board minutes.

The Board had no objections to above items IV. and V. and were considered approved as submitted.

- 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. ZONING AND ORDINANCE AMENDMENTS:

A. Items from July 16, 2012 Public Hearing:

1. 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).

Ms. Birchett reviewed the agenda notes for this rezoning request. By using the overview map she explained the surrounding areas and proposed plans.

Ms. Birchett noted that staff recommends approval of this request.

There were no questions from Board members and no adjacent landowners spoke.

Derry Smith Jr., applicant, stated that this project has been a vision of his for many years; and that that the plans would benefit the Moncure area as well as Chatham County.

Motion to approve

Mr. Wilson made a motion; seconded by Mr. Grigg to recommend approval of the request as submitted and as recommended by staff. There was no discussion and the motion passed unanimously (7 members).

2. 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.

Ms. Birchett reviewed the agenda notes and the five (5) required findings for this conditional use request. She used the overview map to explain the proposed automobile service facility. Ms. Birchett stated that staff recommends approval of the conditional use permit request as submitted with the seven (7) conditions listed in tonight's agenda notes.

Derry Smith Jr., applicant, and son, Derrick L. Smith, were present.

Thomas Kagarise, P.E., President, Civil Engineering Services, Veteran Engineering Associates, Inc. was present representing the applicant.

Board discussion followed. Some specifics discussed were:

- reason for easement realignment change for access to neighbor's property
- applicant owns portion of the property at easement – no concerns from other landowners regarding realigning driveway
- traffic – circular drive will be utilized

- distribution of wastewater from washing vehicles used – a pump and haul company would pump the underground tank (when it reaches a certain capacity) and take to a wastewater treatment plant
- landscaping
- proximity to Jordan Lake – approx. 1-1/2 miles
- no gas or flammable materials to be stored on site

Mr. Kagarise and Derrick Smith addressed specifics noted above.

Motion to approve:

Mr. Grigg made a motion; seconded by Mr. Canterbury to recommend approval of the conditional use permit request as submitted and as recommended by staff with conditions listed in tonight's agenda notes. There was no discussion and the motion for approval passed unanimously (7 members). The Seven (7) conditions are as follows:

Standard Site Conditions

1. 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. This includes but is not limited to Appearance Commission recommendations, signage, lighting, parking, etc.
2. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Stormwater 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.
3. A Certificate of Occupancy shall be obtained within two years of the date of this approval or the conditional use permit becomes null and void.

Standard Administrative Conditions:

4. 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.
5. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
6. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.

7. 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.

B. Items for August 20, 2012 Public Hearing:

1. Public hearing to receive public comments on a request by IS Development Company, LLC for a revision to an existing conditional use permit for Cole Place on parcel #65804 to remove and transfer 3.22 acres from the existing CUP to an adjacent parcel and transfer the remainder of the residual property subject to the existing CUP to the Townhomes at Cole Place Owners Association, Inc.
2. Public hearing to receive public comments on a request by Walter Lewis to rezone approximately 3.415 acres, parcel #17717, located on Beaver Creek Road, New Hope Township, from Residential (R1) to Conditional Neighborhood Business Zoning District (CD-NB) to construct a RV and Boat Storage facility.

Chair Ernst stated that he was unable to attend last month's public hearing; that he plans to attend the August public hearing and encouraged Board members to do the same if their schedule permits; and that packet information for these two items was distributed earlier tonight.

Ms. Kelly stated that those who cannot attend public hearings can access a video of the Board of Commissioner's meetings posted on line. .

VIII. NEW BUSINESS:

No reports were submitted.

IX. PLANNING DIRECTOR'S REPORTS:

1. *Minor Subdivisions*

Mr. Sullivan stated that there were no new minor subdivisions to report; and that in order to give a better perspective on minor subdivisions future Board information would be modified to include 'exempt subdivisions' (exempt by regulation).

2. *Joint Chatham-Cary Plan*

Mr. Howell gave a brief presentation. He noted that this plan was adopted June 2012 by the Chatham County Board of Commissioners and the Cary Town Council; that all the information is posted on line; that copies were included in tonight's agenda packet; and that the plan consists of:

- 28 pages of document,
- plan map, and
- Interlocal Agreement (also adopted by the two Boards).

Mr. Howell stated that few modifications have been made to the plan since the last review by the Planning Board; that a major change was that the land shown on the plan map as light green previously averaged 1 dwelling per 5 acres; that through the process this minimum acreage was amended by the committee and adopted to read 1 dwelling per 1 acre; that this density matches the existing Chatham County zoning for that area; that one other change was that the committee agreed with the Planning Board's recommendation to allow public water on the western side of the rural buffer boundary; that language in the plan regarding the rural buffer boundary now states that only public sewer is prohibited from being on the west side of the rural buffer boundary; and that we now have an adopted plan map for future zoning requests for that portion of the county.

Mr. Howell discussed the guidance of the plan and map relative to the application review process by staff for proposed activity within these areas (per the newly adopted policy document, i.e. density type, rezoning). He stated that home occupation applications would not be affected.

3. September Planning Board Meeting

Mr. Sullivan reminded Board members that the September meeting is scheduled for the 2nd Tuesday (September 11, 2012) of the month due to the Labor Day Holiday; and that members would be notified if we are unable to meet here in the Dunlap Building classroom.

X. BOARD MEMBER ITEMS:

1. Chatham County Planning Board Rules of Procedure

The Board discussed Section VI. Meetings, L. of the above that states:

"Faithful attendance at Planning Board meetings shall be a prerequisite for continued membership on the Board. A member may miss up to three (3) regular meetings in a calendar year. If a member misses more than three regular meetings (3) in a calendar year, the Chair and Vice Chair shall meet with the member to determine whether to recommend to the Board of Commissioners the removal of the member from the Board".

Chair Ernst stated that a Planning Board member had missed five (5) consecutive meetings and had not responded to his phone calls or E-mails.

Include issue on next month's Planning Board agenda:

Following discussion, it was the consensus of the majority of the Board that Chair Ernst continues his attempt to contact this Board member (until the end of this week); and that this issue is continued for discussion during the September 11, 2012 meeting if Chair Ernst is unable to speak with the member and resolve the situation.

Mr. Sullivan noted that County Manager Charlie Horn stated that he would discuss this issue with Commissioner Brian Bock and that Mr. Sullivan would report findings to the Board at next month's meeting.

1.B. Current Planning Board Vacancy (i.e. Tim Keim resigned May 2012)

Mr. Sullivan stated that it is possible that a proposed appointment would be considered at the August 20, 2012 Board of Commissioner's meeting.

2. Pittsboro Area - Growth

Mr. Bienvenue voiced concern about growth and annexation. Mr. Howell stated that Northwood High School High School was a voluntary annexation; and that across US 15-501 from this high school is owned by Chatham Park who also requested voluntary annexation into the Town of Pittsboro.

XI. ADJOURNMENT: There being no further business the meeting adjourned at 7:21 P.M.

_____/_____
Karl Ernst, Chair / Date

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