

CHATHAM COUNTY PLANNING BOARD
MINUTES
May 1, 2007

The Chatham County Planning Board met in regular session on the above date in the auditorium of the Cooperative Extension Building in Pittsboro, North Carolina. A quorum was present to begin the meeting. The members present were as follows:

Present:

Chris Walker, Interim Chair
Sally Kost, Interim Vice-Chair
Evelyn Cross
Karl Ernst
Barbara Ford
Warren Glick
Clyde Harris
Jim Hinkley
Judy Sharman

Absent:

David Klarmann
Delcenia Turner

Planning Department:

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

- I. CALL TO ORDER: Chairman Walker called the meeting to order at 6:04 p.m.
- II. APPROVAL OF AGENDA: Chairman Walker asked that Item IX. (Request by Phreddie D. Popp for a subdivision appeal of decision on Burnette Mountain Estates, LLC) be moved to Item VI. (Lystra Road Subdivision request) since the applicant has requested that the Lystra Road application be postponed for one month; and that this postponement not count against the (65 day) review time period. Mr. Ernst made a motion; seconded by Ms. Cross to approve the agenda as submitted with the one change as noted above. There was no discussion on the motion and the motion passed unanimously.
- III. CONSENT AGENDA: Ms. Cross made a motion; seconded by Mr. Harris to approve the consent agenda as submitted. Discussion followed. Ms. Ford asked if it was determined why "Terrell's Ridge Subdivision" was back on tonight's agenda. Chairman Walker stated that his determination is that it was more of a misunderstanding; that Allison Weakley has confirmed that this subdivision request would be reviewed by the Environmental Review Board on April 15, 2007; that the Planning Board required an environmental impact assessment; and that a development schedule has since been submitted by the applicant. A vote on the above motion to approve the consent agenda as submitted was unanimous.
 - A. Minutes:
Consideration of a request for approval of Board minutes for April 3, 2007 Planning Board meeting.

- B. Sketch Design Approval:
1. Request by Chatham Landholdings, LLC for sketch design approval of “Terrell’s Ridge Subdivision”, consisting of 106 lots, on 206 acres, located off SR-1540, Jones Ferry Road, Baldwin Township.
- C. Preliminary Plat Approval:
1. Request by Jesse Fearrington on behalf of Eureka Land Development, Inc., for subdivision preliminary plat approval of “Monterrane, Phase III”, consisting of 6 lots on 31 acres, located off SR-1700, Mt. Gilead Church Road and Valley Lane, Williams Township.
 2. Request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for subdivision preliminary approval of “McDowell Place” (formerly know as Camden South, Phase II), consisting of 15 lots on 17 acres, located off SR-1812, Weathersfield, Williams Township.
 3. Request by Joe Grady, Jr., PLS, The John R. McAdams Co., on behalf of NNP Briar Chapel, LLC for subdivision preliminary approval of “Briar Chapel – Great Ridge Parkway Right-of-Way Dedication”, located off S. R. 1532, Mann’s Chapel Road, Baldwin Township. – Also see Item VIII. B. “Briar Chapel”-revisited.
- D. Final Plat Approval:
1. Request by Joe Grady, Jr., PLS, The John R. McAdams Co., on behalf of NNP Briar Chapel, LLC for subdivision final approval of “Briar Chapel – Phase 3 and 4 and Great Ridge Parkway Right-of-Way Dedication”, consisting of 67 lots on 58 acres, located off S.R.1532, Mann’s Chapel Road, Baldwin Township.
 2. Request by Wrenn Brothers, Inc. for final plat approval of “Knoll Ridge Estates”, consisting of 13 lots on 77.5 acres, located off SR-1130, Oakley Church Road, Matthews Township.
 3. Request by Samir W. Bahho, P. E., on behalf of Wilkinson Creek, LLC for subdivision final approval of “The Woods at Wilkinson Creek”, consisting of 23 lots on 47 acres, located off S. R. 1537, Tobacco Road, Baldwin Township.
- E. Sketch, Preliminary, and Final Plat Approval:
1. Request by Thomas T. Bridges, Surveyor on behalf of Walter W. and Natalie S. Butler and Liselotte E. Smith for subdivision sketch, preliminary, and final approval of one (1) non-residential lot, consisting of 4.45 acres, located off SR-1346, Silk Hope Gum Springs Road, Hadley Township.

End Consent Agenda

IV. PUBLIC INPUT SESSION: Fifteen-minute time of public input for issues not on agenda. Speakers limited to three minutes each.

- Peter Theye, 1065 Boothe Hill Road , Chapel Hill , NC

Mr. Theye provided comments regarding his concerns about planning in the county. A copy of his written comments is on file in the Planning Department.

No other citizens requested to speak at this time.

V. STAFF PRESENTATION OF SUBDIVISION REVIEW PROCEDURE:

Mr. Megginson stated that one of the hand-outs provided by staff (on the table at the entrance door) details the subdivision review process. He briefly explained the procedures.

VI. A. SKETCH DESIGN APPROVAL:

Request by Dornoch Group for subdivision sketch design approval of "Lystra Road Subdivision", consisting of 69 lots on 144 acres, located off SR-1721, Lystra Road, Williams Township.

Chairman Walker restated that the applicant has requested postponement of this item until next month's Planning Board meeting (June 5, 2007) to allow additional time to develop some things further; and that the applicant has requested that this meeting not count against the (65 day) review time period.

Ms. Kost made a motion; seconded by Ms. Cross to postpone discussion of this item until next month's Planning Board meeting; and that this meeting not count against the (65 day) review time period. There was no discussion on the motion and the motion passed unanimously.

B. MISCELLANEOUS REQUEST or REQUIRED ACTION:

Request by Phreddie D. Popp for a subdivision appeal of decision on Burnette Mountain Estates, LLC, located off SR-1700, Mt. Gilead Church Road, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this request. She used the overview map to explain the layout and history of the land. Ms. Richardson noted that lots along the roadbed could not be further subdivided.

Ms. Phreddie Popp, applicant, was present. Ms. Popp referenced her survey map (included in tonight's agenda packet). She noted the various lots served by the existing roadbed (her tracts and the Campbell's) and the reasoning for her request to:

not be required to improve portion "A" of the easement (owned by the Campbell's) to a 16 foot wide travel way with 4 inches of crush and run stone; but to begin the improvement where portions A and B join to become C as shown on said map.

Kay Campbell, adjacent landowner, distributed material titled, "Planning & Zoning, May 1, 2007, Richard & Kay Campbell, 266 Burnette Mountain Lane,

Photos of Easement and Problems We Endured". (Note: A copy of this material is filed in the Planning Department.) Ms. Campbell referenced her hand-out and explained past occurrences on the roadbed and/or land over the past several years. She expressed opposition to the request.

Board discussion followed. Mr. Hinkley asked the basis for staff's recommendation. Ms. Richardson used the overview map to explain:

- the portion of the road that serves the four (4) lots
- the driveway that serves lot #2, and
- the driveway serving the remaining three (3) lots.

Mr. Glick inquired if the road was built to standards that Mrs. Campbell thought were adequate would she object to the plan. Ms. Campbell emphasized that she does not think that Ms. Popp intends to further upgrade the roadbed but that if the road was built to adequate specifications she would not object to the request. Ms. Popp assured the Board that if the request is approved she would bring the road up to standard.

Mr. Hinkley made a motion; seconded by Ms. Cross to grant approval of the request as recommended by staff (to upgrade the easement to a 16 foot wide travel way with 4 inches of crush and run stone beginning at portion C of the easement to extend to Lot 4). Mr. Hinkley made a motion to call the question (to end debate). The motion passed 8-0-1 with all members present voting in favor of the motion except Ms. Sharman who abstained. A vote on the main motion stated above by Mr. Hinkley and seconded by Ms. Cross to grant approval of the request as recommended by staff passed 8- 0-1 with all members present voting in favor of the motion except Ms. Sharman who abstained.

VII. PRELIMINARY PLAT APPROVAL:

A. Request by Ticon Properties, LLC for subdivision preliminary plat approval of Valley View, consisting of 22 lots on 47 acres, located off SR-1526, Andrews Store Road, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this subdivision request. She stated that revised plat maps show the required 50 foot stream buffers; and that there are some wetlands within the buffer areas.

Mark O'Neal, developer, was present. Mr. O'Neal stated that septic systems would be installed simultaneously so as to minimize disturbance to neighbors; and that 30% of this property is in green space; and that all permitting requirements have been met.

Discussion followed.

Ms. Kost referenced the following condition recommended by the Planning Board at sketch design approval (7-17-06) but not adopted by the Commissioners:

"The preliminary and final plats shall include a 50 foot, undisturbed, vegetative buffer, along the northern property line of the subject

property beginning at the northwestern corner of proposed Lot 10-A and continuing to the eastern boundary of the subject property”.

Ms. Kost inquired why the developer (as a good neighbor) did not buffer the proposed septic field areas from adjacent landowners (especially the Thompson tract). Mr. O’Neal stated that the buffering exceeds the requirements and septic fields have been approved by the Health Department.

Mr. Hinkley inquired about the drain field areas and size of septic field lots. Mr. O’Neal stated that drain field areas are approximately 800 ft. for a four bedroom and 1,000 ft. for a five bedroom house; that septic fields are a combination of 4-5 bedrooms and are 18,000-20,000 sq. ft. in size (approx. ½ acre); and that common septic fields were not considered due to maintenance and other specifics.

Ms. Ford inquired about the wooded field areas. Mr. O’Neal stated that the larger trees were left; that undergrowth was cleared; and that natural buffers were left along the top edge.

Mr. Ernst asked about the stream crossing. Mr. O’Neal stated that the stream is shown on the USGS map as a blue-line stream; that this is not a very large creek; and that the area would be reseeded in natural vegetation.

No adjacent landowners spoke.

Mr. Harris made a motion; seconded by Mr. Hinkley to grant approval of the road names ‘Valley View Lane’ and ‘Phoebe Lane’ and preliminary plat approval of “Valley View Subdivision” as submitted and as recommended by staff with the following conditions:

1. The utility crossing of the creek shall be encased in ductile iron pipe.
2. No construction of the utility stream crossing shall commence until the developer has determined whether or not a NCDWQ 401 permit is required and such is verified to the Planning Department.

Discussion followed. Mr. Hinkley asked what staff found when they visited the site and their reasoning for suggesting approval. Mr. Megginson stated that the request meets all the requirements. How buffering is measured was discussed.

Mr. Hinkley withdrew his second. He asked if staff had visited the site. Ms. Richardson stated that she had not walked this property.

Mr. Ernst seconded Mr. Harris’ motion stated above. There was no further discussion and the motion passed 7-0-2 with all Board members present voting in favor of the motion except Ms. Kost and Mr. Hinkley who abstained.

VIII.

A. ZONING AND ORDINANCE AMENDMENTS – *Item from March 19, 2007 Public Hearing:*

- A. Request by Chatham County to rezone approximately 533 acres on SR 1972 (Pea Ridge Rd.) from Heavy Industrial (H-Ind) to Residential Agricultural (RA-40).

Ms. Birchett reviewed the agenda notes for this request. She used the overview map to indicate the various proposed areas and gave a brief history of the land as explained in tonight's agenda notes.

Board discussion followed. Mr. Glick was concerned that staff is not proposing any heavy industrial areas. Ms. Cross stated that basically this area is presently used for farm land; that most of this land is not appropriate for heavy industrial use; and that it has been over 17 years since any new industry have come into the area. Mr. Megginson stated that, if the land is rezoned to RA-40, heavy industrial areas could still be approved through the conditional use process. Ms. Kost inquired about the tax value (RA-40 vs. H-Ind.). She noted that it would be helpful if staff would provide PIN numbers (property identification number) with names of adjoining property owners. Ms. Birchett stated that the property is currently taxed on the use of the property; and that existing residential partials are taxed residential. Ms. Birchett referenced language from the Land Development Plan that states, "The Moncure Haywood area may take advantage of industrial potential together with extensive transportation and water/sewer infrastructure".

- Chris Young, 105 Avoncroft Court, Apex, NC

Mr. Young stated that he and his wife plan to build on a portion of this proposed land; that the current landowner (Ms. Miller) is currently living in New York; that he and his wife are supportive of this plan; and that he encourages the Planning Board to grant approval of the request that would allow him to proceed with building plans.

Mr. Ernst inquired about the possibility of spot zoning. Ms. Birchett explained the areas currently owned by industrial companies. Mr. Ernst was concerned that land for industrial use is beginning to get scarce in the county.

5-Minute Break:

At this time (7:35 p.m.) Chairman Walker called for a 5-minute break.

After the break, discussion continued regarding the request by Chatham County to rezone approximately 533 acres on SR 1972 (Pea Ridge Rd.) from Heavy Industrial (H-Ind) to Residential Agricultural (RA-40).

Mr. Megginson reiterated that, if the rezoning request is approved, heavy industrial could be requested through the conditional use process. Ms. Birchett noted that there has not been any new industry in this proposed area since 1990. Ms. Birchett used the large overview map to again explain the areas of current industries, land owned by industrial companies, watershed and etc.

Ms. Ford inquired if Chatham County's new Economic Development Director is aware of this request. Mr. Megginson stated that staff has not notified the new

Economic Development Director of this request. He stated that this is the second meeting reviewing this request; and that the Board has three meetings from public hearing to send their recommendation to the Commissioners.

Motion to postpone

Mr. Hinkley made a motion to table this request until next month's Planning Board meeting to allow additional time for review. Mr. Hinkley restated his motion to postpone (not table) the request until next month's Planning Board meeting. Mr. Glick seconded the motion. Discussion followed. Ms. Kost suggested that the new Economic Development Board be made aware of the request. She suggested that the motion be amended to add that the request be forwarded to the Economic Development Board for review. Ms. Ford seconded the motion for amendment and the motion passed 6-3-0 with all Board members present voting in favor of the motion for amendment except Cross, Harris and Walker who voted against. Discussion on the main motion followed regarding the need for the new Economic Development Board (EDC) to review the request. A vote on the motion (to postpone the request until next month's Planning Board meeting and to refer the request to the new Economic Development Board before next month's meeting) passed 6-3-0 with all Board members present voting in favor of the motion except Cross, Harris and Walker who voted against. Ms. Ford asked that staff request that the EDC Board submit their comments to staff before next month's Planning Board meeting (June 5, 2007). Mr. Megginson stated that staff would follow-up with the EDC Board.

B. BRIAR CHAPEL - revisited

- Moriah R. McCall, 4432 Manns Chapel Rd.

Ms. McCall stated that she received an adjoining property owner letter regarding the "Briar Chapel –Great Ridge Parkway Right-of-Way Dedication" issue. Ms. McCall's main concerns were regarding water problems (runoff) and the large rocks on the property. She indicated that water flow in the creek was less than before construction on the roadway began.

- Oscar E. Moncada, 4421 Manns Chapel Road

Mr. Moncada stated that he also received an adjoining property owner letter regarding Briar Chapel and that he shares the concerns of Ms. McCall.

Mr. Megginson explained that this issue (Item III. C. 3.) was approved at the beginning of tonight's meeting under "Consent Agenda". Mr. Ernst was surprised that staff sends adjacent landowner letters inviting them to the Planning Board meeting to voice their concerns/comments on a particular issue and that the item is then placed on consent agenda (denying the property owner the chance to speak). Mr. Megginson explained that letters are sent adjacent landowners regarding sketch and/or preliminary design requests; and that sometimes these items are placed on consent as noted on the agendas. Chairman Walker apologized to Ms. McCall for the confusion. He stated that in the future he would try to clarify items that have been granted approval on the consent agenda; and that comments could be forwarded to the Commissioners since they make the final decision on requests.

IX. MISCELLANEOUS REQUEST or REQUIRED ACTION: - see VI. B. above

X. OLD BUSINESS:

A. Lighting: Request by the Chatham County Board of Commissioners on proposed text amendments to the Chatham County Zoning Ordinance to include a section to regulate outdoor lighting. The amendments include standards for outdoor lighting, establish lighting design review and enforcement procedures, and establish an amortization schedule for vehicular canopies.

Chairman Walker stated that discussion of this issue is a continuation from last month's Planning Board meeting; and that one of the issues discussed was a split between two power companies in the Governor's Club.

David LeGrys (former Planning Board member and liaison to the Board and staff regarding the draft Lighting Ordinance) was present. Mr. LeGrys stated that comments received from Mr. John Henville-Shannon (provided during last month's Planning Board meeting) were very thoughtfully written. He referenced Page 6, Section (4) a. of the draft ordinance that states:

"Non-cutoff decorative post-mounted fixtures may be used but must be equipped with a solid top and an internal polished aluminum top reflector shield to direct the light downward or meet the cutoff classification".

Mr. LeGrys stated that the idea is to step down from full cut-off lighting to a non-cutoff type fixture; and that some options on how to address this are:

- request variance
- request exemption
- go with the ordinance and gradually make changes

Mr. LeGrys stated that the best course to take would be to introduce standards throughout and that providers should work together to supply fixtures to fit customer needs. He cited the following recommendations:

- Allow fixtures to be provided by whichever power company can meet the needs - that replacements should be allowed as recommended by Mr. Henville-Shannon (existing subdivisions needing upgrading – replacement fixtures from one power company be allowed if the other power company says that the subdivision cannot do them);
- that we maintain our guidelines (set out standards for providers to meet), and;
- allow subdivisions using the Acorn units to go forward with the metal top Acorn units

Board discussion followed regarding provisions for technical guidance for specifications.

- John Henville-Shannon, 39521 Glenn Glade (Governor's Club)

Mr. Henville-Shannon stated that the document he wrote (submitted in last month's Planning Board packet) is a generic document focused not on one specific area but generalized in such a way that it looks at existing communities and tries to anticipate future issues that might develop as subdivisions are built; that the objective is to anticipate what the obstacles are to implement the ordinance because of various issues in achieving the objective, i.e. financial, practical, and etc.; that we should make it as easy to implement as possible so that it would be a force to upgrade as rapidly as possible; that the cost of upgrading is minimal; that the power companies basically make the investment and lock the customer into a contract for several years; that the issues are as follows:

Upgrades for existing communities, i.e. capital investment necessary to change out existing fixtures to the new fixtures – some arrangement could be made where the financial impact on the customers and the company could be minimized and mitigated in such a way that upgrade would be encouraged.

Mr. Henville-Shannon asked that the Board add language to the ordinance that addresses this issue and to make it possible to upgrade efficiently and minimize cost.

Board discussion followed regarding generic specifications, technical issues, appearance and proposed language. Ms. Sharman stated that she would like this to be a countywide ordinance. Mr. Ernst noted the need for consistency from the providers.

Mr. LeGrys stated that, at the pleasure of the Planning Board and/or Planning staff, he would assist with developing the appropriate language to address this issue; that the Board has one more meeting to work on this issue; and that he feels strongly about the canopy lighting and safety issues.

Motion to postpone the issue until next month

Mr. Ernst made a motion; seconded by Mr. Hinkley, to postpone further discussion of this issue until next month's Planning Board meeting (June 5, 2007); that Mr. LeGrys work with staff on the proposed language; and that staff present the proposed language at next month's meeting. Discussion followed. Mr. Megginson stated that he would work with Mr. LeGrys on the proposed language and that Bob Henderson with Progress Energy does the technical aspects and knows the products. Ms. Kost noted that while she supports the motion she would like the Board to further discuss (during next month's meeting) making the ordinance countywide. Mr. Megginson stated that if the Planning Board makes this a recommendation then the county attorney can advise the Commissioners (based on the Planning Board's recommendation) how this could happen. The motion passed unanimously.

Discussion followed regarding the possibility of this becoming a countywide ordinance. Ms. Kost stated that this is a safety issue specifically in relation to canopies and lighting. Ms. Cross stated that during the recent public hearing some landowners voiced concern that this would affect their personal lighting

fixtures currently on their property. Mr. Megginson referenced Page 11 (q) (1) and (2) of the draft Lighting Ordinance regarding nonconformities.

Motion that this be countywide and not be part of the Zoning Ordinance

Ms. Kost made a motion that the Lighting Ordinance not be part of the Zoning Ordinance; that the Lighting Ordinance be a stand alone ordinance; and that the Lighting Ordinance be applied to the entire county. Ms. Ford seconded the motion. There was no discussion on the motion and the motion passed 7-1-1 with all members present voting in favor of the motion except Mr. Ernst who voted against; and Mr. Harris who abstained.

B. Issues (liability and others) regarding trespassing onto properties

Mr. Megginson cited that the county attorney has stated that Planning Board members cannot go onto properties without the permission of the landowner because it is against the law; that staff is considering the addition of language in the application for the developer and/or landowner to sign permission for visiting the property.

Discussion followed regarding the responsibility for providing liability, i.e. landowner, developer, county. Mr. Megginson stated that he would follow-up on this.

XI. NEW BUSINESS:

A. Planning Director's Report

a. *Reminder of election of Planning Board officers*

Mr. Megginson stated that the time for election of officers is approaching and that the Board needs to consider this at next month's Planning Board meeting.

Chairman Walker stated that Ms. Kost and he discussed this earlier today; that they may need to speak with the Commissioners about possibly amending their amendment; and that we may currently be in a bind with the last language in the revised ordinance. Chairman Walker referenced Page 5, Section 1. Appointment and Compensation of "An Ordinance To Establish A Planning Board". He stated that basically the terms of the Planning Board members now run with the terms of the Commissioners; and that during an election year the term of a Commissioner would end in the month of November leaving December without a Planning Board.

Mr. Megginson stated that initially it was interpreted that Planning Board members continue to serve until the replacement is made but that he would clarify this.

Discussion followed regarding Planning Board appointments and terms. Chairman Walker stated one thing to consider would be to have the election run from February through the next January; that if neither the Chair nor the Vice-Chair is reappointed the Planning Director could run that one January meeting; and that officers could then be elected in February. Mr. Ernst noted that we could task the Commissioners to appoint members (either the

first or second meeting in December) and that the terms of Planning Board members and officers shall expire at that December meeting; and that new officers could be elected during the January meeting. Chairman Walker stated that a short term alternative to elect a Chair and Vice-Chair would be to amend our current procedures during next month's Planning Board meeting; and that the Board would then be on track if these officers serve through the end of this year. He noted that he would inform the Commissioners of this possible conflict.

b. Communication Tower Plan Public Hearing June 18, 2007

Mr. Megginson stated that the County Commissioners have set the annual Communication Tower Plan public hearing for June 18, 2007.

c. Affordable Housing Task Force

Mr. Megginson stated that Angela Brown, former Planning Board member, served as the Planning Board appointment to the Affordable Housing Task Force. He noted that the Board needs to consider this appointment at the next Planning Board meeting. Mr. Megginson noted that these are normally morning meetings.

B. Planning Board Member Items

a. Subdivision Regulations Subcommittee

Ms. Kost stated that the subcommittee (Barbara Ford, Jim Hinkley, Judy Sharman, Delcena Turner and Sally Kost) looking at the Subdivision Regulations has scheduled four (4) meetings initially as follows:

May 16
May 23
May 31, and
June 6, 2007.

She asked that non-subcommittee members forward their thoughts and/or concerns to the subcommittee for consideration.

b. Zoning Ordinance Subcommittee

Mr. Hinkley stated that he, Karl Ernst, and Delcena Turner volunteered to serve on this subcommittee; and that he would welcome other interested Planning Board members. Warren Glick stated that he would serve on the Zoning Ordinance Subcommittee.

c. Delcena Turner

Mr. Hinkley stated that Ms. Turner was on her way to tonight's meeting but became ill and returned home.

XII. ADJOURNMENT: There being no further business, the meeting was adjourned at 9:35 p.m.

Chris Walker, Interim Chair

Date

Attest: _____
Kay Everage, Clerk to the Board

Date