

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING
BRIAR CHAPEL DEVELOPMENT
FEBRUARY 15, 2005

The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the Superior Courtroom, Courthouse Circle, located in Pittsboro, North Carolina, at 7:00 PM on February 15, 2005.

Present: Chairman Bunkey Morgan; Vice Chair Tommy Emerson; Commissioners Patrick Barnes, Mike Cross, and Carl Outz; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Renee Dickson; and Clerk to the Board, Sandra B. Sublett

The meeting was called to order by the Chairman at 7:00 PM.

PLEDGE OF ALLEGIANCE AND INVOCATION

- Chairman Morgan invited everyone present to stand and recite the Pledge of Allegiance after which Commissioner Barnes delivered the invocation.

AGENDA

The Chairman asked for approval of the Agenda.

Commissioner Outz moved, seconded by Commissioner Barnes, to approve the Agenda. The motion carried five (5) to zero (0).

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1. **Commissioner Input - Question and Answer Session Regarding Briar Chapel**
 2. **Comments from Planning Board Chairman**
 3. **Comments on Minority Report**
 4. **Planning Director Presentation and Recommendation**

PLANNING AND ZONING

The Chairman asked Commissioners Barnes and Cross if all of the information from the public hearings had been made available to them and if they had had the opportunity to review it.

Commissioner Cross stated that he had reviewed everything available, but there are articles which are not available which he would like to review.

Chairman Morgan explained the three items on the Agenda which are to be addressed.

Each Commissioner made inquiries regarding different aspects of the project.

Commissioner Cross made inquiries about transportation, discussed housing, and deferred to Amy Powell for comments.

Comments:

Amy Powell, Habitat for Humanity representative, stated that their alternative plan they wish to have considered included sixty lots to be developed within Briar Chapel and conveyed to non-profits affordable housing organization that will sell the units to buyers earning 80% of area median income or less; that these sixty units of affordable housing within Briar Chapel would consist of twenty-four single-family dwellings and thirty-six townhouses; that that change is an increase of 60% to 80% of median; that the second component is that as an alternative to the land trust mechanism that is part of Option A in the Compact Communities Ordinance, they are recommending that they maintain long-term affordability of the sixty units by requiring a "first right of refusal" by the non-profit should the owners decide to sell their property; that a 99 year affordability restriction in the deed and a plan for equity sharing should the owner decide to sell to a non-eligible buyer; that the third component is that instead of building the remaining sixty units of affordable housing in Briar Chapel, the developer be required to make a cash payment in-lieu-of 1.1 million that would be paid out over several years to an affordable account that would be maintained by the County; that through an application process non-profit affordable housing organizations could apply for the funds to use for the acquisition of land and infrastructure projects.

Angela Brown, Planning Board member, stated that she is an affordable housing advocate; that she was in the majority to vote for Briar Chapel; that she focused on the Compact Community Ordinance to see whether or not Newland was in compliance; that in her view they were; that there are some unanswered questions, but that they are up to the Board of Commissioners; that in the future, the County and other organizations need to work on schools and affordable housing on the front end; and that she is fighting for those that may be above low-income but below the level in which they can afford to live in these developments.

The chairman requested the Planning Director to review the Minority Report. The Planning Director explained that the Minority Report had difficulties with Finding #3 of the five findings; that the Newland design calls for a town center completely removed from the compact community; that as ill-conceived and potentially detrimental to the community as it is, it is not within an easily walkable distance of the community; that with the pedestrian crosswalk signal that will stop traffic on the already over-traveled Highway #15-501, every time someone wants to cross, it will become a safety issue for both motorists and pedestrians; that it does not meet the intent of the Compact Communities Ordinance and the findings should not be made; that they went on to comment about the entrance road next to Ms. Tripp's property; that the design included three entrances (two for the school sites), into the school site which seems excessive; that the proposed main entrance precludes adequate buffering for Ms. Tripp's property; that these roads could be redesigned to reduce the number of entrances, give Ms. Tripp more of a buffer, and still safely accommodate the two proposed school sites; the NCDOT is not requiring the roads to be the proposed current locations in its request of the Newland Communities that they be there; therefore, those were the reasons stated that they did not think that Finding #3 could be made.

Keith Megginson stated that the minority thought there was some confusion about the portion of the property to the east of Highway #15-501 and whether or not it should be included in the Compact Communities Ordinance.

BREAK

The Chairman called for a fifteen-minute break.

Amendment to Chatham County Compact Communities Ordinance: Consideration of a request by M. Gray Styers, Jr. on behalf of Briar Chapel for an amendment to Section 6.1 of the Chatham County Compact Communities Ordinance. The amendment with a map specifies where compact communities are allowed.

Commissioner Emerson moved, seconded by Commissioner Outz, to adopt **An Ordinance Amending the Compact Communities Ordinance**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Zoning Change From RA-40 District to Compact Community Conditional Use District: Consideration of a request by Mitch Barron on behalf of Newland Communities for a zoning change of numerous parcels consisting of 1,589 acres from RA-40 district to Compact Community Conditional Use District. The property is located in the vicinity of US #15-501 North, Manns Chapel Road and Andrews Store Road.

The Planning Director explained that there were pre-prepared forms for approving and denying the request.

Commissioner Emerson moved, seconded by Commissioner Cross, to approve the request to change the zoning district from RA-40 district to Compact Community Conditional Use District as submitted and recommended by the Planning Department and adopt **An Ordinance Amending The Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Conditional Use Permit for Planned Residential Development: Consideration of a request by Mitch Barron on behalf of Newland Communities for a Conditional Use Permit for a planned residential development, on approximately 1,589 acres in the vicinity of US #15-501 North, Manns Chapel Road and Andrews Store Road. The request consists of 2,389 dwelling units, commercial & office space, church, charter school, county facilities (sites for a school, elevated water tank, 911 provider, fire station, sheriff's office, and library), community water reclamation facility, storm water quality treatment and detention system, recreational spaces, hiking and biking trails, and open space. The proposal provides for developer funded off-site roadway improvements.

The Planning Director reviewed conditions and addressed questions regarding roads, impact fees, affordable housing, library, school site and other concerns from the Board.

The Newland representative addressed concerns by the Board and stated that the permitting process with the Division of Water Quality (DWQ) would start later this week; that there will be buffers to meet state standards; that monitoring wells will be set up by the developer and others as DWQ mandates; and that he is not aware of any other well system failures with systems of this kind.

After considerable discussion, Commissioner Outz moved, seconded by Commissioner Emerson, to adopt **A Resolution #2005-06 Approving An Application For A Conditional Use Permit For A Request by Mitch Barron On Behalf of Newland Communities For Briar Chapel Planned Residential Development**, attached hereto and by reference made a part hereof. The motion carried four (4) to one (1) with Commissioner Barnes opposing.

ADJOURNMENT

Commissioner Emerson moved, seconded by Commissioner Outz, that there being no further business to come before the Board, the meeting be adjourned. The motion carried five (5) to zero, and the meeting was adjourned at 9:48 PM.

Bunkey Morgan, Chairman

ATTEST:

Sandra B. Sublett, CMC, Clerk to the Board
Chatham County Board of Commissioners