



CHATHAM COUNTY PLANNING BOARD

Minutes

December 4, 2012

The Chatham County Planning Board met in regular session on the above date in the Agricultural Building Auditorium, Pittsboro, North Carolina. Members present were as follows:

Present:

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

Absent:

Deepa Sanyal
Philip Bienvenue

Planning Department:

Jason Sullivan, Planning Director
Lynn Richardson, Subdivision Administrator
Kimberly Tyson, Clerk to the Board

I. INVOCATION AND PLEDGE OF ALLEGIANCE:

Mr. Copeland delivered the invocation and afterwards the Chairman invited everyone to stand and recite the Pledge of Allegiance.

II. CALL TO ORDER:

Chair Ernst called the meeting to order at 6:30p.m.

III. DETERMINATION OF QUORUM:

The clerk stated that a quorum was present to begin the meeting (9 members).

IV. APPROVAL OF AGENDA:

See Item V. below.

V. APPROVAL OF CONSENT AGENDA:

Minutes: Consideration of a request for approval of the September 11, 2012 Planning Board minutes.

Board members 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.

Ana Felix, 102 Grassy Creek Way, Chapel Hill, NC

Ms. Felix addressed her concern regarding Legend Oaks having one entrance, one exit, and with the proposed extension, it's a possible safety concern for the neighborhood. Currently the neighborhood has a busy entrance off Hwy 15-501 N and the streets in the neighborhood double as sidewalks. The concerns are Phase III bringing in more traffic to a neighborhood with only one entrance and exit. Another concern is no way out of the neighborhood should an emergency occur.

Cheryl Martin, 71 Grassy Creek Way, Chapel Hill, NC

Ms. Martin stated she supports the issues Ms. Felix brought forward. Ms. Martin has lived in Legend Oaks five (5) years, when she first moved in traffic on US 15-501 North wasn't as busy as it currently is. Since the building of Polks Village and Briar Chapel, traffic and accidents have increased. Ms. Martin also stated should a tree or trees fall across Legend Oaks Drive or fire, there's no way for all to get in or out of Legend Oaks subdivision. Ms. Martin stated she would like to see a second entrance placed in Phase III of Legend Oaks.

Ellen Newman, 101 South Dwelling Oaks Drive, Chapel Hill, NC

Ms. Newman express concerns about safety related issues with the proposed extension of Phase III of Legend Oaks. Ms. Newman stated, if you have a tree that falls across the road or gas pipeline to burst, you wouldn't be able to access the properties at the back of the subdivision due to only having one entrance in and one exit. She also expressed that coming out of the development is challenging if you plan to travel US 15-501 South, as well as traveling southbound to enter the subdivision. Ms. Newman also states having an additional 56 lots with approximately two (2) cars each will increase traffic in and out of Legend Oaks, with all residents using one entrance and one exit. Ms. Newman asked the board to go back and revisit the possibility of a second entrance to Legend Oaks.

There were no other requests to speak at this time.

VII SUBDIVISIONS:

1. Request by Brantley Powell, HPB Properties, for a twenty-four (24) month extension of preliminary plat approval for Legend Oaks, Phase III, consisting of 56 lots on 99.23 acres, located off 15-501 North, Williams Township to extend the preliminary plat submittal deadline from July 1, 2013 to July 1, 2015. **See Attachment #1 Planning & Zoning Agenda Notes**

Ms. Richardson reviewed the agenda notes for the request for a twenty-four (24) month extension of preliminary plat approval of Phase III consisting of 56 lots on 99.23 acres. There are three phases with Phase I and II having final plat approval and with homes being built in both phases. Currently, Mr. Powell will need to bring Planning staff final plat submittal of Phase III by July 1, 2013 or the existing plan will no longer be valid. If the current subdivision plan expires, Mr. Powell would then have to comply with the Subdivision Regulations in effect after 2008. Mr. Powell plans to submit a final plat approval request for thirteen (13) of the fifty-six (56) lots prior to the July 1, 2013 expiration date, but has concerns he won't be able to submit a final plat request for the remaining lots by the expiration date. All required permits are valid with one possibly needing an extension and water availability fees have been paid in the amount of

\$192,500 for Phase III lots. Ms. Richardson stated staff did not make a recommendation since it's a policy decision.

Michael Birch, Attorney, Morningstar Law Group, representing Brantley Powell, who was present, and Trenton Stewart, Professional Engineer, were present to answer questions about permits. Mr. Birch spoke briefly regarding a twenty-four (24) month extension of the existing approved preliminary map of Phase III and gave a brief history of the subdivision. Mr. Birch stated Legend Oaks is a three (3) phase subdivision with phase one (1) approved in July 2006 for thirty-one (31) lots, phase two (2) approved in August 2007 for twenty-seven (27) lots, and both phases currently with homeowners.

When Phase 3 was submitted for sketch plan approval it was denied by the Board of County Commissioners. After mediation, it was approved, but portions of the land were eliminated resulting in no second entrance off Lystra Rd.

Mr. Birch stated there's a builder interested in 13 lots and those lots can be platted by July 2013, expiration date, but no demand for the remaining lots. He also stated a driveway permit was issued from North Carolina Department of Transportation (NCDOT) that included the three (3) phases and one of the existing permits will need to be renewed.

Mr. Birch stated that the developer has already spent a substantial amount of money on this project, and this is why they are requesting an extension on the approved preliminary plat. He also stated there are some existing stub roads to adjoining properties and if one of these properties were to be developed in the future, a second entrance would be provided.

Adjacent landowners spoke:

Ramon Padilla, 825 Legend Oaks Drive, Chapel Hill, NC
Mr. Padilla stated another entrance would be important.

Robert Germaine, 178 Peak View Place, Chapel Hill, NC
Mr. Germaine stated his concerns about safety and only having one entrance and exit.

Kathy Doherty, 300 Legend Oaks, Chapel Hill, NC
Ms. Doherty stated she measured the Williams Corner turn around and it's less than one tenth of a mile from highway 15-50; , if and when Williams Corner is built and you want to enter or exit their neighborhood through Williams Corner it doesn't solve the issue of emergency access.

Board discussion followed. Mr. Sullivan addressed the re-submittal process and Ms. Richardson addressed stub out roads.

Motion to approve:

Following discussion, Mr. Glendinning made a motion; seconded by Mr. Howard to recommend the twenty-four (24) month extension of preliminary plat approval to expire July 2015, with the following condition:

1. That staff receive copies of any new or renewed permits.

There was no further discussion and the motion passed 7-2 with all Board members present voting in favor: except Mr. Elza and Mr. Copeland voting against. One (1) condition is listed above.

Mr. Elza voiced concern about numerous car trips for residents and Mr. Copeland voiced his concern about emergency access.

2. Request by Gilda Ehrenfeld on behalf of Entrust Carolinas LLC FBO Gilda Ehrenfeld for preliminary and final plat approval of Governors Village, Parcel "D", consisting of one (1) non-residential lot of 3.97 acres, located off S. R. 1847, Moring Drive in Williams Township. **See Attachment #2**

Ms. Richardson reviewed the agenda notes of the preliminary and final plat submittal for Governors Village, Parcel "D". This is the last undeveloped parcel in Governors Village. Ms. Richardson gives a brief history of parcel. She stated that the plat meets the requirements of the Subdivision Regulations and staff recommends granting preliminary and final plat approval of Governors Village parcel "D" as submitted.

Mark Ashness, PE, CE Group, and Chris Ehrenfeld, developer, were present. Mr. Ashness briefly spoke about the commercial development of this parcel and how it mirrors Parcel "C". Mr. Ehrenfeld stated they spoke with the homeowners and everyone likes the plans and are looking forward to Parcel "D" being developed.

Board discussion followed.

Motion to approve:

Mr. Copeland made a motion; seconded by Mr. Grigg to approve staff recommendation.

There was no further discussion and the motion for approval passed unanimously (9 members present).

3. Request by Karen M. Kemerait, Attorney-at-Law, on behalf of Contentnea Creek Development Co. for a twenty-four (24) month extension of preliminary plat approval for Cooper Subdivision, consisting of 43 lots on approximately 130 acres, located off SR-1714, Hatley Road, New Hope Township. **See Attachment #3**

Ms. Richardson reviewed the agenda notes for the twenty-four (24) month extension of preliminary plat approval and gave a brief history. She stated there was no recommendation as it is a policy decision.

Karen Kemerait, Attorney, Styers, Kemerait, and Mitchell Attorney at Law, representing Contentnea Creek, and Jonna Bircher, developer, were present. Ms. Kemerait gave a brief history of the subdivision and requested a twenty-four (24) month extension. She stated the real estate market has declined, some builders are out of business, and home buyers are having problems getting funds as some reasons for the extension.

Board discussion followed.

Motion to approve:

Mr. Copeland made a motion; seconded by Mr. Glendinning to recommend approval of twenty-four (24) month extension of preliminary plat with the following condition:

1. That staff receive copies of any new or renewed permits.

There was no further discussion and the motion passed unanimously (9 members present).

IX. NEW BUSINESS:

No reports were submitted.

X. PLANNING DIRECTOR'S REPORTS:

1. *Minor Subdivisions / Exempt Maps – Spreadsheet included in packet*

Mr. Sullivan stated that minor subdivisions have increased per the spreadsheet included in agenda.

2. *Discussion about the annual report*

Mr. Sullivan stated the Planning Board has an annual report that is provided to the County Board of Commissioners in January.

3. *Town of Pittsboro expansion of Extra Territorial Jurisdiction (ETJ)*

Mr. Sullivan updated the board of the Town of Pittsboro ETJ expansion and a map was included in the agenda.

4. *Organizational structure*

Mr. Sullivan updated the board on changes in the Planning Department. He stated Kay Everage, Clerk to the Board, has retired and Kimberly Tyson, Administrative Support Specialist II, has moved into Ms. Everage's position and is no longer on the permitting side. The Planning Department started with eight (8) staff members at the beginning of the year and are down to four (4) staff members currently with one position for a planner to be filled. The Permitting Tech position held by Ms. Tyson has been transferred to Central Permitting to streamline the permitting process.

5. *Conceptional Land Use Plan*

Mr. Sullivan gave the board a briefing on the Conceptional Land Use Plan that the Economic Development Corporation (EDC) will lead. He stated he will give more information as it is available.

XI. BOARD MEMBER ITEMS:

1. *Welcome new board member*

Chair Ernst welcomed Tom Glendinning as the new Planning Board member. Mr. Glendinning was appointed to the Board to fill the unexpired term of Kathryn Butler who was removed from the Planning Board in October 2012. The Board of Commissioners approved the appointment during their regular meeting November 19, 2012.

2. *Set 2013 Planning Board Calendar*

Following discussion, the Board will continue to meet on the first Tuesday of the month and the Board revised January, July, and September meeting dates to the 2nd Tuesday of the month as follows:

January
January 8, 2013

July
July 9, 2013

September
September, 10, 2013

Motion to approve:

Mr. Glendinning made a motion; seconded by Mr. Howard to change Board meeting dates.

3. *November canceled meeting*

The Board discussed non-attendance for the November Planning Board meeting.

4. *Gift for Kay Everage*

The Board discussed giving a gift to Ms. Everage for retirement.

XII. ADJOURMENT:

There being no further business, the meeting adjourned at 8:22 p.m.

_____/_____
Karl Ernst, Chair / Date

Attest: _____ / _____
Kimberly Tyson, Clerk to the Board / Date