

# Chatham County Planning Board

## Minutes

August 6, 2013



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  
Philip Bienvenue  
Philip Canterbury  
Tom Glendinning  
Mike Grigg  
Donna Kelly  
Deepa Sanyal  
Cathy Wright

Absent:

James Elza  
Cecil Wilson

Planning Department:

Jason Sullivan, Planning Director  
Lynn Richardson, Subdivision Administrator  
Hillary Pace, Planner II  
Kimberly Tyson, Clerk to the Board

I. INVOCATION AND PLEDGE OF ALLEGIANCE:

Mr. Glendinning 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 6:30 p.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 of approval of the July 9, 2013 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 (3) minutes each.

There were no requests to speak at this time.

## VII. Subdivisions

1. Request by Lee Bowman, Project Manager on behalf of NNP Briar Chapel, LLC for preliminary plat approval of Briar Chapel, Phase 8 consisting of 110 lots on 24.7 acres located off SR-1528, Andrews Store Road and SR-1526, Parker Herndon Road, Baldwin Township, parcel #'s 87090 and 89623.

Ms. Richardson reviewed the agenda notes for preliminary plat approval of Briar Chapel, Phase 8 consisting of 110 lots on 24.7 acres. Access to the lots is provided by NCDOT public roadways and private alleys. Phase 8 lots are split by Phase 7. One new road name 'Monarch Trail' was created, the other road names were approved during Phase 7 preliminary plat process. No additional off-site parking areas are planned for Phase 8. A five foot wide sidewalk will be placed along Great Ridge Parkway and the neighborhood roads will have a four foot wide sidewalk. No historical or water features are located within the Phase 8 area. North Chatham Fire Chief, John Strowd and Deputy Chief, Mark Riggsbee expressed concerns about the fire truck access to the lots. Staff recommended approval of road name, Monarch Trail, and approval of the preliminary plat.

Nicholas Robinson, attorney, was present for any questions.

Board discussion followed.

### Motion to approve:

Ms. Wright made a motion; seconded by Mr. Glendinning to recommend approval of application as submitted. No further discussion and motion passed unanimously (9 members)

2. Request by Michael Poe, Complete Development, on behalf of Cattail Creek Subdivision for a 24 month extension of preliminary plat approval to extend the expiration date from November 15, 2013 to November 15, 2015 for the remaining 21 lots.

Ms. Richardson reviewed the agenda notes for a twenty-four month extension of preliminary plat approval of Cattail Creek. There was a 5 lot minor subdivision approved by staff in 2004. The balance of Cattail Creek received sketch design approval in 2004 for 76 lots. Preliminary plat approval was received June 20, 2005 for 72 lots. Fifty-six lots, including the 5 lot minor subdivision, have received final plat approval and fifty-four lots currently with dwellings. Mr. Poe is requesting an extension of preliminary plat approval for the remaining 21 lots. A report from the Soil Sedimentation and Erosion Control Officer, Rachael Thorn stated Cattail Creek renewed the erosion control permit with their department in 2012, it will expire 2013. Ms. Thorn stated that prior to any land disturbing activity, another permit will be required and will fall under the new erosion

control regulations. An email from Justin Richardson, NCDOT, stated that as long as no changes have been made to the original road plan, approval is still valid. Planning staff will not make a recommendation on the request as this is a policy decision to be made by Board of County Commissioners. If the request is approved, planning staff requested that a copy of all renewed or newly issued permits be submitted to staff prior to any land disturbing activity.

Michael Poe, developer, was present and made a brief statement.

Board discussion followed

*Motion to approve:*

Mr. Grigg made a motion; seconded by Mr. Canterbury to recommend approval of twenty – four month extension. No further discussion and motion passed by vote of 8-1 (Sanyal against)

**3.** Request by Kirk T. Metty, Lewis Metty Development, Inc. on behalf Cedar Mountain Subdivision for a 24 month extension of preliminary plat approval to extend the expiration date from January 16, 2014 to January 16, 2016 for the remaining 41 lots.

Ms. Richardson briefly reviewed the agenda notes for a twenty-four month extension of preliminary plat approval of Cedar Mountain. Cedar Mountain received preliminary plat approval in 2007 for 65 lots. To date, 24 lots have final plat approval, with 18 of the 24 lots having been sold. There are currently 12 homes built in Cedar Mountain, Phases I and II. The erosion control permit has been renewed and has an expiration date of 5/3/14. Per Rachael Thorn, Chatham County Erosion Control Officer, if necessary, the developer can request and obtain a new erosion control permit if all erosion control measures have not been completed by 5/13/14. NCDOT has verified that the approved road plans for Cedar Mountain are still valid if no changes have been made to the originally approved road plans. Planning staff did not make a recommendation on the request as this is a policy decision to be made by Board of County Commissioners. If the request is approved, the Planning staff requested that a copy of all renewed or newly issued permits be submitted to staff prior to any land disturbing activity.

Chuck Lewis, developer, was present and made brief statement.

Board discussion followed.

*Motion to approve:*

Mr. Glendinning made a motion; seconded by Ms. Kelly to recommend approval of twenty-four month extension. No further discussion and motion passed by vote of 8-0 (1 abstention - Sanyal)

4. Request by Nicolas P. Robinson, Attorney-at-Law on behalf of Swain Land & Timber, LLC and Chatham II, LLC, and Chatham Partners, LLC for a modification of plat deadlines and a unified development schedule for The Estates at Laurel Ridge, The Bluffs, Shively/Banner, The Glens, and Harris Subdivision to allow a unified development schedule to extend the final plat submittal deadline for each subdivision to June 30, 2020. The developer is further requesting that the development schedule no longer establish a preliminary plat submittal deadline and instead establish a unified/global final plat deadline as stated above. The developer would still be required to submit a preliminary plat for review and approval prior to any land disturbing activities; however, there would not be a specified deadline for submittal(s).

Ms. Richardson reviewed the agenda notes. Currently, each subdivision has a separate preliminary and/or final expiration date. The breakdown of each subdivision is as follows:

**The Estates at Laurel Ridge, Phase 2B: 12 lots pending final plat approval**

**Zoning: R-5 / Water: Town of Pittsboro & Aqua / Sewer: WWTP**  
Permit Extension Act of 2009 expiration date: December 31, 2013

**The Bluffs**

**Zoning: R-5 / Water: Town of Pittsboro & Aqua / Sewer: WWTP**  
Phase 1B: 8 lots pending final plat approval  
Permit Extension Act of 2009 preliminary plat expiration date: December 31, 2013  
Phase 2A: 10 lots pending final plat approval  
Permit Extension Act of 2009 preliminary plat expiration date: December 31, 2014  
Phase 2B: 7 lots pending final plat approval  
Permit Extension Act of 2009 preliminary plat expiration date: December 31, 2015  
Phase 3A: 28 lots pending preliminary plat approval  
Permit Extension Act of 2009 sketch plan expiration date: October 30, 2015  
Phase 3B: 50 lots pending preliminary plat approval  
Permit Extension Act of 2009 sketch plan expiration date: October 30, 2015

**Shively Tracts 1, 2, and 3(Banner)**

**Zoning: R-5 / Water: Town of Pittsboro & Aqua / Sewer: WWTP**  
Phase 1: 12 lots pending preliminary plat approval  
Permit Extension Act of 2009 sketch plan expiration date: October 31, 2015  
Phase 2: 4 lots pending preliminary plat approval  
Permit Extension Act of 2009 sketch plan expiration date: December 31, 2015  
Phase 3 (Banner): 40 lots pending preliminary plat approval  
Permit Extension Act of 2009 sketch plan expiration date: October 31, 2017

**The Glens: 109 lots pending final plat approval**

**Zoning: R1 / Water: Town of Pittsboro & Aqua / Sewer: WWTP**

Permit Extension Act of 2009 preliminary plat expiration date: August 31, 2015

**Harris Tract (portion of The Parks at Meadowview): 155 lots pending preliminary plat approval**

**Zoning: R1 with a CUP for a Planned Unit Development**

**Water: Town of Pittsboro & Aqua/Sewer: WWTP**

Permit Extension Act of 2009 sketch plan expiration date: December 21, 2020

Each subdivision is reviewed under the Pre-2008 Subdivision and Watershed Regulations. Several letters from property owners expressing their concerns were given to each board member. Mr. Nicholas Robinson, attorney, was present and made a statement about each subdivision. Mr. Robinson stated that other subdivisions (e.g. Cattail Creek, Cooper Subdivision, and Legend Oaks, Phase III) have come before the board and requested extension of preliminary plat that would extend their total development time and his request is the same as those previous. Mr. Robinson stated that the projects are all being developed by the same entity, there are just different corporation names. Mr. Robinson provided an overall map showing the location of each project, a spreadsheet of the current development schedule, spreadsheet of the proposed development schedule, and a status summary of the various projects.

Each of the following property owners spoke in opposition of the request:

Alice Yeaman	633 Rock Rest Road, Pittsboro, NC 27312
Andrew Tyo	309 Rock Rest Road, Pittsboro, NC 27312
Jonathan Davis	98 Jessamine Lane, Pittsboro, NC 27312
Cynthia Crossen	1116 Marshall Road, Pittsboro, NC 27312
Tom Marriott	633 Rock Rest Road, Pittsboro, NC 27312
Cathy Markotos	800 Rock Rest Road, Pittsboro, NC 27312
John Wagner	210 Jessamine Lane, Pittsboro, NC 27312
Jerry Markotos	800 Rock Rest Road, Pittsboro, NC 27312

Handouts from property owners may be viewed in the Planning Department.

Concerns from adjacent property owners included length of requested extension, requiring the developer to conform to the current watershed, and stormwater regulations.

Planning staff did not make a recommendation on the request as this is a policy decision to be made by Board of County Commissioners. If the request is approved, the Planning staff requested that a copy of all renewed or newly issued permits be submitted to staff prior to any land disturbing activity.

Board discussion followed.

Motion to Postpone:

Mr. Bienvenue made a motion; seconded by Ms. Wright to postpone the item until board can hear a presentation from Dan LaMontagne, Environmental Quality Director at the next Planning Board meeting September 10, 2013. No further discussion, motion passed by vote of 7-2 (Copeland and Glendinning against).

Motion to Amend:

Ms. Sanyal made motion to amend; seconded by Ms. Kelly to include the developer and Mr. LaMontagne at the September 10, 2013 Planning Board meeting. No further discussion and motion passed by vote of 7-2 (Copeland and Glendinning against).

5. A request by the Chatham County Board of Commissioners to amend various sections of the Subdivision Regulations regulating travel way requirements regarding North Carolina Fire Code standards, specify waterline completion prior to acceptance of a financial guarantee, change the Board of Commissioner time for approval of plats from four meetings to 60 days, clarify the approval period for Construction Plans as 24 months, clarify that Environmental Impact Assessments do not apply to bona fide farm activities, and clarify site distance easement requirements.

Ms. Pace reviewed the agenda notes to amend various sections of the Subdivision Regulations regulating travel way requirements regarding North Carolina Fire Code standards, specify waterline completion prior to acceptance of a financial guarantee, change the Board of Commissioner time for approval of plats from four meetings to 60 days, clarify the approval period for Construction Plans as 24 months, clarify that Environmental Impact Assessments do not apply to bona fide farm activities, and clarify site distance easement requirements. The changes for travel ways include a requirement for stub-streets to have a temporary turn-around for fire apparatus vehicles and note on the plat that a temporary turn-around may be removed if the road is extended to serve an adjoining property. An amendment to modify road standards for mobile home parks, apartment complexes, county standard private roads, and planned unit developments to increase from 16' to 18' in road width and change the design standards; this will limit road certifications to licensed engineers. Modify the design specification for minor subdivision roads serving up to four lots. A provision that clarifies that the applicants for non-residential minor subdivisions for bona fide farm activities won't need to include a site plan as part of the application as required for other non-residential uses. A miscellaneous amendment specifying water lines must be complete and ready for acceptance by the county before a Financial Guarantee is accepted, prior to recording final plat. Changing the time Board of Commissioners' have to consider the first plat and construction plans for final plat from four (4) regular meetings to sixty (60) days from the official date of submittal to the Board of Commissioners'. Clarify the construction plan approval is valid for twenty-four (24) months from the time of approval from Technical Review Committee (TRC) in addition to the Board of Commissioners'.

Clarify that Environmental Impact Assessments don't apply to non-residential subdivisions for bona fide farm activities. Clarify that site distance easement are required at the intersections of public and private streets. Planning staff recommended approval with the adopted amendment being effective January 1, 2014.

Thomas Bender, Fire Marshal, was present for questions.

Board discussion followed.

Motion to approve:

Mr. Glendinning made a motion; seconded by Mr. Copeland to recommend approval of submitted modifications to Subdivision Regulations with the change of 60 days to 65 days that the Board of Commissioners' have to approve plats and to be effective January 1, 2014. No further discussion and motion passed unanimously (9 members).

VIII. Zoning and Ordinance Amendments

Legislative Request:

**6.** A request by the Chatham County Board of Commissioners to amend Section 15.10 of the Zoning Ordinance regulating off-premise temporary signs for bona fide farm seasonal harvesting activities and auction events.

Ms. Pace briefly reviewed the agenda notes to amend Section 15.10 of the Zoning Ordinance regulating off-premise temporary signs for bona fide farm seasonal harvesting and auctions events. Bona fide farm signs are restricted to thirty-two (32) square feet in size not to exceed ten (10) feet in height no more than one (1) sign per road frontage or per parcel. On-premise or off-premise auction signs may be erected up to two (2) weeks prior to the event and must be removed within twenty-four (24) hours following the close of the event. Auction signs are restricted to thirty-two (32) square feet in size and ten (10) feet in height.

Motion to approve:

Mr. Copeland made a motion; seconded by Mr. Grigg that the amendment is consistent with Land Use Plan and recommend approval of Section 15.10 of the Zoning Ordinance regulating off-premise temporary signs for bona fide farm seasonal harvesting activities and auction events. No further discussion and motion passed 8-0 (1 abstention – Sanyal).

**7.** Consideration of a recommendation for consistency statements for requests by Douglas Roberts to rezone parcel numbers 2246 and 74741 and Paul Smedberg (Uhaul) to rezone parcels 71691 and 79289 that were discussed during the July 9 Planning Board meeting.

Board discussion followed.

Motion to approve:

Mr. Copeland made a motion; seconded by Ms. Kelly that parcels 2246, 74741, 71691, and 79289 are consistent with Land Use Plan. No further discussion and motion passes unanimously (9 members).

X. NEW BUSINESS:

New board member Cathy Wright was introduced and welcomed by board members.

XI. PLANNING DIRECTOR'S REPORTS:

1. Minor Subdivisions/Exempt Maps
2. Board of Commissioners Public Hearing – August 19, 2013  
Mr. Sullivan reminded board members of Board of Commissioners' public hearing meeting.
3. Planning Board Basics.  
Information included in packets.
4. Conceptual Land Use Strategy  
Mr. Sullivan stated the Board of Commissioners' adopted the Conceptual Land Use Strategy nothing that is incorporated into the Land Use Plan. Conceptual Land Use Strategy won't be referenced on the zoning items that may come forward.

XII. BOARD MEMBER ITEMS:

1. Discussion on a proposed recommendation to the Board of Commissioners to repeal zoning instigated by the Major Corridor Ordinance along various thoroughfares in Chatham County. (Ernst)

Chair Ernst proposed a modification to the Major Corridor Ordinance, he asked board members to review the ordinance so they may revisit item at next meeting September 10, 2013.

Mr. Glendinning made a statement he would like for the board to address some of the issues he has previously brought to the board.

XIII. ADJOURNMENT:

There being no further business, the meeting adjourned at 9:12 p.m.

\_\_\_\_\_/\_\_\_\_\_  
Karl Ernst, Chair / Date

Attest: \_\_\_\_\_/\_\_\_\_\_  
Kimberly Tyson, Clerk to the Board / Date