

Chatham County Planning Board Minutes September 10, 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
James Elza
Tom Glendinning
Donna Kelly
Cecil Wilson

Absent:

Cathy Wright
Mike Grigg
Philip Canterbury

Planning Department:

Jason Sullivan, Planning Director
Lynn Richardson, Subdivision Administrator
Angela Birchett, Zoning Administrator
Hillary Pace, Planner II
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 6:30 p.m.

III. DETERMINATION OF QUORUM:

The clerk stated that a quorum was present to begin the meeting (7 members).

IV. APPROVAL OF AGENDA:

See Item V. below.

V. APPROVAL OF CONSENT AGENDA:

Minutes: Consideration of a request of approval of the August 6, 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 Nicholas 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. (Postponed from August 6, 2013 meeting) **Note:** As this is a continuation of the discussion at the last meeting, all interested parties, including the applicant and adjacent property owners, will be asked to limit any further statements to 3 minutes.

Ms. Richardson stated staff doesn't have additional information from August 6, 2013 meeting however there are emails and letters from adjacent property owners and from Nicholas P. Robinson, Attorney-at-law.

Nicholas Robinson, Attorney, was present and reviewed each subdivision stage and briefly spoke about erosion control permits.

Board discussion followed.

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

Alice Yeaman	633 Rock Rest Road, Pittsboro, NC 27312
Cynthia Crossen	1116 Marshall Road, Pittsboro, NC 27312
Jonathan Davis	98 Jesseamine Lane, Pittsboro, NC 27312
Jerry Markotos	800 Rock Rest Road, Pittsboro, NC 27312

Concerns of the adjacent property owners were the same as the August 6, 2013 meeting which included the length of the extension request, adherence to current stormwater and watershed regulations, and water quality of Haw River and Dry Creek.

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

Dan LaMontagne, Environmental Quality Director, was present and spoke briefly on general issues.

Board discussion followed.

Motion to approve:

Mr. Copeland made a motion; seconded by Mr. Wilson to recommend approval of a modification of plat deadlines and unified development schedule as submitted. No further discussion and motion passed by of vote 5-1 (1abstention – Bienvenue and Elza against).

2. Request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC, for preliminary plat approval of "Great Ridge Parkway Culvert", on .5 acres, located off SR-

1528, Andrews Store Road (no lots are associated with this request), Baldwin Township, AKPAR #89623.

Ms. Richardson reviewed agenda notes for preliminary plat approval of “Great Ridge Parkway Culvert”. Ms. Richardson stated this is for the culvert crossing only, when Great Ridge Parkway South was submitted earlier this section was omitted, NCDOT hadn’t issued permit for the culvert crossing. NCDOT currently has issued a permit for the culvert crossing. Leonard McBryde, Water Utilities Director, has concerns with utilities at the culvert regarding the sewer force main and location of water lines. Mr. McBryde would like the engineer to make a change to the plan to comply with Chatham County Public Works requirement, this hasn’t been submitted. Staff recommends approval of the request with the condition that no construction will commence until Chatham County Utilities Department has received and approved a revised construction plan showing the utilities for the culvert crossing.

Mr. Robinson, attorney, was present for questions.

Motion to approve:

Mr. Wilson made a motion; seconded by Mr. Glendinning to approve the application as submitted for preliminary plat of Great Ridge Parkway Culvert with a condition as follow:

1. No construction shall commence until the Chatham County Utility Department has received and approved a revised construction plan showing the utilities for the culvert crossing.

No further discussion and motion passed unanimously (7 members).

VIII. Zoning and Ordinance Amendments

Quasi-Judicial Request:

3. Request by Scott Schultz for a revision to an existing conditional use permit on Parcel No. 84022, located at 6545 NC 87 N, currently approved for a boarding kennel, to modify Condition Number 9 by granting an extension of two years to begin construction.

Ms. Birchett reviewed agenda notes for revision to an existing conditional use permit for Scott Schultz’s boarding kennel. Ms. Birchett stated the boarding kennel was permitted in August 2008 and is to be located on approximately 4.45 acres of a 16 acre tract. There’s no change to the previous submission, Mr. Schultz is requesting a two year extension to begin construction.

Mr. Scott Schultz, applicant, was present for questions.

Board discussion followed.

Motion to approve:

Mr. Copeland made a motion; seconded by Mr. Glendinning to approve the application as submitted with the recommendation of staff. Planning staff recommends Condition No. 9 be changed to read:

“A building permit to construct the first building shall be secured within two (2) years from the date of the conditional use permit revision approval. The building permit shall remain valid at all times or the conditional use permit becomes void.”

No further discussion and motion passes unanimously (7 members).

X. NEW BUSINESS:

No new business.

XI. PLANNING DIRECTOR’S REPORTS:

1. Minor Subdivisions / Exempt Maps

2. Board of Commissioners Public Hearing – September 16, 2013

Mr. Sullivan reminded board members of Board of Commissioners’ public hearing meeting.

3. Cell Tower Ordinance

Mr. Sullivan informed members that the Cell Tower Ordinance will be discussed at the next Board of Commissioners’ meeting.

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) (Postponed from August 6, 2013 meeting)

Chair Ernst proposed that the zoning on US 421 North of Siler City ETJ, US 421 South of Siler City ETJ, and US 64 between Siler City and Pittsboro ETJs be repealed.

Board discussion followed.

Motion to approve:

Mr. Glendinning made a motion, motion failed lack of seconded.

Board discussion followed.

Motion to approve:

Mr. Glendinning made a motion; seconded by Mr. Wilson to remove major corridor zoning that was implemented in 2007. No further discussion and motion passed by 4-3 (Elza, Kelly, Copeland – against).

2. Presentation by Mr. Glendinning of various motions on planning issues previously submitted.

Mr. Glendinning proposed to replace “Land Conservation and Development Policies” with “Comprehensive Plan” as follow:

“The Comprehensive Plan will reflect the general desires and welfare of the taxpayers of Chatham County. It will be executed in due time by use of parcels made available by land owners and developers without undue restrictions or denials. The rights of personal property and individual liberties to enjoy the fruits of their labors shall be respected as the primary responsibility of the planning board, planning board staff and the board of commissioners, respectful of state and federal laws and regulations, but not indulgent of special interests or controls placed on property.

“The Comprehensive Plan shall respect and obey the North Carolina Constitution, Article 1, Section 19 - Law of the land; equal protection under the laws, and Article 5, Finance, Section 2 - State and local taxation in all respects and in spirit, and the current laws and regulations of the time, these being the main principles of government, protection of rights, and measures of safety and welfare of the citizens.’

“POLICIES

The boards of commissioners and planning may, from time to time, alter these regulations in the spirit of improving permitting procedures, acknowledging technical and technological advances in community design and installation, and creating improvements in the communities or Chatham County. These changes and policies will be executed under the guideline of the Comprehensive Plan.”

“Statistics and Demographics

Statistics and demographics pertinent to Chatham County may be found on the county website at URL: <http://www.chathamnc.org/Index.aspx?page=25>

Sections include Population & Income Information

<http://www.chathamnc.org/Index.aspx?page=26>

Economic Information

<http://www.chathamnc.org/Index.aspx?page=27>

Agriculture Information

<http://www.chathamnc.org/Index.aspx?page=28>

These pages have current information provided and refreshed by the county.”

“Maps

Maps of the Chatham County, towns, townships and roads may be found at the county website

URL: <http://www.chathamnc.org/Index.aspx?page=796>

The Economic Development Corporation Conceptual Land Use Map, approved by the board of commissioners July 16, 2013, can be found on the EDC web page, URL:

<http://www.chathamcdc.org/news-outreach/news/conceptual-land-use-plan-scenarios-maps-and-survey-now-online>. Improved copies of the map will appear on the county website in the future.

This map is a tool from which future plans may be derived.”

Board discussion followed.

Motion to approve:

Mr. Glendinning made motion; seconded by Chair Ernst to consider Mr. Glendinning’s modifications to the Plan Section of the Planning Board Manual. Motion failed by vote 3-4 (Wilson, Kelly, Elza, and Copeland – against).

Mr. Glendinning postponed the other items on his list to October 1, 2013 meeting.

