

Chatham County Planning Board Minutes December 3, 2013



The Chatham County Planning Board met in regular session on the above date in the Agriculture Building Auditorium, Pittsboro, North Carolina.

Members present were as follows:

Present:

Karl Ernst, Chairman
Philip Canterbury
James Elza
Tom Glendinning
Mike Grigg
Donna Kelly
Cecil Wilson
Cathy Wright

Absent:

B. J. Copeland
Philip Bienvenue

Planning Department:

Jason Sullivan, Planning Director
Angela Birchett, Zoning Administrator
Lynn Richardson, Subdivision Administrator
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 6:31p.m.

III. DETERMINATION OF QUORUM:

The clerk stated that a quorum was present to begin the meeting (8 members).

IV. APPROVAL OF AGENDA:

See Item V. below.

V. APPROVAL OF CONSENT AGENDA:

Minutes: Consideration of a request of approval of the November 5, 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 subdivision preliminary plat approval of Briar Chapel, Phase 9, consisting of 114 lots on 33.54 acres located off SR- 1528, Andrews Store Road, Baldwin Township, Parcel #'s 87090 & 89827.

Ms. Richardson reviewed the agenda notes for Briar Chapel, Phase 9, consisting of 114 lots on 33.54 acres; there are public roadways and private alleyways. All lots have frontage on a public road. The required agency permits have been received and may be viewed online at www.chathamnc.org/planning. There are no historical structures or cemeteries located within Phase 9 area. The approved road names by Chatham County Emergency Office are Piedmont Passage, Box Elder Way, Cloverluck Way, Heartleaf Drive, Grassy Swale, Pepperdew Alley, and Salt Cedar Lane. No water features within the boundary of Phase 9, there are intermittent and perennial water features located within the common area adjacent to Phase 9. North Chatham Fire Department has reviewed the plans and has stated the same concerns as in previous phases regarding emergency vehicle access to the lots. Planning Department recommends approving the road names and granting approval of the preliminary plat as submitted.

Julie Daniels, Construction Manager, was present for any questions.

Johnny Carpenter, 1412 Andrew Store Road, had concerns about entryway to Briar Chapel.

Board discussion followed.

Motion to approve:

Mr. Elza made motion; seconded by Mr. Grigg to approve the request as submitted for preliminary plat approval of Briar Chapel, Phase 9 and road names. No further discussion and motion passed 7-0 (1 abstention – Glendinning).

2. Request by D. R. Horton, Inc. for subdivision final plat approval of The Estates at Legend Oaks, Phase 1A, consisting of 12 lots on 18.064 acres located off US 15-501 N and Legend Oaks Drive, Williams Township, Parcel 18665.

Ms. Richardson reviewed the agenda notes explaining this is Phase III which consist of 56 lots and the 12 lots in Phase 1A are a portion of the preliminary plat approval of 56 lots. Phase III is now known as The Estates at Legend Oaks, Phase 1A consisting of 12 lots on 18.064 acres. The grade of the roadway extending from Legend Oaks, Phase II into The Estates at Legend Oaks has to be lowered per NCDOT requirements and the developer is currently working on lowering the road. Currently there's not sufficient

gravel on the roadbed serving Phase 1A for access by emergency vehicles so that the public health and/or safety may not to be endangered. The developer is requesting final plat approval of the 12 lots with a financial guarantee for the completion of required infrastructure. Trenton Stewart, P. E. has certified in a cost estimate letter, dated 11/7/13 that 65% of the required infrastructure has been completed. Staff recommends that the final plat not be recorded until the lowering of the roadway has been completed, sufficient gravel has been placed on the roadway, and staff has received certification from the engineer regarding both issues. These are state maintained roads with county water and staff has received septic improvement permits for the 12 lots. The Planning Department recommends granting final plat approval of "The Estates at Legend Oaks, Phase 1A" and recommends approval of the acceptance of a financial guarantee with the following conditions:

1. The plat not be recorded until the lowering of the roadway has been completed and sufficient gravel has been placed on the roadway in order to protect the public health and safety and staff has received certification from the engineer regarding both issues.
2. The plat not be recorded until the county attorney has approved the form, sufficiency, and manner of execution of the financial guarantee.

Board discussion followed.

Motion to approve:

Mr. Glendinning made motion; seconded by Ms. Kelly to approve the application as submitted with the conditions as follows:

1. The plat not be recorded until the lowering of the roadway has been completed and sufficient gravel has been place on the roadway in order to protect the public health and safety and staff has received certification from the engineer regarding both issues.
2. The plat not be recorded until the county attorney has approved the form, sufficiency, and manner of execution of the financial guarantee.

No further discussion and motion passed unanimously.

VIII. Zoning and Ordinance Amendments:

3. Request by the Board of Commissioners on the proposed new Wireless Telecommunications Facilities Ordinance.

Mr. Sullivan briefly reviewed the agenda notes and highlighted a few items that need some direction from the Planning Board.

- The new ordinance excludes the annual search ring process, allowing wireless facilities to site anywhere allowable within the county at any time during the year.

- The heights of wireless facilities would be governed by location in proximity to residential districts and by more stringent setback requirements based on tower height, to allow for taller towers in more rural areas. The “areas” which regulated heights within the county in the old ordinance (section 3-2) have been excluded. The maximum height for towers in residentially zoned or tax-coded (unzoned portions of the county) is 199’. The maximum height for towers otherwise is 300’. A proposed change requires setbacks of 50% of the tower height from adjoining property lines and right-of-way of towers greater than one hundred (100) feet.
- The draft ordinance requires a line of sight diagram for visual representation of a proposed tower subject to conditional use permit approval.
- A wider array of administrative approvals for towers is included in the draft ordinance. Towers now eligible for administrative approval are outlined in Section 2-1 of the draft.
- The draft ordinance requires a line of sight diagram for visual representation of a proposed tower subject to conditional use permit approval.

The following items are in the current ordinance but staff wanted to see if the board wants to revise the items:

- Whether to require a balloon test, in addition to the proposed requirement for photographic renderings of the cell tower.
- Landscaping requirements. Including the preference for locating in heavily wooded areas and a continuous 6’ tall evergreen opaque screening for locations not located in heavily wooded areas.
- The prohibition of placing wireless facilities within “Major Wildlife Areas”. A summary of this item is provided above and a map of these areas county-wide is provided as Attachment 3.

Karen Kemerait was present and stated her concerns about the cost of balloon testing if the county decides to require a balloon test.

Matthew Danielson was present and expressed his concerns with page six (6) item 2-D which states:

All requests for new towers shall identify at least one telecommunication service provider that is prepared to immediately locate on the proposed tower. Mr. Danielson stated that the above statement would be difficult for independent contractors to build a tower because they sometimes don’t have a service provider identified. Ms. Kemerait countered that it would help to avoid speculative towers and the possibility of the multiple towers being located in close proximity to each other.

Board discussion followed.

Motion to approve:

Mr. Glendinning made motion; seconded by Mr. Wilson to recommend approval of the ordinance with amendments to page six item 2-D and page 9 item 2-H; balloon test will not be required.

Mr. Elza added that a statement be placed in the ordinance stating if a carrier hasn't been identified to locate on a tower within twenty-four (24) months of the conditional use permit that the application be void.

Motion to call the question:

Mr. Wilson made motion; seconded by Mr. Glendinning to call the question on the motion. Motion passed unanimously (8 members).

Motion to approve:

Motion passed unanimously (8 members).

4. Request by the Chatham County Board of Commissioners to amend sections 10.13, Table of Permitted Uses; 12.6, Applicability; and 7.2 Definitions of the Zoning Ordinance to further clarify telecommunication tower regulations and definitions, broaden the use table requirements based on telecommunication tower height, and clarify landscaping requirements for telecommunication support equipment.

Mr. Sullivan briefly reviewed the agenda notes.

Board discussion followed.

Motion to approve:

Mr. Elza made motion, seconded by Mr. Grigg to recommend approval as submitted. Motion passed unanimously (8 members).

IX. NEW BUSINESS:

No new business.

X. PLANNING DIRECTOR'S REPORTS:

1. Minor Subdivisions / Exempt Maps
2. Update on preliminary floodplain maps from the NC Floodplain Mapping Program. – Mr. Sullivan updated the board on the upcoming floodplain meetings.
3. Update on Community Development Block Grants and NC Housing Finance Agency Grants.

XI. BOARD MEMBER ITEMS:

1. Update of Land Use Plan.
2. Major Corridor

