

CHATHAM COUNTY PLANNING BOARD
MINUTES
October 4, 2005

The Chatham County Planning Board met in regular session on the above date in the auditorium of the Cooperative Extension Building in Pittsboro, North Carolina. A quorum was present to begin the meeting. The members present were as follows:

Present:

Charles Eliason, Chair
Jennifer Andrews
Clyde Harris
Martin Mason
Mark McBee
Winifred Smith
Chris Walker
Cecil Wilson

Absent:

Jeff Austin, Vice-Chair
Angela Brown

Planning Department:

Keith Megginson, Planning Director
Jason Sullivan, Planner
Lynn Richardson, Land Use Administrator II
Kay Everage, Secretary to the Board

- I. CALL TO ORDER – Chair: Chairman Eliason called the meeting to order at 7:00 p.m.
- II. APPROVAL OF AGENDA: Ms. Andrews made a motion; seconded by Ms. Smith to approve tonight's agenda as submitted. The motion passed unanimously. (6 Board members)
- III. CONSENT AGENDA: Mr. Walker requested that the Millcroft applications (items B.1 and C.1 listed below) be removed from the consent agenda for discussion. Ms. Andrews made a motion; seconded by Mr. Walker to approve the consent agenda as submitted with the removal of the Millcroft applications as requested. The motion passed unanimously. (6 Board members)
 - A. Minutes:
Consideration of approval of minutes for September 6, 2005 Planning Board meeting.
 - ~~B. Preliminary Approval: - This item was removed from consent agenda. See III. A. below.~~
 - ~~1. Request by Dan Sears, Sears Design Group on behalf of Fitch Creations, Inc. for subdivision preliminary review and approval of Millcroft Cluster Homes (Farrington Section XV), consisting of 37 lots on 15 acres, Williams Township.~~
 - B. Final Approval: - This item was removed from consent agenda. See III. B. below.

- ~~1. Request by Fitch Creations for final subdivision review and approval of Millcroft Cluster Homes, Close Two, consisting of three (3) lots, #4060 – 4062, on .941 acres, located off Millcroft (public road), Williams Township.~~
2. Request by Pittman-Korbin, Inc. for final subdivision review and approval of The Cottages at Stonegate, Phase II, consisting of 15 lots on 46 acres, located at the intersection of S. R. 1535, Gilmore Road and S. R. 1534, Poythress Road, Baldwin Township.
3. Request by Van R. Finch, Surveyor on behalf of Contentnea Creek Development Co. for final subdivision review and approval of Windfall Creek, Phase I, consisting of 14 lots on 57 acres, located off S. R. 1716, Big Woods Road, New Hope Township.
4. Request by Jeff N. Hunter for final subdivision review and approval of Colvard Farms, Phase VIII, consisting of four (4) lots on 4 acres, located off NC Hwy 751 and Colvard Farms Rd., Williams Township.

End Consent Agenda

III. A.

PRELIMINARY APPROVAL:

1. Request by Dan Sears, Sears Design Group on behalf of Fitch Creations, Inc. for subdivision preliminary review and approval of Millcroft Cluster Homes (Farrington Section XV), consisting of 37 lots on 15 acres, Williams Township. – *See discussion below included in the Millcroft Cluster Homes, Close Two review.*

III. B.

FINAL APPROVAL:

1. Request by Fitch Creations for final subdivision review and approval of Millcroft Cluster Homes, Close Two, consisting of three (3) lots, (lot #4060 – 4062), on .941 acres, located off Millcroft (public road), Williams Township.

Mr. Walker noted that the major subdivision application (included in tonight's agenda packet) for Millcroft Cluster Homes, Close Two states, "public system" under sewer system; and that the application for Millcroft Cluster Homes (Farrington Section XV) states "community system". Mr. Megginson confirmed that both applications should read "community system" (regulated by North Carolina Utilities Commission but it is not a public system, i.e. governmental owned or operated). Mr. Walker stated that most of the Farrington development happened before his time on the Board. He asked about the planned capacity of the community system and if that capacity is being approached.

Alan R. Keith, engineer with Diehl & Phillips, P.A., was present representing the applicant / owner. Mr. Keith stated that the system is constantly monitored by the State; that the State has gone through a recent process to issue collection system permits; that there is adequate plant capacity; that the plant is approaching the "paper flow"; that there are two separate items relative to

tracking the flow of the treatment plant; that there is a flow that is actually in the plant (tributary); that there is additional flow that has been permitted against the plant; that there is sufficient plant capacity for this project and more; that Mr. Fitch has a permit from the State for a much larger flow than is actually constructed at this time; that the way the State usually tracts this is when the actual tributary flow reaches approximately 80% plant capacity; that at this time the developer would need to demonstrate to the State that this has been taken care of; and that currently there are plans for expansion.

Mr. Walker also asked if the runoff has been designed subdivision by subdivision or if there is any type of master plan. Mr. Keith stated that to his knowledge there was not a master plan; that the system has been operating under the requirements of the State; that the State runs the erosion control program that includes the Village of Fearington; that so far things have been done more or less subdivision-by-subdivision; and that he has been involved with Fearington projects since 1988.

There was no further discussion. Ms. Andrews made a motion; seconded by Mr. McBee to grant approval of both items as recommended by staff as follows:

Preliminary approval of "Millcroft Cluster Homes" with the following conditions:

1. Construction of the water lines shall not commence until staff has received a copy of the NCDWQ water line plan approval;
2. The final plat shall show an emergency, fire lane access with a minimum 12-foot wide travel way, from the end of the cul-de-sac in Cluster # 1 to East Camden;
3. Curb and gutter of private streets shall stop at the right-of-way of Millcroft;

and,

Final approval of "Millcroft Cluster Homes, Close Two" as submitted.

The motion passed unanimously. (6 Board members)

- IV. PUBLIC INPUT SESSION: Fifteen-minute time of public input for issues not on agenda. Speakers limited to three minutes each.

No one requested to speak at this time.

- V. ZONING AND ORDINANCE AMENDMENTS: ***Items from July 18, 2005 Public Hearing:***

- A. Request by Sandy Pond Enterprises, LLC for a B-1 Conditional Use District with a Conditional Use Permit for Veterinary Clinics and Hospitals with dog runs or equivalent facilities and for a dog boarding facility, on approximately 4 acres, located on the north east corner of US Hwy.15-501 and Vickers Road, S. R. 1719 in Williams Township.

Ms. Richardson stated that the applicant has asked that this issue be postponed until the November 1, 2005 Planning Board meeting. She noted that the applicant is still waiting on wetland delineations from the State. Chairman Eliason stated that the applicant has also requested that this meeting not count as one of the Board's three required meetings. It was the consensus of the Board that no action on this request was required during tonight's meeting.

Cecil Wilson arrived at this time (7:10 p.m.).

- B. Request by Robert Blitchington for a revision to the existing conditional use permit for Michael Cates / Ferrellgas, L.P. / propane gas business to a conditional use permit for a Contractor's Office and Shop, on one (1) acre, located off US Hwy. 15-501 N. in Baldwin Township.

Ms. Richardson stated that the applicant has requested that this issue be tabled until the November 1, 2005 Planning Board meeting; that our Environmental Health Department continues to review the property for septic approvals; that the applicant has also sent a request to the State for a flow reduction for the property; and that the applicant anticipates having these issues finalized prior to next month's Planning Board meeting. Ms. Richardson noted that next month's Planning Board meeting (November 1, 2005) would be the third meeting on this issue. For the Board's understanding, Chairman Eliason asked what happens if the applicant does not come forward next month (i.e. would the applicant have to re-submit the request).

Nicolas Robinson, attorney, was present representing the applicant.

Mr. Robinson stated that today, Andy Signer with the Chatham County Environmental Health Department was to meet with adjoining property owners and sellers of the property at 4:00 p.m. at the proposed site; that theoretically there are sufficient soils; and that everyone is aware of next month's deadline.

Items from September 19, 2005 Public Hearing:

- C. Request by Danny Franklin Thomas for a revision to his existing conditional use permit to condition # 1 (a), to allow a one year extension of time and revision to condition # 17 to allow a five (5) year completion date and a revision to the existing signage allowed on the property.

Martin Mason arrived at this time (7:15 p.m.).

Ms. Richardson reviewed the agenda notes for this request. She stated that the applicant was not at tonight's meeting but was present at last month's Planning Board meeting.

No adjacent landowners spoke.

There was no discussion among the Board.

Mr. Wilson made a motion; seconded by Ms. Andrews to approve the request as follows:

1. renewal of the Conditional Use Permit and granting approval of the requests to extend Condition # 1 for one (1) additional year to expire August 16, 2006; and to
2. revise Condition # 17 to expire after a five year period if the project is not completed; and to
3. allow signage to be a maximum of 30 feet tall with a maximum 150 square foot sign area.

The motion passed unanimously. (8 Board members)

- D. Request by Mark Ashness on behalf of Gaines Brothers of Chatham, LLC for a modification to a RA-40 zoning district with a conditional use permit for a Planned Unit Development, The Homestead, to add 50.6 acres of land to the RA-40 zoning district and nine (9) additional residential lots to the Planned Unit Development, located off SR-1716, Big Woods Road, New Hope Township.

Chairman Eliason excused himself from this issue since he has provided surveying services for the project. Since the Vice-Chair was absent, Chairman Eliason asked that Jennifer Andrews, Parliamentarian, take the Chair. Ms. Andrews opened the discussion for this request.

Ms. Richardson reviewed the agenda notes for this issue.

Doug Brown, 1525 Hatley Road, Pittsboro, NC, stated that he is an adjoining property owner to the west of the proposed property; that at the recent public hearing he requested that the Board require public utility access to adjacent property owners; that he thinks staff has addressed his issues accordingly; and that he would appreciate the Board considering his request.

Jesse Fearington stated that he is an adjacent landowner but that he did not receive a notice from the Planning Department regarding this request. Ms. Richardson stated that she does not think that Mr. Fearington is a direct adjacent property owner to this 50-acre tract but that staff would check into this. Mr. Fearington stated that he did not have any questions about the proposal and that it seemed like a very good project.

Cindy Perry, attorney, was present representing the development. Ms. Perry stated that she would be addressing economic development and the legal five (5) findings for the project. She distributed a handout listing numerous job positions that the project would generate (see copy attached). Ms. Perry cited various tax value figures (including department services). She stated that this 50 acre tract has this past year had a \$3000 tax value; that these proposed nine (9) new lots would yield approximately \$6800 in tax each year; that constructed residences would generate an additional \$29,500 in added tax; that the proposed clubhouse and amenities would add an additional tax gain of \$9,855; that these figures total an added annual tax of \$46,155 which is a gain of \$42,972; that some specifics relative to the net cost per person for County services are noted below (figured on the 2005-2006 budget year):

9 households
 x 2.56 persons/household
 23 People
 x 566 cost (net) per person for Co. services
 \$13,040.64

9 households
 x .7 students per house
 6.3 new students
 x 2616.05 cost/student
 _____ with debt service
 \$16,481.12; that the overall

revenue expenses are as follows:

Revenue	\$46,155
Expenses:	
net budget	
per capita	<13,040>
Net school expense	<16,481>
Net gain each year	\$16,633 - for this particular 15 acres of

property.

Ms. Perry noted that the proposed additional 50 acres does not radically change the planned unit development but rather allows for more flexibility.

Mark Ashness, civil engineer with the C.E. Group, Inc., was present representing the applicant. Mr. Ashness stated that when the initial land plan was done it was recommended to the Gaines family that this particular piece of property would be ideally suited to be included; that it was just a matter of the timing; that the developers had always envisioned this as a potential piece of property; that this property is on high ground; that there are no wetlands on this tract with the exception of Parker's Creek on the very southern boundary; and that this area is completely buffered.

There was no discussion among the Board.

Mr. McBee made a motion; seconded by Mr. Wilson to grant approval of the request to zone 50.6 acres from RA-5 to RA-40 and to approve the conditional use permit for a Planned Unit Development, The Homestead, with nine (9) additional residential lots with the following condition:

1. At the time of subdivision preliminary review, public utility access easements shall be shown to the adjoining properties to the west.

Discussion on the motion followed. Mr. Walker stated that he doesn't think the addition of the proposed 50 acres is a good idea. There was no further discussion.

The motion passed 5-2-1 with McBee, Wilson, Andrews, Mason and Harris voting in favor of the motion; and Smith and Walker voting against; and Eliason abstaining.

Chairman Eliason returned to the Board at this time. He thanked Ms. Andrews for her direction as acting Chair.

- E. Request by Baycorp Development, Inc on behalf of Clarence M. Walters for a Conditional Use B-1 Business District with a Conditional Use Permit for various uses, consisting of one (1) lot on approximately 4.6 acres, located off U. S. Hwy 15-501 N and SR-1532, Mann's Chapel Road, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this request. She noted that the applicant is requesting the following:

- a change in the existing RA-40 zoning to B-1 Business Conditional Use District; and
- a Conditional Use Permit for various uses listed in the Zoning Ordinance, Section 10.5, Business District, (A), Permitted Uses except for the nine (9) uses listed in tonight's agenda notes and in the application.

Ms. Richardson stated that the use anticipated at this time is for a bank; that other permitted uses could possibly be utilized; that staff has some concerns regarding site plan review only of several proposed uses as listed in tonight's agenda notes; that staff thinks that those particular uses should revert back through the conditional use site plan review (i.e., public hearing, Planning Board, and County Commissioners); that hours of operation, traffic generated and possible outside storage warrant additional Board review; that the applicant is in agreement with staff regarding these specifics; that the applicant has proposed changes in the language to staff's condition #7. (Note: Ms. Richardson distributed copies of the proposed language that states as follows):

revised language:

"A paved driveway connection from the applicant's property to the southern property line of the Citgo/Pantry property to the north is required. The Planning staff encourages applicant and the owner of the Citgo/Pantry property to work together to open and complete the driveway connection so as to allow for interior traffic movement between the properties. The location of the driveway stub to the property line shall be shown on the revised site plan".

staff's initial language:

~~A paved driveway connection shall be made between the subject property and the Citgo/Pantry property on the north side to provide for interior traffic movement without traffic having to exit onto the main road to enter the adjacent property. This driveway connection shall be shown on the revised site plan.~~

Ms. Richardson stated that staff does not have a problem with the revised language noted above.

Clarence M. Walters, applicant, was present.

Nick Robinson, attorney, was present representing the applicant. Mr. Robinson stated that the property is ideally suited for a business use since there is currently commercial usage at all four quadrants of the intersection; that the

applicant totally agrees with all the conditions recommended by the Planning Department staff with the change to condition #7 noted above; that he appreciates the point about having connectivity of the driveway to the Citgo property; and that the roadway would be paved and stubbed up to the property line.

Bill Piver, project engineer, was present.

No adjoining property owners spoke.

Discussion among the Board followed. Chairman Eliason stated that staff noted in tonight's agenda notes, that if Citgo extended in the event onsite uses onto this tract, that the applicant would have to submit a complete new site plan. He asked if this also covers the possibility that Citgo may actually acquire a certain portion of this tract and have it recombined onto their property. Ms. Richardson stated that it is a possibility that Citgo could expand; and that said expansion would create a separate lot for revision. Mr. Megginson stated that a recombination (a portion of the parcel currently under review added to the Citgo property) would require going back through the public hearing process since this would create two different zonings on one piece of property.

Mr. Wilson inquired if staff recommendations included the Appearance Committee recommendations. Ms. Richardson stated that these are addressed in staff conditions #4 and #6.

Mr. Wilson made a motion; seconded by Ms. Smith to grant approval of the change in the zoning district on the subject property from RA-40 to Conditional Use B-1 Business District; and approval of the request for a Conditional Use Permit for various uses with the following nine (9) conditions (with the language change to condition #7 as referenced above and as noted below.)

1. The following uses shall require a conditional use site plan review: automobile repair garages - automobile sales and service - automobile service stations - bait and tackle shops - boat, trailer and other utility vehicle sales and service - feed, seed, fertilizer retail sales - landscaping and grading business – motorcycle sales and service - open air sales and service of accessory buildings and gazebos and like free-standing structures - self-storage facility – and swimming pool and related items sales and service.
2. The following uses shall be prohibited:
Amusement enterprises such as pool, bowling, roller rink when housed entirely with a permanent structure - Bus passenger stations - Funeral homes, embalming, crematoria - Fur storage - Hotels, motels, inns - Laundries, Laundromats and dry cleaning - Mobile home sales and service – Pawnshops – Radio and television stations and their towers
3. Prior to any land disturbing activities, other agency permits, if applicable, must be obtained and copies furnished to staff, i.e. Chatham County Environmental Health Permit, NCDOT commercial driveway permits, NCDENR erosion control permit, Chatham County Public Works water line plan approval and NCDWQ authorization to construct, etc.

4. All lighting must conform to the Chatham County Draft Lighting Ordinance.
5. Signage shall have a maximum height of 20 feet above the ground at its base and shall otherwise conform to Section 13.7, Signs Permitted in the B-1, Business District, of the Chatham County Zoning Ordinance.
6. A revised site plan shall be furnished to staff prior to issuance of a building permit to include specific signage location(s) and size and shall include a 15 foot wide, type A, Opaque landscape buffer or a 10 foot wide enhanced landscape buffer on the southern property boundary, except where natural vegetation exist that provides an opaque buffer. The revised plan shall also include a 10-foot wide, Type B, Semi-opaque buffer on the northern property boundary adjacent to the Citgo/Pantry property. If in the future, the natural, existing vegetation as shown on the site plan is reduced in size to the minimum 15 foot wide buffer, and under story plantings do not provide an opaque screening, applicant shall be required to install plantings to provide said opaque screening. All required landscaping shall be installed prior to the issuance of a certificate of occupancy for the structure. Landscaping shall be properly maintained and replaced when needed.
7. A paved driveway connection from the applicant's property to the southern property line of the Citgo/Pantry property to the north is required. The Planning staff encourages applicant and the owner of the Citgo/Pantry property to work together to open and complete the driveway connection so as to allow for interior traffic movement between the properties. The location of the driveway stub to the property line shall be shown on the revised site plan.
8. Storm water management plan shall be as specified in the application.
9. This permit shall automatically expire on the second anniversary of its issuance unless (a) construction has commenced after the issuance of a Zoning Determination and Building Permit; or (b) a timely filed application for an extension of time has been approved by the county.

The motion passed unanimously. (8 Board members)

- F. Request by North Chatham Investments, Inc for a Conditional Use Permit for a Planned Unit Development and Daycare Facility within the existing RA-40 zoning district and a B-1 Conditional Use Business District with a Conditional Use Permit for various uses, on approximately 98.5 acres, located off U. S. 15-501 N and SR-1721, Lystra Road, Williams Township.

Ms. Richardson stated that this item has been postponed by staff until the November 1, 2005 Planning Board meeting. She noted that this postponement would not count as one of the Board's three required meetings.

Recess as Planning Board

Ms. Andrews made a motion; seconded by Mr. Wilson to recess as the Planning Board and convene as the Watershed Review Board. The motion passed unanimously. (8 Board members)

VI. WATERSHED REVIEW BOARD:

- A. Proposed revisions to Sections 102, Jurisdiction; 301, Establishment of Watershed Area; and 304, Buffer Areas Required of the Watershed Protection Ordinance. The amendments are related to the reclassification of an area 0.5 miles from the proposed Rocky River Lower Reservoir and include revisions to the "Watershed Map of Chatham County" and stream buffer requirements.

Mr. Megginson stated that a public hearing on this request was held September 19, 2005; that the Town of Siler City recently increased their reservoir area; that this expansion put some of their critical area over into the County's jurisdiction; that the County's Watershed Protection Ordinance currently has a designation for a WS-III CA (Critical Area); that nothing was ever designated as critical area because we did not have it in our jurisdiction; that since our River Corridor area is more stringent than the WS-III Critical Area it is proposed that this area be designated as River Corridor instead of Critical Area; that this would bring the County into compliance with State regulations; that one additional item that the County has not been in compliance with is that in this area the County allows the 5/70 rule and/or 10/70 rule(i.e. allows 5% or 10% of the total land area in the respective watershed districts to be developed at 70% impervious surface); that State rules say that any time this is done 100 foot buffers are required along perennial streams; that the revised language states that anytime the 5/70 or 10/70 rule is applied the buffers would be increased on that particular property up to 100 feet; and that the proposed language accomplishes this.

For clarification, Mr. McBee reiterated that the 100-foot setback would not apply if a person decided to develop a portion of this land and not use the 70% rule. Mr. Megginson stated that the 100-foot buffer would only apply to perennial streams located on a project using a high-density option.

There were no further comments from the Board. Mr. McBee made a motion; seconded by Ms. Andrews, to change the watershed per staff recommendation as follows: approval of the text amendment to the Watershed Protection Ordinance and the Watershed Protection Map of Chatham County, North Carolina as specified in attachments #1 and #3 respectively. (See copies of #1 and #3 attached.)

Discussion on the motion followed. Mr. Megginson used the color-coded map (attachment #4 in tonight's agenda packet) to explain the various watershed setbacks with regards to high density and low-density options. Ms. Smith stated that tonight's discussion implies that the County's rules and regulations are more stringent than the State. Mr. Megginson stated that our County regulations within the River Corridor are more stringent than State regulations: that our density only allows one dwelling per 5-acre average; that the State density allows one dwelling per one acre; that the State setback requirements in a WS-III Critical Area is 50 feet; and that Siler City is more stringent (i.e. 100 feet within

the watershed regulations and an additional 100 feet within their development regulations) requiring a 200 foot setback requirement on each side of streams within their Critical Area (CA). Mr. Mason asked how this would affect the farmers. Mr. Megginson stated that zoning does not address farming and that farming is an exempt activity under State Law. Mr. Sullivan stated that 10-foot buffers apply for agriculture uses.

There was not further discussion.

Mr. McBee stated that his above motion stands. Ms. Andrews seconded the motion and the motion passed unanimously. (8 Board members)

VII. OLD BUSINESS:

A. Discussion of Watershed 10/70 Rule

Mr. Megginson stated that this issue was discussed during last month's Planning Board meeting; that Jason Sullivan has looked at regulations in other jurisdictions and has spoken with various representatives; that attachment #1 in tonight's agenda notes explains the proposed text language; that revisions would allow 10% of the watershed area to be developed at 70% impervious surface within the zoned areas of the County; that the Board of Commissioners would make a determination at the time a zoning request is submitted whether or not they thought a 10/70 should be allowed; that if the Commissioners didn't think a 10/70 should be allowed they could deny the request; that if the Commissioners think it should be a less percent than 70% they could make this as a condition of the conditional use approval; that some activities are exempt from zoning such as State owned lands that do not have buildings on them (i.e. UNC Park and Ride lot); and that these would still have to meet on-site storm water management practices but could be allowed the 10/70.

Discussion followed regarding the criteria for allocating the 10/70 provisions in the WS-IV PA (Protected Area) noted in tonight's agenda notes as follows:

1. Restrict the 10/70 options for the WS-IV PA to the zoned areas of the County.
2. Require a conditional use permit or conditional zoning district for each project, unless it is an exempt State or Federal project.
3. Have the Commissioners make a decision during the zoning decision.
4. Require that any areas designated as 100 year floodplain be set aside with an additional 30 foot undisturbed buffer.
5. Require Best Management Practices to control the first one-inch of storm water from the 24 hour one year storm.

It was noted that #5 has been revised to read two-year storm.

Mr. Sullivan stated that above item #4 has been revised; that discussion was that the areas designated as 100 year floodplain be set aside with an additional 30 foot undisturbed buffer; that this was based on a conversation with personnel at

the Division of Water Quality in relation to the Universal Storm Water Program (currently under review but not approved); that it was interpreted from that discussion that the 100 year floodplain plus an additional 30 foot buffer would apply; that after drafting notes from the previous meeting the proposed rules were issued and what was actually in the proposed rules is that the 100 year floodplain would be set aside on a particular project and if there was no 100 year floodplain on a stream then the State would require an additional 30 foot buffer; that the amendment has been revised to reflect this change that it would not have an additional 30 foot buffer unless there is no floodplain; and that current stream buffer standards would still apply which are more stringent than the 30 foot buffer requirement.

Discussion followed. Ms. Andrews acknowledged that staff had done a good job researching this issue. Mr. McBee was concerned that someone be present at the public hearing to speak about the advantages of having the 10/70 Rule. Chairman Eliason stated that it was his understanding that there has always been the ability for an applicant to request the 10/70 Rule; and that it was decided to go ahead and act through this process (of somewhat more stringent regulations) as to how the 10/70 Rule would be implemented by an applicant. Mr. Megginson noted that an applicant would have to request a text change to the Watershed Regulations in relation to a particular proposal. Mr. Walker inquired if the 5/70 was discussed at last month's meeting and if so what were the results of the discussion. Mr. Megginson stated what he recalled was that the management on site would not change whether you were dealing with 5 or 10 because it is 70% impervious coverage; that it was also discussed whether or not to look (in relation to that 5%) at some point if certain structure needs to be put on how to handle the remaining acreage; and that dealing with an overall acreage of 52,000 acres there is so much land involved there doesn't seem to be an emergency by the Board to put controls on that at this time. Mr. Walker questioned why the County would need to open up the 10% since there is so much available acreage.

Ms. Andrews made a motion; seconded by Mr. Harris that the proposed text amendments to the Watershed Protection Ordinance be scheduled for public hearing November 21, 2005. Discussion on the motion followed. Mr. McBee reiterated his concern that someone is present at the public hearing to speak about the positive things of this issue. There was not further discussion.

Vote on Motion

The motion passed 6-1-1 with Andrews, Harris, Eliason, McBee, Mason and Wilson voting in favor of the motion; and Walker voting against; and Smith abstaining.

Adjourn as Watershed Review Board

Mr. Wilson made a motion; seconded by Ms. Andrews to adjourn as the Watershed Review Board and reconvene as the Planning Board. The motion passed unanimously. (8 Board members)

B. Conditional Zoning

Mr. Megginson reviewed the agenda notes for this issue. He stated that Jason Sullivan prepared the proposed text included in tonight's agenda packets; that

Mr. Sullivan reviewed ordinances from other jurisdictions and utilized various parts making modifications to fit our existing Zoning Ordinance; that some revisions would be made prior to public hearing; that the basic format discussed during last month's Planning Board meeting was that it would change what we now have from a conditional use district zoning with conditional use permit over to conditional zoning; that the State Legislature incorporated conditional zoning into the General Statutes in North Carolina this year which allows this alternative of changing things from the quasi-judicial process; that sworn testimony would no longer be required; that Planning Board members and Commissioners would now be allowed to discuss the project prior to the public hearing and outside of the more formal public hearing process; that the major difference as far as public notification is the incorporation of a community meeting that the developer would have to discuss the project prior to the public hearing; that the proposed text states that the applicant is required to notify adjacent landowners about the community meeting; that it does not restrict the developer to notify only the adjacent landowners but others may also be notified; that these notifications of the community meeting would need to be sent at least 14 days in advance of said meeting; that the developer would then need to submit to the Planning Department 30 days prior to public hearing the following: 1.) a list of who was notified of the community meeting, 2.) an attendance roster of who attended the meeting, 3.) generally what was talked about, and 4.) if there were changes made to their plan; that the five findings of fact are removed with conditional zoning because there is no sworn testimony of the findings; that there are four (4) things listed that the applicant needs to address that are similar to the five findings (see section 17.8 of Attachment #1- "An Ordinance Amending The Chatham County Zoning Ordinance" included in tonight's agenda packet); that the Board does not have to act on this issue tonight; that the Board could continue this discussion during the November 1, 2005 Planning Board meeting and still have enough time to present for public hearing November 21, 2005; and that staff thought it would be helpful to expedite the material to the Board to allow enough time for review and to also post on our website for public information.

Discussion followed. Mr. McBee asked what prompted the conditional zoning proposal. Mr. Megginson stated that there have been issues raised by individual citizens and groups about our existing process regarding the need for earlier notification of proposals (i.e. before public hearing). Mr. Sullivan noted one specific is the difficulty citizens have submitting comments to the Board after the public hearing under the quasi-judicial process.

Motion to table

Mr. Wilson made a motion; seconded by Ms. Andrews to table this issue until next month's Planning Board meeting (November 1, 2005) to allow additional time for review. There was no discussion on the motion and the motion passed unanimously. (8 Board members)

Mr. Megginson stated that staff would be sending Board members the revised text involving two major items as follows:

- actual districts
- requirements to be submitted
(some to be moved to required section).

Chairman Eliason asked if it would be feasible to have a mixed use overlay on all districts. Mr. Megginson stated that these would need to be described in the ordinance; that there are overlay districts; that Greensboro is one example where they are mixed; that there has been interest in doing some mix residential, business and office such as the Williams Corner application; that they (Williams Corner) had to separate out into two different districts since they did not qualify as a compact community due to various reasons, (i.e. commercial required, acreage, housing density); and that this is one example where it would have been beneficial to have had a district that allowed that type of mix uses.

Mr. Megginson asked if Board members had anything in particular that they would like staff to look at while completing the minor revisions to the proposed text. Chairman Eliason stated generally an ability to have residential with any kind of industrial or business use would be a desirable option for any developer; that this would provide the developer or applicant a tool to develop both pieces of property to its best value and best use; and that there may need to be an incorporation of how much residential space would be allocated. Mr. Megginson noted that this and the 10/70 (if the 10/70 Rule passes) might facilitate more transit type things and that staff would pursue this further. Mr. Sullivan stated that the way the 10/70 Rule is worded in the WS-III Balance of Watershed currently is a special non-residential intensity allocation; and that the WS-IV Protected Area is currently worded for just a special intensity allocation that would open it up for some residential uses in the 10/70 Rule.

VIII. NEW BUSINESS:

A. Planning Director's Report

1. ***Appointment of Planning Board Member to Serve on Affordable Housing Committee***

Mr. Megginson explained that Commissioner Cross has met with citizens interested in the affordable housing issue; that the Briar Chapel proposal increased some concerns regarding affordable housing; that there were already representatives meeting from Chatham County Housing Authority, Habitat for Humanity and Empowerment, Inc.; that those various representatives and citizens asked the Board of County Commissioners to endorse the committee; that they recommended various people to serve on the committee; that Angela Brown was one of the people suggested since Ms. Brown has expressed an interest; that if this position is to be considered a Planning Board representative then it is thought that the Planning Board should make this decision; and that he suggested to the Commissioners that the Planning Board be allowed to make the appointment.

Mr. McBee made a motion; seconded by Ms. Smith, to appoint Angela Brown to represent the Planning Board on the Affordable Housing Committee. Discussion followed. Mr. Megginson stated that the County Commissioners did endorse the committee during their last meeting. He noted that the committee would be meeting Friday, October 7, 2005 in the classroom of the Henry H. Dunlap Building, in Pittsboro, NC. (down the hall from Planning Department) if anyone was interested in attending.

Vote on motion to appoint Angela Brown to represent the Planning Board on the Affordable Housing Committee:

The above motion (made by Mr. McBee and seconded by Ms. Smith regarding the appointment of Angela Brown to represent the Planning Board on the Affordable Housing Committee) passed unanimously. (8 Board members)

2. Compact Communities Ordinance - Award

Mr. Megginson stated that the North Carolina Planning Association has a conference each year; that various awards are given at these conferences; that Ben Hitchings with Triangle J Council of Governments (who the County hired as a consultant to coordinate and draft the Compact Communities Ordinance) asked if the County would allow said ordinance be nominated for an award; that the ordinance won the planning award; that on Friday, October 7, 2005 Charles Eliason and Jason Sullivan will be attending a banquet in Fayetteville, NC to receive the award for the County.

3. New Legislation

Jason Sullivan distributed to Board members five (5) pages entitled, "Brief Summary of 2005 Amendments to North Carolina Planning Statues: S. 518 and S. 814". (See copy attached.) Mr. Megginson stated that this material addresses the new legislation that he referred to earlier tonight.

B. Planning Board Member's Reports

No reports were submitted.

- IX. **ADJOURNMENT:** Mr. Wilson made a motion; seconded by Mr. McBee to adjourn tonight's meeting. The motion passed unanimously and the meeting adjourned at 8:30 P.M.

Charles Eliason, Chair

Date

Attest:

Kay Everage, Secretary to the Board

Date