

CHATHAM COUNTY PLANNING BOARD
MINUTES
August 2, 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
Jeff Austin, Vice-Chair
Jennifer Andrews
Clyde Harris
Winifred Smith
Chris Walker
Cecil Wilson

Absent:

Angela Brown
Martin Mason
Mark McBee

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 7:05 p.m.
- II. APPROVAL OF AGENDA: Ms. Andrews made a motion; seconded by Mr. Austin to approve the agenda as submitted. The motion passed unanimously.
- III. CONSENT AGENDA: Mr. Wilson made a motion; seconded by Ms. Andrews to approve the Consent Agenda as submitted. The motion passed unanimously.
 - A. Minutes: Consideration of approval of minutes for July 12, 2005 Planning Board meeting.
 - B. VII. A: Subdivision Request by Jeff Hunter (see below)
 - C. VIII. F: Zoning Request by Jeff Hunter (see below)

End Consent Agenda

- 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. SKETCH DESIGN APPROVAL:

- A. Request by Eric Schwartz on behalf of Landco Realty for revision to roadway status for "Windham, Phase I", to change from a county standard private road to a state maintained public road; and for sketch design approval of "Windham, Phase II", consisting of 22 lots on approximately 123 acres, located off North Pea Ridge Road, S. R. 1700, New Hope Township.

Ms. Richardson reviewed the agenda notes for this request. She explained that this is a two-part application as stated above.

Discussion followed. Ms. Richardson stated that the Department of Transportation (DOT) decides what gets accepted into the state road system; that the road has to meet State standards; and that the density has to be met as per DOT rules and regulations. Chairman Eliason referenced a letter (included in tonight's agenda packet) from DOT dated November 5, 1997 that states at that time the roadway (Windham Drive) had been built to State standards; that since then the State has a new roadway design standard; that the question is whether or not the Board will honor the 1997 approval letter or whether we need an up-to-date letter; and that there is still some confusion as to what our boundaries are between what we do as a Planning Board and what we are trying to achieve in terms of this road being accepted in the State system.

Eric Schwartz, applicant, stated that all engineer plans have been submitted; that Damon Webb with DOT has already signed the new map; and that the road doesn't enter into the State system for maintenance until enough houses are built (at which time a state road number is assigned).

No adjacent landowners spoke.

Discussion continued. Mr. Megginson stated that typically DOT provides staff a letter (before the County will release a financial guarantee) with information regarding the current status of the road.

Ms. Andrews made a motion; seconded by Mr. Austin to grant approval of the request, as submitted and as recommended by the Planning Department, to change the roadway in "Windham, Phase I" from a County standard private road to a State maintained public road (according to NCDOT standards and requirements); and to grant approval of the sketch design of "Windham, Phase II". The motion passed unanimously.

VI. SKETCH, PRELIMINARY and FINAL APPROVAL:

- A. Request by Robert Dale Currin for sketch, preliminary and final approval of survey for "Robert Dale Currin & wife Vickie Rayben Currin", consisting of one (1) non-residential lot on 1.67 acres, located off Moncure-Pittsboro Road, S. R. 1012, Haw River Township.

Ms. Richardson reviewed the agenda notes for this request.

No adjacent landowners spoke.

Robert Currin, applicant, stated that Ms. Richardson thoroughly explained his request; that he did not have anything to add; but that he would address any questions or concerns of the Board.

Board members did not initiate any discussion.

Mr. Wilson made a motion; seconded by Mr. Harris to grant sketch, preliminary and final approval of the request as submitted and as recommended by the Planning Department, with the following two (2) conditions:

1. The commercial driveway permit be received by staff prior to issuance of a certificate of occupancy for the automotive repair garage.
2. The stormwater retention pond be installed prior to issuance of a certificate of occupancy for the automotive repair garage.

The motion passed unanimously.

VII. FINAL APPROVAL:

- A. Request by Jeff Hunter on behalf of Colvard Farms Development Co., LLC for subdivision final approval of "Colvard Farms, Phase VI and VII", consisting of 37 lots on approximately 30 acres, located off Hwy 751, Williams Township.

Note: This request was approved under the Consent Agenda noted above. Jeff Hunter, applicant, was present.

VIII. 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 this request has been postponed by staff until the September 6, 2005 Planning Board meeting to allow the applicant additional time to address issues raised at the July 18, 2005 public hearing.

- B. Request by Rode Enterprises, Inc to add .311 acres (13,548 square feet) to the existing B-1 Business District, located at the intersection of US Hwy. 1 and S.R. 1012, Pittsboro-Moncure Road in Haw River Township.

Ms. Richardson reviewed the agenda notes for this request.

For clarification regarding input after a public hearing, Chairman Eliason asked if the Board was allowed to accept other testimony. Mr. Megginson explained that, since this is a legislative decision (i.e. straight zoning change request) and not a quasi-judicial procedure under conditional use, the Board could consider other information.

Three adjacent landowners voiced concerns as follows:

Diane Taylor, 8074 Pittsboro-Moncure Road – Ms. Taylor stated that she and her son both have asthma and that odor (pollution and fumes from diesel trucks) and dust is a major health concern. Ms. Taylor read a letter from her son's physician regarding his health and environment. Other concerns noted were:

- Traffic
- Pumps would be too close to her Mother-in-law's house
- Safety for children
- Noise
- Bright lights
- Property value affected

Ms. Taylor stated that her residence is less than fifty feet from the existing gravel driveway.

Maria Taylor stated that she is the daughter of Diane Taylor; that she doesn't think the additional acreage should be re-zoned. Some of her concerns were:

- Traffic
- Safety
- Noise
- New addition too close to residents
- Quality of life decreased

Ms. Richardson explained that the Zoning Ordinance, (B-1 Business District, Section 12.2 Parking Lot Improvement, Design and Locational Requirements #4) states that, "Parking lots have to be graded, properly drained, stabilized and maintained to prevent dust and erosion"; and that additional language states, "When a parking lot with space for more than 10 cars adjoins any plot zoned for residential purposes, a buffer shall be provided to protect residences from light, glare, noise and fumes. This buffer shall be a five foot wide strip of land on which is placed a four foot high, at least 50% opaque fence or a dense evergreen screen of equal height and opaqueness, provided that smaller evergreen plantings may be permitted where in the opinion of the Zoning Enforcement Officer". She noted that this would provide some provisions to help with the dust problem and buffering.

John Cross stated that he lives next door to the facility; that he has asthma; and that he is concerned with dust, traffic and the proposed road area.

Carl Rode, applicant, addressed the above concerns. Mr. Rode stated that he has gone to great lengths to make sure that there is a buffer area; that his plat map indicates a residential non-buildable lot that separates the store and the new proposed area from neighbors; that his business closes at 11:00 p.m.; that there is an existing dust condition that he is currently trying to address; that the diesel expansion would improve the dust situation since there would be a canopy over a concrete area; that approaches in both directions to the new section (to service the trucks) would be paved to reduce dust significantly; and that plans are to gravel and tar the remaining area. Mr. Rode used the plat map to show the various topography of the tract (#3). He stated that the existing facility is approximately 5,000 sq. ft.

The Board discussed buffering, fencing, and parking. Mr. Austin asked if the proposed loop road (from the existing paved area behind the store) would be a single-lane width. Mr. Rode stated that this gravel road currently exists; that there is no new proposed road; that he does intend to pave the road; and that various landscaping is planned. It was noted that buffering, plantings and setback requirements would be enforced by staff at the time a building permit is issued.

Ms. Richardson read the list of B-1 uses allowed from Section 2.5 of the Zoning Ordinance. Chairman Eliason noted that (for purposes of this request) there is no avenue for the Board to make changes of the applicant's use.

Motion to approve the request - failed:

Mr. Walker made a motion; seconded by Ms. Andrews to grant approval of the request to zone .311 acres (13,548 square feet) B-1 district to be added to the existing B-1 Business District, located at the intersection of US Hwy 1 and SR 1012, Pittsboro-Moncure Road in Haw River Township, as recommended by staff. The motion failed 3-4 with Walker, Andrews and Eliason voting in favor of the motion; and Austin, Harris, Smith and Wilson voting against.

Motion to deny the request – passed:

Mr. Austin made a motion; seconded by Ms. Smith to deny the request to zone .311 acres (13,548 square feet) B-1 district to be added to the existing B-1 Business District, located at the intersection of US Hwy 1 and SR 1012, Pittsboro-Moncure Road in Haw River Township. The motion passed 4-3 with Austin, Smith, Harris and Wilson voting in favor of the motion; and Andrews, Eliason, and Walker voting against.

- C. Request by Frank Kent Dickens for an expansion and revision of the existing Conditional Use Permit for a privately owned camp ground, specifically for campers, travel trailers, and recreational vehicles / motor homes to add 18.7 acres (total 26 acres) to include 84 additional sites (total 105 sites) along with a swimming pool, bath house and laundry facility, to be located off S. R. 1916, Corinth Road in Cape Fear Township.

Ms. Richardson reviewed the agenda notes for this request. She stated that the application is for an expansion revision (that was approved in 2002 for 21 units) to add 84 additional sites for a total of 105 sites; that the additional 84 camp sites is proposed to be completed in five (5) phases over a five year period; and that the site plan would be revised slightly to indicate the 50 foot buffer requirement along the outside boundary of the campground.

Evelyn Cross stated that her property is not adjacent to the facility but that she lives in the community; that Mr. Dickens is a good neighbor; that his business is the type that will help the community grow in the right way; and that area residents appreciate his hard work and dedication to improving the community with a type of business that will not add to existing pollution problems.

No adjacent landowners spoke.

Kent Dickens, applicant, stated that he lives on the proposed property; that he has farmed all his life; that he has been a volunteer fireman for over 20 years; and that he continues to operate a neat and clean facility.

Ms. Andrews made a motion; seconded by Ms. Smith to grant approval of the request as submitted and as recommended by the Planning Department with the following fourteen (14) conditions:

1. Construction of the campground shall commence within twelve (12) months of approval of the request for the conditional use permit or the permit shall become null and void. Commencement of construction shall, at a minimum, mean that clearing and grading has commenced with an approved erosion control permit.
2. There shall be no more than 84 units on the additional 18 + acres for a total of 105 units. The spaces may be completed in phases as stated in the application.
3. Campground use is for temporary use only. "Temporary" is defined in this instance as up to two (2) years per unit. No permanent structures or tents are allowed, only campers, travel trailers, recreational vehicles and motor homes.
4. Units must be spaced a minimum distance of 30 feet apart.
5. The roadway extension may be completed in phases and shall be a minimum of 30 wide with a 16 foot wide travel way with four (4) inches of crush and run stone. The roadway for each phase shall be completed prior to a certificate of occupancy being issued for the phase.
6. No new signage is proposed by this application.
7. Lighting is allowed as shown on the site plan and shall be placed a minimum of 50 feet from the property lines and shall conform to the Chatham County Draft Lighting Ordinance.
8. Required landscaping / buffering on Dickens RV Park # 1 and # 2 shall be completed prior to issuance of the certificate of occupancy for the first phase of RV Park # 2. There shall be a Type A, opaque, buffer a minimum width of 25 feet wide along the southern boundary, (Corinth Road) of RV Park # 2. The buffer is recommended to consist of a mixture of Virginia pine, eastern red cedar trees in a minimum 10-gallon size along with wax myrtles and other evergreen shrubs in a minimum size of 3 gallons. The original buffering along the Corinth Road side of RV Park # 1 shall be expanded to the same width (25 feet) to include the same type of plantings. Landscaping / buffering along the northern and eastern boundaries is not recommended by the Planning Department staff. A fifty foot setback shall be reserved along the eastern property line with Utley and the access drive shall not be located within said

area. Interior plantings shall be as shown on the site plan and additional trees are recommended within the interior, if space allows.

9. Required storm water management devices shall be in place prior to issuance of the certificate of occupancy for the first phase.
10. If an erosion control permit is required by NCDENR due to the amount of clearing necessary for construction of the campground and roadway, said permit shall be provided by the applicant to the Planning staff prior to any land disturbing activity or prior to the issuance of a building permit.
11. There shall not be any trash accumulation on the campground property. Trash removal shall be the responsibility of the campground owner.
12. The property owner shall maintain a log of record on the occupants of the campground. This information is to include, the name of the temporary resident, the tag number of the camper, motor home, travel trailer, or recreational vehicle, and the dates they checked into the campground as well as the dates they checked out. A copy of this log shall be available to the Planning Department and a copy filed in the Planning Department office every twelve months.
13. A building permit shall not be issued for any phase without the required permits from the Chatham County Environmental Health Department.
14. Occupancy of the campground shall not commence until all required state or county approvals have been received.

The motion passed unanimously.

- D. Request by Robert Blichington 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 this issue has been postponed until next month's Planning Board meeting (September 6) to allow the applicant additional time to resolve various septic issues.

- E. Request by Cynthia Perry on behalf of Lynwood & Elizabeth Daniel for a revision to the existing B-1 Conditional Use Business District with Conditional Use Permit for an Auto Repair Garage to a conditional use permit for (1) Sporting goods sales; (2) Printing and publishing; (3) Incidental storage of goods intended for retail sales on the premises; and (4) Uses and structures customarily accessory to any permitted use, on approximately 1.28 acres, located off S. R. 1540, Jones Ferry Road in Baldwin Township.

Ms. Richardson reviewed the agenda notes for this request.

No adjacent landowners spoke.

Cindy Perry, attorney, was present representing the applicant. Ms. Perry stated that this proposal is a less intensive use than that of the previous automobile garage; that this less intense use is the perfect kind of thing that creates the balance that our Land Development Plan discusses relative to integrating business within the community; that this is a predominately residential community; that the proposed building would be situated behind the existing auto garage building; and that the two buildings would be connected by a breezeway (as shown on the plat map). Ms. Perry stated that the following members of the development team were present at tonight's meeting:

Kathy Sapp, Manager and owner of Chapel Hill Sportswear
Lynwood Daniel, property owner
Mark Perry, President, Sundog Builders

Ms. Perry concluded by stating the request is for no new re-zoning (only a change of the conditional use permit); that this is an area that is compatible for the proposed business; and that no adjacent landowners spoke against the request at the recent public hearing.

There was not further discussion.

Ms. Andrews made a motion; seconded by Ms. Smith to grant approval for a revision to the existing B-1 Conditional Use Business District with Conditional Use Permit for an Auto Repair Garage to *a conditional use permit for (1) Sporting goods sales; (this specific request and subsequent approval is not for walk in retail sales, but is for sales through the internet and phone) (2) Printing and publishing; (3) Incidental storage of goods intended for retail sales on the premises; and (4) Uses and structures customarily accessory to any permitted use* with the following three (3) conditions:

1. A revised site plan shall be furnished to staff showing a 40 foot wide strip of land to be reserved for possible future landscaping / buffering if the adjacent properties belonging to Daniel are sold or developed in the future.
2. Lighting shall be as stated in the applicant's text and shall conform to the Chatham County Draft Lighting Ordinance.
3. Signage is allowed to be one non-illuminated sign no larger than 32 square feet in area.

The motion passed unanimously.

- F. Request by Jeff Hunter on behalf of Colvard Farms for a modification to the existing Conditional Use Permit for a Planned Unit Development, specifically for a cluster development to add one (1) acre of land and one (1) lot, bringing the total number of lots approved to 146, and a request for sketch design approval of Phase VIII, consisting of four (4) lots on 3.76 acres (portion of previously approved Phase VII) located off Hwy 751, Williams Township.

Note: This request was approved under the Consent Agenda noted above. Jeff Hunter, applicant, was present.

- G. Request by George Farrell on behalf of Kunal Enterprises, LLC for an extension of time on the existing B-1 Conditional Use Business District with Conditional Use Permit for limited business uses, located on the north east side of the intersection of Bob Horton Road (SR 1744) and US Hwy. 64 E. in New Hope Township.

Ms. Richardson reviewed the agenda notes for this request.

Jean Fish, adjoining property owner, stated that she does not have any objection to the request.

No other adjacent landowners spoke.

George Farrell, applicant, was present.

There was no discussion among Board members.

Mr. Wilson made a motion; seconded by Mr. Austin to grant the request for a one (1) year time extension (on the existing B-1 Conditional Use Business District with Conditional Use Permit) **to expire July 19, 2006**. The motion passed unanimously.

- H. Proposed amendment to the Chatham County Communications Tower Ordinance Article 3-2 to allow towers up to 300 feet in areas #2 and #3 when a public benefit is substantiated.

Mr. Megginson reviewed the agenda notes for this proposed text amendment. He referenced the following attachments in tonight's agenda notes:

- Memo from Dave LeGrys, former Planning Board member and ordinance author – expressing his concerns about the proposed ordinance revision; and
- Two (2) articles written by Rusty Monroe who has a firm that gives recommendations to local government about communication towers by reviewing various plans submitted. Mr. Megginson noted that generally these articles say that there are many places towers can be put that they are not so conspicuous; and that the industry is changing such that they are going to lower towers closer together.

Mr. Megginson stated that this language request is in specific response to Tony Tucker's request (i.e. next issue for discussion) to allow a 300 foot tower in the Harpers Crossroads area; that Mr. LeGrys has expressed some concern with the proposed language in that it possibly could be abused if it just states, "when a public benefit is substantiated"; that the Board might want to consider changing the wording to add, "when proposed by a governmental agency and a public benefit is substantiated", or just leave this determination up to the Commissioners; and that the proposed language could be revised at this point (without another public hearing) since the revised language would be more restrictive.

Mr. Walker asked if the Commissioners could grant a variance (for this one particular tower since this is clearly a specific case of emergency communications) as apposed to changing the ordinance. Mr. Megginson stated that the variance procedure was not requested and that it was his understanding that Mr. Tucker is under a time line from Home Land Security regarding grant money. Ms. Andrews noted that she understood that the grant money was substantiated by the fact that a 300-foot tower would be installed to provide adequate coverage (that a lower tower would not provide the needed coverage).

Mr. Wilson made a motion; seconded by Mr. Harris, to approve a revision to the Chatham County Communications Tower Ordinance to add the following sentence to Article 3-2: "Towers may be allowed in area #2 and #3 up to 300 feet when a public benefit is substantiated." The motion passed 5-2 with Wilson, Harris, Eliason, Andrews, and Austin voting in favor of the motion; and Smith and Walker voting against.

- I. Request by Tony S. Tucker, Chatham County Emergency Operations Director, on behalf of Chatham County to construct a 300 foot self supporting lattice communications tower on a one (1) acre portion of property owned by Beatrice Teague, parcel #3977 consisting of a total of 5.84 acres, located off S. R. 1006, Siler City-Glendon Road in Bear Creek Township.

Mr. Megginson stated that this is the specific request for the site within the area that went through the annual cell tower review; that a specific site in the Harpers Crossroads area owned by Beatrice Teague has been designated; that the applicant is requesting a tower be placed on this location; that letters were received from adjacent property owners stating that they are not opposed to the proposed tower; that the site map (included in the application packet) shows the location for the proposed tower; and that staff recommends approval of the request as submitted.

No adjacent landowners spoke.

There was no discussion by the Board.

Mr. Wilson made a motion; seconded by Ms. Andrews to grant approval of the request as submitted. The motion passed 5-0-2 with Wilson, Andrews, Austin, Eliason, and Harris voting in favor of the motion; and Smith and Walker abstaining.

At this time (8:35 p.m.), Chairman Eliason called for a 5-minute break.

IX. OLD BUSINESS:

A. Discussion of Watershed 10/70 Rule

Chairman Eliason stated that this discussion is a continuation from last month's Planning Board meeting and will be continued at next month's Board meeting.

Mr. Megginson referenced the following handouts distributed at tonight's meeting. (See copies attached.)

- *Memo from William Sommers dated August 2, 2005 (3 pages)*

Mr. Megginson stated that Mr. Sommers used to be in government and is now retired and lives in Fearington; and that Mr. Sommers has submitted his comments about the 10/70 Rule as it relates to the EPA phase two storm water rules that the county is going to be required to come under.

- *E-mail from Judith Ferster dated August 1, 2005 (1 page)*

Mr. Megginson stated that Ms. Ferster was present at tonight's meeting; and that Ms. Ferster is Chair of the Conservation Committee of the Sierra Club, Orange Chatham Group.

Mr. Megginson stated that since last month's meeting, Jason Sullivan has revised the Planning page of the County's website to include a tremendous amount of information relative to the 10/70 rule; that the page includes various articles from the State including the model storm water rules; that Mr. Walker's calculations on "how the 10/70 rule works", (as listed in tonight's agenda notes) are exactly right as to how it would be applicable to Chatham County; that the County has talked about this issue before; that provisions are in the State rules; that the State allows for a number of things that the County doesn't presently do since there hasn't been a need; that if the County wants to continue to allow fairly dense impervious surface areas there needs to be some provisions; that the 10/70 rule already exists in our regulations under the LWA (local watershed area) and WS-III (balance of watershed); and that if the Board is interested in pursuing this issue staff could provide additional information on how various jurisdictions designate different areas.

Chairman Eliason stated that one thing the Board could do tonight (that was not done last month) is to decide exactly how to continue the discussion of this issue and possibly put together a format.

Discussion among the Board followed. It was the consensus of the Board to pursue the issue (considering 36%, 5/70, and 10/70 options) and forward a recommendation on to the County Commissioners. Ms. Andrews suggested looking at surrounding ordinances (i.e. Orange, Lee, and Wake County, Siler City, Pittsboro, and Chapel Hill) as a model for editing rather than implementing a new draft. She stated that she would like to see, possibly at next month's Planning Board meeting, some samples and a draft of something fairly straightforward from staff; and that she encourages Board members to research materials and decide where they stand on these peripheral issues so that when

the Board is looking at a simple ordinance draft we can begin putting special need issues back into the draft (if complexities are added). Mr. Austin noted one other specific to consider is what sort of mechanics or methodology is going to be required of County staff to maintain inventory (i.e. what's out there now, GIS mapping). Mr. Megginson stated that the Planning Department is at a point (with software and etc.) that Jason Sullivan could maintain the GIS mapping; that this is one of the State requirements before implementing the 10/70, (i.e. that we are at a point where we can keep up with what we are doing); that he would like to have an evaluated decision made this year; and that he would like to combine this request with other watershed issues (i.e. stream classifications for Rocky River; changing map and increasing stream buffers for this area; re-evaluation of the Stream Buffer Committee for the reservoir drainage for Jordan Lake, University Lake and Rocky River to look at overall the stream buffers) and take all issues at one time to the State.

Chairman Eliason asked if staff would take written input from the public and present to the Board (after summarizing the material) along with staff's information. Mr. Megginson stated that written comments are welcome; that he would be reluctant to summarize any public comments for fear of deleting something the applicant might consider a major point; and that staff would prefer material presented electronically.

It was the consensus of the Board that staff proceeds with the issue.

X. NEW BUSINESS:

- A. Planning Director's Report
 - 1. Conditional Zoning

Mr. Megginson stated that the Board of Commissioners has an interest in this issue; that the Commissioners have asked that the Planning Department refer the issue to the Planning Board for consideration; that conditional zoning changes a number of things; that instead of restricting the Board only to receiving input at the official public hearing you could receive it anytime (doesn't have to be sworn or affirmed testimony); that Board members are not restricted in discussing an application; that conditions can still be put on a request; that with conditional zoning there are no five findings to be met; and that staff would provide additional information if the Board is in favor of conditional zoning.

Discussion followed. Chairman Eliason stated a general goal of the Planning Board would be to acquire as much input from the public as early as possible to use in the application process and also give the developer ample time to change the application is necessary. Mr. Sullivan noted that adjacent landowners brought about the recent lawsuit in Charlotte as a means of challenging the process (where adjoining property was rezoned through the conditional zoning process). Ms. Andrews stated that she suggests the Board use the same type approach as discussed above regarding the 10/70 rule; that the Planning Board is interested; that a model ordinance be used from a drafting standpoint; and that the current ordinance be reviewed, i.e. how it would fit into our existing ordinance. Chairman Eliason stated that the Board would need to acquire information from staff regarding the work and research that they are doing in

terms of model ordinances; that staff would collect comments, opinions and options from the public and present these to the Board; and that the Board could begin discussion and propose a recommendation and then open this up for a review by everyone.

Mr. Megginson stated that it could be that the public input that the developer has is after the submittal to staff; that staff thinks there is a problem with this; that sometimes the application is changed significantly; and that staff thinks public input should be before the developer even applies. Mr. Austin stated that it is almost like you need a Phase 1A, 1B type step for validation or verification of the input. Chairman Eliason stated that there is always going to be that point in the process where it does come to the Board; that the Board would then take into consideration all view points and consider the application; and that the Board would then forward a recommendation on to the Commissioners.

It was the consensus of the Board that staff pursues conditional zoning. Mr. Megginson stated that staff would work something up and get back with the Board. Mr. Sullivan referenced the flow sheet that staff presented to the Commissioners. Mr. Megginson explained the various steps in the process noted on the flow sheet chart. Mr. Austin suggested that staff use the chart and subdivide with what will have been done with the understanding of the expectations going into and exiting a certain point.

B. Planning Board Member's Reports

No reports were submitted.

- XI. ADJOURNMENT: There being no further business, Mr. Austin made a motion; seconded by Ms. Smith to adjourn tonight's meeting. The motion passed unanimously and the meeting adjourned at 9:40 p.m.

Charles Eliason, Chair

Date

Attest:

Kay Everage, Secretary to the Board

Date