

CHATHAM COUNTY PLANNING BOARD
MINUTES
July 12, 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
Angela Brown
Clyde Harris
Martin Mason
Mark McBee
Winifred Smith
Chris Walker
Cecil Wilson

Absent:

Jennifer Andrews

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. He welcomed Martin Mason to the Planning Board. Mr. Mason introduced himself. He stated that he lives off Ed Clapp Road in Albright Township and that he is eager to get involved with the Planning Board and to learn more about Chatham County.
- II. APPROVAL OF AGENDA: Mr. Austin made a motion; seconded by Mr. McBee to approve the agenda as submitted. The motion passed unanimously.
- III. CONSENT AGENDA: Mr. Austin made a motion; seconded by Mr. Wilson to approve the consent agenda (items A, B, C and D listed below) as submitted. The motion passed unanimously.
 - A. Minutes:
Consideration of approval of minutes for June 7, 2005 Planning Board meeting.
 - B. Sketch and Preliminary Approval:
Request by H & A Properties for subdivision sketch and preliminary design approval of “**Shambley Meadows, Phase II**”, consisting of 18 lots, on approximately 35 acres, off SR-2167, Jay Shambley Road and SR-2165, Hickory Mountain-Hadley Mill Road, Hickory Mountain Township.

- C. Preliminary Approval:
Request by J & B Partners, LLC for subdivision preliminary design approval of “**Bingham Ridge**”, consisting of 24 lots on approximately 97 acres, off SR-1536, Lamont Norwood Road, Baldwin Township.
- D. Sketch, Preliminary and Final Approval:
Request by Thomas Mills for subdivision sketch, preliminary and final approval of “**The Thompson Farm, Lot 15-B**”, consisting of 1 lot on 5.00 acres, off a pre-existing roadbed connecting to SR-1544, Lashley Road, Baldwin Township.

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.

Review Notes –new format

At this time, Mr. Megginson explained that staff has changed the format of the Planning and Zoning Review Notes in order to streamline things and hopefully make it easier to find information. He stated that staff has switched from the typical paragraph of discussion format to referring back to the submitted application (since the application has necessary information); that hopefully the revised format will reduce the length of the notes and yet still make it easier to find what is needed; that Board members can contact staff for any original materials needed; and that the County website is another resource for information (under Planning then under Rezoning and Subdivision Cases).

V. SKETCH DESIGN APPROVAL:

- A. Request by Cynthia Sax Perry on behalf of David C. Johnson for a variance from the Chatham County Subdivision Regulations, Section 6.4, Lots, (B) Arrangement, (3); and subdivision sketch design approval of “**Fern Creek Subdivision**”, consisting of 4 lots on approximately 15 acres, located off SR-1714, Sugar Lake Road, New Hope Township.

Ms. Richardson reviewed the agenda notes for this variance and subdivision request. She noted that the Planning Board reviewed the request during last month’s Planning Board meeting but tabled the issue to allow additional time for the applicant to consider a variance request application.

For points of clarification, Chairman Eliason stated that currently our policy is not to have easements off easements; that technically that is what is being requested a variance of; and that, except under a conditional use permit, we do not accept private roads off private roads. Ms. Richardson explained that easements should connect to a public road; that private roads can come off public roads; and that easements should not come off private roads. She noted that a private road could be extended to serve 24 lots (3 acre min./5 acre avg.) and that a county standard private road could be extended to serve additional lots. Mr. Eliason noted that it would be out of conformance with the county regulations to require that the existing common portion of the road as well as the roadway to the left (serving the two western tracts) be improved to a private

county road. He explained that the proposal would be a benefit (improving the main roadway off a public road to private county road standards and neither increasing or decreasing the current status of the road that the applicant wishes to not have to improve to the western lots). Ms. Richardson noted that the applicant is actually proposing a better common entrance to all of the lots.

No adjacent landowners spoke.

Cindy Perry, attorney representing the applicant was present. Ms. Perry stated that she is very pleased with staff's support on this matter; that a more clarified application is back before the Board tonight; and that the revised plat map would be submitted at the next phase.

Discussion among the Board followed. Chairman Eliason stated (for the record) that he feels very good about this variance request; that he thinks it improves access; that we would lose an opportunity to increase the access if we disapprove the variance; and that it protects the adjacent landowners.

Mr. McBee made a motion; seconded by Mr. Mason to grant approval of the variance request and approval of the sketch design subdivision request as submitted and as recommended by the Planning Department staff, with the following three (3) conditions:

1. The four lots in Fern Creek Subdivision meet the requirements of a county standard private road to have a five-acre average lot size without the benefit of lots currently being served by the western portion of the existing perpetual easement.
2. The preliminary and final plats shall have a cul-de-sac roadbed with a turn-around radius not less than forty (40) feet and a right-of-way radius of not less than fifty-five (55) feet.
3. A road maintenance agreement conforming to Section 6.2 C (2) of the Subdivision Ordinance shall be submitted for review prior to submittal of the final subdivision plat.

The motion passed unanimously.

Angela Brown arrived at this time.

- B. Request by Steve Christopher for subdivision sketch design approval of "**Scarlet Oak**", consisting of 7 lots on approximately 12 acres, off SR-1530, Polks Landing Road, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this subdivision request. She noted that county water is not available to the proposed development.

No adjacent landowners requested to speak at this time.

Steve Christopher, applicant, was present. Mr. Christopher stated that the pedestrian access easement shown on the plat map is designed for a hiking connection to the two subdivisions (Polks Landing and Polks Trail).

Discussion among the Board followed. Mr. Austin asked if the branch entering the property (from the east and exiting west) is continuous across the property and is such that it needs to have a buffer. Ms. Richardson stated that she checked this stream and it did not show on the USGS topo map as a blue line stream. Chairman Eliason stated that the reason the stream shows on the survey map is because it is a requirement for boundary surveys that running waters be located. He noted that the surveyor did a great job in picking up this tributary. Mr. Mason noted that the developer might want to consider speed bumps to help lower the traffic speed throughout the development. Possible connectivity to existing state maintained roads was discussed.

Mr. Wilson made a motion; seconded by Mr. Mason to grant sketch design approval of the plat as submitted and as recommended by the Planning Department staff. The motion passed 8-0-1 with all Board members present voting in favor of the motion except Ms. Brown who abstained.

VI. SUBDIVISION VARIANCE REQUEST:

A. Request by Cynthia Sax Perry on behalf of Geraldine Williams Pollard for a variance from the Chatham County Subdivision Ordinance, Section 6.4, Lots, B (2) Arrangement.

Ms. Richardson reviewed the agenda notes for this variance request. She noted that staff has reserved making a final recommendation on the request pending additional information from the applicant's attorney.

No adjacent landowners requested to speak at this time.

Cindy Perry, attorney representing the applicant was present. Ms. Perry gave a brief history of the property (as explained in her attached letter to the Chatham County Planning Board dated June 13, 2005). She stated that Ms. Pollard is requesting to be allowed to do with her land what other members of the Copeland family have done with their individual tracts. Ms. Perry stated that a road maintenance agreement is in place but has not been signed by all the landowners.

Discussion among the Board followed regarding the road maintenance agreement.

Eric Schwartz, realtor, stated that he has marketed property on the existing roadbed; that the road is approximately 12-14 ft. wide; that the road has a good base of 6-7 inches of gravel; that the road looks much like a county standard road; and that he doesn't think the road would ever be a State maintained road.

Barbara King, granddaughter of the Copeland family, stated that there would be more cooperation with road maintenance as more houses are built on the properties served by the existing roadbed.

Board discussion followed. Mr. Walker noted that road maintenance would be a concern to outside buyers. Mr. Wilson asked if staff has now received the additional information necessary to make a recommendation. Ms. Richardson stated that Ms. Perry has addressed staff's two main issues (recorded road maintenance agreement and legal easement).

Mr. McBee made a motion to approve the variance and that he recommends that the applicant obtain everyone's signature on the road maintenance agreement including any new landowners. Discussion continued. It was noted that those people who have not yet signed the agreement do not yet live there.

Barbara King stated that her brother is one of the landowners who does not yet live on his land; that her brother has not taken part in any road maintenance; and that the road maintenance agreement would be complete with the signatures of her brother and the buyers of the two proposed lots.

Board discussion followed regarding road maintenance agreement and the length of the road. Ms. Brown was concerned with possible contention relative to non-family members (outside buyers). Mr. Walker noted that he doesn't think an attachment or a modification could be placed on an existing agreement. Chairman Eliason voiced concern regarding the length of the road with no provisions for any type of turn-a-round. Mr. Mason stated that his issues are, 1.) that this has turned into a subdivision, and 2.) would potential buyers be related to the existing landowners?

Ms. Perry stated that the property has changed hands since the agreement was done in 1994; that all lots have legal access; that she doesn't know how possible it would be to get a road maintenance re-signed at this time; that the five (5) initial people that entered into the road maintenance agreement in 1994 may have all the responsibility of maintaining the roadbed; but that there is no question that there is an easement.

Ms. Pollard stated that a turn-a-round could be established at her property.

Mr. McBee restated his motion to grant approval of the variance as requested and to include the following four (4) conditions:

1. A cul-de-sac be constructed on the Pollard property (Lot G) with an adequate turn-around which has a roadbed with a radius not less than forty (40) feet. The radius of the right-of-way of the turn-around shall not be less than fifty-five (55) feet. The cul-de-sac shall be constructed at a minimum to an all weather travel surface.
2. The current landowner, Geraldine Williams Pollard, shall become a party to the existing road maintenance agreement by legal documentation to be recorded in the Office of the Chatham County Register of Deeds.
3. The subdivision of Lot G may be approved by staff as a minor subdivision after documentation, by a licensed surveyor / engineer, of the completion of the cul-de-sac.

4. All other requirements of a minor subdivision must be completed prior to approval of the minor subdivision by staff.

Mr. Austin seconded the motion. The motion passed 7-1-1 with McBee, Austin, Eliason, Brown, Smith, Wilson, and Walker voting in favor of the motion; Mason voting against; and Harris abstaining.

VII. ZONING AND ORDINANCE AMENDMENTS: *Item from May 16, 2005 Public Hearing:*

- A. Request by Chatham Citizens For Effective Communities, Inc., Et al (CCEC) for a revision to the Chatham County Watershed Protection Ordinance Section 303, Cluster Development.

Recess as Planning Board and reconvene as Watershed Review Board:

Mr. Austin made a motion, seconded by Mr. Wilson, to recess as the Planning Board and reconvene as the Watershed Review Board. The motion passed unanimously.

Mr. Megginson reviewed the agenda notes for this request. He stated that some Planning Board members attended the May 16th public hearing for this issue; that following the public hearing the applicant considered the input received at the public hearing and revised the request; that the Board has received copies of the revised request and this is what is before the Board tonight for consideration; that tonight's agenda notes generally address the process; that one immediate question is whether or not the Board thinks the ordinance needs or warrants revisions; that if the majority of the Board does not think the ordinance needs to be revised then there is no need to go into further detail and discussion; that this request was originally brought up when the Board was considering Williams Pond along Bynum Ridge Road and clustering of lot density in different areas along the river; that at that time a basic format of the revision was submitted by CCEC but it was determined that the Williams Pond application (with proposed revisions to the Watershed Ordinance language) was already in process and it was too late to consider the CCEC proposed revision; and that one other general question is the intent of the ordinance, i.e. is it the intent of the ordinance to try to dissuade a request of clustering within two different districts or is it to try to provide some incentive to get a better design in certain situations.

Discussion among the Board followed regarding stream buffers. Ms. Smith stated that she thinks if one developer can provide 400-foot stream buffers then others could provide at least 200-foot buffers. Mr. Megginson stated that Siler City has a 200 foot stream buffer setback requirement; that (for the Rocky River area) Siler City increased the reservoir area; that Siler City didn't think that they had sufficient information to require a 200 foot water quality buffer and therefore did not put the 200 foot buffer in their watershed regulations; that 100 feet is watershed regulations and another 100 feet is additional requirements of the Wildlife Resources Commission (since areas of wildlife habitat are being flooded by creation of the reservoir an additional 100 feet of stream buffer is needed); and that the 200 foot buffer is stated in Siler City's development regulations

which is a separate ordinance. Chairman Eliason voiced concern regarding protocol. He stated that he thinks that any change in ordinance should come to the Planning Board as a charge by the Board of Commissioners; and that he is uncomfortable redrafting any of the ordinances without a specific intent and/or purpose.

Mr. Wilson made a motion; seconded by Mr. Mason to not approve the request by Chatham Citizens for Effective Communities, Inc., Et al (CCEC) for a revision to the Chatham County Watershed Protection Ordinance, Section 303, and Cluster Development. There was no further discussion. The motion passed 7-0-2 with Wilson, Martin, Eliason, Austin, Brown, Harris, and McBee voting in favor of the motion; and Smith and Walker abstaining.

Reconvene as Planning Board:

Mr. Wilson made a motion; seconded by Mr. Mason to adjourn as the Watershed Review Board and reconvene as the Planning Board. The motion passed unanimously.

Items for July 18, 2005 Public Hearing:

- B. 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.
- C. 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 Cape Fear Township.
- D. 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.
- E. 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.
- F. 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.

- G. 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, (total 146 lots) located off NC 751 in Williams Township.
- H. 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.
- I. 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.
- J. 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 the above issues (items B – J) are scheduled for joint public hearing of the County Commissioners and Planning Board, July 18, 2005. He noted that information material was distributed to Board members during tonight's meeting.

VIII. OLD BUSINESS:

A. Discussion of Watershed 10/70 Rule

Mr. Megginson referenced the newsletter entitled, "Streamlines" provided Board members regarding the 10/70 development option of the water supply watershed protection program (see copy attached). He stated that, when the State developed the model for the watershed regulations overall, the county could chose a high density option or a low density option (which is what Chatham County has that allows 36% impervious coverage); that the State thought that in the less protected watershed areas (WS-IV which are large watersheds that are currently not in real good shape and have lots of different uses such as business, industrial, and cities) might should have provisions to allow some high density development within them; that the 10/70 is an option that allows 10% of the entire WS-IV protected drainage area to be developed at 70% impervious coverage; that this has been requested before to the County Commissioners by developers; that the Commissioners did not approve the 10/70 rule request; and that the issue is on tonight's agenda for the Board to consider the following:

- Is it something the Board wants to entertain, and
- If so, then by what method would it be assigned.

Mr. Megginson noted that the 10/70 Rule is already in our ordinance under the WS-III (balance of watershed) and LWA (local watershed) districts. He pointed out the various watersheds by using the large overview map.

Discussion followed. Mr. Walker asked what prompted the issue being raised at this time. Mr. Megginson noted the following two specifics:

- Involvement with UNC's Park and Ride lot (they can't develop the number of parking spaces they want under our 36%)
- Encourages sprawl.

Mr. Megginson stated that one reason the county has survived this long is because we haven't had a lot of requests for bigger development. He noted that the county is currently in violation of our own rules with the convenience center at Cole Park Plaza since we exceeded the 36% because the parcel was so small for the units needed.

Following discussion, Mr. Megginson stated that (before next month's meeting) he would provide the Board calculations regarding the 5/70 Rule relative to the UNC Park and Ride request.

Mr. Walker made a motion to table this issue until next month's Planning Board meeting to allow additional time for Board review. Mr. Megginson stated that we are going to have other revisions to the Watershed Ordinance; that when Siler City expanded the reservoir (Rocky River) some changes were made to the critical area; that our maps and wording need to be revised to increase our buffers in that area; and that we would like to take all our watershed requests to the State at one time. Mr. Walker's motion stated above was seconded by Ms. Smith. The motion passed unanimously.

A gentleman (who did not state his name) asked if there was a map available showing the percentage of impervious surface allowed in the different areas of the county. Mr. Megginson stated that there is not such a map; that one could look at a typical subdivision and see approximately what the impervious surface is (mainly the road and the house); that this percent varies; that these percentages would then need to be assigned to the county's property maps; and that this has not been done yet.

IX. NEW BUSINESS:

A. Planning Director's Report

No reports were submitted.

B. Planning Board Member's Reports

No reports were submitted.

- X. ADJOURNMENT: There being no further business Mr. Wilson made a motion; seconded by Mr. Mason to adjourn tonight's meeting. The motion passed unanimously and the meeting adjourned at approximately 9:00 p.m.

Charles Eliason, Chair

Date

Attest:

Kay Everage, Secretary to the Board

Date