Chatham County Planning Board Minutes March 4, 2014



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

Members present were as follows:

Present:

B. J. Copeland, Chair Philip Bienvenue Philip Canterbury James Crawford James Elza Karl Ernst Tom Glendinning Mike Grigg Donna Kelly Absent: Cecil Wilson Cathy Wright

Planning Department:

Jason Sullivan, Planning Director Hillary Pace, Planner II Lynn Richardson, Subdivision Administrator Kimberly Tyson, Clerk to the Board

I. INVOCATION AND PLEDGE OF ALLEGIANCE:

Mr. Glendinning delivered the invocation and afterwards the Chairman invited everyone to stand and recite the Pledge of Allegiance.

II. CALL TO ORDER:

Chair Copeland called the meeting to order at 6:30p.m.

III. <u>DETERMINATION OF QUORUM:</u>

The clerk stated that a quorum was present to begin the meeting (9 members).

IV. APPROVAL OF AGENDA:

See Item V. below.

V. APPROVAL OF CONSENT AGENDA:

<u>Minutes:</u> Consideration of a request for approval of the February 4, 2014 Planning Board minutes.

Board members had no objections to above items IV. and V. and were considered approved as submitted.

VI. <u>PUBLIC INPUT SESSION:</u> Fifteen-minute time of public input for issues **not** on agenda. Speakers limited to three (3) minutes each.

There were no requests to speak at this time.

VII. SUBDIVISIONS:

1. Request by Mark P. Ashness, P. E., CE Group, for a two year extension of the final plat submittal sunset date for the Legacy at Jordan Lake to extend the sunset date from December 31, 2015 to December 31, 2017.

Ms. Richardson reviewed the agenda notes for a two year extension of the final plat submittal for Legacy at Jordan Lake. The development was approved in 2004 for 463 lots on 626 acres with county water and private roads. Phase 1 received final plat approval in 2005 for 105 lots and Phase 2 received final plat approval in 2014 for 54 lots with a total of 159 lots with final approval. The project was reviewed under the pre-2008 Subdivision Regulations the final submittal date of the remaining 304 lots is December 31, 2015. The wastewater treatment plant is completed. Additional spray fields will be added as the balance of the phases come to the Board for final plat approval. The original erosion control permit for Phases 2 & 3 was issued by the state. Per Rachael Thorn, Chatham County Erosion Control Officer, Phase 3 is currently stabilized and no erosion control permit is required until land disturbing activity is to begin. A new erosion control permit for Phase 3 will be required by Chatham County prior to any land disturbing activity. The stormwater plan has been previously approved by Chatham County. Staff recommends that any permit associated with the Phase 3 preliminary plat approval, that requires renewal or reissuance, be provided to staff prior to any land disturbing activity. Phases 4, 5, and 6 will provide the required permits when the phase is presented for preliminary plat approval. Ms. Richardson stated this is a policy decision to be made by the Board of County Commissioners. If the request for an extension is approved, the Planning Department recommends that the developer provide staff with copies of any new or renewed permits.

Mark Ashness, P. E., CE Group was present and spoke briefly about the project.

Board discussion followed.

Motion to approve:

Mr. Ernst made a motion; seconded by Mr. Glendinning to recommend the two year extension request. No further discussion and motion passed unanimously (9 members).

VIII. ZONING AND ORDINANCE AMENDMENTS: Legislative Request:

- 1. Request by Dale & Mary Stansell to rezone approximately .328 acres out of the 4.81 acre tract of Parcel No. 5248, located at 1060 New Elam Church Rd., New Hill, from R-1 Residential to CD-NB for a boat and RV storage facility.
- Mr. Sullivan reviewed the notes to rezone approximately .328 acres out of the 4.81 acre tract of Parcel No. 5248, located at 1060 New Elam Church Rd. A legislative public hearing was held on February 17, 2014, and no other persons spoke of the proposed

request. The applicant is requesting to rezone a portion of the property to Conditional Zoning Neighborhood Business (CD-NB) for boat and RV storage. The site will have no buildings; it will have a parking lot area with exterior lighting. This site has been constructed and the applicant is trying to bring the site into compliance with the zoning standards. The applicant held a community meeting, and met with the Chatham County Appearance Commission (CCAC) on January 22, 2014. There are four items listed in the Zoning Ordinance that must be addressed by an applicant when submitting a rezoning application. The applicant has addressed those items in the application materials and they are also discussed below.

Item #1: The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed description of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.

The applicant is not claiming any error in the ordinance.

Item #2: The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.

The applicant states the tourism for Jordan and Harris Lakes is increasing creating more need for these type facilities. Also lending to the need of the facility are the restrictive covenants in many subdivisions that do not allow homeowners to park their boat or RV on their lot. The closeness to both lakes keeps road traffic down and less miles to travel for recreation.

Item #3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts thereof.

The area surrounding the lakes consists of residential, recreation, picnic areas and camping. This property is in close proximity to those activities. The Land Conservation and Development Plan encourage the support of tourism and recreational areas. One aspect of that is to provide facilities in close proximity to such areas which in turns helps keep traffic off main roads. The Plan also encourages maintaining the rural character of the area when sitting non-residential uses in residential areas. This facility will be screened in such a way as not to be visible from the residential component of the area. The facility will help encourage recreation, continue growth and business opportunities in the county per the applicant. There will be no water or septic needed for this site or buildings. Mr. Stansell will be making application with NCDOT for a commercial driveway permit.

Item #4: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.

Per the applicant, this business will provide a needed service conveniently located between two major attractions being Jordan and Harris Lakes. Applicant states they will be able to operate in full compliance with all zoning ordinances and regulations.

During the staff technical review committee process, the Fire Marshal's office wanted to make sure there was a 20 foot wide access road into the commercial area as required by code. Mr. Stansell has measured his drive and states there is 20 feet of clearance and will be glad to add more gravel to meet the code. It was also discovered the existing lighting that has already been installed on the site will not comply with the county lighting regulations. Mr. Stansell stated he believes he can make shields for those lights that will bring them into compliance. If not, the lights will be required to be replaced with compliant fixtures.

Mr. Stansell has also been advised that on the currently adopted FEMA maps, the proposed storage lot is outside of any noted floodable areas. In January 2014, letters were mailed to landowners advising new maps were being drawn and they may need to verify whether or not their properties were going to be affected. It appears, once the new FEMA maps are adopted by the end of 2014, the majority of the storage lot will be located in a floodable area. Mr. Stansell has been advised although there is no enforcement that can be done at this time.

The property is located within a WSIV-PA Watershed where he can develop up to 36% impervious surface on the tract. The tract is approximately 4.81 acres in size and the storage facility lot is proposed to be .328 (14,320 sq ft including driveway) of area; well under the 36% allowance.

Mr. Sullivan showed the flood map of the property and stated the state has remapped the area and the flood plain has been extended onto the applicant's property where the RV and boat storage will be located. Mr. Sullivan stated the revised flood plain maps are not in effect at this time.

Planning staff recommends approval of the request with the following conditions: **Site Specific Conditions**

 The recommendations of the Chatham County Appearance Commission shall be followed and implemented by the end of the next optimal planting season following the issuance of this approval. It shall be the applicant's responsibility to ensure the survival and maintenance of all landscaping required. Inspections will be conducted as needed to ensure compliance is being met.

Standard Site Conditions

- 2. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place. These include but are not limited to landscaping, lighting, signage, parking, building construction, etc.
- 3. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control,

- Environmental Health Division, Stormwater Management, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.
- 4. A Certificate of Occupancy or a Certification of Compliance if not structures are being built, shall be obtained within two years of the date of this approval unless other approval/s has been given for an extension, or this approval becomes null and void.

Standard Administrative Conditions:

- 5. Fees Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.
- Continued Validity The continued validity and effectiveness of this approval was
 expressly conditioned upon the continued compliance with the plans and
 conditions listed above.
- 7. Non-Severability If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
- 8. Non-Waiver Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

Mr. and Mrs. Dale Stansell, owners/applicants, were present and Mr. Stansell briefly spoke.

Board discussion followed.

Motion to approve:

Mr. Grigg made a motion; seconded by Mr. Ernst to approve the application as submitted.

No further discussion and motion passed unanimously (9 members).

Consistency Statement:

It is the opinion of the Planning Board the request to rezone a portion of Parcel No. 5248 from R-1 Residential to CD-NB is consistent with the adopted land use plans and regulations of the County, and therefore is approved as requested.

Motion to approve:

Ms. Kelly made a motion; seconded by Mr. Canterbury to adopt the proposed Consistency Statement. No further discussion and motion passed unanimously (9 members).

2. Request by Walter Lewis dba The Extra Garage to rezone Parcel No. 74879 and 5131 totaling approximately 11.46 acres, located at 41 W H Jones, Rd., New Hill, from R-1 Residential to CD-NB for a boat and RV storage facility.

Mr. Sullivan reviewed the agenda notes to rezone parcels number 74879 and 5131, from R-1 to CD-NB. A legislative public hearing was held on February 17, 2014; Mr. Lewis read two letters he had received in support, and no other persons spoke of the proposed request. The applicant held a community meeting as required by the Zoning Ordinance, and met with Chatham County Appearance Commission (CCAC) on January 22, 2014. The CCAC approved the plan as submitted with the exception of replacing Ligustrum Recurvifolia with Viburnum Awabuki "Chindo". The applicant agreed to the change. There are four items listed in the Zoning Ordinance that must be addressed by an applicant when submitting a rezoning application. The applicant has addressed those items in the application materials and they are also discussed below.

Item #1: The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed description of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.

The applicant is not claiming any error in the ordinance.

Item #2: The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.

Mr. Lewis has stated in his application there remains a continued unmet need for "covered" recreational boat and RV storage facilities. Jordan Lake is a major recreational attraction for the county and surrounding areas. The applicant stated the appearance of this facility will be in same conformity with his other two locations. This facility is located within approximately 900 feet from the New Hope boat ramp. Customers will not be required to get onto Pea Ridge Road to utilize the facility.

Item #3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts thereof.

Although the zoning of the area is residential, recreational opportunities are often a part of those districts. The Land Use and Development Plan encourages the support of tourism and recreational activities in the county. The applicant states by locating a facility as close to these recreational areas as possible aids in decreasing traffic and driving distances. He further states this use is not a traffic generator as it only serves traffic already going to the lake. The Plan also encourages maintaining the rural character of areas with supporting uses located up side roads if possible. The storage facility is all internal and the storage cannot be seen from the roadway. The access will be off W H Jones Rd. which is off the main thoroughfare of Pea Ridge Rd.

The applicant states there are no plans to bring sewer to this area where the soils are already compromised. The uses are limited to those that would not require sewer or septic. This facility will not need either or water services.

There were a couple of issues raised at the Technical Review meeting (TRC) that the applicant has been asked to address. One is the access to the stormwater detention

pond and the amount of impervious surface being proposed. Stormwater measures will be reviewed by the Environmental Quality Department and will review a revised plan showing the access to the pond. The property is located within a WSIV-Critical Area Watershed within the Jordan Lake Buffer rule area. The applicant is proposing 24% impervious surface which is the maximum allowed by ordinance. An as-built plan will be required at time of construction to ensure the 24% is not being exceeded. The applicant has been advised of this request and has agreed. This item has been conditioned below.

There is an outside storage area shown on the site plan for uncovered storage. The applicant states the access will be from within the facility. Planning staff has asked for a revised plan clearly marking the access area.

Item #4: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.

The facility will provide additional tax revenue to the county. The facility is a supporting use of the recreational activities in the county and does not damage the area rural attractiveness as could be seen with other commercial businesses that would have high volumes of traffic.

Planning staff recommends approval of the request with the following conditions: *Site Specific Conditions*

- 1. The recommendations of the Chatham County Appearance Commission shall be followed and amended as agreed. The applicant should ensure the maintenance and survival of all plantings which shall be installed at the next optimal planting season following the issuance of the building permit.
- 2. The applicant shall provide an "as-built" plan detailing all impervious surfaces areas in compliance with the Watershed Protection Ordinance not exceeding 24%.

Standard Site Conditions

- 3. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place. These include but are not limited to landscaping, lighting, signage, parking, building construction, etc.
- 4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Stormwater Management, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.

5. A Certificate of Occupancy shall be obtained within two years of the date of this approval unless other approval/s has been given for an extension, or this approval becomes null and void.

Standard Administrative Conditions:

- 6. Fees Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.
- Continued Validity The continued validity and effectiveness of this approval was
 expressly conditioned upon the continued compliance with the plans and
 conditions listed above.
- 8. Non-Severability If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
- 9. Non-Waiver Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

Mr. Walter Lewis, owner/applicant, was present for any questions.

Board discussion followed.

Motion to approve:

Mr. Grigg made a motion; seconded by Mr. Glendinning to recommend approving the rezoning request with the Site Specific Conditions, Standard Site Conditions, and Standard Administrative Conditions.

No further discussion and motion passed unanimously (9 members).

Consistency Statement:

It is the opinion of the Planning Board the request to rezone Parcel No. 74879 and Parcel No. 5131 from R-1 Residential to CD-NB is consistent with the adopted land use plans and regulations of the County, and therefore is approved as requested.

Motion to approve:

Mr. Ernst made a motion; seconded by Mr. Crawford to adopt the proposed Consistency Statement. No further discussion and motion passed unanimously (9 members).

IX. NEW BUSINESS:

No new business.

X. PLANNING DIRECTOR'S REPORTS:

- Minor Subdivisions / Exempt Maps Mr. Sullivan stated spreadsheet was given in packet.
- Board of Commissioners Public Hearing March 17, 2014
- Mr. Sullivan providing information on the proposed rock quarry located south of the Town of Goldston. General board discussion.

XI. BOARD MEMBER ITEMS:

1. Consideration of approval of the Planning Board annual report. - A minor correction was needed.

Motion to approve:

Mr. Ernst made a motion; seconded by Mr. Glendinning to approve the annual report with the minor correction. No further discussion and motion passed unanimously (9 members).

2. Planning Board training

Ms. Pace conducted training on Module 1 Working Together from the North Carolina Chapter of the American Planning Association Citizen Planner Training Program. Topics discussed:

- Purpose of the Planning Board
- Advocating for general public interest
- Making recommendations as a Planning Board to elected officials.
- Plans/Policies
- Training opportunities from outside sources
- · Conflict of interest overview
- Planning Board member's role at public hearings
- 3. Board discussion about sub-committee meeting again.

XII. ADJOURMENT:

There being no further business, the meeting adjourned at 8:14 p.n	Th	nere b	eina no	further	business.	the	meeting	ad	iourned	at	8:14	n.d
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	B.J. Copeland	, Chair	Date
Attest:	/		
Kimberly Tyson, C	lerk to the Board	Date	