

CHATHAM COUNTY PLANNING BOARD
MINUTES
April 5, 2005

The Chatham County Planning Board met in regular session on the above date in the multipurpose room of Central Carolina Community College, 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
Angela Brown
Clyde Harris
Mark McBee
Winifred Smith
Chris Walker

Absent:

Caroline Siverson
Cecil Wilson

Planning Department:

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

6:30 P.M. Meeting of the Public Information Committee and other interested Planning Board members and citizens.

- I. CALL TO ORDER – Chair: Chairman Eliason called the meeting to order at 7:05 p.m.
- II. APPROVAL OF AGENDA: Mr. Austin made a motion; seconded by Ms. Andrews to approve the agenda as submitted. The motion passed unanimously.
- III. CONSENT AGENDA: Mr. Austin made a motion; seconded by Ms. Andrews to approve the consent agenda as submitted with staff recommendations (items A., B., and C. listed below). The motion passed unanimously.
 - A. Minutes:
Consideration of approval of minutes for March 1, 2005 Planning Board meeting.
 - B. Preliminary and Final Plat Review:
Request by John M. Stone for subdivision preliminary and final approval of “**Survey for John M. Stone and Mary A. McQuiston**”, consisting of two (2) lots on approximately 15 acres, located off S.R. 1941 [Seaforth Road], in New Hope Township.

- C. Final Plat Review:
Request by MAC Development, LLC, for subdivision final approval of “**Cedar Grove, Phase II**”, consisting of eight (8) lots (lots 6 – 13), on approximately 23 acres, located off S.R. 1540 [Jones Ferry Road], in Baldwin Township.

End Consent Agenda

Ms. Brown arrived at this time.

IV. SKETCH DESIGN REVIEW:

- A. Request by Trenton Stewart on behalf of Brantley Powell for subdivision sketch design approval of “**Bland Tract Subdivision**”, consisting of 60 lots on approximately 113 acres, located off U.S. Hwy. 15-501 N., in Williams Township.

Ms. Richardson reviewed the agenda notes for this request.

No adjacent property owners spoke.

Discussion among the Board followed. Mr. Austin referenced the soil/site evaluation (i.e. letter dated January 25, 2005 from Soil & Environmental Consultants, PA, (S&EC) included in tonight’s agenda packets) regarding conditions existing on a majority of the site that did not allow S&EC to evaluate the entire site. Mr. Austin asked if the developer had any comments relative to buffers for any additional streams other than the one noted. Chairman Eliason asked what the note meant that states, “soil areas are estimated based on topography”.

Trenton Stewart, engineer with Arcadia Consulting Engineers, PLLC, was present representing the applicant. Mr. Stewart stated that approximately ten acres on the southeast portion of the property could not be evaluated because of the undergrowth and thickness (of “cut over” vegetation); that to facilitate some layouts the developer had to estimate the type of soils based on the surrounding soils and the topo; that plans are (after Board approval of sketch design) to have access provided on the detailed soils evaluation at preliminary plat submittal; that the developer has been waiting until sketch approval in order to know where the road is going to cross the stream for access; and that the developer would later address any other ephemeral or wet weather streams if found.

There was no further discussion. Ms. Andrews made a motion; seconded by Mr. Austin to grant sketch design approval of the subdivision as submitted. The motion passed unanimously.

- B. Request by J & B Partners, LLC, for subdivision sketch design approval of “**Bingham Ridge**”, consisting of 24 lots on approximately 97 acres, located off S.R. 1536 [Lamont Norwood Road], in Baldwin Township.

Ms. Richardson reviewed the agenda notes for this request.

The following adjacent landowners spoke: Robert Harris, Thomas Wagner, Tandy Jones, and Brad Heinz. Some of the concerns voiced were: well contamination (i.e. number of wells proposed), septic areas, density, traffic, history of difficult perk sites in the proposed area, and questions related to soils work.

Discussion followed. Mr. Austin explained the major subdivision process, i.e. sketch, preliminary, and final approvals. Chairman Eliason noted the permitting process of the health department. Ms. Richardson stated that the health department has verified that there are adequate soils but that more permitting details would be provided at preliminary plat review.

Doris Harris, adjacent property owner, stated that a realtor investigated the possibility of subdividing her ten-acre parcel and was told that a 5-acre minimum was required per lot. Ms. Richardson stated that the minimum lot information is not correct and that she would be glad to pull the various maps and discuss the use of Ms. Harris' land in the Planning Office.

The Board discussed groundwater.

Bob Hartford, was present representing J & B Partners, LLC. Mr. Hartford stated when he and his partner (Jim Hall) began looking at the proposed property they were told that there had been 9 or 10 general soils areas evaluated (some substantial period of time in the past); that the developers had S&EC do an evaluation; that S&EC has evaluated the soils for conventional systems only; that S&EC drilled between 400-500 holes in the property and identified tremendous areas of unsuitable soils; that areas of extremely suitable soils were found; that they have done test soils analysis and layouts of every single system on the property (with elevation study and contour lines being flagged with a different color flag); and that a primary and repair area is designated for every lot. Mr. Hartford noted that 24 active solar hybrid homes are planned for the development. He stated that when the power goes off that these houses will have their own power for five (5) days.

Mr. McBee made a motion; seconded by Ms. Andrews to approve sketch design as submitted, based on staff recommendations, contingent on the health department's reports. Discussion followed. Chairman Eliason stated that he supports the motion but thinks the developer could be more efficient with the layout relative to the soils found and be more sensitive to the neighbors (less perk sights). Mr. McBee agreed and Chairman Eliason stated the condition as follows:

- That the developer come back to the Planning Board with a more efficient layout plan of the perk sites for lots 17 – 24 and adjacent to the Thomas M. Harriss and Robert & Doris Harriss properties (specifically in relation to the Thomas Harriss property and well location).

Mr. McBee amended his motion, seconded by Ms. Andrews, to include the condition as stated above. The motion passed unanimously.

V. ZONING AND ORDINANCE AMENDMENTS: *Items from March 21, 2005*
Public Hearing

A. Request by George Farrell, Jr. on behalf of Kunal Enterprises LLC for a revision to an existing Conditional Use Permit (previously Andy Carlson/Handy Andy), parcel #70029, to retain the existing approved uses and add the following:

- Boat, trailer and other utility vehicle sales to include camper and RV rental and sales and services including boat, RV, camper and other vehicle storage
- Bait and tackle shop
- Sporting goods sales and Camping supplies
- Self Storage/mini warehouse storage facility with related retail and services (i.e. moving truck rentals)
- Vehicle and boat wash
- Rental equipment company
- Office – business, professional and governmental

On two (2) acres, located at the intersection of SR-1744, Bob Horton Road, and Hwy 64 E, New Hope Township and for review of a revised site plan for the overall project.

Ms. Richardson reviewed the agenda notes for this request. She stated that the Planning Board recently reviewed another site plan submitted by Mr. Farrell on the adjacent property; that this site plan has changed slightly; that the area initially planned for the boat and RV storage has been moved to another location due to soil compactions; and that the Chatham County Appearance Commission has indicated that they would like for the issue to be tabled for one month to allow additional time to review Mr. Farrell's revisions, i.e. signage and lighting plans. Ms. Richardson stated that staff recommends adding a condition (#7) as following:

- Lighting, except for security lighting, shall be timed to go off ½ hour after normal business hours and go on no more than ½ hour before normal business hours. All lighting must conform to the draft Chatham County Lighting Ordinance.

Discussion followed. Ms. Brown stated that she recalled that during previous discussions of this property the Board had requested that certain things be placed in the back of the property for appearance purposes. Mr. McBee recalled that there was also a question of right-of way. Ms. Richardson stated that Ms. Fish was present and could address the right-of-way concern. Ms. Richardson noted that the developer would be utilizing the existing driveway entrance to the Carlson property from Hwy. 64 and not the entrance previously shown on the site plan dated December 9, 2004. She stated that the developer would continue to

use the driveway entrance off Bob Horton Road (SR 1747). Ms. Brown reiterated that there was previous discussion of what uses were allowed up front on this property because of Hwy. 64 and the property across the street. Mr. Austin recalled that the Board had difficulty approving a site plan since Mr. Farrell only envisioned where he planned to put various things. Chairman Eliason stated that a main focus that Ms. Brown is recalling is that the Board was very concerned with approving the project without benefit of site plan and that the Planning Board was trying to get a handle on what the uses might be along Hwy. 64. Chairman Eliason recalled that the Board was mainly concerned with "open air sales" as a proposed usage.

Jean Fish, adjacent landowner, stated that she is satisfied with the proposed plans; that she is still concerned about the muddy pond on her property; and that the State continues to monitor the pond.

Mr. Austin made a motion to table the issue until next month's Planning Board meeting per staff recommendations awaiting final approval from the Appearance Commission on the signage and lighting. The motion was not seconded. Discussion followed regarding the need for Mr. Farrell to provide additional plan layout information. It was noted that the Board understands that Mr. Farrell needs to have all the active sales up front and that inactive sales/services be moved to the back of the property, i.e. boat sales and services.

George Farrell, applicant, was present. Mr. Farrell stated that he has tried to balance the uses of the property; that county water is being extended to Bob Horton Road; that there are sewerage limitations on the property to support a lot of business; and that he would probably be back in the future with a totally different plan.

Discussion followed. Ms. Brown noted that the Appearance Commission has not reviewed these plans and that it seems everything that the Board has discussed relative to this request is null and void. Chairman Eliason noted that now that Mr. Farrell has acknowledged that he has future design plans it would be beneficial for Mr. Farrell to submit a conceptual plan. Ms. Richardson explained that Mr. Farrell would need to go back through the process for a revision to his permit to add restaurants and other uses not currently approved. Mr. Megginson stated that the process would allow Mr. Farrell to come back to the Planning Board once within twelve months after denial.

Mr. McBee made a motion; seconded by Ms. Andrews to table the request for one month to allow Mr. Farrell additional time to review his options. Discussion followed. It was noted that there was already a motion on the table made by Mr. Austin. Mr. McBee withdrew his motion. Mr. Austin restated his motion to table the issue until next month's Planning Board meeting (May 3, 2005) per staff recommendations awaiting final approval from the Appearance Commission on the signage and lighting. Mr. McBee seconded the motion and the motion passed unanimously.

- B. Request by Christopher M. Fortunes on behalf of Royce and Faye Webster for a B-1 Conditional Use District with a Conditional Use Permit for Landscape Business, Lawn and Garden Shop, and Florist Shop on approximately 3.8 acres, located off Hwy 64, New Hope Township

Ms. Richardson reviewed the agenda notes for this request.

The Board discussed lighting.

Tom Bennett, adjacent property owner, stated that he is part owner of Hines-Bennett Development Company that owns surrounding land on two sides of the proposed property; that his wife owns a horse farm facility; that his home is directly adjacent to this property; that he is currently adding two other home sites for residential use; that some of his major concerns are opaque fencing, lighting and disturbing the pastoral scene of the Chapel Ridge development; that currently there are twenty-six horses on the property; that the bulk of their facility is directly behind the proposal; that safety is a concern with the possibility of visitors wandering onto their property, i.e. fencing; that three (3) historic houses currently existing on the property will remain; and that a main concern is the division between the commercial development and the equestrian facility.

The Board discussed fencing and the possibility of the developer providing some sort of 4 – 5 foot fencing around the proposed property (on the three sides closest to the horse facility) and provide the reasonable opaque screening.

Christopher Fortunes, developer, was present. Mr. Fortunes stated that the opaque screening proposed for the back of the property is basically 6 – 7 foot Leland Cypress trees; that the Appearance Commission has suggested that he stagger the trees (i.e. 15 foot buffer required); that he thinks it might work better to keep the trees in a line for more security reasons; that Mr. Bennett's fencing on the back side (north side) of the property also protects his land from deer; and that he proposes to add fencing (keeping with the same design of Mr. Bennett's fencing) around the plant inventory area since he has concerns about small children wandering from that area down to the existing pond. Regarding lighting concerns, Mr. Fortunes stated that the security light in the back of the property is designed to face the front of the proposed facility; that landscape lighting is proposed for the front of the building (15 watts, low voltage); and that he would like to keep the low voltage landscape lighting on at night for security purposes.

Mr. Austin made a motion; seconded by Ms. Andrews, to approve the request based on staff recommendations with two (2) additional conditions regarding, 1.) utilizing county water, and 2.) that the developer continues to work with Mr. Bennett making sure that they envision the same thing – add fencing from west side of plant inventory beds along the north. The Board discussed lighting. Mr. Austin amended his motion to add a third component of his recommendation to revise staff condition #2 to allow for a low level voltage [15 watts] accent lighting to remain on throughout the night. Ms. Andrews seconded the motion and the

motion passed unanimously. Conditions recommended are listed as follows: i.e. conditions 1-6 recommended by staff (note, #2 revised as noted above); conditions 7 & 8 recommended by Planning Board.

1. Landscaping shall be as shown on the site map entitled "Evergreen Companies, Inc" and as required by the Chatham County Appearance Commission. All required landscaping shall be installed prior to the certificate of occupancy being issued for the structure.
2. There shall be one security pole light, height of pole not to exceed eighteen feet, shielded to prevent direct skyward glare or spillage onto adjacent properties, located at the rear of the building in the employee parking/equipment storage area. Low voltage landscape lighting (15 watts) may be installed around the building to highlight landscapes and plant materials. Lighting, except for security lighting and low voltage (15 watts), shall be timed to go off 1/2 hour after normal business hours and go on no more than 1/2 hour before normal business hours. All lighting must conform to the draft Chatham County Lighting Ordinance.
3. A 4 foot x 8 foot monument style sign with low-voltage (15 watts) shall be located in front of the structure.
4. A building permit shall be obtained within 12 months of the date of approval by the Board of County Commissioners and remain valid at all times or the conditional use permit becomes null and void.
5. The amount of impervious surface area coverage shall be verified by a licensed engineer prior to issuance of the certificate of occupancy.
6. Traffic generated to and from this property is that which is generally associated with retail business and employee parking and use for the purposes of job-site preparations. There will also be weekend traffic to satisfy the needs of the area and the growth of the business.
7. County water shall be utilized as per the Chatham County Water Connection Policy.
8. Fencing shall be installed on the west side of the structure to enclose the area shown on the site plan labeled as, "trees, plant inventory and display area". All required fencing shall be installed prior to the certificate of occupancy being issued for the structure.

At this time, Chairman Eliason called for a 5-minute break.

- C. Request by Jeff Hunter on behalf of Colvard Farms for a revision to the existing Conditional Use Permit for a Planned Unit Development for a cluster development to add approximately 14 acres of land that will consist of 14 lots, located off Hwy 751, Williams Township.

Ms. Richardson reviewed the agenda notes for this request.

Jeff Hunter, applicant, distributed a new site plan and explained the proposed project layout. Mr. Hunter stated that the plans provide a new gravel access road for the Linwood Hackney property.

Discussion among the Board followed regarding deeded access. Mr. Hunter stated that he would provide a deeded easement for the Hackney/Cates property.

Ms. Andrews made a motion to grant approval of the request to modify the existing Conditional Use Permit for a Planned Unit Development for a cluster development to add approximately 14 acres of land and approval of the subdivision sketch design consisting of 14 lots with the following condition:

- Colvard Farms Development Company shall provide a 30-foot wide perpetual deeded access easement from the Hackney/Cates property, parcel #19671, to the Colvard Farms Road.

Discussion followed regarding the existing cemetery on the property. Mr. Hunter stated that the cemetery has been abandoned for over thirty years and that plans are to eventually deed this area over to the Homeowners Association and incorporate as common area.

Mr. Harris seconded the motion stated above by Ms. Andrews. The motion passed unanimously.

D. Request by Gray Styers, Jr. on behalf of Cingular Wireless to locate communication towers and co-locations within Chatham County for the 2005 tower plan.

Mr. Megginson reviewed the agenda notes for this request. He used the "2005 Proposed Cell Tower Sites Plan" (map included in tonight's agenda packets) to point out the areas for the three (3) towers and one (1) co-location requested by Cingular Wireless. Mr. Megginson stated that staff recommends that the proposed 175 feet tower [368-386] be increased to 199 feet since the ordinance recommends that towers be of the maximum height to facilitate co-location; that Dave LeGrys (previous Planning Board Chairman who authored the county tower ordinance) has stated that it is his opinion that the proposed towers and co-location are justified; and that staff recommends approval of the request as submitted with an increase in height of tower 368-386 to 199 feet unless there is some physical or radio frequency reason that it should not be increased to this height.

Karen Prather, who is with the law office of Blanchard, Jenkins, Miller, Lewis, & Styers, P.A., was present representing the applicant. (Note: Gray Styers, Jr. was unable to attend tonight's meeting.) Ms. Prather stated that due to time limitations she would not make the presentation that she had prepared; that

regarding the height of tower 368-386, Cingular usually chooses the highest height possible for the best coverage; that she had not seen the recommendation before tonight; that she was not able to find out the justification of having a lower height; that she spoke earlier with Mr. Megginson about the possibility of the Board approving the plan as submitted with a consideration of a height less than 199 feet (such as the proposed 175 feet) if there is a justification for the lower height.

Ms. Andrews made a motion; seconded by Mr. McBee that the Cingular Wireless request for three additional towers and one co-location be approved as submitted with an increase in height of tower 368-386 to 199 feet, unless Cingular Wireless provides information justifying a lesser height of 175 feet. The motion passed unanimously.

E. Request by Chatham County to locate one (1) communication tower in the Harpers Crossroads area for the 2005 tower plan.

Mr. Megginson reviewed the agenda notes for this request. He stated that the reason for the proposed tower is for emergency purposes; that the ordinance does not allow 300-foot towers or guy wire towers; that an ordinance amendment would be necessary to approve the request; that guy wire towers are less expensive but are not easily modified to accommodate additional antennas; and that lattice or monopole towers are more structurally sound and can accommodate changes for co-locations.

The Board discussed the need for a tower in the Harpers Crossroads area. Mr. McBee stated that emergency communications are critical in this area and that he would like to move this request forward. Mr. McBee made a motion to approve the request for a 300 foot height tower as requested with the condition that the county try to facilitate a different type structure/cost; and that this approval is just for a county owned tower. The motion was not seconded.

Discussion followed. Mr. Walker stated that he thought the Board should follow the recommendation of staff and table the request to allow time for more information (i.e. proposed and possible). Mr. Megginson noted that the Board would see the request again with specifics. Mr. McBee restated his motion that the request be sent to the Commissioners with a favorable recommendation due to the lack of service, specifically emergency communications, in the southwest portion of the county; that the ordinance be amended to allow towers up to 300 feet when needed to provide service; and that the county investigate partnering with private service providers to arrange for a lattice or monopole type tower. The motion passed 7-1 with all Board members present voting in favor of the motion except for Mr. Walker who voted against the motion.

VI. NEW BUSINESS:

A. Planning Director's Report

1. *Discussion of procedures for submission of minority reports*

(continued from March Planning Board meeting)

It was the consensus of the Board to discuss this issue at a later date (possibly during next month's Planning Board meeting) since Cecil Wilson was unable to attend tonight's meeting and Mr. Wilson has expressed concern regarding this topic.

2. Request for Board Comments of model Erosion Control Ordinance

Mr. Megginson referenced the model ordinance for sedimentation and erosion control included in tonight's agenda packets. He stated that the county is looking to hire someone to do this locally; that in order to receive grant funding (for FY 06) we must have an ordinance in place by April 1; and that Board members are asked to review the ordinance and E-mail comments to Mr. Megginson as soon as possible. Mr. Megginson noted that the county would like all revisions made by July 1st for public hearing process.

B. Planning Board Member's Reports

1. Watershed concerns (continued from March Planning Board meeting)

Mr. Megginson stated that during the discussion of RV parks and campgrounds at last month's Planning Board meeting Ms. Smith expressed some watershed concerns and asked that this issue be on tonight's agenda. Ms. Smith suggested that setbacks from all creeks and streams be increased from 100 feet to 200 feet. She encouraged Board members to visit the Moncure area and assess the creeks and streams affected from the areas industrial neighbors.

Mr. Megginson stated that the Commissioners are not finished with the requirements for stream buffers, i.e. "Draft Recommendations for Changes to Chatham County Watershed Ordinance Requirement for Stream Buffers (11/04/02); and that there is a continued concern to review buffers.

C. Public Input Session

Mr. Megginson referenced the Chatham County Planning Board Rules of Procedure that states, "The Planning Board should appoint a Public Information Committee to inform the public of decisions and actions of the Planning Board and the Planning Department. The committee should consist of the chairman and vice-chairman of the Planning Board". He stated that it has been mentioned that this is really not what is happening with the public input sessions (currently held thirty minutes prior to the Planning Board meeting); that it is not so much the Planning Board informing the public but rather the public informing the Board; that it is somewhat questionable if this is the best method to accomplish what the Public Information Committee is doing; that since Jason Sullivan has been with the Planning Department he has designed a new department web site; that Board members are encouraged to review the site and submit their comments and/or suggestions; and that the new site is more "user friendly" and more comprehensive in informing the public about what is happening, i.e. developments & etc..

Discussion among the Board followed. Mr. McBee stated that during the public input sessions citizens would talk about a specific project; that staff would not be

present to answer questions or record the session; that all Planning Board members would not be present; that representation from the other side of the argument was not present to defend their point of view; and that input seemed to be one-sided. Mr. McBee suggested that, if there is some public input regarding a decision made or something a citizen feels needs to be done, an information session be scheduled with the chair, vice-chair and Planning Board to entertain questions; and that the job of the Public Information Committee is to communicate why and how things are done and not to address upcoming projects. Chairman Eliason stated that his interpretation of the Public Information Committee would be (for example) to have a sub-committee to meet on specific dates for various purposes, i.e. interpretation of soil and erosion control, amendments to the Watershed Ordinance. Ms. Brown asked if the Planning Department could incorporate a "status request area" on the web site to allow the public to submit questions that they would like answered. Ms. Brown was concerned that some citizens do not understand the process and suggested that we try and make things simple and more understandable. Mr. Megginson stated that the new web site has a section for "frequently asked questions". It was the consensus of the Board that the Planning Department website is a good (major) tool for the public to use and that any future public input sessions would be called (by the chair or vice-chair) as needed to supplement something not posted on the web site.

Jeffrey Starkweather, attorney, stated that Chatham County citizens have concerns and that the Planning Board needs to utilize this tool (public input session).

Mr. Austin stated that this issue is about the Public Information Committee and its purpose and intent as it is written in "An Ordinance to Establish a Planning Board".

Loyse Hurley, member of the Chatham Citizens for Effective Communities, Inc. [CCEC], stated that the citizen input session meetings are beneficial to the public; that the 6:30 p.m. – 7:00 p.m. block timing has been helpful in many ways; that citizens have been able to ask questions about future happenings with ordinances and etc, and to ask questions regarding the process, i.e. how does this work, when is it going to be done; and that these meetings have not been intended as a legal responsibility.

Chairman Eliason stated that now that the new web site is available to the public the Board could more formalize and set requirements and limits on the public input session to make that time more valuable if we choose to continue it.

Jeffrey Starkweather stated that half of the county citizens do not have access to the web site and he was concerned about how those citizens would get the various materials.

Discussion followed. It was noted that material is available in the Planning Department and that the public can access the web site by using computers at various public libraries.

VII. ADJOURNMENT: There being no further business, Mr. McBee made a motion; seconded by Ms. Smith to adjourn the meeting. The motion passed unanimously and the meeting adjourned at 9:45 P.M.

Charles Eliason, Chair

Date

Attest:

Kay Everage, Secretary to the Board

Date