

CHATHAM COUNTY PLANNING BOARD
MINUTES
January 3, 2006

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
Mark McBee
Chris Walker

Absent:

Angela Brown
Martin Mason
Winifred Smith
Cecil Wilson

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 7:15 p.m. and extended a welcome and a “Happy New Year” to everyone.
- II. APPROVAL OF AGENDA: Ms. Andrews made a motion; seconded by Mr. Austin to approve tonight’s agenda as submitted. The motion passed unanimously.
- III. CONSENT AGENDA: Ms. Andrews recused herself from the consent agenda (i.e. Item B. 2.). Mr. Austin made a motion; seconded by Mr. Walker to approve the consent agenda as submitted. The motion passed 5-0-1 with Austin, Walker, Eliason, Harris and McBee voting in favor of the motion; and Andrews abstaining.
 - A. Minutes:
Consideration of approval of minutes for December 6, 2005 Planning Board meeting.
 - B. Final Plat Approval:
 1. Request by J & B Partners, LLC for subdivision final plat approval of Bingham Ridge, consisting of 24 lots on 97 acres, located off S.R. 1536, Lamont Norwood Road, and Baldwin Township.
 2. Request by P K Chatham for subdivision final plat approval of Cattail Creek, Phase 2, Lots 14 – 18, consisting of 5 lots, on 11 acres, located off SR-1506, White Smith Road, and Hadley Township.
 3. Request by Dan Sears on behalf of Galloway Ridge, Inc. for subdivision final plat approval of Galloway Ridge, Inc, consisting of one (1) lot on 50 acres, located off US 15-501 N, and Williams Township.

C. Sketch Design:

1. Request by Glenn M. Phillips, P. E., Ballentine Associates, P. A. on behalf of James E. Dixon for subdivision sketch design approval of "Dixon Property", consisting of 28 lots on approximately 83 acres, located off S. R. 1532, Mann's Chapel Road, and Baldwin Township.

D. Zoning and Ordinance Amendments:

Item from July 18, 2005 Public Hearing:

1. 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., and 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.

There were no requests to speak at this time.

V. SKETCH DESIGN APPROVAL:

- A. Request by Windjam 23, LLC for subdivision sketch design approval of The Hamptons, consisting of 89 lots on 183 acres, located off S. R. 1700, Mt Gilead Church Road, and Baldwin Township.

Ms. Richardson reviewed the agenda notes for this subdivision request. She stated that staff has received individual septic improvement permits from the Environmental Health Department for the first 16 lots in this phase; that a copy of the soil scientist report for the balance of the property is included in tonight's agenda packets; and that a development time schedule has been furnished to staff that exempts the proposed subdivision from the six (6) month time limit between sketch design and preliminary design approval.

Jerome King, adjacent property owner (3218 Mt. Gilead Church Road), asked if the Planning Board conducted a study to show that there are adequate public facilities to support this proposal relative to schools, fire department's, and etc.

Brad Hart, engineer with Withers & Ravenel, Inc., was present representing the applicant. Mr. Hart stated that a public facilities analysis has not been done; that it is presumed that these type issues are generated from staff review in terms of the types of developments that can be supported; and that the applicant is participating in a study with Chatham County Utility Department analyzing water pressure and availability.

Chairman Eliason asked if an economic impact analysis would be required since the development is greater than 60 lots. Mr. Megginson stated that it would be up to the discretion of the Planning Board to require an economic impact analysis; that Chatham County recently increased the educational impact fees (from \$1500 to \$2900); that the closest fire station to this development is across from the Fearington development; and that plans for schools in this area

include a new County public school and a relocation of the Woods Charter School to the Briar Chapel community.

Mr. Hart stated that Will Baker, Chatham County Utilities Director, has reviewed and approved proposed utility plans.

Discussion among the Board followed. Mr. Austin inquired if it was the intent of the applicant to provide a traffic analysis relative to the impact of Mt. Gilead Church Road.

Mr. Hart stated that it is not the intent of the developer to provide a traffic analysis report but that one would be submitted if required by the Board; that it has been his observation that Mt. Gilead Church Road does not appear to be heavily traveled; that he is aware of other future developments in this area; and that plans for turning lanes would be submitted for permitting to the Department of Transportation if warranted.

Motion / Seconded:

Mr. Austin made a motion; seconded by Ms. Andrews, to approve the sketch design for "The Hamptons" as directed by staff (with staff recommendations as noted in tonight's agenda notes), and to include one additional condition (condition #3) that states:

- prior to preliminary/final approval the applicant is to provide a traffic analysis done on the site in coordination with the Department of Transportation (i.e. any requirements for driveway permits, setbacks, line of sight, etc.).

Discussion on the motion followed. Mr. Hart asked for clarification of condition #3 noted above. Mr. Austin stated that his expectation is that a TIA consultant is hired; that the consultant would generate a report of the findings and recommendations; that the Department of Transportation guidelines are applied to the project; and that the final report is reviewed by the Planning Department during preliminary or final submittal stage. It was the consensus of the Board that the developer takes into account all currently approved and active developments along Mt. Gilead Church Road and Bynum Ridge Road, and etc. Mr. Austin added that the traffic analysis report should be submitted for Planning Board review prior to preliminary plat review.

Jerome King stated that traffic volume along Mt. Gilead Church Road is extremely high. He restated his concern for an adequate public facilities study that would support this proposal.

An adjacent landowner (who did not state his name) stated that his property is south of the proposed development. He voiced concern regarding well contamination. Chairman Eliason stated that it is required that septic fields are a minimum of 100 feet away from wells. Mr. Hart stated that the developer would not have a problem accommodating the County's Environmental Health Department requirements.

Vote on Motion:

The motion passed unanimously. (6 Board members)

Note: The three (3) conditions are as follows:

1. The preliminary plat shall be revised to include the following:
 - Dedication of public right-of-way and utilities to the Warren and Wayne Strowd property.
 - Temporary turn-around at the road stubs to the Strowd property and Chatham Land and Timber property.
 - Public utility easement(s) between Phase 2 & 3.
 - Useable area for Lots 21 – 24.
 - Lot areas.
 - Water Hazard note.
2. The developer shall evaluate the possibility of providing pedestrian access between Phases 2 and 3 and if found feasible, show on the preliminary plat.
3. The developer shall have a traffic analysis performed to include existing and proposed developments with recommendations of said analysis incorporated in the preliminary design.

VI. **ZONING AND ORDINANCE AMENDMENTS:**

Item from September 19, 2005 Public Hearing:

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

Mr. Megginson reviewed the agenda notes for this request. He stated that this issue was tabled during last month's Planning Board meeting to allow the developer additional time to address the following issues:

- Appearance Commission requested to review the revised plan,
- Planning Department concerns regarding driveway locations along 15-501,
- additional soils information, and
- relocation of wastewater treatment plant.

Mr. Megginson stated that the developer has addressed all of the above issues. He used the revised plat map to show the proposed entrances (onto 15-501 and S.R. 1721-Lystra Rd.). Mr. Megginson stated that staff has recommended eleven (11) conditions as noted in tonight's agenda notes and that some of the concerns mentioned in said conditions are as follows:

- alignment of roads,
- watershed protection plans,
- storm water management plan, and
- easements, and etc.

Mr. Megginson stated that since this request is for both a conditional use permit and a conditional use zoning there is a legislative change of the property from

the existing RA-40 zoning to a conditional use B-1 business district and a conditional use permit for a planned unit development; that there is also a conditional use permit that is tied to the specific plan for the business area; that the five required findings need to be met; and that under the conditional use permit the Board needs to address said findings in the recommendations to the Commissioners (i.e. whether or not zoning changes are consistent with the objective of the Land Development Plan). Mr. Megginson noted that the developer has listed several pages addressing the five required findings (beginning Section 8.1 in their application booklet).

No adjoining property owners requested to speak.

Travis Blake, applicant, was present. Mr. Blake stated that several adjoining property owners have sent E-mails in support of the project; that this project was conceived for a number of businesses in the area that were running out of room; and that the major focus of the property is to have facilities that would pull from Chapel Hill rather than servicing the residential segment. Mr. Blake referenced the proposed entrance changes (as explained by Mr. Megginson above). He stated that another highlight of the development is an environmental project for having cellular evaporative cooling.

Discussion among the Board followed. Some specifics discussed were as follows:

- revised entrances onto US15-501 and Lystra Road and specifically the proposed Polks Landing Road relocation on the west side of US 15-501
- adjacent development (Bland tract)
- any plans for a holding pond for waste water

Richard Adams, engineer with Kimley-Horn and Associates, Inc., was present representing the applicant. Mr. Adams addressed proposed entrances and relocation of Polks Landing Road. He noted that because the Polks Landing Road proposal involves a new median opening the project is a decision of the Department of Transportation.

Ms. Richardson noted that the adjacent Bland tract has received sketch design approval (60 lots / 113 acres) from the Planning Board and Commissioners.

Mr. Blake stated that the proposed treatment plant would first pump to a tank; that said tank would remain full and used for evaporative cooling; that from there it would go through some landscape features, i.e. water falls, wetlands & etc.; that at the bottom of this it would be pumped over to a holding area; that from there it would be used for various landscaping, wetting and any needs elsewhere; that the pond capacity is planned for 1-1/4 acres and a 180 day retention (that does not include the evaporative cooling into the formula); and that a UV sterilization procedure would be used.

Board discussion followed. Chairman Eliason asked if staff had any other considerations now that the entrances to the development have been realigned. Mr. Megginson stated that the applicant has expressed the need for the facility and the different types of uses planned (including the medical facility needing to expand and relocate from their existing site); that staff's initial concern was how

the commercial aspect of the Briar Chapel development (that is not yet built) relates to this proposal; and that the applicant has addressed present needs of existing businesses as well as current existing needs. Mr. Blake noted that 75% of the proposed development is already committed. Ms. Andrews asked if the proposed wastewater treatment membrane system could be built as planned. Mr. Megginson stated that he has talked with representatives with the State; that this membrane plant is a type of system that the State permits; that with the soils information it appears that there are adequate soils to handle this system even without the evaporative cooling system in place; and that this would be similar to other large systems (i.e. Briar Chapel spray irrigation system or the in-ground system at the Harris Teeter shopping center). Mr. Megginson noted that if the State permits the system and problems exist, then the State could ask stores to be closed.

Mr. Walker made a motion; seconded by Mr. Austin to grant approval of the request to rezone approximately 55 acres from RA-40 to a Conditional Use B-1 Business District and approval of a Conditional Use Permit for various retail and medical office uses (as listed in the application booklet, beginning on page 32) and recommends granting approval of a Conditional Use Permit for a Planned Unit Development and Daycare Facility within the existing RA-40 district on approximately 44 acres based on meeting the five findings, consistency with the comprehensive plan, and reasonableness, and public interest furthered as discussed in Section 8 of the application with the following eleven (11) conditions:

1. A revised site plan shall be furnished to staff prior to issuance of the first building permit to include the following:
 - All landscaping details (i.e. types, sizes, and spacing of plantings) as required by the Chatham County Appearance Commission regarding perimeter landscaping and parking lot landscaping,
 - Location and size of approved signage with lighting specifications,
 - A lighting plan with detailed specifications for each phase or stage (i.e. location, foot-candles, etc) as required by the draft Chatham County Lighting Ordinances shall be provided prior to issuance of a building permit for said phase.
 - Setbacks of structures
2. All required perimeter screening and buffers shall be installed prior to issuance of a certificate of occupancy for the first structure or at the first optimal planting season following issuance of the certificate of occupancy. Vegetation internal to the property shall be installed prior to the issuance of the certificate of occupancy for the first structure within each phase or during the first optimal planting season following issuance of the certificate of occupancy. The vegetation / landscaping shall be kept in good condition and replaced if necessary at the next optimal planting season. If the existing vegetation shown on the plan is disturbed or does not provide screening as addressed in the Chatham County Design Guidelines then vegetation shall be installed to meet said Guidelines prior to the certificate of occupancy for the applicable phase.
3. Entrance locations, three (3) proposed driveway entrances onto 15-501 and the two (2) entrances on SR-1731, Lystra Road, shall be as shown on the site plan dated 11/28/05 (entrance locations shall also be shown on the revised

site plan required in item # 1 above). The current main entrance into the development, across from Polks Landing Road, shall be designed as a NCDOT full movement entrance. The middle entrance shall be designed as a future full movement access, currently designed and used as a right-in / right-out only, and be located such that if Polks Landing Road is relocated to the North in the future, the location would be suitable for an additional traffic signal. If said relocation occurs, the entrance across from existing Polks Landing Road shall become right-in/right-out only.

4. A watershed protection plan for the entire project area shall be furnished to staff prior to issuance of the building permit and shall include impervious surface calculations. Prior to issuance of a Certificate of Occupancy for the first structure and each subsequent structure, the developer shall submit evidence satisfactory to the Planning Department of compliance with the approved plan, which does not exceed 24%.
5. A storm water management plan as described in detail in the development application sufficient to control and treat the one year 24 hour storm for the entire project area shall be approved by the Planning Department prior to issuance of a building permit. The developer shall construct and provide an engineer's verification of construction of storm water management control measures sufficient to serve the applicable project area prior to issuance of a Certificate of Occupancy for the first structure within the project area or stage.
6. Easement documents as required by the County for any public utilities used or furnished to the project area shall be recorded prior to issuance of a building permit.
7. All required local, State or Federal permits (i.e. NCDOT commercial driveway permits, NCDWQ Authorization to Construct Water Lines, NCDWQ Sewer Treatment Plant, and Erosion Control Permit) or encroachment agreements shall be obtained and copies submitted to the County prior to the issuance of a building permit.
8. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to the County.
9. Parking and off-street loading areas shall be installed in accordance with the ordinances and policies of the County.
10. Construction Deadline. This conditional use permit shall automatically expire on the second anniversary of its issuance unless construction has commenced after issuance of the zoning determination and building permits.
11. Setbacks of structures shall be as shown on the site plan dated 11/28/05 and at a minimum meet the B-1 Business District setbacks for area zoned B-1 Conditional Use Business and the area zoned RA-40 with Conditional Use Permit shall at a minimum meet the RA-40 setbacks.

Mr. Walker noted that part of his motion includes that the Planning Board thinks that the developer has met the five (5) required findings. The motion passed 5-1 with Walker, Austin, Eliason, Harris and McBee voting in favor of the motion; and Andrews voting against.

Items from November 21, 2005 Public Hearing

- B. Request to consider proposed text amendments to the Watershed Protection Ordinance to include the 10/70 provisions in the WS-IV Protected Area.

Mr. Megginson stated that the Board of Commissioners are holding their annual retreat (now called "summit" meetings); that this is one of the items that was addressed today; that the Commissioners have basically said that they are not interested in having the 10/70 provisions in our regulations except for governmental purposes; that staff's recommendations last month (i.e. December 6, 2005 Planning Board meeting) was that the ordinance amendment be revised to a 5/70 option in the zoned portions of the WS-IV-PA; that it is only available for governmental purposes; and that the allowable acreage is calculated using only the land within the zoned portion of the WS-IV-PA. Mr. Megginson noted that the Commissioners are interested in pursuing the 5/70 and/or 10/70 provisions if the Planning Board could address UNC's parking facility (but that other than this they are not interested). Mr. Walker asked if there is currently any alternative to address UNC (with the amount of property they own or have option on) with the number of parking spaces that they want. Mr. Megginson explained that the State changing their rules on what they consider to be impervious surface would be an option. Mr. Megginson noted that the County's solid waste recycling center at Cole Park Plaza would also be affected.

Discussion followed. It was the consensus of the Board that provisions should not be directed to governmental purposes only. Ms. Andrews stated that the State would eventually change their regulations regarding impervious surface; that the proposed provisions would have been a very good idea for general planning; and that there has been a lack of understanding of the issue.

Mr. McBee made a motion; seconded by Ms. Andrews to table this issue indefinitely. There was no discussion on the motion and the motion passed unanimously. (6 Board members)

- C. Request to consider proposed text amendments to the Chatham County Zoning Ordinance to replace conditional use zoning with conditional zoning.

Mr. Megginson stated that the Commissioners also discussed this issue today during their summit meeting; that the Commissioners have acknowledged that they are not interested in changing from conditional use zoning to conditional zoning; but that the Commissioners have indicated that they are interested in having the community meeting since they liked that aspect presented in the overall conditional zoning proposal.

Discussion followed regarding the size and scope of the community meeting and what the meeting would involve, i.e. notice in local newspaper & etc.

Mr. McBee made a motion to table the proposed conditional use changes indefinitely. Discussion followed. Chairman Eliason stated that the Board could recommend that the changes not be made. Ms. Andrews made a motion; seconded by Mr. McBee to not replace our current zoning system with a conditional zoning system. There was no discussion on the motion and the

motion passed unanimously. (6 Board members)

Mr. Megginson noted some particulars regarding the current zoning process. He stated that Planning Board members need to be more diligent in the way the process is handled; that it is important for Board members to attend public hearings; and that questions of the Board should be asked during the public hearing since testimony is under oath.

Discussion followed regarding the function of the Planning Board during public hearings. Chairman Eliason stated that Board members might want to open up opportunity in the public hearing agenda to query any speaker at the time the speaker is at the podium. He noted that when the Planning Board convenes under their Planning session, Board members deliberate on material received from the public hearing. Ms. Andrews encouraged Board members to attend public hearings and to also be prepared at that time. She stated that it would be helpful if Board members were furnished guidelines explaining what is quasi-judicial, what is legislative and etc. (to use as a cheat sheet) in order to be more diligent and understanding of the issue. Chairman Eliason noted that Board members need more distinction and definition of what the process is.

Mr. Walker noted that if there is a community meeting requirement the developer would propose a certain plan to the community that the Planning Board and Commissioners would not be part of; and that one advantage of the community meeting is that it allows additional time for preparation of comments and/or rebuttals before the public hearing. Chairman Eliason noted that at the community meeting the developers would hear the concerns of the citizens and hopefully respond to those concerns at the public hearing. Mr. Megginson referenced Section 5.8 of the proposed language that states that the developer would notify adjacent landowners of the community meeting two weeks prior to the meeting; that the community meeting would be held at least 30 days before the application submittal deadline; and that a written report of the community meeting would be included as part of the application packet.

Mr. McBee made a motion to adopt the proposed language in Section 5.8 "Required Community Meeting" and that said language is added to the existing Chatham County Zoning Ordinance. Discussion followed. Ms. Andrews noted that language in the first sentence of Section 5.8, "Required Community Meeting" should include the word **use** and read as follows:

"The applicant is required to hold a community meeting at least 30 days prior to the application deadline for a conditional **use** zoning district rezoning".

Mr. Megginson stated that there were some other changes that went to public hearing. He noted one change was that the applicant would provide digital copies of specific material.

Mr. Walker suggested that that a notice about the community meeting is posted on the proposed land and that the meeting be advertised in the local newspaper.

Mr. McBee restated his motion to adopt the proposed language in Section 5.8, "Required Community Meeting" with the change in the first sentence (i.e. addition of the word "use" as noted above). Ms. Andrews seconded the motion.

Discussion on the motion followed. Mr. Walker requested that Mr. McBee add to his motion to include that a public notice of the community meeting is placed in the local newspaper. Mr. McBee did not wish to change his motion at this time. The motion passed unanimously. (6 Board members)

Mr. Megginson reiterated that there were other changes that went to public hearing. He stated that language in Section 5.7 "Plans and other information to accompany application", gives the developer additional guidelines regarding what needs to be included in the information submitted to staff; that some language has been taken out (in another section) regarding conditional use permits for planned unit developments. Following discussion, it was the consensus of the Board that additional time is needed to review these proposed changes. Mr. Austin made a motion; seconded by Mr. McBee to table this issue until next month's Planning Board meeting (February 7, 2006) to allow additional time for staff to consolidate all the desired changes. Mr. Megginson stated that he would inform the Commissioners of the Planning Board's actions.

Robert Eby, 19 E. Madison, Pittsboro, NC, inquired as to how staff incorporates changes made by the developer after the public hearing (relative to the existing conditional use permit process). Mr. Megginson stated that the North Chatham Investments, Inc. application is an example; that Mr. Blake changed three of his initial entrances; that these changes were brought up at the public hearing; that our notice to the local newspaper states that "there may be revisions to the plan based on comments received at the public hearing"; that two specifics to consider are, 1.) significance of the changes, and 2.) impact on adjacent lands of the changes; and that another public hearing may be required.

Items for January 17, 2006 Public Hearing:

- D. Public Hearing to consider proposed amendments to the Chatham County Subdivision Regulations, Section 6.5 A.2.a. and b. concerning recreation fees.
- E. Public Hearing to consider proposed amendments to the Chatham County Mobile Home Ordinance, Section 6.4 a. and b. concerning recreation fees.
- F. Public Hearing request by George Farrell, Jr. on behalf of Kunal Enterprises, LLC for a revision to the existing Conditional Use B-1 Business District with Conditional Use Permit for various uses to add Mobile home sales and service specifically for Modular home sales and display, on 15 acres, located off U. S. Hwy 64 E, and New Hope Township.
- G. Public Hearing request by John W. Blair for a Conditional Use B-1 Business District with a Conditional Use Permit for - Self-storage facility/mini-warehouse storage facility with related retail and services (i.e. moving truck rental) and - Uses and structures customarily accessory to any permitted use - specifically for boat, recreational vehicle and other self-storage and an associated residential use, on 10.613 acres, located at the southeast intersection of SR-1700, Mt. Gilead Road, and S. R. 1714, Hatley Road, and New Hope Township.
- H. Public Hearing request by William R. Copeland for a Conditional Use B-1 Business District with a Conditional Use Permit for restricted B-1 Business

uses specifically all B-1 Business permitted uses except for the following: Amusement enterprises – Bus, passenger stations – Funeral homes, embalming, crematoria – Fur storage – Laundries or Laundromats and dry cleaning – Pawnshops – Radio and television stations and their towers – on 5.6 acres, located at the northwest quadrant of the intersection of U. S. Highway 64 and Big Woods Road, and New Hope Township.

Mr. Megginson stated that the above issues (items D. – H.) are scheduled for public hearing Tuesday, January 17, 2006; that Items D. and E. pertain to recreation fees that have been modified in the way that they are calculated; that the proposed language address these changes that are required for public hearing. Mr. Megginson gave a brief summary of items F., G., and H. He noted that public hearing notice signs have been posted on all the various properties.

VII. OLD BUSINESS:
No reports were submitted.

VIII. NEW BUSINESS:
A. Planning Director’s Report
No reports were submitted.

B. Planning Board Member’s Report
No reports were submitted.

IX. ADJOURNMENT: There being no further business, Ms. Andrews made a motion; seconded by Mr. Walker to adjourn tonight’s meeting. The motion passed unanimously and the meeting adjourned at approximately 8:50 p.m.

Charles Eliason, Chair

Date

Attest:

Kay Everage, Secretary to the Board

Date