

CHATHAM COUNTY PLANNING BOARD
MINUTES
March 7, 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
Clyde Harris
Martin Mason
Mark McBee
Winifred Smith
Chris Walker
Cecil Wilson

Absent:

Jennifer Andrews
Angela Brown

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: Chairman Eliason called the meeting to order at 7:00 p.m.

- II. APPROVAL OF AGENDA: Mr. Austin made a motion; seconded by Mr. Harris to approve the agenda as submitted. There was no discussion on the motion and the motion passed unanimously. (6 Board members)

- III. CONSENT AGENDA: Mr. Austin made a motion; seconded by Mr. Wilson to approve the consent agenda as submitted. There was no discussion on the motion and the motion passed unanimously. (6 Board members)
 - A. Minutes:
Consideration of approval of minutes for February 7, 2006 Planning Board meeting.

 - B. Final Plat Approval:
 1. Request by James P. Kiernan for subdivision final plat approval of Cattail Creek, Phase 3, consisting of 6 lots on approximately 16 acres, located off S. R. 1506, White Smith Road, Hadley Township.

 2. Request by Ricky Spoon for final plat approval of Henry's Ridge Subdivision, Lots 6 – 40, consisting of 35 lots on approximately 90 acres, located off S. R. 1822, Henry Webster Road, New Hope 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.

Martin Mason arrived at this time. [7:04 p.m.]

V. SKETCH DESIGN APPROVAL:

- A. Request by Dan Sullivan for sketch design approval of Cooper Subdivision, consisting of 24 lots on approximately 130 acres, located off S. R. 1714, Hatley Road, New Hope Township.

Ms. Richardson reviewed the agenda notes for this subdivision request.

Mark McBee arrived at this time [7:05 p.m.]

The following adjacent property owners spoke:

- Beecher Watkins, 504 Highland Trail, stated that he was present representing the Haw River Baptist Church, 1099 Mt. Gilead Ch. Rd., Pittsboro, NC (parcels 17440 and 17441 as noted on proposed survey map - 29.4 total acreage). Mr. Watkins stated that a portion of the proposed subdivision encroaches onto the rear of the church property. Ms. Richardson stated that one of the survey maps could be incorrect. Chairman Eliason stated that, based on the site plan submitted, a true boundary survey has not yet been performed; that when this survey is done the boundary lines would be more accurate; that the surveyor, Van Finch, does good solid survey work; and that he doesn't think there will be any concerns after completion of the boundary survey.

- Ray Greenlaw, 2 Jordan Dr., Pittsboro, NC, voiced concerns regarding water. Mr. Greenlaw stated that Windfall Creek Subdivision (Phases I and II) proposes only 6" water lines to serve the development; that there is a 12" trunk main water line along Big Woods Road; and that the 12" trunk main should be taken from Big Woods Road up through Hatley Road and service all individual lots and subdivisions along Hatley Road. Chairman Eliason asked that Mr. Greenlaw continue his presentation after the applicant's engineer addresses these and other concerns later in tonight's discussion.

- Todd Yanders, 70 Roach Ranch Road, Pittsboro, NC (parcel 76281 as indicated on the west side of applicant's sketch plan), stated concern that the proposed road is being directed at his property. Mr. Yanders asked if the road could be pulled back (as far as possible) from the edge of his property with no stub out.

- John Salay, 6705 Weimer Dr., Raleigh, NC (parcel #17418), asked what was proposed to be done within the development's one year time frame schedule (April '06 to April '07), i.e. roads, infrastructure, entire subdivision; and if the proposed easement around the perimeter of Hatley Road and Creek Stone

Road would be beautified in any way and / or something completed around the edges; and if the road coming off lot #22 on Creek Stone is to be a road connecting to Creek Stone Road. Ms. Richardson stated that staff did not see a need for this connection and is recommending that this road not be shown.

No other adjacent landowners spoke.

John Harris, consulting engineer, was present representing the applicant. Mr. Harris addressed the above concerns. He stated that he agrees with Mr. Yanders to pull the road back to a cul-de-sac; that this actually shows on a revised plat map; that the entrance has been aligned with Jordan Drive; and that he intends to put a dedicated right-of-way across Parkers Creek to the Corn property.

The Board discussed staff's proposed dedicated right-of-way to the Corn and Davidson properties. Ms. Richardson explained that logic was for possible interconnecting roadways for future development of the properties. Board members recalled a dedicated easement provided the Corn property during review of "The Legacy at Jordan Lake" application (originally named, "The Homestead").

Mr. Harris stated that he is willing to provide the one crossing to the Corn property as a 50 foot right-of-way; that he would like to honor Mr. Yanders' request and pull the road back to a cul-de-sac and not have the long stretch of road if it is agreeable with the Board; that, with regards to the Haw River Baptist Church, a new survey would be prepared with more accurate boundaries; and that said boundaries would be verified by a representative of the Haw River Baptist Church. Mr. Harris noted that, due to the time frame for sketch plan submittal, tax maps and an old survey (prepared by Gerald White) were used to compile data for the sketch plan map.

Ms. Richardson explained that staff doesn't think that connectivity is extremely necessary to the Yanders 8 acre tract; that connection to the Chatham Land & Timber MGMT, LLC property of 86 acres is more important and to the Corn and Davidson properties; and that staff received a letter today from Chatham Land & Timber stating that they appreciated the connection shown on the sketch plan.

Regarding the water line, Mr. Harris stated that he has not considered this issue from a regional water prospective; that he has briefly looked at the possibility of a 6" line providing sufficient pressure; that a 6" line was found to be acceptable to provide this proposed subdivision and possibly some surrounding areas; and that this same developer ran a 12" water line down Big Woods Road (over 10,000 feet) to serve Windfall Creek Subdivision that was above and beyond the requirements. Chairman Eliason noted that it is possible that the developer may be asked to make water line extensions if public water is utilized. Mr. Harris stated that the developer plans to pursue obtaining utility easements from private property owners along the private portion of Hatley Road to provide for a 6" water line extension and that if this were not feasible it would not be further pursued. Ray Greenlaw stated that a 6" water line would not take care of the

developments along Hatley Road and Mt. Gilead. Discussion followed. It was the consensus of the Board that the proposed cul-de-sac be pulled back away from the Yanders tract; that the Board needs to look at the issue of how wide the easement (or right-of-way) should be for the extension to the Corn property; that a utility easement should be reserved; and that staff direct the Board as to whether they want a 50 ft. or 60 ft. right-of-way to the Corn property. Ms. Richardson stated that a 50 ft. right-of-way would be sufficient if temporary construction easements were also provided, in case these are necessary.

Mr. Austin made a motion to approve sketch design approval based on recommendation by staff with changes noted as follows:

- 1.) drawback the one cul-de-sac,
- 2.) 50 foot wide dedication of public right-of-ways shall be provided to the Corn and Davidson properties (with 20-foot wide temporary construction easements shown on each side), and
- 3.) entrance aligned with Jordan Drive as shown on the Harris drawing dated 3-7-06.

Mr. Wilson seconded the motion and the motion passed unanimously. (8 Board members)

The six (6) conditions are as follows:

1. The preliminary and final plats shall include a 50-foot wide dedication of public right-of-way to the properties of Phillip Corn, parcel 17417 and Michael Davidson, parcel # 17288.
2. 20-foot wide temporary construction easements shall be shown on each side of the dedications of public right-of-way to Corn and Davidson property.
3. A temporary turnaround meeting the size requirement as specified in the Subdivision Regulations for a cul-de-sac shall be provided at the end of the stub out to the Chatham Land and Timber Mgmt, LLC property and be built, at a minimum, to an all weather travel way surface.
4. A sign shall be placed at each stub out location stating that it is the location of a possible future roadway.
5. The developer shall provide utility easements as required by Chatham County Public Works along each stub out to adjacent properties.
6. The developer shall continue the pavement of SR-1714 to the end of state maintenance.

Chairman Eliason thanked Mr. Harris and extended appreciation to adjacent property owners who took the time to come out and give their respective opinions.

B. Request by The Parks at Meadowview, LLC for a revision to the existing sketch design for Meadowview Planned Unit Development to reduce the number of lots from 715 to 600, to have all roadways be private, to redesign the lot layout, and to change the name to The Parks at Meadowview, located off S. R. 1520, Old Graham Road, Center and Hadley Townships.

Chairman Eliason recused himself from this issue and Jeff Austin, Vice-Chair took the chair.

Ms. Richardson reviewed the agenda notes for this request. She noted that the applicant is requesting the following revisions to the existing sketch design:

- reduction in lots (from 715 to 600),
- roadways be private instead of public (except the entrance roadway from NC Hwy 87 to the clubhouse in Chapel Ridge and including the rotary),
- slightly redesign lot layout, and
- change name to "The Parks at Meadowview".

Ms. Richardson stated that staff supports, 1.) reduction in the number of lots (from 715 to 600), 2.) redesign of the lot layout, and 3.) changing the name of the subdivision from Meadowview to "The Parks at Meadowview"; that staff has some concerns with changing the roads from public roads (as were originally proposed and approved) to private roadways; that one concern is the connectivity issue between Highway 87 and Old Graham Road; that if the roads are changed from public to private it would create a private (not public) connection to adjacent property that would not provide for public interconnecting roadways; that staff has received a letter from the Harris family requesting public access to their property; that to get to the Harris property a flood area would need to be crossed; and that regulations state that when crossing a flood area the road is to be raised at least three (3) feet above the flood area (whether private or public). It was noted that the Harris property (of 162 acres) currently has a 60-foot wide private easement access to Old Graham Road and are requesting a separate access from Meadowview for future potential development.

Nick Robinson, attorney, was present representing the applicant. Mr. Robinson stated that The Parks at Meadowview, LLC is owned by Crescent Resources, LLC; that Crescent Resources is known throughout the southeast for doing significant and wonderful projects that are highly contributing to value and beauty; and that he would address the issues regarding public versus private roadways later during tonight's discussion. Mr. Robinson introduced Mr. Allen Harrington who was present representing Crescent Resources, LLC.

Mr. Harrington stated that his company is thrilled and proud to be developing in Chatham County with such beautiful properties; that Crescent Resources is the

land development subsidiary of Duke Energy; that his company creates luxury communities across the southeast including Arizona and Texas; that Crescent Resources believes in a high level of community and land stewardship in the areas in which they build; that they follow sustainable development principles with the help from organizations such as Audubon International or the CE Group; that botanical gardens and a community neighborhood park are planned; that there would be significant property outside the proposed gates for community type events such as art fairs and farmers markets sponsored by Crescent Resources; that they are a total custom home developer; and that the medium home package cost is approximately \$750,000.

Ms. Lucy L. Gallo, CPA, was present representing the applicant. Ms. Gallo addressed economic and tax issues. Ms. Gallo briefly reviewed her detailed report located in the "Economic Analysis" section of the application booklet. She stated that at build out the development would increase the tax base of Chatham County by approximately \$450 million dollars with an increase in annual property taxes of approximately 2.8 million dollars and annual sales taxes of approximately \$244,000; that including all Chatham County provided cost of services (i.e. school, public safety) Chatham County could expect a net fiscal benefit of approximately \$1.4 million dollars per year at build out; and that at the current school impact fee rate of \$2,900 per dwelling unit, over \$1.7 million dollars would be generated over the project's 8-year build out period (2007 – 2015).

Mark Ashness, Civil Engineer, CE Group, Inc., was present representing the applicant. Mr. Ashness stated that Meadowview was presented to the Planning Board less than a year ago; that 700 lots were approved with an open space of over 50%; that at that time the project was being developed by Community Properties; that he is very comfortable and positive with the direction that this project is taking; that he has had the opportunity to visit other projects of Crescent Resources; that he encourages the Board to look at their website to see the magnitude and diversity that exists in their projects throughout the southeast, particularly North and South Carolina; that he was very impressed with the projects visited in the Charlotte region with the level of information, the architectural finishing of the amenity areas, the trail systems interpreted, signage along the trail systems, and the types of community programs established within the projects; that this project is being reduced by 100 lots; that they are still approaching the same level of open space as proposed in the original submittal; that the road lengths are essentially the same (approximately 47,000 feet); that a public road entrance is proposed from (new) Hwy. 87 with private roads serving the balance of the project; that gates would be open during daylight hours; that emergency personnel would have complete access to unlock the gates; that a significant difference between the two plans is the attention given the parks (that Mr. Harrington alluded to above); and that a private stub-out has been provided the Harris property. Mr. Ashness used the large project map to explain proposed cross access plans for the development.

Nick Robinson stated that staff did a great job in tonight's agenda notes with the summarization of the Meadowview application of last year to the current

application; that there is an agreement on the recorded covenant in place that restricts the private road in the Chapel Ridge subdivision (out to Old Graham Road) from being gated; that the golf course would also be affected if gates were used; that Tom Bender, Chatham County Fire Marshall, has stated that since emergency personnel would be given total access to the gating system and emergency vehicles can get through Chapel Ridge that his concerns have been elevated; that emergency personnel will not only have normal access with the scanned decal but would also be provided other access in lieu of a power outage situation; that he believes the issues regarding cross access and emergency personnel have been dealt with to the satisfaction of the Planning staff; that connectivity to the Harris parcel is shown on the revised map; and that connection to the other parcels (Alston, Holt and Lutterloh) would be evaluated and addressed at preliminary plat submittal.

The following landowners spoke:

- Jo E. Hill, 5430 NC Hwy 87 North, (parcel #78748) asked, 1.) if a traffic light was planned on the new Hwy 87 entrance just north of her property and where is the proposed turning lane beginning (below her property at Fred Pugh's driveway or on new Hwy 87 just before the entrance lane), and 2.) if there are plans for any commercial installations on either side of the public road entrance from new Hwy 87.

Mr. Ashness used the large survey map to show where the turning lane is proposed in relation to Ms. Hill's driveway and to point out that her property is entirely surrounded by open space. He stated that the turning lane is completely within the right-of-way of The Parks at Meadowview.

- Katherine Volmer, 613 Chapel Ridge Dr. stated that she is building a house in the Chapel Ridge subdivision. Ms. Volmer inquired about the width of the proposed buffer adjacent to the Chapel Ridge subdivision.

Mr. Ashness stated that the buffers are exactly the same width as the existing buffers behind Ms. Volmer's residence (back property line and a 50 foot buffer to the outside property line). He used the large survey map to show the areas and to explain that another 50 feet of buffering is proposed on the other side of said property creating a total of 100 feet of buffering between residential structures in Meadowview and Chapel Ridge.

Ms. Volmer questioned why more space was not provided for buffering given all the meadow area. She noted that this is the only area abutting Chapel Ridge.

Mr. Ashness stated that he looked at the land plan and did not want to cluster; that there are well defined natural draws that run through the property; that there was also some sensitivity to the creeks to the north; that there is a great deal of vegetation in the area of the Volmer property unlike other areas that are almost clear cut; and that he feels comfortable with a total 100 foot buffer.

Ms. Volmer stated concern regarding traffic along the proposed cross through road from new Hwy 87 to Old Graham Road. She noted that when she purchased her lot in Chapel Ridge she was told that the entrance off Old Graham Road was going to be a very minor entrance with only very local traffic and that the entrance would not be a major cross through from new Hwy 87 to Old Graham Road.

Mr. Austin explained that this concern is an issue that Ms. Volmer would need to discuss with the developer and not a concern that the Board can address. Following discussion, it was the consensus of the Board that the cross through road would not be utilized as a natural traffic pattern.

Discussion among the Board followed. Ms. Richardson stated that, after discussion with Nick Robinson and Tom Bender, staff is comfortable that roadways be private since Chapel Ridge cannot be a gated roadway; and that access to the properties to the south be addressed at preliminary plat submittal. There was no further discussion among the Board.

Mr. Wilson made a motion; seconded by Mr. McBee to grant approval of the request for a revision to the existing sketch design for Meadowview Planned Unit Development to reduce the number of lots from 715 to 600, to have all roadways be private (except for public entrance off Hwy 87 N), to redesign the lot layout, and to change the name to "The Parks at Meadowview" be approved, and that the conditions as required previously be met as follows:

1. Prior to submittal of the preliminary plat for review, the feasibility of access to the properties of Alston, Harris, Holt and Lutterloh shall be evaluated.
2. Due to the possibility that Chatham County may add this subdivision to its distribution system, the development must exceed Heater Utilities specifications and meet Chatham County's specifications as required in Chapel Ridge regarding the materials used in water main materials and installation.
3. Detailed storm water plans shall be provided and approved by the county prior to preliminary approval.
4. Any required environmental monitoring reports shall be provided to the local County offices of the Health Department.

There was no discussion on the motion and the motion passed 6-1-1 with Wilson, McBee, Harris, Austin, Martin and Smith voting in favor of the motion; and Walker voting against; and Eliason abstaining.

VI. PRELIMINARY and FINAL PLAT APPROVAL:

- A. Request by Jordan Lake Preserve Corporation for preliminary and final plat approval of Chapel Ridge Phase 2B, Sections M, Q, R and O, and the

remaining portion of N, consisting of 166 lots on approximately 792 acres, off S. R. 1520, Old Graham Road, Center and Hadley Townships.

Chairman Eliason recused himself from this issue and Mr. Austin continued as acting Chair.

Ms. Richardson reviewed the agenda notes for this subdivision request. She stated that staff received the required wastewater permits after agenda notes were prepared and that condition #1 has been removed from staff's recommendations.

Nick Robinson, attorney, was present representing the applicant. Mr. Robinson stated that he did not have any additional comments and that he appreciated staff's hard work and diligent review of the application.

No adjacent landowners spoke.

Mr. McBee made a motion; seconded by Mr. Mason to grant approval of the road names 'Appleblossom Court', 'Lookout Ridge', 'Rosewood Court', 'Deep Creek', 'Larkspur Court', and 'Colonial Trail Court', and preliminary and final approval of Chapel Ridge Phase 2B, Sections 'M', 'O', 'Q', 'R', and a portion of 'N', as submitted, with the following two (2) conditions:

1. The public roadway to NC 87 shall be constructed to the NCDOT standards prior to issuance of 50 building permits in the Chapel Ridge subdivision.
2. Flood elevations shall be shown on the recorded plat for all lots subject to the 100-year flood plain. Elevations shall also be marked on the ground for said lots prior to the issuance of a building permit.

There was no discussion on the motion and the motion passed 6-1-1 with McBee, Mason, Austin, Harris, Smith and Wilson voting in favor of the motion; and Walker voting against; and Eliason abstaining.

At this time, Chairman Eliason returned to the Board.

VII. ZONING AND ORDINANCE AMENDMENTS:

Mr. Megginson briefly reviewed the issues listed below (items A., B., and C.) that are scheduled for public hearing March 20, 2006. Two handouts were distributed as follows:

- i. four (4) pages of revisions to the Lystra Gardens application, and
- ii. letter from Ina M. Hatley dated March 6, 2006 regarding the John W. Blair request.

(Copies are attached.)

Mr. Megginson stated that the Planning Department did not receive any applications for the 2006 annual communication tower plan.

- A. Request by Nick Robinson, Attorney, on behalf of MacGregor Development Company for a revision to the existing "Booth Mountain Planned Unit Development" to relocate the amenity area. The project area consist of 180 lots on approximately 294 acres located off S.R. 1717, Jack Bennett Road, and SR-1721, Lystra Road, Williams Township.
- B. Request by W. R. Henderson & Associates on behalf of Shannon P. and Judith H. Hallman and Bradley A. Thomas, Etals for a Conditional Use Permit for a Planned Unit Development for a cluster subdivision, Lystra Gardens, consisting of 139 lots on approximately 140 acres, located off S. R. 1721, Lystra Road, Williams Township.
- C. 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, New Hope Township.

VIII. OLD BUSINESS:

No reports were submitted.

IX. NEW BUSINESS:

A. Discussion of Planning Board Members Appointments

Mr. Megginson stated that the Commissioners (at their last meeting) discussed various Board appointments; and that the Commissioners would like some input from the Planning Board about the possibility of newly elected Commissioners having the opportunity to replace members currently serving on the Planning Board.

Some concerns and particulars noted during the Planning Board discussion were:

- turnover (overlap of several new members at once)
- Planning Board designed for at least two members to represent the different districts in Chatham County
- length of term (2 terms / 3 years each) – need to be reappointed
- level of expertise (knowledge of current Board member)
- continuity (knowing the issues)
- being an independent Board

Mr. Megginson stated that he would pass these concerns on to the Commissioners.

B. Discussion of Zoning Change Hearing Process

Mr. Megginson stated that the Commissioners discussed this issue during their work session this week; that the Commissioners are interested in input from the Planning Board; that Jason Sullivan has researched the procedures of adjacent jurisdictions and has entered the findings on the Chatham County website (PDF file); that the various findings are all unique; that the county attorney presented information to the Commissioners about the actual public hearing process; that the Commissioners have said that they would like for the March 20th public hearing to be two separate hearings if it involves two separate processes; that the John Blair request (at Mt. Gilead Road and Hatley Road) is a zoning change request that is a legislative process to change the RA-40 zoning to a B-1 Conditional Use Business District (un-sworn testimony); that the second part of the hearing would be the quasi-judicial process (interested party, impacted uniquely than the general public, and sworn testimony); and that the Commissioners have indicated that they are interested in continuing their discussion regarding conditional zoning.

Following discussion, it was the consensus of the Board that Planning Board members are not comfortable with the current process but are not sure of what necessary changes need to be made; that more time is needed to review the procedures of other jurisdictions; and that discussion of this issue be continued at next month's Planning Board meeting.

C. Planning Director's Report

No reports were submitted.

D. Planning Board Member's Report

▪ *Jeff Austin resigns from the Planning Board*

Mr. Austin stated that, due his work load and the fact that his employer has asked that he return to business school, he is resigning from the Planning Board effective immediately. Mr. Austin stated that he has learned a great deal serving on the Board; that he has had the opportunity to meet a lot of good people; that he has not always shared the same opinion with everyone; that he has thoroughly enjoyed his time on the Board; and that he just may return to the Board in a few years.

Chairman Eliason thanked Mr. Austin for his tenure on the Planning Board. A loud applause was extended to Mr. Austin from Board members, staff and visitors.

X. ADJOURNMENT: There being no further business, the meeting was adjourned at 9:00 o'clock.

Charles Eliason, Chair

Date

Attest:

Kay Everage, Secretary to the Board

Date