

CHATHAM COUNTY PLANNING BOARD
MINUTES
May 1, 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
Mark McBee, Vice-Chair
Jennifer Andrews
Angela Brown
Clyde Harris
Martin Mason
Paul McCoy
Winifred Smith
Chris Walker

Absent:

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: Chairman Eliason called the meeting to order at 7:05 p.m.
- II. APPROVAL OF AGENDA: Ms. Andrews made a motion; seconded by Ms. Smith to approve the agenda as submitted. There was no discussion on the motion and the motion passed unanimously. (8 Board members)
- III. CONSENT AGENDA: Ms. Andrews made a motion; seconded by Ms. Smith to approve the consent agenda as submitted. There was no discussion on the motion and the motion passed unanimously. (8 Board members)
 - A. Minutes:
Consideration of approval of minutes for April 4, 2006 Planning Board meeting.

End Consent Agenda

IV.

1. 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.

2. Moratorium Ordinance: Public hearing to consider adopting the Chatham County Moratorium Ordinance

Mr. Megginson referenced Section VII, Item G. of tonight's agenda. He stated that this issue is not to put into effect a moratorium; that this year the State Legislature passed statutes that set what governments have to do in order to put a moratorium into effect; that this allows Chatham County to revise current individual land use regulations (i.e. subdivision, zoning) and make amendments to explain necessary procedures for establishing a moratorium for a type of development regulated by an individual ordinance; that instead, the proposed moratorium ordinance includes all land use regulations covered under the statutes; and that the issue is not for discussion tonight but is on the agenda to inform Board members of the various items to be considered during the May 15, 2006 public hearing. Mr. Megginson noted that additional information is on the County's website.

V. SKETCH DESIGN APPROVAL:

A. Request by Samir W. Bahho, P.E. on behalf of Wilkinson Creek, LLC for subdivision sketch design approval of "The Woods at Wilkinson Creek", consisting of 23 lots on approximately 47 acres, located off S. R. 1537, Tobacco Road, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this request. She stated that if the road names (Chelsea Way and Road's End) are switched, with "Roads End" becoming the main road serving the proposed subdivision and the existing Road's End Subdivision, that addresses within the existing Road's End Subdivision would probably not have to change; that the map would indicate the road changes at preliminary plat review (i.e. abandonment of a portion of the existing private road easement serving Road's End Subdivision); and that staff recommends that the issue of the road realignment of the Road's End private easement be resolved prior to preliminary design submittal and that documentation of agreement be provided. Ms. Richardson noted that the developers and the project engineer (Samir Bahho) were present.

Samir Bahho, engineer, stated that soils and USGS maps were utilized in the planning process; that the plan reflects all easements and/or buffer requirements (50 foot each side) as indicated on the proposed map; that the applicant sent letters to adjacent property owners inviting them to a meeting to discuss the proposal and to answer any questions they might have, (note: a copy of this letter is attached); that what was heard from the landowners at said meeting was almost all positive comments; that the applicant is willing to talk further with the landowners; and that the easement documentation would be provided at preliminary plat submittal.

No adjacent landowners spoke.

Discussion among the Board followed. Mr. McBee inquired if a condition should be added to staff's recommendation regarding the road name changes.

Mr. McBee made a motion; seconded by Mr. Harris to grant sketch design approval of "The Woods at Wilkinson Creek", as submitted and as recommended by staff, with an additional condition (#2) regarding road name change.

There was no discussion on the motion and the motion passed 7-0-1 with McBee, Harris, Eliason, Brown, Mason, McCoy and Smith voting in favor of the motion; and Andrews abstaining. The two (2) conditions are as follows:

1. The issue of realignment of the Road's End private easement shall be resolved prior to preliminary design submittal with documentation of agreement provided to staff.
 2. Road names 'Roads End' and 'Chelsey Way' shown on the sketch design map shall be switched on the preliminary and final plat so that the main road name serving the proposed subdivision, The Woods at Wilkinson Creek and existing Roads End Subdivision will be 'Roads End'.
- B. Request by Pittman-Korbin, Inc. for subdivision sketch design approval of "The Cottages at Stonegate, Phase 3", consisting of 11 lots on approximately 64 acres, located off S. R. 1535, Gilmore Road, and S. R. 1534, Poythress Road, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this request.

No adjacent landowners spoke.

Josh Crumpler, engineer with Crowley & Associates, Inc., was present representing the applicant. Mr. Crumpler stated that the proposed subdivision has a relatively low density for 64 acres with three 10-acre plus lots and eight lots that are above 2-1/2 acres; that one access will be a private 40 foot wide, gated street easement; and one will be built to NCDOT standards.

Discussion among the Board followed. Ms. Brown voiced concern regarding water availability for emergency purposes. Chairman Eliason explained that dry hydrants are positioned so that the emergency apparatus can pump and haul water from a nearby water source (i.e. ponds, rivers, streams). Ms. Richardson stated that she would talk with Tom Bender of the Chatham County Fire Marshal's Office about the locations of the dry hydrants with regards to this proposed subdivision. Mr. Mason asked if the other entry (public entrance) to the project would be gated. Ms. Richardson noted that only the private entrance could be gated since NCDOT does not allow public roads to be gated. Ms. Andrews was concerned that the gravel drive that runs through the property (i.e. 30-foot private easement serving adjacent lots of Emily W. Meacham and others) be documented as a legal, perpetual easement and provide proof of such at the preliminary plat review. Ms. Richardson stated that the Homeowners Association would own the easement and that the requested documentation would be presented at preliminary review.

Josh Crumpler stated that the existing easement is recorded; that the easement would be retained to provide access to the properties currently using it; that the homeowners association would own said easement but the easement would be maintained by the property owners it serves; and that he would provided a copy of the recorded easement at preliminary review. Ms. Smith also stated concern

regarding the availability of water for fire purposes. There were no other comments or discussion.

Ms. Andrews made a motion; seconded by Ms. Brown to grant sketch design approval of The Cottages at Stonegate, Phase 3 with the following two (2) conditions:

1. The preliminary and final maps shall have a note stating that a public or community water system is not presently available to the subdivision lots.
2. Documentation of permanence of 30 foot private easement serving adjacent lots of Emily W. Meacham and others to be provided at the preliminary plat review.

There was no discussion on the motion and the motion passed unanimously. (8 Board members)

Chairman Eliason recused himself from the review of the next three requests, (i.e. items C., D., and E. (Yates Subdivision, The Bluffs, and The Parks at Meadowview, respectively). Mark McBee, Vice-Chair, took the chair.

- C. Request by Roy Mashburn on behalf of Galaxy Investments, LLC for subdivision sketch design approval of "Yates Subdivision", consisting of 24 lots on approximately 76 acres, located off S. R. 1740, Lewter Shop Road, Williams Township.

Mr. McBee introduced this request and asked if there were any adjacent landowners present who wished to speak.

No adjacent landowners spoke.

Mark Ashness, engineer with CE Group, Inc. was present representing the developer.

Ms. Richardson reviewed the agenda notes for this request. She stated that due to the lot sizes the roads would be changed to public State maintained (and not private as noted on the plat map); and that staff recommends that the developer review the possibility of access (dedication of right-of-way) to the adjacent 76 acre tract of the Kanoy property for potential development. Ms. Richardson noted that the developer was present.

Discussion among the Board followed. Ms. Brown inquired if there was another access to the Kanoy property other than the potential right of way that Ms. Richardson referenced above. Ms. Richardson stated that said property extends out to Hwy. 751 and that there could be an interconnecting roadway in the future.

Mr. Ashness stated that NCDOT has reviewed the intersection that is slightly off-set with Farrell Road (West); that NCDOT does not have a problem with the slight off-set in this location; that the client is currently in contact with the property owners regarding sight triangles; and that NCDOT has indicated that this is their

first step and that if these cannot be obtained that they would still likely issue a driveway permit based on their field observation at this location.

No discussion was generated among Board members.

Ms. Andrews made a motion; seconded by Ms. Smith to grant sketch design approval of the plat as submitted and as recommended by staff with the following two (2) conditions:

1. The roadway shall be designed and constructed to the North Carolina Department of Transportation (NCDOT) standards and shown as such on the preliminary and final maps. The roads shall be labeled as public and dedicated to the NCDOT. A cul-de-sac with a 55' radius shall be shown at the end of road serving Lots 4 through 12.
2. The preliminary and final maps shall show the following: sight triangles, parcel number, dedication of right-of-way to the Kanoy property, and note regarding public water.

There was no discussion on the motion and the motion passed 7-0-1 with Andrews, Smith, McBee, Brown, Harris, Mason, and McCoy voting in favor of the motion; and Eliason abstaining.

- D. Request by Roanoke Investments, LLC for subdivision sketch design approval of "The Bluffs", consisting of 112 lots on approximately 597 acres, located off S. R. 1520, Old Graham Road, and SR-1547, Rock Rest Road, Hadley Township.

Ms. Richardson reviewed the agenda notes for this request. She stated that the lot layout showed two lot numbers "54", that was a minor detail error and would be corrected at preliminary plat submittal; and that there are still only 112 proposed lots. Ms. Richardson noted that the developer, engineer, and adjacent landowners were present.

The following adjacent landowners spoke:

- Alice Yeaman, 633 Rock Rest Road, Pittsboro, NC, stated that the proposed development adjoins her land on three sides; that she has lived on her land since 1972; that she is concerned that the proposed development does not meet the required RA-5 standards; that the numbers on the plat map do not add up; that the plat map states 597 acres; that her calculations show 544.4 total acreage divided by 112 proposed lots = 4.9 acres/lot; that she thinks there are too many lots for the amount of acreage; that acreage for park space seems to be less than the 10 acres noted on the plat; that soils are not very good in this area and are poorly suited for septic systems; that some of the land has a high water table from December through May; that there are 30 degree slopes in some areas making the land unstable for building, i.e. mud slides; and that she requests that the application be re-submitted with another ten days for review.

(Note: Earlier today, Ms. Yeaman submitted comments to staff from adjacent landowners of Rock Rest Road with the heading, "Issues that need to be resolved concerning the development, "The Bluffs". These comments were distributed earlier tonight to Planning Board members and are also attached.

Chris Walker arrived at this time [7:50 p.m.]

- John Wagner, 405 Rock Rest Road, Pittsboro, NC, voiced concerns regarding, 1.) water availability, 2.) adequate sewer systems, and 3.) density. He stated that water is a main issue; that this subdivision is proposed to hook into the Chapel Ridge water supply; that Chapel Ridge hooks into the Pittsboro water supply; that the Pittsboro water supply comes from the Haw River reservoir behind the Bynum Dam; that he is concerned about the capacity of this reservoir and when was the last time the water volume was actually measured; that this reservoir used to supply approximately 3,000 people in Pittsboro with the addition of hundreds of new homes in a very short period; and that he would like to see the figures (for adequate water supply) before this subdivision is approved. Mr. Wagner inquired as to when the last time the re-charge rate was calculated for the Haw River given the recent draughts and additional houses. He stated that Chapel Ridge requests 290,000 gal. /day; that Piedmont water is hardly steady as a rock; that in periods of draught he questioned who would supply the water should Pittsboro run out and who would pay for it; that silt dumped into the streams that run into the Haw River is a concern; that Pittsboro water supply has been out of compliance for synthetics/organics; that the sewer system is a concern; and that he would like to review the figures for what Chapel Ridge's capacity is and if this development fits in to supply adequate sewage treatment for "The Bluffs". Mr. Wagner cited that it seems that this proposed development is pushing both the water and sewer right to the edge of what is supposed to be available and that this is a dangerous precedence.
- Patricia Kenlan, 994 Rock Rest Road, Pittsboro, NC, voiced concerns regarding traffic. She stated that this is the sixth development on a short stretch of road on Old Graham Road, i.e. Chapel Ridge, Meadowview, Grantham, Page, Womble subdivisions and now The Bluffs; that the total number of single family residents on this stretch of road now totals 1,755 units with a total of 4,036 people; that all these developments will be entering and exiting on Old Graham Road; that the road is a narrow, hilly country road with many very dangerous curves; that with the addition of The Bluffs the total number of vehicles would increase to 7,154 vehicles per day (not including golf course traffic); that her concern is that Old Graham Road cannot and will not support 7,000 vehicles per day; that this area is already saturated with developments and this is one that she feels is unnecessary; that the development offers nothing back to the community or town; and that we need to do better planning and stop "rubber stamping" every development that is proposed.
- Timothy Morgan, 403 Rock Rest Road, Pittsboro, NC, stated that the developers have attempted to drain much of the traffic of this subdivision out to Rock Rest Road; that the entrance from Old Graham Road onto Rock Rest Road (turning left onto Rock Rest Road) occurs just after a sharp curve in the road and is already very dangerous; and that with increased traffic there could possibly be a stack up of two or three cars waiting to turn left to go home.

▪ Cathy Markatos, 800 Rock Rest Road, Pittsboro, NC, stated a number of concerns. Some of those are listed as follows:

- density
- cut over of land planted in trees
- environmental impacts
- consider moderately priced housing
- heavy load on the sewer system
- erosion control
- water supply, and
- additional creek sedimentation

Ms. Markatos requested that the developers consider trying to maximize and look at the proposal in another way with regards to less infrastructure and fewer houses. She recommended clustering houses with more open space.

Ms. Richardson circulated among Board members the following booklets.

- archaeological report for the proposed development titled, “Archaeological Reconnaissance Survey and Intensive Archaeological Survey of Sites 31CH837** and 31CH839/839**”: Bluffs Tract, Chatham County North Carolina”, and,
- “The Bluffs, A proposed subdivision by: Chatham Partners, LLC, Polk Sullivan, LLC, Chatham County, NC” containing various pictures that the developer provided of the property (Note: Copies of these are filed in the Planning Department in “The Bluffs” subdivision file.)

▪ Jeanette Sarbo, 405 Rock Rest Road, Pittsboro, NC, stated that she has lived in this community for 23 years; that she is concerned with additional traffic, rapid population growth, need for wise planning, infrastructure, protection of the river, and the impact of “The Bluffs” on the existing community and the environment; and that she cannot accept the argument that the proposed development would create new jobs or bring additional revenue into Chatham County.

▪ Jerry Markatos, 800 Rock Rest Road, Pittsboro, NC, stated that he and his wife have lived in the community since 1972; that this is an opportunity to help improve a proposal that was clearly not very well prepared; that he has recently spoken with Steven Davis, co-author of the book, “ Indian Communities on the North Carolina Piedmont”; that Mr. Davis has indicated that the Meacham tract (just up stream from the proposed development) and the Webster tract (across the river) are significant archeological sites; and that this is an opportunity to preserve our history; that he requests that the Planning Board ask for a re-write of the application to address factors such as, spray irrigation system (i.e. limit of sewerage sprayed on land), density, disturbing of existing grave sites, cluster housing, protection of green space, and affordable housing.

- Tom Marriott, 633 Rock Rest Road, Pittsboro, NC, stated that he is concerned about the project's impact to the Haw River and Dry Creek; that he requests that the developer prepare an environmental impact assessment for this area and submit before any further action is taken on this proposal; that soil erosion is very severe along the steep bluffs of the river; that the development's major road roughly traces the Haw River (serving river side lots #54-66) and crosses six creeks approximately 1,000 feet from the river; that the creeks have very steep banks and would involve major construction by the way of culverts or bridges; and that the inevitable erosion would deposit unstable soil into the flood plain that would eventually be delivered to the Bynum Dam (and Pittsboro water reservoir) by heavy rains; and that he is concerned about the 13,500 feet of 2-foot diameter gasoline pipeline that runs within the proposed property.

- Todd O'Daniel, 1745 River Road, Pittsboro, NC, stated that a cluster development would be a good plan; that the proposed plan demonstrates no regard for the environment, i.e. lots along the river and density; that the provision for sewer service is a concern, i.e. off-site treatment; and that he hopes that there would not be a proposal for a pump station around Haw River.

No other landowners requested to speak at this time.

A 5-minute break was taken at this time.

Nick Robinson, attorney, was present representing the applicant. Mr. Robinson stated that the above concerns are not taken lightly (i.e. water availability, sewer capacity, archeology, environmental issues, traffic, lot averaging); that many of the concerns are those that the applicant had at the beginning of the project; that the applicant has attempted to address some of these concerns prior to tonight; and that a great deal of thought, effort, energy and expense has gone into the preparation of this application.

Mark Ashness, Civil Engineer, CE Group, Inc., was present representing the applicant. Mr. Ashness addressed some of the above concerns. He stated that although the proposal is only in the sketch plan phase a full boundary survey has been completed and that the total acreage of 597 acres is accurate; that there is an open space of ten acres; that there is approximately 12 acres of public road right-of way and roughly 31 acres of private road right-of-way within the project; that including the private road right-of-way the overall lot average is 5.1 acres; that, regarding the adequacy of the wastewater system (i.e. Buck Mountain wastewater treatment plant located in Chapel Ridge), the ½ million gallon wastewater treatment plant is currently in operation; that the storage ponds at this site are also sized for the ½ million gallons of treatment potential; that additional spray meadows have been submitted to the State (i.e., non-golf, open meadows) to accommodate the entire wastewater generation that would come to this particular wastewater plant; that, regarding the reserves and the retention ponds, there is a water balance study and permitted flow rate; that the permitted flow rate is generally higher than the actual flow rate; that there is some factor of safety in the rate that the plant is designed for and what it actually receives; that the pump station would not be located in the corridor next to the Haw River; that the applicant has had Jessie Knight with NCDOT to specifically look at proposed intersections, i.e. Rock Rest Road and Old Graham Road; that the amended

water service agreement with the Town of Pittsboro states that the Town would provide required water for this project (see copy of letter from Pittsboro Town Manager, David B. Hughes, dated December 15, 2005 attached); and that it would take years for this project to build out. Mr. Ashness explained the positioning of the lots on the property with regards to steep slopes, dips in the contour, potential for sedimentation, wet weather draws, and the natural terrain that feeds the river.

Rynal Stephenson, Traffic Engineer, Ramey Kemp & Associates, Inc., was present representing the applicant. Mr. Stephenson addressed traffic issues. He stated that his company prepared a traffic analysis for the proposed site; that the study shows, 1.) total traffic generated by the proposed 112 units, and 2.) impact the project would have on the adjacent roadway; that the 1154 total site trips estimated at build out represents 577 vehicles entering and 577 vehicles exiting; that the heavier traffic volume on Old Graham Road would occur to the south; that this development would generate a relatively low number of vehicles; that the existing roadway should be able to handle traffic from the proposed site; and that the traffic study shows a detailed breakdown for daily peak times as follows (i.e. an average of approximately 2 vehicles/min with heaviest flow in the afternoon):

AM Peak Hour (vph)		PM Peak Hour (vph)	
Enter 22	Exit 66	Enter 75	Exit 44

Mr. Robinson stated that Sean Clark, Environmental Specialist / Project Manager, Soil & Environmental Consultants, PA, was present to address environmental issues; that Mr. Clark has assessed the property; that the “Buttercup Phacelia” seems to be the only plant species of concern; that this plant blooms in May and will be examined at that time; and that by the time preliminary request is submitted there should be a much better perspective on this issue. Mr. Clark stated that a preliminary stream delineation was done on this property a couple years ago (i.e. site plan based on this report); that since then a detailed delineation has been completed (delineating the boundaries between the wetlands and the jurisdiction areas); that the Division of Water Quality has visited the site to confirm stream determinations and wetland boundaries and are scheduled to return to the site to complete their field reviews; and that the Corps of Engineers began evaluations approximately one year ago and their final reports are forthcoming.

Scott Seibel, RPA, Environmental Services, Inc., was present representing the applicant. Mr. Seibel addressed some of the archaeological aspects of the property. Mr. Seibel stated that an archaeological reconnaissance survey and an on-ground reconnaissance survey were done on the property; that as a result of investigations, no previously recorded archaeological or other historical sites within the boundaries of the project area were found; that as a result of the study, seven new archaeological sites were found on the property (4 prehistoric,

2 historic, and one site contained both prehistoric and historic components); that the two historical sites were determined to have archaeological significant and were subjected to intensive survey and found not to be eligible for the National Register; and that development at the Bluffs tract should be allowed to proceed without concern for impact to significant archaeological sites.

In summary, Mr. Robinson stated that the proposal is a 597 acre tract with 112 lots; that approximately 481 of the acres have been previously timbered; that the property is zoned RA-5; that all applications conform with required regulations; and that he requests that the Board give the proposal the sketch plan approval it deserves.

Alice Yeaman voiced concerns that rich botanical lands were timbered; that mountain laurel and other natural vegetation were destroyed; and that areas along the river were cut and chipped (everything below 4 inches in diameter).

Tom Marriott stated that there is no excuse for what took place up stream along Dry Creek; that the mud that came down the slopes is a model of what will be coming down the slopes in terms of sewerage; and that he is urging the Planning Board to call for an environmental impact assessment.

Discussion among the Board followed. Mr. Walker stated that when the Buck Mountain (Chapel Ridge) project was started it was not well planned; and that he has not supported projects in this area for various reasons, i.e. rough road, environmental issues. Ms. Andrews stated that she appreciates the landowners attendance and being involved in the process; that she thinks that the Planning Board does a great job with the various resources pulled from; that the term "rubber stamping" is unfortunately an over used term in Chatham County; that a technical review is provided by the Board; that sketch design process is simply to consider if the applicant meets all the minimum requirements; that at this point it is her estimation that this application meets the requirements; that lot layout may change at preliminary plat submittal; that this is only the first part of a three part process (i.e. sketch, preliminary, and final); and that the developers have much more work to do going forward. Mr. McBee noted that often times the Board is in an uncomfortable position but that it is the job of the Board to evaluate whether the application meets the rules and regulations of Chatham County. There was no further discussion.

Mr. McCoy made a motion; seconded by Mr. Harris to grant sketch design approval of "The Bluffs" as submitted and as recommended by staff with the following six (6) conditions:

1. Prior to preliminary plat submittal, the developer shall evaluate the possibility of providing a dedication of right-of-way (private) to the adjoining property of Jean A. Mitchum, 113 acres.
2. Prior to preliminary plat submittal, the developer shall evaluate the possibility of providing additional pedestrian access to the park areas along the river.
3. Prior to preliminary plat submittal, the issue shall be resolved regarding

access to the Allen E. and Susan W. Spalt property.

4. 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.
5. Detailed storm water plans shall be provided and approved by the County prior to preliminary approval.
6. 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 7-1-1 with McCoy, Harris, Andrews, Brown, McBee, Mason and Smith voting in favor of the motion; and Walker voting against; and Eliason abstaining.

- E. Request by The Parks at Meadowview, LLC (Crescent Resources, LLC) for a revision to "The Parks at Meadowview" Planned Unit Development to add approximately 155 acres (Harris tract) to the PUD and to increase the total number of residential units by 139 to a total for the entire PUD of 739.

Ms. Richardson reviewed the agenda notes for this request.

- Richard Quinlan, adjacent landowner, stated that he did not have any additional comments than those stated in his letter to staff dated April 24, 2006 (i.e. attachment #7 of tonight's agenda notes); that he owns 20 acres on the south side of the proposed development; and that he does not want any encroachment onto his private easement.
- Gina Dye stated that she lives on Old Farm Road which is a cul-de-sac that backs up to this proposed development; that she is concerned about water availability; that she is unsure if the buffering of trees around the property (shown on the survey map) is additional tree buffering; and that she is concerned about light pollution since her neighborhood voted not to have street lights.

Regarding buffering, Mr. Ashness stated that at this point there are no plans to enhance what is already there. He explained that lots backing up to Ms. Dye's property are generally 200 feet deep; that there are setbacks from the interior lot line of approximately 40 – 50 feet; that nothing could happen in the first 50 feet in the back of her property; and that after this 50 feet there would be someone's property line and then there would be additional area before there would be any structures. Mr. Ashness noted that the proposal would adhere to the Chatham County (draft) Lighting Ordinance.

No discussion was generated among Board members.

Ms. Andrews made a motion; seconded by Mr. Mason, to grant approval of the request for a revision to "The Parks at Meadowview" Planned Unit Development

to add approximately 155 acres (Harris tract) to the PUD and to increase the total number of residential units by 139 to a total for the entire PUD of 739, with an additional condition (#6) that the developer comply with the draft Lighting Ordinance. There was no discussion on the motion and the motion passed 7-1-1 with McCoy, Harris, Andrews, Brown, McBee, Mason, and Smith voting in favor of the motion; and Walker voting against; and Eliason abstaining.

The six (6) conditions are 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. Prior to submittal of the preliminary plat for review, the feasibility of access to the adjoining property of John D. and Stephen Lambeth, 131 acres west of the Harris tract shall be evaluated.
3. Due to the possibility that Chatham County may add this subdivision to its water 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.
4. Detailed storm water plans shall be provided and approved by the county prior to preliminary approval.
5. Any required environmental monitoring reports shall be provided to the local County offices of the Health Department.
6. Development shall comply with the Chatham County Draft Lighting Ordinance.

Chairman Eliason returned to the Board at this time.

VI. SKETCH and PRELIMINARY APPROVAL:

- A. Request by L. E. D., LLC for subdivision sketch and preliminary design approval of Windham, Phase II, consisting of 23 lots on approximately 123 acres, located off S. R. 1700, N. Pea Ridge Road, New Hope Township.

Ms. Richardson reviewed the agenda notes for this request. She noted that the developers were present.

No adjacent landowners spoke.

There was no discussion among Board members.

Ms. Andrews made a motion; seconded by Mr. Mason to grant approval of the road names, Seven Island Road and Hatley Falls Rd. and to grant sketch and preliminary approval as submitted and as recommended by staff with the following condition:

1. The final plat shall be changed to show a minimum of 30 feet of ownership for Lots 30 and 33 on Hatley Falls Road.

There was no discussion on the motion and the motion passed unanimously. (9 Board members)

VII. ZONING AND ORDINANCE AMENDMENTS: *Items from March 20, 2006 Public Hearing:*

- A. Request by John W. Blair for a Conditional Use B-1 Business District on 10.613 acres, located at the southeast intersection of SR-1700, Mt. Gilead Road, and S. R. 1714, Hatley Road, New Hope Township.

Mr. Megginson explained that the zoning aspect of this request is that it is currently an RA-40 zoning district; that the applicant is requesting a B-1 conditional use district; that at this part of the request, the Board would look at the Land Development Plan and Zoning Ordinance to see if errors were made when the land was originally zoned or if conditions have changed to warrant needed zoning changes or if the Land Development Plan needs to be changed; and that tonight's agenda notes outline the six (6) different commercial areas as follows:

1. Agriculture and home based businesses in rural areas
2. Commercial and industrial development within the county's towns
3. Neighborhood activity centers in compact community corridors
4. Cross-road commercial centers in designated rural locations
5. Economic development centers in carefully designated and planned locations
6. Continued development within other areas currently zoned commercial or industrial;

Mr. Megginson stated that the two that most likely qualifies are, crossroad commercial centers and/or economic development centers, (numbers 4 and 5 noted above). He stated that this request does not fit economic development centers because the Land Development Plan clearly lists the six or eight areas where these centers are and the locations of the road intersections; that this area is not one of them; that the draft map (that was never adopted by the Commissioners) does not designate this area for an economic development center; that without the map the Board would need to prove that the request meets the criteria for a cross-roads commercial center; that the Plan states that, "These cross-roads centers should be designed, built and operated primarily to accommodate the needs of the residents of the surrounding rural area"; that the agenda notes explain that the proposal would serve individuals from both outside and within Chatham County (for boat and/or RV storage for recreational use); that minutes from the March 20, 2006 public hearing are included in tonight's agenda notes; and that Mr. Vance Reece spoke at the public hearing and his comments were distributed earlier tonight to Planning Board members (see copy of Mr. Reece's comments attached). Mr. Megginson cited that staff does not think that the zoning change request is consistent with the Chatham County Land Conservation and Development Plan and does not recommend approval of the request. He noted that, since the Board has up to three (3) meetings to act on this issue, Board members would not have to make a decision at tonight's meeting.

Board discussion followed. Mr. Walker stated that he agrees with the staff recommendation. Ms. Andrews commented that that tax revenue from this project would be over and above what was projected in Dave Klarmann's comments at the public hearing. She noted that there were several citizens who spoke in favor of the request at the recent public hearing.

Patrick Bradshaw, attorney, was present representing the applicant. Mr. Bradshaw clarified that his client has been in this business for a number of years; that his client receives letters each year from the Chatham County Tax Department urging him to encourage his storage customers that if their boat and/or RV resides in Chatham County on January 1st then it is required to be registered in Chatham County; and that taxes are paid to the county where the vehicle is registered. Mr. Megginson added that an owner of a storage facility is required to submit a list of storage customers to the Chatham County Tax Department.

John Blair, applicant, stated that North Carolina Law just recently began requiring the owner of the storage facility to pay taxes on vehicles that are stored in their units if the taxes have not been paid by the various owners.

Board discussion continued. Chairman Eliason stated that he does not think that this request is a typical commercial use (such as one that sells items to the public) and that the request (boat and RV storage) would support the promotion of tourism for Chatham County.

Vance Reece, Jordan Woods, Pittsboro, NC, referenced his four pages of comments submitted regarding the request and relative to the five (5) required findings. He stated that the request is not in conformity with the Chatham County Land Use Plan or Zoning Ordinance; that commercial development should occur in designated crossroad commercial center locations to serve the needs of the surrounding rural areas; and that this request is designed to primarily serve out of county residents. (Note: Mr. Reece's comments are attached.)

Mr. Bradshaw stated that it is unfair to landowners to require developers to try to comply with a "draft map" that was not adopted with the Land Use Plan; that the Board needs to decide if the proposed use is sensible in this location and whether it promotes the policies, goals and purposes of the Land Use Plan; that this is an extremely low impact use for this location; that it is located at an existing cross-roads; that it is consistent with the surrounding rural character; and that there is a high demand for this service among Chatham County residents.

There was no further discussion. Mr. McCoy made a motion to grant approval of the re-zoning request to accommodate a boat / RV storage facility (rezoning from RA-40 to B-1 Conditional Use District) as submitted. Discussion on the motion followed. Mr. Walker asked for clarification that approval of the request would be subject to any possible conditional use (unlimited to this requested use). Mr. Megginson explained that Mr. McCoy's motion is to change the zoning from RA-40 to Conditional Use B-1 District and that the next part of the request is to consider the specific request for a conditional use permit for boat storage. Ms. Andrews seconded Mr. McCoy's motion. Ms. Smith asked for clarification on

the motion. Ms. Andrews explained that the motion is to allow the zoning change; that this is the first of two parts; and that the next part of the request would be to allow the conditional use requirements. The motion passed 6-1-2 with McCoy, Andrews, Eliason, Harris, Martin and McBee voting in favor of the motion; and Walker voting against; and Brown and Smith abstaining.

- B. Request by John W. Blair for 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.

Mr. Megginson explained that this part of the request is for a conditional use permit; that the issue was heard during the recent quasi-judicial public hearing where information is sworn testimony; that the Board would need to determine if the request meets the required five (5) findings; that finding #4 which states, "The requested permit will be consistent with the objectives of the Land Development Plan" is not consistent with the Chatham County Land Development Plan; that there are inconsistencies in the application and map; and that lighting and signage have been addressed in staff's five (5) recommendations.

Discussion among the Board followed. It was noted that the applicant is specifically asking for boat and RV storage with no truck rental.

Ms. Andrews made a motion; seconded by Mr. Mason that the five findings be made and the conditional use request be approved with the inclusion of the five (5) conditions recommended by the Planning Department staff. The motion passed 5-2-2 with Andrews, Mason, Eliason, McBee and McCoy voting in favor of the motion; and Smith and Walker voting against; and Brown and Harris abstaining. The five (5) conditions are as follows:

1. All lighting shall meet the specifications of the County draft lighting ordinance.
2. Storm water measures shall be designed and installed to retain the two year 24 hour storm.
3. Signage shall be as specified on the site plan with two signs. One 4'x 8' and one 2'x 4'.
4. The applicant shall follow the recommendations of the Appearance Commission concerning vegetation, lighting and signage.
5. A building permit shall be received within 12 months of the date of approval or the conditional use permit is null and void.

Mr. Megginson briefly reviewed the following items (C – H) that are scheduled for Public Hearing May 15, 2006. He noted that application information was included in tonight's agenda packets.

- C. Public Hearing request by Jesse Fearington, c/o Nicolas P. Robinson, Attorney, for a Conditional Use B-1 Business District on approximately 60

acres, located at the intersection of U. S. 15-501 and S. R. 1527, Morris Road, Baldwin Township.

- D. Public Hearing request by Jesse Fearington, c/o Nicolas P. Robinson, Attorney, for a Conditional Use Permit for restricted B-1 uses, (see list of 48 requested uses out of possible 78 uses), on approximately 60 acres, located at the intersection of U. S. 15-501 and S. R. 1527, Morris Road, Baldwin Township.
- E. Public Hearing request by Mitch Barron, Newland Communities, on behalf of NNP – Briar Chapel LLC, for a revision to the existing Compact Community – Conditional Use Permit (CC-CUP) at the intersection of Andrews Store Road and Parker Herndon Road.
- F. Public hearing to consider proposed text amendments to the Chatham County Zoning Ordinance to comply with 2005 NC General Statute updates.
- G. Public hearing to consider proposed text amendments to the Chatham County Subdivision Regulations to comply with 2005 NC General Statute updates, make technical corrections, and extend sketch design approval from six (6) to twelve (12) months.
- H. Public hearing to consider adopting the Chatham County Moratorium Ordinance.

VIII. OLD BUSINESS:

No items were discussed.

IX. NEW BUSINESS:

A. Planning Director's Report

1. *Planning with the Town of Cary - meeting*

Mr. Megginson stated that a public citizen information meeting is scheduled for June 7, 2006 at North Chatham Elementary School regarding plans with the Town of Cary; that plans for the eastern part of Chatham County would be discussed; that citizens could review and comment on various information regarding water quality, sewer, septic systems, and etc.; that a specific time for the meeting has not been decided; that there would not be a structured presentation; and that more details about the meeting would be provided at a later date.

2. *"The Bluff's"*

Mr. Megginson stated that during tonight's discussion of "The Bluff's" request, the North Carolina Native Plant Society was referenced; that what this organization does is to educate citizens about native plants; and that upon request the organization will do plant rescues, i.e. relocate specific plant species. Mr. Megginson noted that last Thursday the developer of "The Bluffs" invited all the adjacent landowners to the office of attorney Nick Robinson in Pittsboro to ask questions and discuss the proposed development; and that, according to Mr. Robinson, no one from the Rock Rest community participated.

B. Planning Board Member's Report

No reports were submitted.

X. ADJOURNMENT: There being no further business, the meeting was adjourned at 11:10 p.m.

Charles Eliason, Chair

Date

Attest:

Kay Everage, Secretary to the Board

Date