

CHATHAM COUNTY PLANNING BOARD
MINUTES
July 11, 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
Evelyn Cross
Clyde Harris
Sally Kost
Martin Mason
Paul McCoy
Mary Nettles
Chris Walker
Cecil Wilson

Absent:

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. and welcomed new Planning Board members, Evelyn Cross, Sally Kost, and Mary Nettles.
- II. APPROVAL OF AGENDA: Mr. Wilson made a motion; seconded by Mr. McCoy to approve the agenda as submitted. There was no discussion on the motion and the motion passed unanimously. (9 Board members)
- III. A. CONSENT AGENDA: Chairman Eliason stated that he received a request to pull item B. 3 (The Sanctuary at Haw River) from consent agenda; and that staff has requested that item B. 2 (Woodlands) be removed from the consent agenda. Ms. Kost stated that she had a concern regarding item B.1 (Hickory Downs).

Mr. Wilson made a motion; seconded by Ms. Cross to approve the following consent agenda items:

- III. A. Minutes for June 6, 2006 Planning Board meeting;
- III. C. Final Subdivision Approval:
 1. Cattail Creek Subdivision, Phase 4, Lots 23 – 38
 2. Legend Oaks, Phase One
 3. Windfall Creek, Phase II;

and that items B. 1, 2, and 3. (Subdivision preliminary approval of Hickory Downs, Woodlands, and The Sanctuary at Haw River, Phase One) be removed from the consent agenda for discussion. There was no discussion on the motion and the motion passed unanimously. (9 Board members)

A. Minutes:

Consideration of approval of minutes for June 6, 2006 Planning Board meeting.

B. Preliminary Approval: Note: These three issues have been removed from consent agenda for discussion. (See Item III B. below)

1. ~~Request by Richard Fox for subdivision preliminary approval of "Hickory Downs", consisting of 41 lots, on 167 acres, located off SR-1506, Bowers Store Road, Hickory Mountain Township.~~

2. ~~Request by Darden Development, LLC for subdivision preliminary approval of "Woodlands" (formally the Page and Grantham subdivisions as well as a portion of Womble subdivision on west side of Old Graham Road), consisting of 173 lots, on 242 acres, located off S. R. 1520, Old Graham Road, Hadley Township.~~

3. ~~Request by Bynum Ridge, LLC on behalf of Polk Sullivan, LLC for subdivision preliminary approval of "The Sanctuary at Haw River" Phase One, (f/k/a Williams Pond), consisting of 121 lots, on 376 acres, located off SR-1711, Bynum Ridge Road, Baldwin Township.~~

C. Final Approval:

1. Request by Michael D. Poe for subdivision final plat approval of "Cattail Creek Subdivision", Phase 4, Lots 23 – 38, consisting of 16 lots on 32 acres, located off S. R. 1506, White Smith Road, Hadley Township.

2. Request by HBP Properties for final plat approval of "Legend Oaks, Phase One", consisting of 31 lots on 64 acres, located off U. S. Hwy 15-501 N., Williams Township

3. Request by Contentnea Creek Development Co. for subdivision final plat approval of "Windfall Creek, Phase II", consisting of eight (8) lots on 43 acres, located off SR-1716, Big Woods Road, New Hope Township.

End Consent Agenda

III. B. 1. Request by Richard Fox for subdivision preliminary approval of "Hickory Downs", consisting of 41 lots, on 167 acres, located off SR-1506, Bowers Store Road, Hickory Mountain Township.

Ms. Kost stated concern regarding the potential driveway crossing of wetlands.

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

the applicant. Mr. Ashness stated that there is a water quality buffer indicated on the survey map (with cross-hatching); that the dark grey areas shown on the map indicate wetlands; that the driveway can actually curve and cross the buffer area; and that by virtue of the design and layout of the development not a single wetland of the entire 167 acre tract has been impacted.

Ms. Richardson stated that the surveyor has indicated that lots 35 and 39 actually have ownership over to the public road and therefore staff's condition #1 has been omitted.

There was no further discussion.

Mr. McBee made a motion; seconded by Mr. McCoy to grant subdivision preliminary approval of the plat as submitted and as recommended by staff with deletion of staff's condition #1 as referenced above. There was no discussion on the motion and the motion passed unanimously. (9 Board members)

The two (2) conditions are as follows:

1. Access to Lot 35 be designed not to impact designated wetlands and shown as such on the final plat.
2. The "60' Dedication For Future Access" shown on the preliminary plat to the adjoining property of Chatham Farms, LLC, 312 acres, be changed on the final plat to read "60 foot wide public dedication of right of way" to provide for possible future public interconnecting roadways.
 2. Request by Darden Development, LLC for subdivision preliminary approval of " Woodlands" (formerly the Page and Grantham subdivisions as well as a portion of Womble subdivision on west side of Old Graham Road), consisting of 173 lots, on 242 acres, located off S. R. 1520, Old Graham Road, Hadley Township.

Chairman Eliason recused himself from this issue. Mark McBee, Vice-Chair opened the discussion.

Martin Mason arrived at this time (7:10 p.m.)

Ms. Richardson reviewed the agenda notes for this subdivision request. She stated that staff asked that this issue be removed from consent agenda for discussion; that the project is currently scheduled to have public State maintained roads; that the developer has advised staff that there is a possibility that private roads would be requested; that in doing so the developer would request that this land be added to the Chapel Ridge Planned Unit Development so that roads could be private versus public; that tonight's agenda packet includes a letter dated July 11, 2006 from David Monroe, Town Planner, Town of Pittsboro, NC stating that there is sufficient water to supply this project, (See copy of letter attached); and that language in staff's condition #3 that states: "Road construction shall not begin until plan approval has been received by the

NC Department of Transportation”, has been changed to read:

“Placement of ABC stone sub grade and pavement shall not begin until either road plan approval has been received from NCDOT or the County has approved a revision aligning the roads to be private roads constructed to NCDOT hilly standards”.

Ms. Richardson noted that comments from the Haw River Assembly were also distributed to Board members earlier tonight. (See copy attached.)

Discussion followed. Ms. Kost stated that wording in the last paragraph of letter included in tonight’s agenda packet dated March 2, 2005 from David Jenkins, Senior Archaeologist, Brockington and Associates, Inc. is unclear, i.e. “A Phase I archaeological resources survey at the Womble Tract is not warranted due to its low archaeological resource potential. Archaeological resources clearance for the proposed construction is recommended”.

Ms. Richardson stated that she understands that after the study was done there were no significant findings and further study was not warranted. Ms. Kost asked if an environmental impact analysis had been suggested. Ms. Richardson stated that this is an issue addressed at preliminary plat review. Mr. Megginson stated that the Planning Department works with the Natural Heritage Program; that the program provides regular updates on natural areas added to the inventory as well as species found; and that various developments submitted are sent to a representative with Wildlife Resources for comments.

No adjacent landowners spoke.

Mr. Wilson made a motion; seconded by Mr. Mason to grant subdivision preliminary approval of the plat as submitted and as recommended by staff; with wording change to staff’s condition #3 as referenced above and noted below. There was no discussion on the motion and the motion passed 7-2-1 with Wilson, Mason, McBee, Cross, Harris, McCoy, and Nettles voting in favor of the motion; and Kost and Walker voting against; and Eliason abstaining.

The three (3) conditions are as follows:

1. The final plat shall show that all lots have a minimum of 40,000 square feet of area outside any floodable areas. Flood elevations shall be indicated on the final plat.
2. The water system shall be developed to meet the standards specified for the Chapel Ridge Subdivision.
3. Placement of ABC stone sub grade and pavement shall not begin until either road plan approval has been received from the NC DOT or the County has approved a revision allowing the roads to be private roads constructed to the NC DOT Hilly Standard.

3. Request by Bynum Ridge, LLC on behalf of Polk-Sullivan, LLC for subdivision preliminary approval of "The Sanctuary at Haw River" Phase One, (f/k/a Williams Pond), consisting of 121 lots, on 376 acres, located off SR-1711, Bynum Ridge Road, Baldwin Township.

Chairman Eliason recused himself from this issue and Mr. McBee opened the discussion.

Ms. Richardson reviewed the agenda notes for this request. She referenced the following handouts provided Board members earlier tonight.

- E-mail dated July 7, 2006 from Jim and Bevy Wiggins
- Letter dated July 7, 2006 from Jane Pyle, Chatham County Historical Association, Inc. (See copies attached.)

Kathleen McKay, stated that she was present representing some adjacent residents of the community of Bynum; that they think the proposal has gone through very quickly; and that they are concerned with issues regarding:

- enormous volume of traffic
- water quality along the Haw River and the Jordan Lake watershed area
- existing cemetery on the property
- Native American archaeological site on the property.

Ms. McKay expressed how important this area has been to the residents of Bynum for over 100 years.

No other landowners spoke.

Nick Robinson, attorney, was present representing the applicant. Mr. Robinson stated that this is a project that received approval over a year ago; that many issues were reviewed and resolved at that time including huge buffers on the Haw River; that one of the conditions of approval of this project was that there be a preliminary archaeological reconnaissance survey on this property; that this report was submitted to the Planning Department staff and was found to be sufficient; that there is one known old cemetery on the property and the applicant has dealt with this according to state requirements; that the applicant has not located any other cemeteries on the property.

Ms. Kost noted the following concerns:

- What would be the procedure if the number of lots were increased?

Ms. Richardson stated that the RA-90 district allows lots slightly larger than 2-acre lots and that a revision to the original conditional use permit would be necessary if original lots are increased (i.e. 185 lots) in phase two since this would be a zoning issue.

- Lots 21, 22, and 31 referenced in condition #8 do not match on survey map.

Ms. Richardson stated that the numbers on the original map have been changed on this preliminary; that the buffers are there (staff has checked) but the lot numbers are not the same numbers submitted at sketch design review.

- staff's condition #14 - Fire flow

Ms. Richard explained that the Chatham County Fire Marshal reviews all commercial plans; that this is not commercial but the Fire Marshall has reviewed the road layout and turn-a-rounds and has found them to be adequate for emergency vehicles.

There was no further discussion.

Mr. Wilson made a motion; seconded by Mr. McCoy to grant preliminary plat approval of "The Sanctuary at Haw River, Phase I" (formerly Williams Pond) as submitted and as recommended by staff. There was no discussion on the motion and the motion passed 7-2-1 with Wilson, McCoy, McBee, Cross, Harris, Mason, and Nettles voting in favor of the motion; and Kost and Walker voting against; and Eliason abstaining.

Chairman Eliason returned to the Board.

- IV. PUBLIC INPUT SESSION: Fifteen-minute time of public input for issues not on agenda. Speakers limited to three minutes each.

No one requested to speak at this time.

- V. SKETCH DESIGN APPROVAL:

- A. Request by Lewis T. Metty for subdivision sketch design approval of "Cedar Mountain", consisting of 65 lots on 162 acres, located off SR-1540, Jones Ferry Road, Baldwin Township.

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

The following adjacent landowner spoke:

- Beatrice Runyan, 479 Emily Lane, Chapel Hill, NC.

Ms. Runyan stated concern regarding the right-of-way changing from 16 feet to a minimum of 50 feet. She noted that the Homeowners Association had explored the possibility of making their road a public road; that they were told that there was not enough road frontage and that the road would never become a State maintained road; and that she requests that the roadway remain 16 feet.

Ms. Richardson explained that the right-of-way itself is 60 ft. wide; that the travel way may not be built to this width; but that if it is a 60 ft. wide right-of-way then the width is there for a public road to be built.

No other adjacent landowners spoke.

Discussion among the Board followed regarding widening of the right-of-way (if proposed lots would be reduced) and off-site septic systems. Ms. Richardson noted that the developer has stated that he does not think the number of lots would be reduced if the right-of-way were widened; and that each individual lot owner would maintain their own off-site septic area.

Chuck Lewis, developer, stated that each septic field has its own individual pipe; that the pipe is sometimes run in a common easement or common ditch; that the County Health Department requires these pump lines to be 5 feet off the property line; that he makes this a 15 foot wide utility easement in order to maintain some natural vegetation and trees; that off-site septic areas have become very common in this area; and that his company has been using them in Chatham County since approximately 1988 without a failure.

There was no further discussion among the Board.

Mr. Wilson made a motion; seconded by Mr. Mason to grant sketch design approval of "Cedar Mountain", as submitted and as recommended by staff, with the following two (2) conditions:

1. The emergency access easement be widened to a minimum of 50 feet and be labeled as "50 foot wide dedication of public right-of-way and emergency vehicle access".
2. The emergency vehicle access shall be constructed to a minimum standard of a 16-foot wide, all weather travel surface. A note shall be placed on the preliminary and final plats detailing the standards to which said access is constructed and future upkeep and maintenance responsibilities.

There was no discussion on the motion and the motion passed unanimously. (10 Board members)

- B. Request by Community Properties, Inc. on behalf of Hilda McBane for subdivision sketch design approval of "McBane Property Subdivision" consisting of 109 lots on 159 acres, located off S. R. 1520, Old Graham Road, Hadley Township.

Chairman Eliason recused himself from this issue. Mr. McBee presided as Chair.

Ms. Richardson reviewed the agenda notes for this subdivision request. She referenced the following:

- Letter received today, dated July 11, 2006 from Patrick Bradshaw, attorney stating that the Chatham County Historical Association was not contacted since the applicant is not aware of the existence of any structures of greater than 50 years in age or having historical significance

on the property or within 100 feet of the property on adjacent property;
and

- Letter from S & EC dated July 10, 2006 stating that the stream depicted on the USGS Quadrangle located in the middle of the northern portion of the site was found not to exist.

Note: Copies of the above letters are attached.

Ms. Richardson noted that staff's condition #1 should read, "language on the preliminary and final plats shall be changed to read, 60 foot dedication of public right-of-way to the Cheek property" (adding language "to the Cheek property"); and that condition #3 has been met and therefore can be deleted.

The following adjacent landowners spoke:

- Cynthia Crossen, 1116 Marshall Road, Pittsboro, NC

Ms. Crossen read remarks from her memo dated July 11, 2006 to the Chatham County Planning Board. Some of the concerns are: light and water pollution, noise, traffic, water quality, cumulative affect of developments already approved, impact to Dry Creek, environmental impact, flooding, impervious surface, and already overcrowded schools. Ms. Crossen requests that an environmental impact statement be required due to the impact the development would have on Dry Creek. (See Cynthia and Ken Crossen's comments attached.)

- Ken Crossen, 1116 Marshall Road, Pittsboro, NC

Mr. Crossen summarized concerns expressed in the letter from the Haw River Assembly (referenced above during review of the Woodlands subdivision request) regarding the wastewater treatment plant, spray field irrigation (water disposal system), odor, drinking water pollution, runoff into the Haw River, and etc. (See copy of letter from Haw River Assembly dated July 10, 2006 attached.)

Patrick Bradshaw, attorney, was present representing the applicant. Mr. Bradshaw stated that this subdivision is in an unzoned portion of Chatham County and meets all requirements of the Subdivision Regulations and Watershed Ordinance; that the conditions recommended by the Planning Department staff are acceptable to the applicant; and that he requests that sketch design be approved with said conditions.

Ms. Kost was concerned how construction traffic was factored into the traffic analysis for Old Graham Road relative to the 10-15 year proposed build-out of the development.

Rynal Stephenson, Traffic Engineer, Ramey Kemp and Associates, Inc., addressed traffic. He stated that additional traffic is generated as each individual project is developed; that not all construction traffic would happen at once; that traffic analysis projections are based on the worse case scenario at build-out; and that NCDOT approves permits for each development and address issues regarding construction traffic, i.e. how to get vehicles in and out.

Discussion followed. Ms. Kost reiterated concerns voiced earlier by Mr. and Mrs. Crossen regarding Dry Creek. Ms. Kost suggests that a condition be added to staff's recommendation to require an environmental assessment from the developer. Mr. McCoy made a motion to approve the request as recommended by the Planning Department. The motion was not seconded at this time and discussion continued. Mr. Walker stated that there has already been too much development approved on this road (Old Graham Road) for the environment and surrounding conditions. It was noted that it is the task of Board members to determine if the request meets the requirements of Chatham County, i.e. subdivision, flood, and watershed.

Mr. McCoy made a motion; seconded by Mr. Wilson to grant sketch design approval of "McBane Property" as submitted and as recommended by staff with language revision to staff's condition #1 and deletion of staff's condition #3, as referenced above and noted below. There was no discussion on the motion and the motion passed 7-2-1 with McCoy, Wilson, McBee, Cross, Harris, Mason, and Nettles voting in favor of the motion; and Kost and Walker voting against; and Eliason abstaining.

The two (2) conditions are as follows:

1. Language on the preliminary and final plats shall be changed to read "60 foot dedication of public right-of-way" to the Cheek property.
2. A 60 foot dedication of public right-of-way shall be shown to the adjacent property of Kenneth & Cynthia Crossen.

Chairman Eliason returned to the Board at this time.

- C. Request by Jesse Farrington for subdivision sketch design approval of "Monterrane, Phase IV", consisting of six (6) lots on 31 acres, located off S-R-1700, Mt. Gilead Church Road, Williams Township.

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

Jesse Farrington, developer, was present.

No adjacent property owners spoke.

Discussion among the Board followed. Chairman Eliason stated that he is concerned that the existing old roadbed (referenced by Mr. Eliason as "Old Red Field Road" but listed on the survey map as "Old Raleigh Road") serves as access to the nearby cemetery area; that he would like to make sure that the owners of lots 50 and 51 are aware that this is an access way to get to the cemetery; and that no one is prohibited from using this access. Ms. Richardson stated that a note could be placed on the survey map to comply with this concern. There was no further discussion among the Board.

Mr. McBee made a motion; seconded by Mr. Mason to grant sketch design

approval for "Monterrane, Phase IV" as submitted and as recommended by staff; with the addition of condition #2 regarding the old roadbed (Old Raleigh Road) as discussed above and noted below; with the following two (2) conditions:

1. A 60-foot wide dedication of private right-of-way and utility easement shall be shown on the preliminary and final maps to the properties of Corn, Burnette, and Haywood.
2. A note shall be placed on the preliminary and final plats stating that the public has access to an existing cemetery and uses the old roadbed shown on the plat as "Old Raleigh Road", running along the northern boundary of Lots 50 and 51.

There was no discussion on the motion and the motion passed unanimously. (10 Board members)

- D. Request by Ticon Properties, LLC on behalf of Bryan & Helen Yates for subdivision sketch design approval of "Valley View", consisting of 22 lots, on 44 acres, located off SR-1526, Andrews Store Road, Baldwin Township.

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

The following adjacent landowner spoke:

- Edward Mezynski, 178 Blakes Drive, Pittsboro, NC

Mr. Mezynski stated that he is opposed to the septic plan for the project; that this part of the plan should be rejected; and that he is not opposed to the development itself. Mr. Mezynski used the overview map to indicate the approximate location of his existing well.

Mark O'Neal, applicant, Pickett-Sprouse Real Estate, was present. Mr. O'Neal stated that a community meeting was held on Sunday (July 9, 2006); that the subject of wells was discussed; that the developer is aware that there are wells along portions of property lines; that State guidelines require 100 foot buffer along these areas; that Mr. Mezynski's well could be tested to make sure there is no existing contamination; that in general the clustering of septic fields is actually more environmentally sensitive; that the very best soils on the property are selected; that septic fields are designed at the same time; and it is the developer's intention to install these all at one time and by one septic contractor that should increase the quality of the installation.

Chairman Eliason began the discussion. Mr. Wilson made a motion to grant approval of the request. The motion was not seconded and discussion continued. Chairman Eliason stated that he shares everyone's concerns regarding existing wells and proposals for waste field areas adjacent to these properties; that this application is a very good lay-out and that he is familiar with this property; that sometimes there is alarm and cause for concern from landowners when septic areas are shown all the way up and adjacent to property

lines; that he requests that the Board review engineering plans of the crossing (across the blue line stream) at preliminary submittal for this sanitary sewer line; that ductile line pipe (no PVC) is used; that a stream impact is done on the crossing for this construction; and that a 50 or 100 foot buffer is required from the spray field areas to these northern property owners. Ms. Kost stated that she supports requiring 100-foot buffers.

Mr. O'Neal stated that the entire northern boundary of site of the property has already been developed; that wells and septic tank locations have already been established; that he is aware that appropriate buffers are need to protect individual wells; that additional buffering would be applied if requested by the Board (additional 50 foot); that State guidelines already require 100 foot buffering from a well; and that septic fields have to be at least 10 feet away from any property line.

Mr. McBee made a motion to grant approval of the request and to require 50 foot buffering from the spray field areas to these northern property owners. Mr. McCoy seconded the motion. Discussion on the motion followed. It was the consensus of the Board that the buffering should be undisturbed, vegetative buffering. Mr. Megginson stated that the Board has reviewed applications in the past with off-site septic systems; that some past concerns have been with existing adjacent wells; that this is the first time that he recalls the Board encroaching into the Health Department's field of review and requiring something that is the Health Department's expertise; that he would caution the Board in doing this as far as subdivision review; and that the County relies on the agencies that deal with these type things to approve or not approve based on State and local requirements already established. Mr. McBee withdrew his above motion and Mr. McCoy withdrew his second. Ms. Kost referenced the Subdivision Regulations that states, "an installation against any adverse affect on any present or future adjacent resident". She noted that this is what is being discussed.

Mr. Walker made a motion; seconded by Ms. Kost to grant sketch design approval of the plat as submitted with the addition of a condition (#1) requiring 50 foot buffering as discussed above and noted below. There was no discussion on the motion and the motion passed 6-4 with Walker, Kost, Cross, Eliason, Harris and Nettles voting in favor of the motion; and Mason, McBee, McCoy, and Wilson voting against.

The one (1) condition is as follows:

1. The preliminary and final plats shall include a 50 foot, undisturbed, vegetative buffer, along the northern property line of the subject property beginning at the northwestern corner of proposed Lot 10-A and continuing to the eastern boundary of the subject property.

It was noted that Board members voting in opposition were not against the development but were not in favor of the recommended condition requiring 50-foot buffering.

VI. SKETCH, PRELIMINARY and FINAL APPROVAL:

- A. Request by Pittsboro Volunteer Fire and Rescue Department, Inc. for sketch, preliminary, and final approval of one (1) non-residential subdivision lot, consisting of one (1) lot on five (5) acres, located off SR-1520, Old Graham Road.

Chairman Eliason recused himself from this issue and Mr. McBee began the review.

Ms. Richardson reviewed the agenda notes for this request. She stated that NCDOT is reviewing the driveway location and that a driveway permit should be forthcoming.

Mr. Megginson suggested that wording in staff's condition #2 be revised to read, "Prior to recording of the plat" instead of "Prior to issuance of the building permit, staff shall be provided with a copy of the commercial driveway permit".

No adjacent landowners spoke.

Patrick Bradshaw, attorney, was present representing the Pittsboro Volunteer Fire and Rescue Department. Mr. Bradshaw stated that conditions recommended by the Planning Department staff are acceptable and that he approves of Mr. Megginson's modification of condition #2 noted above.

There was no discussion among the Board. It was noted that the Zoning Ordinance would allow the proposed sign placed on the building structure.

Mr. Wilson made a motion; seconded by Mr. Mason to grant approval of the request as submitted and as recommended by staff; for the creation of one non-residential lot; with revision to language in condition #2 as noted above and stated below. There was no discussion on the motion and the motion passed unanimously. (10 Board members)

The five (5) conditions are as follows:

1. Prior to issuance of the building permit, the site plan shall be revised to indicate that the retention pond is sized to accommodate a 2 year / 24 hour storm.
2. Prior to recording of the final plat, staff shall be provided with a copy of the approved commercial driveway permit.
3. Prior to issuance of the certificate of occupancy of the structure or at the first optimal planting season, all landscaping shown on the site plan shall be completed. All landscaping shall be maintained properly in the future and shall be replaced as needed.
4. All lighting shall conform to the draft Chatham County Lighting Ordinance.

5. Signage shall be noted on the site plan.

Chairman Eliason returned to the Board.

10 Minute Break (8:55 p.m.)

VII. ZONING AND ORDINANCE AMENDMENTS: - *Items from May 15, 2006 Public Hearing:*

A. Request by Jesse Fearrington, 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.

Mr. Megginson reviewed the agenda notes for this request. He stated that this is the first part of two requests; that the first part is for a zoning district change from RA-40 (residential-agriculture) to B-1 Conditional Use; that the notes address various specifics of the application regarding the location of commercial land uses; and that it is the Planning Department staff opinion that the proposed change is not supported by the majority of the Land Use Plan as written. Mr. Megginson explained that the hearing on this item is not quasi-judicial and comments on the zoning request from the applicant or adjacent landowners or others would be appropriate; but that the next request for the conditional use permit would not permit any additional comments.

The following adjacent landowners spoke and some of their concerns are noted:

- Charlie Casper, 300 Morris Rd., Pittsboro, NC
 - changes in the character of the area
 - lights
 - traffic
 - property values, and
 - possible well contamination.

Mr. Casper stressed that that residents of this area care deeply about the land.

- William Sutton, 21 Kentview Drive, Pittsboro, NC
 - real estates values impacted
 - noise
 - traffic
 - lights
 - negative impact on neighborhood
 - Change in quality of life
 - drainage issues
- Randy Robertson, 94 Donald Drive, Pittsboro, NC
 - fire protection
 - traffic study indicates extremely too much traffic proposed for this road
 - lighting
 - noise

- Bill Murray, 287 Morris Road, Pittsboro, NC
 - project not part of a planned growth process related to any of the goals associated with Chatham County
 - type of project that doesn't enhance what Fearington Village brings to Chatham County
 - project being present for a profit as a necessity or essential into our community
 - traffic – Morris Road cannot handle the additional traffic
 - adverse impact on all environment

Mr. Murray suggested that the Board deny the request to rezone (as a bad public policy) and to deny the conditional use request because of the adverse effect on the community.

No other adjacent landowners spoke.

Nick Robinson, attorney, stated that he was present on behalf of the applicant, Jesse Fearington and also the Board of Trustees for Mount Pleasant United Methodist Church located on Manns Chapel Road; that Bill Powell was present tonight representing the Board of Trustees for the church; that some of the church members were also present; and that Mr. Fearington is purchasing the northern portion of the proposed property from the church. Mr. Robinson used the large overview map to indicate the actual area to be rezoned. He stated that the other portions of the parcel would remain RA-40; that the request is for a B-1 Business District with limited uses; that the project has been carefully designed to fit within the existing commercial area; that the Land Use Plan indicates examples of where different kinds of development may occur, i.e. page 5 of the Plan and maps. (See copy of this hand-out attached); that page 10 of the Land Use Plan states that, "we should site commercial uses along major highways in clusters at specific designated locations and design these commercial sites to retain a rural cross roads or village character"; that, "we should site commercial cluster so that they might be able to be served by transit in the future especially along 15-501 north of Pittsboro; that page 33 of the Plan specifically highlights locations in the northern part of Chatham County within the US 15-501 corridor for economic development centers (i.e. where this proposal exists); and that this application meets all the requirements of the Land Use Plan. Mr. Robinson requested that the Planning Board approve the request as submitted. (Note: See copy of Mr. Robinson's comments dated July 11, 2006 attached.)

Discussion among the Board followed. One specific noted was the designated corridor area. Mr. Megginson stated that Mr. Robinson described accurately what the Land Development Plan says about the corridor along US 15-501 north (from Pittsboro to the County line); that tonight's agenda notes refer to what the Board of Commissioner's actually adopted in the Compact Communities Ordinance that further defines where this corridor is (i.e. a smaller area) and that this is a separate document from the Land Development Plan.

Charlie Casper stated that there is not another shopping center that abuts established residential, i.e. Harris Teeter, Cole Park.

Discussion among the Board followed. Mr. Walker made a motion; seconded by Ms. Kost to accept staff's recommendation and deny the project. There was no discussion on the motion and the motion failed 3-7 with Walker, Kost and Cross voting in favor of the motion; and Eliason, McBee, Harris, Mason, McCoy, Nettles, and Walker voting against. Mr. Wilson made a motion; seconded by Mr. Mason to grant approval of the request as submitted. There was no discussion on the motion and the motion passed 7-3 with Wilson, Mason, Eliason, McBee, Harris, McCoy, and Nettles voting in favor of the motion; and Cross, Kost and Walker voting against.

- B. 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.

Mr. Megginson stated that this is the second portion of the request; that this issue was heard at the recent public hearing under the quasi-judicial rules; that the Board should not take additional comments; that there may be questions specific about something not understood; that the Board of Commissioners are supposed to make their decision based on facts and testimony submitted under oath at the public hearing; and that tonight's agenda notes address the Land Development Plan and the required five (5) findings for a conditional use permit. Mr. Megginson reviewed the required findings and staff's comments and recommendations on each as stated in the agenda notes. He noted that the Planning Board has up to three meetings to get a recommendation back to the County Commissioners.

Discussion among the Board followed. Ms. Kost voiced various concerns and some of those concerns are noted below:

- ❑ drainage from the proposed parcel onto adjoining landowner and their pond drying up
- ❑ usage of out parcels (many residents do not want a convenience store or gas station)
- ❑ out parcels need additional buffering (not just a 50 ft. setback)
- ❑ traffic on Morris Road

Mark Ashness, engineer with the CE Group, Inc. was present representing the applicant. Mr. Ashness used the overview map to explain the drainage areas.

Regarding out parcels, Mr. Robinson stated that a 50-foot landscape buffer is proposed outside the current NCDOT right-of-way and that a white split rail fence would be behind the buffering.

Mr. Walker left the meeting at this time (10:30 p.m).

Discussion among the Board followed. Mr. Wilson inquired about the permitted use of “automobile service stations including tune-ups,...” Mr. Robinson explained that this usage was not omitted in the application because it was not clear how automobile service stations would be interpreted.

Mr. Wilson made a motion; seconded by Mr. McCoy to grant approval of the request as submitted with the following eleven (11) conditions recommended by staff:

1. All lighting shall meet the requirements of the draft Chatham County Lighting Ordinance and where specified on the site plan shall be cutoff shoebox lighting.
2. Signage shall be as specified on the site plan. Signage shall meet the requirements of the zoning ordinance for a Business (B-1) zoning district.
3. The recommendations from the Appearance Commission for landscaping shall be followed as reasonably practicable. Plantings shall start at the next optimal planting season from the date of permit approval.
4. A 8-10 foot tall berm shall be installed along the SW edge of the development beginning at the entrance on Morris Rd. extending the entire length along Morris Road to the Casper property and then along the entire length of the eastern boundary of the Casper property as shown on the site plan. A 12-15 foot tall berm shall be installed along the northwest corner of the applicant’s property as shown on the site plan in the area currently existing as a field. A 12-15 foot tall berm shall also be installed along the northeast side of the applicant’s property as shown on the plan north of the proposed water quality pond.
5. The berms addressed above shall be installed before the first building permit is issued. Landscaping of the berm shall commence at the next optimal planting season following the approval of the permit.
6. The minimum parking requirements for the request shall be as requested by the applicant.
7. Storm water measures shall be designed and installed to detain the 2 year 24 hour storm.
8. All required perimeter landscaping and buffering shall be installed prior to the issuance of certificate of occupancy for the first structure or at the first optimal planting season following the issuance of the certificate of occupancy.
9. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Erosion Control etc.) shall be obtained and copies submitted to the Planning Department prior to issuance of the first building permit.
10. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.

11. The first building permit shall be issued within 24 months from the date of this permit's approval or this permit will automatically expire and become void.

There was no discussion on the motion and the motion passed 7-1-1 (and 1 absent); with Wilson, McCoy, Eliason, McBee, Harris, Mason, and Nettles voting in favor of the motion; and Kost voting against; and Cross abstaining; and Walker absent.

Item from June 19, 2006 Public Hearing (postponed at May 15, 2006 public hearing):

C. Request to consider adopting the Chatham County Moratorium Ordinance.

Mr. Sullivan stated that this issue was originally scheduled for public hearing May 15, 2006 but the Board of Commissioners tabled the issue until June 19, 2006; that the North Carolina Legislature approved several amendments to the General Statutes in 2005; that one of the changes made was to allow local jurisdictions to adopt moratoriums; that this is the result of that change in that General Statute; that one person spoke on this issue at the recent public hearing and these comments are referenced in tonight's agenda notes; that several changes were incorporated into the proposed amendment; that there is one additional change staff would like to make (based on earlier discussion tonight); that the General Statutes allow exemptions for preliminary and final plats; that one of the comments at the public hearing was to provide exemptions for sketch design; that the Institute of Government has said it is fine to include exemptions for sketch design; and that the only additional change that staff recommends is an additional exemption for plats that start at preliminary stage instead of sketch.

Mr. McBee made a motion; seconded by Ms. Cross to accept staff's recommendation and approve the revised text to the Moratorium Ordinance as submitted with the one additional change by staff as Mr. Sullivan noted above. There was no discussion on the motion and the motion passed unanimously. (9 Board members)

Items for July 17, 2006 Public Hearing:

Mr. Megginson stated that items D – N listed below are scheduled for public hearing and that this would probably be a two night public hearing; that tentatively the hearing would continue the following night as follows:

Monday, July 17, 2006 - 6:00 p.m. - Superior Courtroom, and
Tuesday, July 18, 2006 - 6:00 p.m. - District Courtroom

- D. Public Hearing request by William Jeffrey House for an amendment to the Chatham County Zoning Ordinance, Section 15.5 (B) (1) to change the acreage requirement for Public and Private Recreation Camps and Grounds from a minimum lot area of 20 acres to a minimum lot area of 10 acres.
- E. Public Hearing request by Gordon and Vivian W. Parker and Timothy Richard and Christy W. Brown for a zoning district change from Heavy

Industrial (H-Ind) to RA-40, on 25 acres, located off SR-1916 Corinth Road, Cape Fear Township.

- F. Public Hearing request by Contentnea Creek Development Co. for a zoning district change from RA-5 to RA-90, on property consisting of 130 acres, located off SR-1714, Hatley Road, New Hope Township.
- G. Public Hearing request by Warren D. Mitchell for a revision to an existing Conditional Use Permit for a Mini-warehouse storage facility to include a stand alone office with accessory apartment and to add an additional commercial driveway entrance off SR-1719, Vickers Road, on property, 5.43 acres, located at the intersection of U. S. 15-501 N and SR-1719, Vickers Road, Williams Township.
- H. Public Hearing request by Jeff Goodwin for a B-1 Conditional Use District with a Conditional Use Permit for Boat, Camper and Recreational Vehicle Storage, to be reviewed within category of Self-storage facility / mini-warehouse storage facility with related retail and services (i.e. moving truck rental), consisting of 4 acres, located off SR-1752, Martha's Chapel Road, New Hope Township.
- I. Public Hearing request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for a Conditional Use Permit for a Planned Unit Development (Farrington North) on 40 acres, to consist of 24 clustered single-family homes and 9 single-family lots, 33 total residential units, located off SR-1718, Villageway and SR-1785, Beechmast, Williams Township.
- J. Public Hearing request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for a RA-40 Conditional Use District with a Conditional Use Permit for Planned Unit Development (Farrington East / Northern Section) on 46 acres, (no residential units to be located on this section), located off U. S. 15-501 N, Williams Township.
- K. Public Hearing request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for a RA-40 Conditional Use District with a Conditional Use Permit for a Planned Unit Development (Farrington East / Southern Section) to consist of 28 clustered homes and 50 single-family lots (78 total residential units) on 197 acres, located off U. S. 15-501 N, Williams Township.
- L. Public Hearing request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for a revision to the existing Conditional Use Permit for a Planned Unit Development for the Village of Farrington to transfer allowed dwellings from Farrington East to the undeveloped Village Center lands to consist of 162 residential units on 1227 acres, located off U. S. Hwy 15-501 N, Williams Township.

- M. Public Hearing request by Baycorp Development, Inc. on behalf of Ridgely W. Cook, Jr. and Julia Ann Cooper for B-1 Conditional Use District with a Conditional Use Permit for Banks, Savings and Loans, Finance Companies, Credit Agencies and Similar Financial Institutions, on 1.351 acres, located off U. S. Hwy 15-501 N., Baldwin Township.
- N. Public Hearing request by Blake & Associates, Inc. on behalf of HBP Properties, LLC for a B-1 Conditional Use District with a Conditional Use Permit for Retail / Office Buildings / Restaurants / Bank / Insurance / Financial Services / Specialty Retail / Furniture / Pet Shop / Art House Theatre / Gallery / Pharmacy / Drug Store / Engineering / Service Offices / Distribution Centers (see application for specific uses), on 40 acres, located at the intersection of U. S. Hwy 15-501 N. and SR-1530, Polks Landing Road, Baldwin Township.

VIII. OLD BUSINESS:

Mr. Wilson inquired about the appointment of a Planning Board Parliamentarian to replace Jennifer Andrews. Chairman Eliason stated that he had discussed this today with Mr. Megginson. Mr. Megginson stated that the Planning Board Chairman appoints the Parliamentarian; that Planning Board officers are scheduled for election in September; that Mr. Eliason is not eligible to be Planning Board Chairman again at this time; and that it was thought that the new Chairman could appoint the Planning Board Parliamentarian. There were no comments from the Board.

IX. NEW BUSINESS:

A. Planning Director's Report

No reports were submitted.

B. Planning Board Member's Report

Mr. McBee stated that last year Planning Board members discussed starting the Planning Board meetings earlier. Following discussion among the Board, Ms. Kost made a motion; seconded by Mr. Wilson to begin the Planning Board meetings at 6:00 p.m. starting at the next regular meeting August 1, 2006. There was no discussion on the motion and the motion passed unanimously. (9 Board members)

X. ADJOURNMENT: There being no further business, the meeting adjourned at 10:45 p.m.

Charles Eliason, Chair

Date

Attest:

Kay Everage, Secretary to the Board

Date