

CHATHAM COUNTY PLANNING BOARD
MINUTES
August 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
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, Assistant Planning Director
Lynn Richardson, Land Use Administrator II
Kay Everage, Secretary to the Board

- I. CALL TO ORDER: Chairman Eliason called the meeting to order at 6:00 P.M.

- II. APPROVAL OF AGENDA: Chairman Eliason stated that Nick Robinson requested that Item III. A. (July 11, 2006 Planning Board minutes) be removed from the Consent Agenda for discussion. Ms. Cross made a motion; seconded by Mr. Wilson to approval tonight's agenda as submitted with the omission of Item III. A. from Consent Agenda. There was no discussion on the motion and the motion passed unanimously.

- III. A. CONSENT AGENDA: Mr. Walker made a motion; seconded by Ms. Cross to approve the Consent Agenda as submitted with the removal of Item A. (Minutes of the July 11, 2006 Planning Board meeting) as requested above and noted below. There was no discussion on the motion and the motion passed unanimously.

~~A. Minutes:~~

~~— Consideration of approval of minutes for July 11, 2006 Planning Board meeting.~~

- B. Final Approval:
1. Request by MAC Development Company for subdivision final plat review of "Cedar Grove, Phase IV", Lots 18 and 24 – 28, consisting of 6 lots on 25 acres, located off SR-1540, Jones Ferry Road, and Cedar Grove Road, Baldwin Township
 2. Request by Richard E. Fox for subdivision final plat review of "Hickory Downs", consisting of 41 lots on 167 acres, located off SR-1506, Bowers Store Road, Hickory Mountain Township.

End Consent Agenda

III. B.

MINUTES: Consideration of approval of minutes for July 11, 2006 Planning Board meeting.

Nick Robinson, attorney, requested that his remarks (entitled, "Farrington Place Planning Board Meeting, July 11, 2006, Comments Regarding Conditional Use District, Nicolas P. Robinson"), stated during the July 11, 2006 Planning Board meeting be attached as exhibits to said minutes. He stated that his handouts at that meeting are already attached to the minutes; that these handouts refer to his written remarks; and that he failed to submit his verbal comments at that time to be included as an attachment to the minutes.

Ms. Kost made a motion; seconded by Ms. Cross to approve the July 11, 2006 Planning Board minutes as submitted with the inclusion of Mr. Robinson's comments as noted above. There was no discussion on the motion and the motion passed unanimously.

- 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 Polk Sullivan, LLC for subdivision sketch design
Review of "Crescent Hill", consisting of 2 lots on 10.5 acres,
located off Old Graham Road, SR-1520, Hadley Township.

Chairman Eliason recused himself from the Board. Mr. McBee, Vice-Chair, opened the discussion.

Ms. Richardson reviewed the agenda notes for this request.

No adjacent landowners spoke.

Charles Eliason, Absolute Land Surveying and Mapping, P.C., was present representing the developer. Mr. Eliason stated that this area was not included

with "The Bluffs" subdivision submittal because the property was brought under contract at a different time; that at that time it was unsure as to how to handle the archeological area of significance (on lot #127); that one of the concerns is that the area is currently not protected; that the applicant plans to survey the tract, show the specific area on the plat, and include it in the covenants, as information for future landowners, that the area is not to be disturbed; and that the applicant is not proposing to allow any access by the public to this site.

Board discussion followed. Ms. Kost noted that the name change from "Mountainview" to "Crescent Hill" and documentation referring to "Buck Mountain" were all very confusing when reviewing the application. Chairman Eliason explained that the rationale behind this is that when projects are presented to staff and staff thinks that there is any confusion or duplication of road names and/or proposed subdivision names then the applicant is asked to make appropriate changes. Chairman Eliason stated that there has been some archeological diggings on the proposed property; that an Indian grave of an infant was found to be of significance; that this site has been studied; and that no further archeological studies are proposed by the State at this time. It was noted that language on the plat map states that protective covenants would be in place.

Scott Seibel, RPA, Environmental Services, Inc., was present representing the applicant. Mr. Seibel stated that the site has been determined significant by the State and was studied in the early 1980's by an archaeologist from the University of North Carolina at Chapel Hill.

Mr. McCoy made a motion; seconded by Ms. Cross to grant sketch design approval of "Crescent Hill" as submitted and as recommended by staff. There was no discussion on the motion and the motion passed 8-0-1 with McCoy, Cross, McBee, Harris, Kost, Nettles Walker, and Wilson voting in favor of the motion; and Eliason abstaining.

B. Request by Community Properties for subdivision sketch design review of "Shively Tract", consisting of 12 lots on 68 acres, located off Old Graham Road, SR-1520, Hadley Township.

Chairman Eliason recused himself from the Board. Mr. McBee, Vice-Chair, opened the discussion.

Ms. Richardson reviewed the agenda notes for this request. She stated that comments were posted to the County website this week regarding the archaeological survey report prepared by Scott Seibel; and that Delores Hall with the Office of State Archaeology has reviewed Mr. Seibel's report and concurs that no additional archaeological work is warranted.

The following adjacent landowners spoke:

- Thomas Marriott, 633 Rock Rest Road, Pittsboro, NC

Mr. Marriott stated that Subdivision Regulations 4.4.B requires that sketch plan be submitted 23 days or more prior to the approval application; that the first sketch is dated July 10, 2006 which is 22 days ago; and that this does not meet

the regulations to allow the application to proceed.

Mr. Megginson stated that the Board has several meetings to consider the application; that deadlines are posted based on the calendar approved by the Board; that this process has been used for 26 years; and that if that particular date falls on a Saturday or Sunday the Planning Department accepts the application on the following Monday.

Mr. Marriott stated that the second sketch plan map was submitted only a few days ago (less than the required notice time of at least 10 days) on July 26, 2006 and is significantly different than the original map submitted on July 10th; and that the July 10th application did not show the following:

- archeological site
- wetland area
- creek on eastern border of the property
- creek set back
- intermittent and tributary streams
- names and boundary of adjacent property owners.

Mr. Marriott noted that some boundary lines of adjacent property owners are incorrect on the July 26, 2006 plat map; that adjacent landowners have not been property informed; that there has not been adequate time for review; and that he does not think that the application should proceed.

- Alice Yeaman, 633 Rock Rest Road, Pittsboro, NC

Ms. Yeaman distributed to Board members and staff copies of a letter dated August 1, 2006 addressed to Members of the Chatham County Planning Board from J. Dickson Phillips, II, Lewis, Anderson, Phillips, Greene & Hinkle, Attorneys at Law. Ms. Yeaman read the three-page letter to the Board. (A copy of said letter is attached). Ms. Yeaman stated that her property is incorrectly identified on the revised plat map; that some existing streams and archaeological sites are not shown on the plat map; and that she requests that an environmental impact statement be submitted for this proposal as well as "The Bluffs", and the "Meacham Lands"

- Charles Millard, 445 Terrells Creek Circle, Pittsboro, NC

Mr. Millard stated that his questions were for a builder representative; that his concerns were regarding the placement of the houses on the six (6) river front lots, relative to set backs; and if the houses would be seen from the river.

No other adjacent landowners spoke.

Charles Eliason was present representing the applicant. Mr. Eliason apologized for misrepresenting the adjoining property owners on the plat map. He stated that the original plat does show the tributary to the east (50 foot buffer protection of lots) that the blue line streams referenced above are not indicated on the USGS Quad Map and thus are not show on the plat map; and that there were no changes to lots, layout of the project, flood line, and the geometry of the original plat map.

Scott Seibel, RPA, Environmental Services, Inc., was present representing the applicant. Mr. Seibel stated that an archaeological reconnaissance survey was done on the property in April, 2006; that two archaeological sites were encountered as a result of the investigation; that neither site proved to be significant; and that the applicant has no regulatory reason to conduct any further archaeological investigation.

Martin Mason arrived at this time. (7:00 P.M.)

David Gainey, Soil & Environmental Consultants [S&EC] addressed wetlands. Mr. Gainey stated that S&EC completed a preliminary wetland delineation of the property; and that all wetlands were identified and flagged accordingly.

Board discussion followed regarding notification time and accuracy of the map. It was noted that the Board has 65 days from tonight's meeting to send a recommendation on to the County Commissioners. Mr. McCoy made a motion to grant approval of the request as submitted. The motion was not seconded and discussion continued. Mr. Megginson stated the following specifics involved in this application:

- when Planning Department received the original plat map (if submittal deadline is a Saturday or Sunday applications are accepted on that following Monday) – a discrepancy of one (1) day,
- notice to adjacent property owners (sent 14 days prior to meeting) – no objection to this since received accordingly, and
- whether detail of map received was significant to address all concerns.

Mr. Walker noted that neighbors have acknowledged that they did receive legal notice but that the maps submitted are significantly different and still have some inaccuracies. Mr. Walker stated that he would like to see the issue tabled until next month to allow additional time for review of a more accurate plat map. Ms. Kost stated that the Subdivision Regulations clearly state what the plat map should include; that the map submitted July 10, 2006 did not include these items; and that in fairness to the citizens and to the County that this request should be tabled until next month's Planning Board meeting to allow additional time to review the revised plat map.

Mr. McCoy made a motion; seconded by Mr. Mason to grant sketch design approval of "Shively Tract" as submitted and as recommended by staff. The motion passed 5-4-1 with McCoy, Mason, Harris, Nettles and Wilson voting in favor of the motion; McBee, Cross, Kost and Walker voting against; and Eliason abstaining. Ms. Cross noted that she was opposed to the motion because the motion was made when Ms. Richardson was still talking. Mr. McCoy apologized to Ms. Richardson for the interruption. Ms. Richardson noted that staff received the revised map on Monday, July 24, 2006 and that the map was posted on the web site (as a courtesy to the public) yesterday, July 31st.

Chairman Eliason returned to the Board.

VI. VARIANCE, SKETCH, PRELIMINARY and FINAL APPROVAL:

- A. Request by Nelson Wall for a variance from Section 6.4.C.1 of the Chatham County Subdivision Regulations and for sketch, preliminary, and final subdivision approval of "Property of Robert Nelson Wall and wife, Janice C. Wall, consisting of 2 lots on 1.61 acres, located off SR-1783, Willow Way, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this request.

The following adjacent landowner spoke:

- James E. Dixon, 94 Chatham Dr., Chapel Hill, NC
- Mr. Dixon inquired about the distance between his property line and the edge of the repair field on the proposed lot #64H.

Chairman Eliason stated that 10 feet is a requirement by Chatham County. Ms. Richardson stated that Terri Ritter, Chatham County Environmental Health Specialist has indicated that this is at least 10 feet and that she would submit an actual measurement if requested. Ms. Richardson noted that Environmental Health would monitor that a 10-foot set back is maintained if and when this repair area is ever needed.

No other adjacent landowners spoke.

Nelson Wall, applicant, stated that the townhouses were built for his son in 1986 to Chatham County specifications; and that he is making preparations for retirement.

There was no discussion among Board members.

Mr. Wilson made a motion; seconded by Mr. Harris to grant approval of the variance request and sketch, preliminary, and final approval of the plat as submitted and as recommended by staff, with the following condition.

1. Prior to recordation of the final plat, a septic easement document shall be recorded in the Chatham County Office of the Register of Deeds.

There was no discussion on the motion and the motion passed unanimously.

VII. ZONING AND ORDINANCE AMENDMENTS: - *Items from July 17, 2006 Public Hearing:*

- A. 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.

Mr. Megginson explained that there has been some reorganization in the Planning Department and that Angie Birchett would be addressing future zoning applications during the Planning Board meetings. He stated that Ms. Birchett is currently out of town attending a zoning conference; that tonight's agenda notes,

relative to zoning issues, were prepared by Ms. Birchett; that the agenda notes for this request address that it is an ordinance wide request but indicates what the implications would be if Mr. House were to apply it to his particular property; and that the agenda notes address some existing area RV parks and the Land Conservation and Development Plan with regards to home-based businesses in rural areas. Mr. Megginson noted that staff recommends not changing the ordinance.

Board discussion followed. Mr. Megginson explained that the number of campers placed on a minimum lot area is dependant on suitable soils. Mr. McCoy referenced tonight's agenda notes regarding the Planning Board's recommendation March 1, 2005 to approve staff's recommendation to reduce the acreage to a 3 acre minimum (with 50 foot setbacks all around); and the Board of Commissioners' unanimous vote (5-0) to table the issue until a later date; and that the Board of Commissioners never addressed the issue after this date. Ms. Cross stated that she recalled that this particular applicant withdrew the request.

No landowners requested to speak.

Cindy Perry, attorney, was present representing the applicant. Ms. Perry stated that the request would give more equal economic opportunity to Chatham County citizens; that a small family campground could easily be accommodated on 10 acres; that the request is consistent with the goals of the Land Conservation and Development Plan; that the applicant is employed with Progress Energy and is aware of the need for additional campgrounds; and that she asks that the Planning Board vote in favor of this request.

Board discussion followed. Mr. Megginson explained that State Building Code states that campers and RV's are not permanent structures and do not fall under building codes; that an RV could possibly be lived in continuously by several different people; that if this request is approved Mr. House would be required to submit a conditional use permit request; and that particular conditions could be imposed at that time. The Noise Ordinance and the current 20-acre minimum lot area were discussed.

Ms. Kost stated that it is very dangerous to make public policy on one case without thoroughly looking at other zoned areas of the County; that it is important to look at what impact this request would have; and that upon completion of the Board's discussion she would like to make a motion to deny this request as recommended by staff. Chairman Eliason acknowledged that there was a motion on the table made by Ms. Kost.

Discussion continued. Mr. McCoy stated that some campgrounds use a "pump and haul" situation for their sewerage process. It was noted that the applicant lives on this property. Mr. Walker stated that he is uncomfortable changing the acreage with no other basis at this point. Chairman Eliason stated that the basis he would have (if the Board decides to approve the request) would be to allow more people that do not own 20 acres of land the possibility to have a viable means of income for their property (in an appropriate location, with an

appropriate site plan, and with an appropriate conditional use permit).

Mr. Walker seconded the motion stated above by Ms. Kost to deny the request as recommended by staff. Discussion continued.

Ms. Cross stated that the Board does have some time before making a decision on this request; that it is important that the request is studied further, i.e. smaller minimum lot areas that would create more campgrounds or larger minimum lot areas creating less facilities; that she is opposed to being able to make a decision based on the information she has; and that the request impacts the entire county.

Ms. Kost amended her motion stated above (to deny the request as recommended by staff) to table the request until next month's Planning Board meeting and that staff look at what other jurisdictions allow or require. Mr. Walker seconded the motion. There was no discussion on the motion and the motion failed with a tie vote (5-5) with Kost, Walker, Eliason, McBee, and Cross voting in favor of the motion; and Harris, Mason, McCoy, Nettles and Wilson voting against.

Following further discussion, Mr. Mason made a motion; seconded by Mr. McCoy to grant approval of the request for a text amendment of the Zoning Ordinance, Section 15.5 B.1, Public and Private Recreation Camps and Grounds Minimum Lot Area 20 acres - **to be reduced to a Minimum lot area of 10 acres**. There was no discussion on the motion and the motion passed 6-4 with Mason, McCoy, McBee, Harris, Nettles, and Wilson voting in favor of the motion; and Eliason, Cross, Kost and Walker voting against.

At this time, a 10-minute break was taken. (8:15 P.M.)

B. 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.

Mr. Megginson reviewed the agenda notes for this request. He stated that this is a straight re-zoning request of 25 acres from heavy industrial (H-Ind.) to RA-40 (Residential / Agricultural); that when the Cape Fear Township area was zoned it was generally considered that much of the land around existing industries would be zoned for industrial use; that the applicant requests that their land be rezoned to residential / agriculture so that the land can be used for this purpose; that the County has not had overwhelming requests for new industries in this area; and that the Planning Department thinks it is appropriate for the land to be zoned for residential / agriculture as requested.

No adjacent landowners spoke.

Chairman Eliason made a motion; seconded by Ms. Cross to grant approval of the request as submitted and as recommended by staff. Ms. Kost asked if County water lines run along this road (Corinth Road) and if so, what size line

was installed, i.e. sized for industrial. It was noted that County water is available but it was uncertain about the size of the water line. The vote on the motion was unanimous.

- C. 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.

Mr. Megginson reviewed the agenda notes for this request. He stated that this is also a straight zoning district change request for 130 acres to be rezoned from RA-5 to RA-90, that tonight's agenda notes explain the request; that the RA-90 district was created to conform with the water supply watershed regulations for University Lake (north of Mann's Chapel Road and west of U.S.15-501); that this is a small WSII protected watershed area that drains north into Orange County and University Lake; that the zoning (basically 2 acres/lot) conforms with the WSII designation for that area; that originally this was the only location with RA-90 zoning until the Williams Pond Development obtained a RA-90 Conditional Use District with a Conditional Use Permit for a Planned Unit Development earlier this year (with provisions to aide in the protection of rivers and streams as noted in the RA-5 zoning districts); that the applicant has stated that if allowed the higher density of RA-90 zoning that they would adhere to storm water management practices (as required with RA-5 zoning); that several comments were received from supporting neighbors of the development requesting certain conditions be made; and that the straight zoning request (not conditional use district request) would not allow for conditions to be imposed (i.e. wider buffer set backs, upgrading of Hatley Road, county water connections and extensions, and etc.)

Board discussion followed with concerns regarding having no control without a conditional use request.

No adjacent landowners spoke.

Karen Kemerait, attorney with Blanchard, Jenkins, Miller, Lewis & Styers, P.A. and Jonna Birtcher, Vice President of Development, Contentnea Creek Development Company, were present representing the applicant. Ms. Kemerait stated that the request is in conformity with the Chatham County Land Use Development Plan and Zoning Ordinance; that this is an exceptional rezoning request and is widely supported by area neighbors; that (at the applicant's expense) water lines would be extended down Hatley Road for county water availability; that the proposed property is adjacent to the west to property zoned RA-40 (1 lot per acre) and RA-5 to the east (5 acre average, 3 acre minimum per lot); that this proposal would be a good zoning transition; that the area is a WS-IV protected watershed (50 foot setbacks from creeks or streams) and is not in a critical watershed area; that the RA-90 zoning classification is supported by the adjoining neighbors; that the Zoning Ordinance states that RA-90 zoning is primarily for low-density residential development (and does not state *exclusively*); that the proposal would be beneficial to both the neighbors and the county and would preserve the nature of the area; that Chatham County is not accustomed to straight zoning requests; that the applicant would comply with the two

conditions included in the rezoning request as follows:

- The development would not take place unless the water line is extended as stated as it would be,
- The applicant has agreed to 75 foot buffers along the perimeter of the proposed property;

and that the applicant is asking that the Board recommend approval of the request. Ms. Kemerait cited that the applicant held a community meeting; that all adjacent property owners (and neighboring subdivision) were notified of said meeting; and that no concerns have been voiced.

Board discussion followed. It was noted that three (3) of five (5) residents who submitted letters of support for the proposal actually reside on adjacent properties. Existing zoning in the proposed area was reviewed, i.e. RA-40 and RA-5.

Ms. Kost made a motion to support staff's recommendation to deny the request. Mr. Walker seconded the motion and discussion on the motion followed. It was noted that conditions cannot be enforced with straight zoning and that the County does not enforce private covenants.

Ms. Kemerait asked that the Board consider tabling the issue until next month's Planning Board meeting to allow additional time for the applicant to rethink issues discussed tonight and talk with the County attorney to come to a decision with something enforceable to the satisfaction of Chatham County.

Ms. Kost acknowledged that she did not wish to amend her motion to deny the request. The motion failed with a vote of 3-7 with Kost, Cross and Walker voting in favor of the motion; and Eliason, McBee, Harris, Mason, McCoy, Nettles and Wilson voting against the motion.

Mr. McBee made a motion; seconded by Ms. Nettles to table the issue until next month's Planning Board meeting (to allow the applicant additional time to review the issues discussed tonight and to meet with the County attorney as noted above by Ms. Kemerait). There was no discussion on the motion and the motion passed 8-2 with McBee, Nettles, Eliason, Cross, Harris, Mason, McCoy and Wilson voting in favor of the motion; and Kost and Walker voting against.

D. 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.

Mr. Megginson reviewed the agenda notes for this request. He stated that it is staff's recommendation to make the five required findings and approve the request with the four (4) conditions listed in tonight's agenda notes.

No adjacent landowners spoke.

Warren Mitchell, applicant, was present. Mr. Mitchell stated that he has talked with neighbors and that the neighbors support his request; that neighbors are pleased with what has been done on the property over the last couple of years; that he is very sensitive to the highway in that area and the entrance would be located on the back side of the property; and that there was no opposition to the proposal at the recent public hearing.

Board discussion followed. Ms. Kost was pleased with existing buffering and was concerned about the amount of buffering that would remain. Mr. Mitchell stated that the landscape architect has submitted a nice plan; and that most of the existing trees along 15-501 (on one side of the highway) would be cleared for many reasons, i.e. safety & etc.

Mr. Wilson made a motion; seconded by Mr. Mason to grant approval of the request as submitted and as recommended by staff, with the following four (4) conditions:

- 1) NCDOT driveway permit shall be approved and issued prior to obtaining a building permit for this project.
- 2) All Environmental Health (county or state) shall be issued prior to obtaining a building permit for this project.
- 3) Building permits for this request shall be obtained within 12 months of the approval date and remains valid to its completion. Failure to obtain and/or keep valid any building permits associated with this project will cause this approval to become void.
- 4) All previous conditions set and approved by the Board on the original conditional use permit shall remain valid and apply to this revision.

There was no discussion on the motion and the motion passed unanimously.

- E. Request by Jeff Goodwin by Attorney Cindy Perry to rezone 4.03 acres of property located on Martha's Chapel Road (SR 1752) to Conditional Use District B-1 Business for a boat, camper, and RV storage facility, I New Hope Township.

Mr. Megginson reviewed the agenda notes for this request. He stated that this is a two part request; that the first part is a change in the district from RA-40 to B-1 Business conditional use district; that the second part is a conditional use permit with a site plan consideration; and that tonight's agenda notes reference the following six (6) types of economic development listed in the Chatham County Land Conservation and Development Plan:

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 cited that staff does not think the application meets the requirements or general goals of the Chatham County Land Conservation and Development Plan and does not think the request should be approved. He explained that the Board could not discuss the site plan while deliberating on the zoning district change, but could discuss whether or not this particular location is suitable for a conditional use business district; that because this is a district change the Board could hear from parties involved; but that it is difficult to distinguish between the two.

Discussion followed. Ms. Kost stated that she has several safety concerns regarding this project. Some of her concerns are listed below:

- Martha's Chapel Road - very poor condition, currently a bicycle route, narrow road with no shoulder, increased traffic (i.e. trucks, trucks carrying boats) extremely dangerous
- impact on surrounding neighbors
- lighting
- signage
- line of sight from Ferrell's Creek Subdivision (i.e. proposed berm not adequate
- driveway issue
- business use at this location not consistent with the Land Use Plan

Ms. Kost stated that she was surprised at Cindy Perry's comment during the recent public hearing that this rezoning would actually reduce traffic.

Cindy Perry, attorney, was present representing the applicant. Ms. Perry stated that she wasn't sure that she said (during the recent public hearing) that the request would reduce traffic so much as she said that it would not increase traffic; that trucks pulling boats are currently on our roads; and that this request would provide a local place for boat storage thus reducing long distance hauls.

Board discussion continued. Ms. Cross and Mr. McBee stated that the request does not fit the definition of a "home based business (as stated in the Chatham County Land and Conservation Plan). Mr. Walker stated that he agrees with Ms. Kost's comments; that he is very familiar with the road; that the road and driveway are in terrible condition; that this is not a compelling reason for one landowner to have a business; and that there is no reason to approve this change. Mr. Harris stated that he had some reservations about the appropriateness of the request. Mr. Wilson stated that condition of the road is not the issue (since many of the existing roads in Chatham County need repairs); that his only concern is the impact the proposal would have on the neighbors. Chairman Eliason voiced concern that the property does not have road frontage or the character of a business or commercial use; and that he is concerned that three other residences currently use the driveway.

Mr. Walker made a motion; seconded by Ms. Kost to accept staff's recommendation and deny the request. There was no discussion on the motion and the motion passed 7-2-1 with Walker, Kost, Eliason, McBee, Cross, Harris, and Walker voting in favor of the motion; and McCoy and Martin voting against the motion; and Nettles abstaining.

F. Request by Jeff Goodwin by Attorney Cindy Perry to rezone 4.03 acres of property located on Martha's Chapel Road (SR 1752) for a Conditional Use District Permit for a boat, camper and RV storage facility, in New Hope Township.

Mr. Megginson reviewed the agenda notes for this request. He stated that this request is specific to the site plan; that this is where testimony is sworn and additional comments cannot be considered tonight (since the County Commissioners are not present to hear these comments); that the five findings have to be met; that staff's opinion regarding the required five (5) findings are stated in tonight's agenda notes and are briefly noted below:

Finding #1 can be made provided the rezoning of the property is approved,
Finding #2 could be supported but it is arguable the location is desirable for the public convenience and welfare,
Finding #3 has not been supported,
Finding #4 has not been supported, and
Finding #5 may be made with the specific conditions (if the request is considered favorably) stated in staff's recommendation.

Mr. Megginson explained staff's reasoning for the above. He stated that it is the Planning Department's opinion not all of the five (5) required findings can be made and that the request be denied; and that if the Planning Board approves the request staff recommends that the eight (8) conditions apply as listed in tonight's agenda notes.

Mr. Megginson suggested that if the Board recommends denial of the permit that the Board still consider the conditions so that the Board of Commissioners would have something to work from; that the Board may want to make changes or additions to these conditions; and that this would be two separate motions.

Board discussion continued regarding fencing, privacy, buffering, landscaping, security, improvements to entrance, green trees, paved driveway and signage.

Cindy Perry stated that there has been some misunderstanding about this project, i. e., proposed landscaping on top of the berm, and cedar trees located on the Goodwin property.

Mr. McBee made a motion; seconded by Mr. Walker that all five findings cannot be made and that the request be denied. There was no discussion on the motion and the motion passed 8-2 with McBee, Walker, Eliason, Cross, Harris, Kost, Nettles and Wilson voting in favor of the motion; and Mason and McCoy voting against.

Mr. McBee made a motion; seconded by Mr. Walker that If the request is considered favorably by the Commissioners that the following conditions (recommended by staff) apply:

1. A berm extending the entire length of the open area next to the eastern adjacent property as described in the application shall be installed and at a height of at least 10 feet.
2. Security fencing with a controlled access gate shall be installed around the entire project area prior to issuance of the certificate of occupancy for the first structure.
3. All lighting, signage, and parking shall be as stated in the application and comply with any county ordinances or plans.
4. Storm water measures shall be designed and installed to detain the 2 year 24 hour storm.
5. 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 with the exception of the berm. The berm shall be constructed and seeded or mulched to prevent runoff but the plantings can be installed at the first optimal planting season.
6. 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.
7. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
8. The first building permit shall be issued within 12 months from the date of this permit's approval or this permit will automatically expire and become void;

and to include the following additional conditions:

- Security fencing to be inside evergreen trees
- Driveway to be blacktopped from the road to the first set of buildings.

There was no discussion on the motion and the motion passed 9-1 with all Planning Board members voting in favor of the motion except Mr. McCoy who voted against.

VIII. OLD BUSINESS:

➤ Chairman Eliason stated that a Planning Board member recently pointed out to him that he was engaging in extracurricular conversation during the last public hearing; that at times this has become something that some Board members do during citizen testimony; that the conversation kept this Planning Board member from listening to what was being presented; and that this Board member has asked that Planning Board members act more professionally during meetings. Chairman Eliason apologized for the conversation and acknowledged that it was out of character and out of order. He asked that Planning Board members refrain from chatting to each other during future Commissioner meetings as well as Planning Board meetings.

➤ Ms. Kost asked how minority reports get entered into the Planning Board minutes.

Chairman Eliason stated that there have been times where the Planning Board Chair wrote the minority and majority report and presented to the Board of Commissioners; that there were times where the minority report was prepared by Chris Walker and presented to staff to be forwarded to the Commissioners; that there has not been one solid method of submitting these reports; that Board members decided that in order to be considerate and honest to all Planning Board members that whoever did prepare the minority report should make sure that other Planning Board members review the report first before sending to staff to be forwarded on to the Commissioners; and to receive comments from other Planning Board members if time is allowed.

Mr. Walker stated that the Planning Board amended the rules to state that any member could produce a minority report (that there wouldn't be two or three submitted); that all Planning Board members did not have to sign the report; that a copy of the report would be sent to all Planning Board members as a courtesy but not for review and at this same time sent to staff; and that the report would be due in the Planning Department the following Monday after the Planning Board meeting to be included in the packet for the Board of Commissioners.

Board discussion followed. It was noted that one Board member should not represent the entire Board; and that Board members should have the opportunity to comment or request changes to the report before it is submitted; that when the Board votes by majority for an item that this vote means that the Planning Board has voted by majority (either in favor or out of favor); and that when the majority rules that is the decision of the Board. Chairman Eliason gave a brief summary of how the minority report was started. He explained that Commissioner Emerson wanted to use the minority report to make sure that the Commissioners understood the scope of the discussion (since the Commissioners are not always at Planning Board meetings); and that the minority report was not intended to present an alternative opinion. Mr. Walker stated that the By Laws of the Planning Board addressed minority reports long before his appointment to the Board.

IX. NEW BUSINESS:

A. Planning Director's Report

B. Planning Board Member's Report

I. Election of Planning Board Chair and Vice-Chair and Appointment of Planning Board Parliamentarian

Mr. Megginson reminded the Board that next month is when officers are elected and the Chairman appoints the Parliamentarian.

X. ADJOURNMENT: There being no further business, the meeting was adjourned at 10:15 P.M.

Charles Eliason, Chair

Date

Attest:

Kay Everage, Secretary to the Board

Date