

**CHATHAM COUNTY PLANNING BOARD**  
**MINUTES**  
**September 5, 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, Subdivision Administrator  
Angela Birchett, Zoning Administrator  
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: Ms. Cross made a motion; seconded by Ms. Nettles to approve the agenda as submitted. There was no discussion on the motion and the motion passed unanimously. (9 Board members)
- III. CONSENT AGENDA: Ms. Cross made a motion; seconded by Mr. Mason to approve the consent agenda as submitted. There was no discussion on the motion and the motion passed unanimously. (9 Board members)
  - A. Minutes:  
Consideration of approval of minutes for August 1, 2006 Planning Board meeting.
  - B. Preliminary Plat Approval:
    1. Request by Bass, Nixon & Kennedy, Inc. on behalf of Roy Mashburn, Jr. for subdivision preliminary approval of "Shadow Creek", consisting of 24 lots on 76 acres, located off SR-1740, Lewter Shop Road, and New Hope Township.

2. Request by Pittman-Korbin, Inc for subdivision preliminary plat approval of "The Cottages At Stonegate, Phase 3", consisting of eight (8) subdivision lots on 64 acres, located off SR-1535, Gilmore Road, and SR-1534, Poythress Road, Baldwin Township.

C. Final Plat Approval:

1. Request by Bobby A. Branch on behalf of Terra Cognitum, LLC for subdivision final plat approval of "Mayfield", consisting of 11 lots on 65 acres, located off SR-2182, Lonnie Fields Road, and Gulf Township.

End Consent Agenda

Ms. Kost asked if the times stated on tonight's agenda were realistic and if the Board would be able to finish the meeting by 9:30 p.m. Chairman Eliason stated that he was unsure but that every effort would be made to adjourn by 9:30.

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 Dan Sullivan on behalf of Contentnea Creek, Co. for subdivision sketch design approval of "Pennington South", consisting of 50 lots on 68 acres, located off U S. Hwy 64 E., New Hope Township.

Cecil Wilson arrived at this time. (7:05 p.m.)

Ms. Richardson reviewed the agenda notes for this request. She noted that the placement and size of utility easements would be per specifications of the Chatham County Public Works Department.

No adjacent landowners spoke at this time.

Board discussion followed. Ms. Kost voiced concerns regarding, 1.) temporary turn-a-rounds and if these have to meet the radius requirement, 2.) access off US 64, i.e. crossover median, and 3.) plans for US 64 becoming a thoroughfare and this proposal not having access off another road. Ms. Richardson stated that staff would ask that there be temporary turn-a-rounds; that these could be removed in the future if the road is extended to adjacent properties; and that turn-a-rounds are required to have 55 foot shoulder sections.

Dan Sullivan, applicant, stated that access off US 64 would be a right turn in and right turn out only; that traffic going west could use the Big Woods Road intersection to turn into this subdivision; and that this subdivision would not be a gated community.

Jason Sullivan stated that the short term improvements of the US 64 study would not necessarily take access away from properties; that improvements would be made to some of the intersections; that short term improvements are projected

for the next 15 years; that long range improvements would be 15 years plus; that major intersections would be reviewed for possible improvements; that D.O.T. would have to provide alternate access for any road changes; that D.O.T. is just beginning this planning study; and that the Transportation Improvement Program (TIP) indicates that it would take 5 – 7 years to make the project work.

- Warren Bailey, 8 Crosswinds Estates Dr., Pittsboro, N.C., adjacent landowner, stated concerns regarding traffic, i.e. u-turn on US 64, and visibility.

Board discussion continued. Regarding the US 64 long-term study, Mr. Walker asked if D.O.T. would potentially close Seaforth, Big Woods or Mt. Gilead Church Road as intersections. Jason Sullivan stated that there has not been any determination for future plans but that D.O.T. would have to provide access to any current project. Mr. Megginson stated that this is the second part of a study that started some time ago (from Cary to Charlotte down Hwy. 49 and US 64 to Lexington) to look at these strategic corridors to determine whether or not to pull traffic off the interstates (to lessen traffic and congestion); that a consultant has not yet been chosen to start the study; and that this part of the study would take 1 year to 18 months to complete. Mr. Megginson noted that D.O.T. is currently putting notes on commercial driveway permits stating that, “commercial driveways may be closed or relocated in future”.

Chairman Eliason addressed Mr. Bailey’s concern regarding excess traffic. He asked if the applicant had studied and considered how west bound traffic would access this property. Dan Sullivan stated that much thought had gone into this process; that this area is not considered to have a severe amount of traffic; that he would check with D.O.T. regarding the feasibility of a crossover median; and that there could possibly be some taper lanes.

Ms. Kost asked if there would be another phase for this project and if the permit process for a stream crossing had been started. Dan Sullivan stated that the applicant does not own the adjoining property; that the Planning Department staff advised the stub-out shown on the survey map; and that the 401 permitting process for the stream crossings has been started with DWQ. Ms. Richardson stated that this permit would be presented at preliminary plat submittal.

There was no further discussion. Mr. Mason made a motion; seconded by Mr. McCoy to grant sketch design approval for “Pennington South” as submitted and as recommended by staff with the following two (2) conditions:

1. Staff recommends utility easements be shown on the preliminary plan and final plat to provide for future looping of water lines to the west, east and south. The width and location of said utility easements shall be as specified by the Chatham County Public Works Department.
2. Note # 5 to be changed to reflect the correct zoning.

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

- B. Request by Belmeade Farms, LLC for subdivision sketch design approval of "Belmeade", consisting of 197 lots on 556 acres, located off Hwy 64 and SR-2161, Aldolph Taylor Road, Center Township.

Ms. Richardson reviewed the agenda notes for this request.

Mr. Walker asked why Chatham County received the land instead of Pittsboro ETJ. Ms. Richardson explained that it was going to be too difficult to have two different jurisdictions; that Pittsboro ETJ would have some zoning whereas the County would not; that flood rules and regulations are different in the ETJ; and that both jurisdictions felt it would be better to be under the umbrella of one jurisdiction. Mr. Megginson stated that part of the consideration was that, because of the distance from existing corporate limits, the Town of Pittsboro did not anticipate extending services to this area in the near future; that the County could extend the water for both existing and future systems; and that it was the Town of Pittsboro's concern that the land was just too far west.

- Judith T. Lessler, 97 Plantation Drive, Pittsboro, NC, adjacent landowner, stated that she owns and operates Harland's Creek Farm, which is located directly across Highway 64 from the proposed development. Ms. Lessler read her comments to the Board regarding various concerns. Three specific concerns noted were, traffic, environmental, and the impact of a gated community on the quality of life in Chatham County. (Note: A copy of Ms. Lessler's comments entitled, "Belmeade Comments from Judith T. Lessler, adjacent land owner, 9/5/2006", are on file.)

Nick Robinson, attorney, was present representing the applicant. Mr. Robinson distributed a handout entitled, "Belmeade Fact Sheet" that is a summary of some of the information submitted in the application booklet. (A copy of the fact sheet is on file.) Mr. Robinson acknowledged that the following development team members were present tonight:

- Allen Harrington, President, Crescent Resources, LLC
- Joe Faulkner and Mark Ashness, CE Group, Inc., engineers
- Jason Hamilton, Ramey Kemp & Associates, traffic consultants
- David Gainey, S & EC, soil scientists
- Sarah Anderson, Audubon International, and
- Pat O'Neal and sons, current property owners and co-developer and applicant.

Mr. Robinson's comments entitled, "Belmeade Subdivision, Planning Board Comments, September 5, 2006" are on file. Mr. Robinson used the large overview map to show where the initial gate is proposed. He stated that this gate would also be public access to the Fine Living Center; that this would be a nice community center for public use with various activities; that it is intended that the gate would be open from 7:00 a.m. until 8:00 p.m. and unmanned (not policed); that this tract of land is unzoned; that the applicant is not seeking any ordinance changes, conditional uses, or conditional use district; that the project would comply with the requirements of the Chatham County Watershed Protection Ordinance and every other ordinance that applies to this piece of property; that

this is the first step in a carefully designed process that later will require the developer to provide detailed plans, drawings and specifications for approval by all the relevant State and local agencies with regards to roads, water supply, wastewater collection / treatment and septic system, storm water collection and dispensing, and erosion control; and that Crescent Resources, LLC is a development arm of Duke Energy.

Allen Harrington, President, Crescent Resources, LLC, stated that his company views it a privilege and not a right to develop property in Chatham County; that along with the large luxury home tax base benefits this project brings plans are to make Chatham County an even greater place by giving back by supporting:

YMCA at Powell Place,  
schools,  
community outreach programs, and  
engage and involve citizens in initiatives through the Fine Living Center.

Mr. Harrington cited environmental stewardship as a main priority of the construction and development in continuing property owner education; that Sarah Anderson with Audubon International is a huge part of the development team and has a full time position with Crescent Communities, Greater Raleigh; that she is the projects natural resource manager; that Ms. Anderson designs and implements programs that promote environmental sustainable building through a natural resource plan; and that Crescent Resources contracts with the finest general contractors on the East Coast.

Mr. Robinson stated that the property is approximately 557 acres; that 197 lots are proposed with an average lot size of 1.7 acres per lot; that over 30% open space (maintained in buffers and amenity areas) is proposed; that walking trails are proposed throughout the property and along buffer areas (i.e. 100 foot natural buffers maintained along each side of the creek); that the maximum density allowed in the unzoned area of the County is one (1) lot per every .91 acres; that this proposal is much lower with a maximum density at one (1) unit per every 2.83 acres; that the maximum impervious surface allowed (according to the Watershed Ordinance) is 24% and this project is less than 18% impervious surface; that the basis for approval of this request is extremely strong; that the applicant held a community meeting on August 31, 2006; that all adjoining landowners were invited as well as other area property owners; that approximately 15 property owners attended the community meeting; that the applicant supports the conditions recommended by staff; that the McLeod property has access to Hwy. 64 and the concept of connecting to said property is difficult to understand; that this proposal stands alone and should be approved on its own merits; and that it is requested that the Board vote to recommend approval of the sketch design of Belmeade Subdivision subject to the conditions recommended by staff.

Mark Ashness, Civil Engineer, CE Group, Inc., stated that there is excellent visibility on Hwy. 64 in this location; that a cross over is shared with the church site; that The Town of Pittsboro has agreed to furnish water to this site in the event the County is unable to supply the necessary water; and that all crossings of Harland's Creek would be bridge crossings.

- Jimmie Vaughn stated that his property is across Hwy. 64 from the proposed property. Mr. Vaughn asked if there are future plans to tie other lands to this proposal and if so would the one entry way be utilized. Mr. Vaughn was concerned about additional traffic.

Patrick A. O'Neal, applicant/developer, was present. Mr. O'Neal stated that he is also with Chatham Development Company; that he does have contracts on two adjacent properties that have additional access onto Hwy. 64; that these properties have potential but that nothing is planned at this time; that his company assembled the proposed property; and that Crescent Resources, LLC has purchased this land and would be developing the property.

Judith Lessler voiced concern regarding traffic and the proposed gated community. She stated that access onto Adolph Taylor Road would be a much safer way to enter and exit this development.

Board discussion followed. Mr. Walker asked that Allison Weakley give a brief summarization of her report submitted to Ms. Lessler and distributed earlier tonight to Planning Board members.

Ms. Weakley stated that with the time frame she has briefly reviewed the proposed development and has submitted her comments to Ms. Lessler; that some of her main concerns were regarding, 1.) extent of surveys done for rare species, and 2.) environmental inventory submitted not sufficient as outlined in the Chatham County Subdivision Regulations; that she urges the County to require an actual environmental assessment of this site that would include, 1.) the environmental impact of the proposed action, 2.) any significant adverse environmental affects which cannot be avoided should the proposal be implemented, 3.) mitigation measures proposed to minimize the impact, and 4.) alternatives to the proposed action, and etc.; that it is not clear to her (based on what S&EC submitted) how the survey was completed for rare species and suitable habitat, i.e. how detailed and how long it took; that some of the soils in the northwestern portion of the site are hydric soils with a number of lots proposed in this area; that her soil data (taken from the County GIS information) conflicted with what was submitted to the County, i.e. what basis these soils were submitted; that she would encourage the County to consider eliminating some of the lots from that site in the northwestern corner; that the stream buffers shown on the existing site hydrology map do not include the large wetland delineation by S&EC in the northwestern portion or wetlands on the northeastern and southern portions; that she would encourage the County to consider buffering those wetlands for the protection of suitable habitat; and that, given the likelihood of rare species on the site, she would urge the County (in any approval of this proposal) to adopt the recommendations given by the North Carolina Wildlife Resources Commission in their "Guidance Memorandum to Address and Mitigate Secondary and Cumulative Impact to Aquatic and Terrestrial Wildlife Resources and Water Quality". (Note: A copy of Ms. Weakley's report entitled, "Belmeade Planned Residential Community, Comments for Planning Board, 5 September 2006, By Allison E. Weakley, Biologist", is on file.)

Mr. Walker noted that it is his understanding that Audubon International is not in any way connected with or endorsed by Audubon Society.

Sarah Anderson, Audubon International, 11104 Limehurst Place, Charlotte, NC, was present representing the applicant. Ms. Anderson stated that Audubon International and Audubon Society are completely separate; that Audubon International is a non-profit environmental educational organization; that the president of her company was a past president of the Audubon Society of New York State; that knowing that the Audubon name was widely recognizable he formed Audubon International; that her division works with new development, i.e. planning design construction and long term management of properties; that Audubon International also has a division in New York State that works with existing facilities regarding the environment; and that she would be assessing the proposed site once preliminary application is approved.

Nick Robinson stated that S&EC has visited the site at least twice; and that S&EC pointed out in their report that there was suitable habitat for the Carolina Ladle Crayfish and Four-toed Salamander. Mr. Robinson encouraged Ms. Weakley and other interested citizens to confer with the developer with any questions and concerns.

David Gainey, soil scientist with Soil & Environmental Consultants, P.A. [S&EC], stated that he spent a couple days at the proposed site focusing on the suitable habitat; that the areas considered most suitable for the Four-toed Salamander or the Crayfish would be the same as most places in Chatham County, i.e. connection to an intermittent stream, or a perennial channel; that throughout Harland's Creek flood plain area it is possible to find the Four-toed Salamander; that the Carolina Ladle Crayfish is more likely to be found in the intermittent streams, i.e. higher up in the head waters, near wetlands; and that if managed correctly with buffers, habitat could actually be brought into this area for those species.

Board discussion followed. Mr. Walker stated that a full environmental assessment would answer many of tonight's questions and concerns. Ms. Cross asked why there was a need for a gated community.

Mr. Harrington stated that his company will continue to do a mixture of both gated and un-gated communities; that with this demographic and price point the buyers appreciate and want that perception of increased security; and that it does not have anything to do with not wanting to be a part of the community or not wanting the community to be a part of their neighborhood.

Ms. Kost noted the following concerns:

- has a marketing analysis been submitted,
- how many community meetings has the applicant / developer held, and
- would all amenities (such as walking trails) be open to the general public of Chatham County?

Mr. Harrington stated that a marketing analysis was done on this demographic

but was not submitted as part of the application; that only one community meeting has been held; and that walking trails would be open to the general public as long as nothing gets out of hand (i.e. there is no planned policing of these trails).

Ms. Kost cited concerns regarding the applicant's environmental assessment. She noted that Harland's Creek flows into the Rocky River and not the Haw River as noted in the applicant's report. Ms. Kost inquired if an impact on the Rocky River was considered. Ms. Anderson reiterated that she and her team of experts have not yet visited the site. Mr. Harrington stated that lots have been lost and roads have been moved for trees and etc. to accommodate suggestions of various developmental team members. Mr. Robinson stated that ordinances that apply to this property impose density restrictions; that the Watershed Ordinance imposes density and impervious surface restrictions; that all of these restrictions have been exceeded; and that the affect on the environment of this piece of property (based on the fact that all ordinance restrictions have been exceeded) is going to be negative. Mr. Robinson noted that this site was once considered for a landfill. Mr. Ashness noted that this project has less than 18% impervious coverage; that the project is 50% less than the impervious surface requirement for this type of subdivision; and that this could have been a proposed shopping center or it could have been 50% impervious surface.

Ms. Kost inquired if an actual survey was done for the Carolina Ladle Crayfish and the Four-toed Salamander. Mr. Gainey stated that a survey was done for these; that he tried to identify the possibility for the habitat; that none were found at the time; but that areas were found that could possibly support these throughout Harland's Creek and the flood plain area. Ms. Kost asked if the 404 permit (that is required at the next stage of the application process) had been started. Mr. Ashness stated that in his opinion it would be irresponsible to begin the 404 permit process until an actual sketch plan is approved; that at this point all that has been done is a mass inventory of the site with all wetland corridors identified; that his objective is basically to leave the lots out of those corridors; that, if it is an isolated wetland pocket, to make sure (on larger lots) these pockets are in the very rear along a back lot line; that at the community meeting individuals from Crescent Resources explained that on this type subdivision (where lots are greater than 2 acres and upwards of 3-4 acres) the footprint for development is going to be limited to the housing area; and that the developer has taken great care in locating either wetlands (intermittent, perennial or ephemeral) in the buffer areas; and that an actual submittal to the Corp of Engineers would be made after this process has been completed and the footprint is certain and also after Audubon International has properly evaluated the site. Ms. Kost inquired about the County timeline for bringing water down Alex Cockman Road. Mr. Ashness stated that the County Water Department has indicated that their objective is to have water available along Alex Cockman Road within fifteen (15) months from now which actually precedes the point needed to make a connection.

There was no further Board discussion.

Ms. Kost made a motion; seconded by Mr. Walker to table this request until a



marketing analysis and an environmental assessment have been completed. There was no discussion on the motion and the motion failed 2-8-0 with Kost and Walker voting in favor of the motion; and Eliason, McBee, Cross, Harris, Mason, McCoy, Nettles and Wilson voting against.

Mr. Wilson made a motion; seconded by Mr. Mason to grant sketch design approval of "Belmeade", as submitted and as recommended by staff, with the following three (3) conditions:

1. Dedication of right-of-ways and utility easements shall be shown on the preliminary and final maps to the adjoining property of McLeod, parcel #73451, 175 acres, and Graybeal, parcel #63865, 95 acres, to the west and a utility easement to one of the adjoining properties to the south as recommended by Chatham County Public Works.
2. The recommendations as specified for US Hwy 64 and SR-2161, Adolph Taylor Road in the traffic analysis on pages 5 and 6 of Jeff W. Westmoreland's letter dated August 10, 2006 shall be followed.
3. Prior to preliminary submittal the applicant shall evaluate the location of the habitat for the Carolina Ladle Crayfish and the Four-toed Salamander and consider methods for protecting said habitat for the species of concern.

There was no discussion on the motion and the motion passed 8-2 with Wilson, Mason, Eliason, McBee, Cross, Harris, McCoy, and Nettles voting in favor of the motion; and Kost and Walker voted against.

#### 15-Minute Break [7:40 P.M.]

- C. Request by David Ferrell, Village Investments, Inc. on behalf of Huang Eng-Shang and Betty Lou Ferrell, Etal for subdivision sketch design approval of "NC 751 Parcels", consisting of 14 lots on 66 acres, located off Hwy 751, Williams Township.

Ms. Richardson reviewed the agenda notes for this request. She stated that staff's condition #2 reads,

"The developer shall consider the widening of NC 751 to a four lane facility specifically as it relates to lots 1 and 12 prior to preliminary plat submittal";

that the language is intended to indicate that the placement of the structures and the access to these lots be considered since this road may become a four lane road sometime in the future; and that the Board may want to change the wording of this condition.

No adjacent landowners spoke.

Mark Ashness, Civil Engineer, CE Group, Inc., was present representing the applicant. To clarify condition #2 (as referenced above by Ms. Richardson), Mr.

Ashness stated that the applicant would not have a problem (between now and preliminary plat submittal) assigning some type of setback off Hwy. 751 for the structure location for each home site such that there would not be a potential problem. He suggested that language in condition #2 be revised to read,

“The developer shall consider an adequate setback from Hwy. 751 for lots 1 and 12 prior to preliminary plat”.

Mr. Ashness stated that D.O.T. has looked at the site and would be issuing approvals (i.e. any driveway improvements) through the construction-permitting phase; that he is certain that there are no widening requirements; and that a turning lane would be added if required by D.O.T.

Board discussion followed. Ms. Richardson revised condition #2 to read,

“The developer shall consider an adequate setback for lots 1 and 12 from Hwy. 751 to be shown on preliminary and final plat for the possibility that Hwy. 751 may become a four lane sometime in the future”.

Board members discussed the wording of condition #2. Mr. McBee suggested that the language read,

“The developer should locate houses on lots 1 and 12 to prevent any interference if the State decides to widen North Carolina 751”.

Mr. Ashness stated that the developer would coordinate with D.O.T. as to what would be the likely right-of-way expansion and that wording on final plat would state that side setbacks would be greater than the County setback. Chairman Eliason suggested that condition #2 be revised to read,

“The final plat shall show the minimum building setback line off the right-of-way of Hwy. 751 in accordance with the recommendation of D.O.T.”

Board members were in agreement with Chairman Eliason’s above suggestion and it was the consensus of the Board that he sends staff an E-mail in the morning clarifying the language to be used for condition #2.

Ms. Kost noted concern regarding the fourteen proposed surface drip systems that indicates bad soils. She stated that if the systems fail in the next ten years that at least the minutes would reflect that she brought the subject up as a concern.

There was no further discussion. Mr. McBee made a motion; seconded by Mr. Harris to grant sketch design approval of “NC Hwy 751 Parcels”, as submitted and as recommended by staff, with revised language to condition #2 (clarified to the Planning Department staff via E-mail tomorrow morning by Chairman Eliason). There was no discussion on the motion and the motion passed unanimously. (10 Board members)

The two (2) conditions are as follows:

1. A note shall be placed on the preliminary and final maps stating that the internal roadway only shall access Lot # 1.
  2. The developer shall consider the future widening of NC 751 by NCDOT to a four lane facility, specifically as it relates to placement of structures, waste water systems, repair areas and wells on lots 1 and 12 prior to preliminary plat submittal.
- D. Request by Mann's Chapel Properties, LLC for subdivision sketch design approval of "Mann's Crossing", consisting of 40 lots on 61 acres, located off SR-1532, Mann's Chapel Road and SR-1537, Tobacco Road, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this request. She referenced letter dated August 27, 2006 (included in tonight's agenda packets) from Mr. Stanley Stutts in which he lists various concerns; that two of Mr. Stutts' concerns are, 1.) amount of unsuitable soils, and 2.) significant drainage area, i.e. possible required buffering; and that Mr. Stutts was unable to attend tonight's meeting but asked that the Planning Board and County Commissioners consider his concerns.

No adjacent landowners spoke.

Bill Spang, Mann's Chapel Properties, LLC, stated that D.O.T. has approved entrance locations and individual driveways for all four (4) lots on Tobacco Road. He asked if there is an improvement plan on Tobacco Road that he should be considering. Ms. Richardson stated that for safety and aesthetic reasons staff prefers there not be as many driveway cuts into any of the secondary roads. Mr. Spang stated that there would be deceleration lanes coming down Mann's Chapel heading west (or south) for both entrances; and that the developer has also taken care of the upper road making sure that the entrance area into the property from this northern portion (between lots 31 and 40) stays out of the drainage area.

Board discussion followed. Ms. Cross suggested that the developer consider putting two separate driveways together for lots 28 and 29 and lots 30 and 31 side-by-side (instead of shared driveways as recommended by staff). Mr. Spang stated that homeowners prefer not to share driveways; and that until Environmental Health has certified the adequate soils, he does not want the house site or driveway on lot 31 to invade any of these soils. Ms. Kost noted that in order to preserve some of the aesthetics she fully supports shared or separate driveways.

There was no further discussion. Ms. Kost made a motion; seconded by Mr. Wilson to grant sketch design approval of "Mann's Crossing" as submitted and as recommended by staff with the following two (2) conditions:

1. The preliminary and final plats shall be revised to provide a shared driveway for Lots 28 and 29 and Lots 30 and 31. A note shall be placed on the

preliminary and final plats stating that these lots will utilize said shared driveways.

2. The preliminary and final plats shall be revised to provide 40,000 square feet of useable area for lots 31, 34, 35 and 36.

There was no discussion on the motion and the motion passed 8-1-1 with Kost, Wilson, Eliason, McBee, Cross, Harris, Nettles and Walker voting in favor of the motion; and McCoy voting against; and Mason abstaining. Mr. Mason noted that he was in favor of the motion but was not comfortable with condition #1 regarding provision for shared driveways.

- E. Request by Coffey Grounds of Chapel Hill, Inc for subdivision sketch design approval of "Horizon", consisting of 66 lots on 103 acres, located off SR-1525, Hamlet Chapel Road, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this request. It was noted that the preliminary plan would be provided for review within 12 months instead of 18 months as stated in tonight's agenda notes.

The following two adjacent landowners spoke:

- Jeffrey Kleaveland, 495 Buck Branch Road, Pittsboro, NC

Mr. Kleaveland referenced various sections of memorandum dated August 28, 2006 addressed to the Planning Board and Board of Commissioners from abutting property owners regarding concerns. (A copy of memorandum is on file). He noted that adjoining property owners are planning to contract with a private water quality expert and have an independent water survey performed immediately to track water quality issues.

- John Chasteen, 747 Buck Branch Road, Pittsboro, NC

Mr. Chasteen stated concerns regarding density, water availability, and adequate soils. Mr. Chasteen asked the Planning Board to protect the citizens of Chatham County especially from over optimistic development.

Mike Shachtman and John Coffey, applicants, with Coffey Grounds of Chapel Hill, Inc., were present. Mr. Shachtman stated that he is in agreement with staff's recommendations; that he received a copy of Mr. Kleaveland's memorandum (noted above); that some of Mr. Kleaveland's concerns would be addressed prior to preliminary plat submittal; that some of the issues would be addressed by other departments, i.e. Health, NCDOT; that the developer would meet with adjacent landowners and discuss some of these concerns; that common areas would be considered with playground and picnic areas; and that the developer would discuss with adjacent landowners about using one entrance to the proposed subdivision.

Board discussion followed. Ms. Kost was curious as to why the developer had not met with landowners to explore the possibility of creating a common access to be shared by this project and the existing Buck Branch Road residents. Mr. Shachtman stated that he and Mr. Coffey have talked with some of the landowners and have attempted to talk with others. Ms. Kost stated that she has

visited the proposed site; that this is a lovely piece of property; and that she encourages the developer to preserve the beautiful trees. Mr. Walker asked if the developer would have a problem complying with the Chatham County [draft] Lighting Ordinance (as an additional condition). Mr. Shachtman stated that the development would comply with the requirements of the draft Lighting Ordinance.

Ms. Richardson explained specifics considered that would be a departure from what was presented at sketch. She stated that if the road design is significantly different staff would consider that the proposal go back through sketch design; that a fee of \$50 per lot is charged at sketch and is not refunded if lots are lost at preliminary; but that if the road design stays the same and only a few lots are lost then the proposal could go forward for preliminary review.

Lunday Riggsbee, attorney, was present representing the applicant. Ms. Riggsbee stated that every person that uses the private road [Buck Branch Road] for access has to sign a joint use; that if one person does not sign then it cannot happen; and that the other side of the Buck Branch Road entrance does not have the recommended sight easement required by D.O.T.

There was no further Board discussion. Mr. Walker made a motion; seconded by Ms. Cross to approve the development plan and design for "Horizon" as submitted and as recommended by staff, with the addition of a condition #4 that states that, "lighting within the development shall comply with the Chatham County [draft] Lighting Ordinance". There was no discussion on the motion and the motion passed 6-0-4; with Walker, Cross, Eliason, McBee, Mason and McCoy voting in favor of the motion; and Harris, Kost, Nettles and Wilson abstaining. The four (4) conditions are as follows:

1. The developer shall explore the possibility of creating a common access to be shared by this project and the existing Buck Branch Road residents.
2. A 60' foot wide dedication of public right of way shall be shown on the preliminary and final maps to the adjoining property of Stella W. Gattis. Staff recommends the right-of-way be located parallel to Road # 4, if possible.
3. Utility easements shall be shown on the preliminary and final maps to the Stella W. Gattis property and to a Buck Branch property owner. Location and width of the utility easements shall be as required by the Chatham County Public Works Department.
4. Lighting within the development shall comply with the Chatham County Draft Lighting Ordinance.

## VI. PRELIMINARY and FINAL APPROVAL:

- A. Request by The Parks at Meadowview, LLC for subdivision preliminary and final approval of "The Parks at Meadowview, Phase 1A", consisting

of 97 lots on 145 acres, located off SR-1520, Old Graham Road, Center Township.

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

Ms. Richardson reviewed the agenda notes for this request. She stated that staff was informed today that Chatham County Erosion Control has issued a notice of violation for The Parks at Meadowview for failure to provide adequate ground cover, i.e. stabilization; that measures are in but there was not enough stabilization in some areas; and that the developer has ten days to correct the problem. Ms. Richardson noted that the developer has advised that the problem would be corrected as soon as possible. (A copy of this violation notice is in the applicant's file in the Planning Department.)

No adjacent landowners spoke.

There was no discussion among the Board.

Mr. Wilson made a motion; seconded by Mr. Mason to grant approval of the road names *The Parks Drive, Botanical Way, Parkside Drive, Pinwheel Drive, Holiday Drive, and Dusty Arbor Lane*; and to grant preliminary and final approval of "The Parks at Meadowview, Phase One 'A'" as submitted and as recommended by staff with the following condition:

1. The following shall be added to the mylar copy of the final plat: Label as 'public' that portion of roadway (entrance roadway from Hwy 87 shown on the cover sheet) to be approved by and constructed to the North Carolina Department of Transportation standards; a note regarding maintenance responsibility of the private roadways; sight triangles at the intersections of 'Botanical Way' and 'The Parks Drive' and 'The Parks Drive' and Old Graham Road; state road number (SR-1520) of Old Graham Road.

There was no discussion on the motion and the motion passed 7-0-3 with Wilson, Mason, McBee, Cross, Harris, McCoy, and Nettles voting in favor of the motion; and Eliason, Kost and Walker abstaining.

## VII. FINAL PLAT APPROVAL:

- A. Request by Darden Development, LLC and Jordan Lake Preserve Corporation on behalf of Polk-Sullivan, LLC, Chatham Partners, LLC and Virginia Grantham for subdivision final plat approval of "Chapel Ridge, Phase 3 / The Woodlands", consisting of 173 lots on 242 acres, located off SR-1520, Old Graham Road, Hadley Township.

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

Ms. Richardson reviewed the agenda notes for this request.

Charles Eliason, surveyor for the development, stated that staff's condition #1

has been met; that base flood elevations for all lots along Dry Creek have been computed as well as the net usable land area above the flood; and that this work is shown on map sheet #4. Ms. Richardson stated that this condition would be deleted from staff recommendation.

No adjacent landowners spoke.

There was no discussion among the Board.

Mr. Mason made a motion; seconded by Mr. McCoy to grant approval of the request to change the name to "Chapel Ridge, Phase Three"; to add the project to the Chapel Ridge Planned Unit Development; to approve an interconnecting roadway between phases; and that the roads in Chapel Ridge, Phase Three be allowed to be private roadways constructed to the NC DOT hilly standards and approval of the final plat titled "Chapel Ridge – Phase Three". There was no discussion on the motion and the motion passed 7-0-3 with Mason, McCoy, McBee, Cross, Harris, Nettles and Wilson voting in favor of the motion; and Eliason, Kost and Walker abstaining.

Chairman Eliason returned to the Board.

#### VIII. ZONING AND ORDINANCE AMENDMENTS:

##### *Items from July 17, 2006 Public Hearing:*

- A. 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 stated that at the applicant's request Item A. listed above is being postponed until the October Planning Board meeting; and that the applicant has presented for the September 18, 2006 public hearing requests for this same property to be considered as a conditional use district with a conditional use permit for a site plan.

- B. Request by Baycorp Development, Inc. on behalf of Ridgely W. Cook, Jr. and Julia Ann Cooper to rezone 1.35 acres, located off US 15-501 N, Baldwin Township from RA-40 Residential Agricultural to a Conditional Use B-1 Business District.
- C. Request by Baycorp Development, Inc. on behalf of Ridgely W. Cook, Jr. and Julia Ann Cooper for a Conditional Use B-1 Business Permit for banks, savings and loans, finance companies, credit agencies, and similar financial institutions on 1.35 acres, located off US 15-501 N, Baldwin Township.

Mr. Megginson stated that at the applicant's request Items B. and C. listed above are being postponed until the October Planning Board meeting to allow addition time for the applicant to address issues of concern and wastewater disposal.

- D. 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. (Conditional Use District and Conditional Use Permit)

Conditional Use District Request:

Mr. Megginson reviewed the agenda notes for this request. He stated that the area was originally designated as a compact community area in the overall Land Development Plan that extended along much of US 15-501; that this area was also within the area adopted by the Board of Commissioners as an area for the compact community area; that commercial uses are referenced within this area; that Williams Corner and Chatham Downs (Harris Teeter) are located within this area, i.e. intersection of Lystra Church Road and US 15-501); that tonight's agenda notes address various aspects of the Land Development Plan; that it is staff opinion that the proposal change from RA-40 to Conditional Use B-1 Business District is supported by the majority of the Land Use Plan; and that staff recommends approval of the rezoning request.

No adjacent landowners spoke.

Travis Blake, applicant, was present. Mr. Blake stated that this project has the same initiatives of the Williams Corner development relative to environmental, i.e. consideration with impervious and storm water runoff; that a number of traffic problems have been solved with this project specifically the Polks Landing egress; that a stoplight at entry would be provided for Polks Landing residents (further north); and that Polks Landing drive would be closed to full access. Mr. Blake noted that Richard Adams (traffic engineer) with Kimley-Horne and Associates, Inc., and Bernice O'Hanlon (concerning the site plan) with John R. McAdams Company, Inc., were present.

Board discussion followed regarding the proposed road.

Ms. Birchett stated that the proposed land is surrounded by RA-40 zoning on one corner and by conditional use rezoning on the other two corners.

Mr. McCoy made a motion; seconded by Mr. Mason to grant approval of the rezoning request as submitted and as recommended by staff. There was no discussion on the motion and the motion passed 8-0-2 with McCoy, Mason, Eliason, McBee, Cross, Nettles, Walker and Wilson; and Harris and Kost abstaining.

Conditional Use Permit Request:

Mr. Megginson reviewed the agenda notes for this request. He stated that this request is for a specific conditional use permit; that the above abstract title lists the requested uses; that the Board has to make the five required findings listed in the Chatham County Zoning Ordinance (and referenced in tonight's agenda notes); that need and desirability and the waste water system are concerns of



staff; that these concerns are addressed in staff's notes; that the main concern not supported is the need; that staff has not yet received comments from the Environmental Health Department regarding wastewater treatment analysis conducted by S & EC; that staff has recommended thirteen (13) conditions (as noted in tonight's agenda notes) if the Board considers as a favorable request to be granted; and that this is the part of the application that has already had sworn testimony.

Board discussion followed. Ms. Kost stated that the most critical piece of information is missing, i.e. dealing with the soils and septic issue; and that she suggests that this request be tabled until next month's Planning Board meeting awaiting results of the Health Department's evaluation. Mr. Megginson stated that these two requests (district and permit) go together; that the Board has three meetings to make a recommendation to the Commissioners; and that if the Board postpones this permit request we would not send the district change on to the Commissioners until the Board has completed the permit request review. Regarding finding #2 (i.e. essential or desirable), Mr. Walker stated that with other commercials approved (Chatham Downs, Williams Corner and others) he did not think that the Board was in a position to turn down another in an approved area, although he was not sure that any of the past approvals have actually been desirable. Mr. McCoy stated that the request addresses some of the needs in the area. Mr. Harris was unsure that the request is essential for the public convenience or welfare. Mr. Wilson noted that this request has not had the opposition that other similar requests have had (i.e. Chatham Downs). Mr. Mason supported the need for the proposal.

Mr. McCoy asked if the applicant was acceptable of the thirteen conditions recommended by staff. Mr. Blake stated that he did not have a problem meeting these conditions except for condition #13 that requires that the first building permit to be issued within 12 months from the date that this conditional use permit is approved. Mr. Blake asked that this be changed to read within 2 years. Ms. Birchett stated that this should not be a problem.

Mr. McCoy made a motion; seconded by Mr. Mason to grant approval of the request as submitted with the thirteen conditions recommended by staff with the change to condition #13 to read "within 2 years" as noted above and stated below. The thirteen (13) conditions are as follows:

1. A lighting plan shall be supplied to and approved by the Planning Department prior to approval of the first building permit being issued. All lighting shall meet the requirements of the draft Chatham County Lighting Ordinance.
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 where no one sign shall exceed 150 square feet in size.
3. The recommendations from the Appearance Commission for landscaping shall be followed and a new landscape plan submitted and approved by the Planning Department prior to installation of the first plantings. Plantings shall start at the next optimal planting season from the date of permit approval.

4. A new site plan depicting the right-in/right-out only at the south drive shall be provided prior to issuance of the first building permit.
5. The proposed new road connecting US 15-501 with Polks Landing Road shall be a public road built to NCDOT standards and dedicated to the NCDOT.
6. Setbacks from Cub Creek shall be 100 feet on each side for buffers and the Storm water management pond. A new Storm water management plan shall be issued to the Planning Department prior to issuance of the first building permit. The storm water design shall be at a minimum to the requirements specified in Section 8.5.4 Storm Water Runoff of the application.
7. Parking requirements for the request shall be as outlined in the Zoning Ordinance, Section 12 and the Chatham County Design Guidelines.
8. An approved wastewater disposal site plan and permit from NCDWQ and any other departments as deemed necessary with respect to the wastewater disposal shall be supplied prior to issuance of the first building permit.
9. 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.
10. Dumpsters shall be screened to meet Chatham County guidelines.
11. 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.
12. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
13. The first building permit shall be issued within 24 months from the date of this permit's approval or this permit will automatically expire

Discussion on the motion followed. Ms. Kost was concerned that the outcome of the report from Environmental Health might not be good results. Mr. Megginson noted that the State would not allow what the soils don't permit. There was no further discussion on the motion and the motion failed with a tie vote of 5-5 with McCoy, Mason, Cross, Nettles and Walker voting in favor of the motion; and Eliason, McBee, Harris, Kost and Wilson voting against.

Ms. Kost made a motion; seconded by Mr. Harris to table the request until next month's Planning Board meeting. There was no discussion on the motion and the motion passed 7-2-1 with Kost, Harris, Eliason, McBee, Cross, Nettles and Wilson voting in favor of the motion; and McCoy and Walker voting against; and Mason abstaining.

**Public Hearing Items:** Mr. Megginson stated that items A – I listed below are scheduled for public hearing September 18, 2006; that most of the requests are conditional use requests; and that it is advised that Board members refrain from discussing the issues outside the public hearing.

- A. Public Hearing request by McLean Family LTD, Partnership to rezone

approximately 470 acres located off Big Hole Rd (Private), Williams Township from RA-5 to RA-90.

- B. Public Hearing request by Contentnea Creek Development Co. to rezone approximately 130 acres located off Hatley Rd (SR 1714), New Hope Township from RA-5 to Conditional Use RA-90 District.
- C. Public Hearing request by Contentnea Creek Development Co. for a Conditional Use RA-90 Permit for a 63 lot single family residential subdivision with site plan on approximately 130 acres located off Hatley Rd (SR 1714), New Hope Township.
- D. Public Hearing request by Walter Lewis to rezone approximately 5.35 acres located at the corner of US 64 E and Bob Horton Rd (SR 1744), New Hope Township from RA-40 Residential Agricultural to Conditional Use B-1 Business.
- E. Public Hearing request by Walter Lewis for a Conditional Use B-1 Business Permit for an indoor and outdoor storage for boats, recreational vehicles, and other vehicular and self storage uses on approximately 5.35 acres located at the corner of US 64 E and Bob Horton Rd (SR 1744), New Hope Township.
- F. Public Hearing request by George Farrell, Jr. to rezone approximately 17.46 acres at the corner of Farrington Point Rd (SR 1008) and McGhee Rd (SR 1717), Williams Township from RA-40 Residential Agricultural to Conditional Use B-1 Business.
- G. Public Hearing request by George Farrell, Jr. for a Conditional Use B-1 Business Permit for expansion of the self-storage business located across McGhee Rd and for flex office buildings (various business uses) with related storage located at the corner of Farrington Point Rd (SR 1008) and McGhee Rd (SR 1717), Williams Township.
- H. Public Hearing request by Lee-Moore Oil Co to rezone a 63.3 acre tract into a 29.4 acre Conditional Use B-1 Business District and a 33.9 acre RA-40 Residential Agricultural District located off US 15-501 N, south of the Chatham/Orange County line, Williams Township.
- I. Public Hearing request by Lee-Moore Oil Co for a Conditional Use B-1 Business Permit for a home improvement center and additional retail and shops located off US 15-501 N, south of the Chatham/Orange County line, Williams Township, on 29.4 acres of a 63.3-acre tract.

IX. OLD BUSINESS:

No reports were submitted.

X. NEW BUSINESS:

- A. Planning Director's Report

1. *Request by the Piedmont Conservation Council for a Planning Board member to serve on said council*

Mr. Megginson stated that Caroline Siverson represented the Planning Board on this council before her Planning Board term expired; that the council meets quarterly; that meetings are usually held during the day in Graham, NC; and that the council is one way to get hands on experience in conservation related type work.

Chairman Eliason stated that he had expressed an interest to Mr. Megginson to represent the Planning Board on this council. Mr. McBee made a motion; seconded by Ms. Cross that Charles Eliason represent the Planning Board on the Piedmont Conservation Council. There was no discussion on the motion and the motion passed unanimously.

Mr. Megginson noted that Caroline Siverson was present at tonight's meeting.

2. *Discussion of Planning Board meeting start and stop times and meeting time management*

Mr. Megginson stated that this has been raised as a concern and that it is difficult at times for some of us to get back for a 6:00 p.m. meeting. Mr. McBee stated that Board members thought that by starting the meetings earlier that adjournment would be earlier. He noted that at times the Board engages in topics that are out of the control of the Board. Ms. Kost suggested one possibility for large projects would be to have the developer and citizens make a presentation and Board members ask questions and then take this information to the next meeting to answer questions and then move on with the request. Mr. Wilson noted that additional meetings would only generate more questions. Mr. McBee noted that a request should be delayed if there is not enough information to make a decision. Chairman Eliason stated that the nature of the Planning Board session is somewhat like tonight's meeting in that sometimes there are projects that take much longer to review than was expected and vice versa. He noted that he thinks that there are more late night meetings ahead for the Planning Board in the future. Mr. Walker suggested setting a time limit and then voting (with a unanimous vote) whether or not to continue if the Board has not completed the agenda at the set adjournment time. Two specifics noted that might be helpful were:

- setting a time limit for speakers, and
- Board members reviewing agenda items from the website before packets are received - inform staff of questions to possibly be addressed in staff's agenda notes.

At this time, Mr. Harris informed the Board that he would need to leave the meeting. It was the consensus of the Board to conduct the election of officers at this time so that Mr. Harris could be present and that the Board would finish the discussion of this issue immediately after the elections. (See Item X. B. 1. below)

*Continued discussion:*

Mr. Walker moved that the Planning Board meeting normally start at 6:00 p.m. and normally end at 9:30 p.m. unless the majority votes to extend it for any one

meeting. Ms. Kost seconded the motion. There was no discussion on the motion and the motion failed 2-8 with Walker and Kost voting in favor of the motion; and all other Board members voting against. There was no further discussion regarding this issue.

*3. Discussion of format of applications and requests, (paper versus digital)*

Mr. Megginson stated that staff receives a great deal of application material and prefers not to copy everything; that staff is trying to move in the direction of referring Board members to our website for various information; and that staff would continue to provide the Board with any large application booklets. Mr. Megginson stated that the agenda items would reference any material not included in the packet

*4. Discussion of financial guarantees, (when allowed and amounts)*

Mr. Megginson stated that the Ordinance provides that when development is complete and all required improvements are in the Board can give final plat approval; that the Ordinance says you may accept a financial guarantee when 40% of the work has been completed; that at times larger developments provide a 100% financial guarantee when basically nothing has been built (when a statement of record is filed in Washington); that the Board does not have to accept financial guarantees; that the requirements are for improvements, roads, water lines and etc. be done; that the Ordinance also states that you may accept a financial guarantee when 40% of the work is done and when the public health and/or safety will not be endangered; and that staff is considering requiring a larger financial guarantee, i.e. 125 – 150%.

B. Planning Board Member's Report

*1. Election of Planning Board Chairman and Vice-Chairman and appointment of a parliamentarian by the Chairman*

Chairman Eliason opened the election of officers beginning with nominations for Planning Board Chair.

**Planning Board Chair:**

Ms. Nettles nominated Mark McBee for Planning Board Chair. There were no other nominations and Mr. Wilson moved that the nominations for Planning Board Chair be closed. The vote on the nomination was 9-0-1 with all Board members present voting in favor of the nomination for Mark McBee to serve as Chair of the Chatham County Planning Board, except Mr. McBee who abstained.

**Planning Board Vice-Chair:**

Chairman Eliason opened the nominations for Planning Board Vice-Chair.

Mr. McBee nominated Cecil Wilson for Planning Board Vice-Chair. Mr. McCoy seconded the nomination. No other nominations were submitted and Mr. Harris moved that the nominations for Planning Board Vice-Chair be closed. The vote was unanimous for Cecil Wilson to serve the Planning Board as Vice-Chair.

**Planning Board Parliamentarian:**

Mark McBee appointed Charles Eliason to serve as Planning Board Parliamentarian. Mr. Eliason accepted the appointment.

Mr. Harris left the meeting and at this time the Board revisited the discussion of Planning Board meeting start and stop times (See continued discussion - Item X. A. 2. above.)

- XI. ADJOURNMENT: There being no further business, the meeting adjourned at 10:00 P.M.

\_\_\_\_\_  
Charles Eliason, Chair

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Kay Everage, Secretary to the Board

\_\_\_\_\_  
Date