

Chatham County Planning Board Minutes April 1, 2014



The Chatham County Planning Board met in regular session on the above date in the Agriculture Building Auditorium, Pittsboro, North Carolina.

Members present were as follows:

Present:

B. J. Copeland, Chair
Philip Bienvenue
James Crawford
Karl Ernst
Tom Glendinning
Mike Grigg
Donna Kelly
Cecil Wilson
Cathy Wright

Absent:

Planning Department:

Jason Sullivan, Planning Director
Hillary Pace, Planner II
Lynn Richardson, Subdivision Administrator

I. INVOCATION AND PLEDGE OF ALLEGIANCE:

Mr. Wilson delivered the invocation and afterwards the Chairman invited everyone to stand and recite the Pledge of Allegiance.

II. CALL TO ORDER:

Chair Copeland called the meeting to order at 6:30p.m.

III. DETERMINATION OF QUORUM:

The clerk stated that a quorum was present to begin the meeting (9 members).

IV. APPROVAL OF AGENDA:

See Item V. below.

V. APPROVAL OF CONSENT AGENDA:

Minutes: Consideration of a request for approval of the March 4, 2014 Planning Board minutes.

Board members had no objections to above items IV. and V. and were considered approved as submitted.

VI. PUBLIC INPUT SESSION: Fifteen-minute time of public input for issues **not** on agenda. Speakers limited to three (3) minutes each.

There were no requests to speak at this time.

VII. SUBDIVISIONS:

1. Request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision final plat review and approval of Briar Chapel, Phase 7, consisting of 166 lots on 53.54 acres, located off S. R. 1528, Andrews Store Road, Baldwin Township, parcel #'s 82826 and 87852. Board discussion followed.

Ms. Richardson reviewed the agenda notes for the final plat review and approval of Briar Chapel, Phase 7. This is a final plat request for a combination of three previous preliminary plat approvals. The preliminary plats were approved at separate times Phase 7 was approved in June of 2013, Great Ridge Parkway Extension was approved in May 2013, and Great Ridge Culvert was approved in September 2013. Road names in Phase 7 were approved during the preliminary plat review, but the developer has requested the road names be changed to: Cardinal Ridge Road, Tyner Loop Circle, Mallard Landing Drive, Beacon Ridge Blvd, Mallard Landing Drive, Quail Place Trail, Shady Oak Trail, Juneberry Drive, Rock Ledge Drive, Morning Light Trace, Lovegrass Lane, Pathfinder Lane, Dew Drop Run, Smokerise Road, Sawgrass Place, Spring Garden Way, Foggy Trace, Starview Lane, and Meadows Edge Drive. There will be public roadways and private allies and the project engineer has certified that the roadways for the areas are suitable for emergency vehicle access. A financial guarantee has been requested, the property is currently 47% completed. A cemetery lot is located on the property with a 25' buffer. The area surrounding the cemetery was shown on the preliminary plat as 'common area' and it's now being changed to 'future development'. Changing the designation to 'future development' will allow flexibility if commercial use is ever proposed for the parcel. A tobacco barn is also located on the lot. A condition of the preliminary plat approval stated: "The developer shall meet with the homeowners association prior to final plat submittal regarding either the demolition or the preservation of the tobacco barn." Staff has received confirmation from Lee Bowman, Project Manager, that the condition has been met. It is the intent to move the barn a few feet and use the barn as storage. The Planning staff recommends granting final plat approval of the request Briar Chapel, Phase 7, consisting of 166 lots on 50.6 acres, Great Ridge Parkway Extension, *and* Great Ridge Parkway Culvert and approval of the road names Cardinal Ridge Road, Tyner Loop Circle, Mallard Landing Drive, Beacon Ridge Blvd, Mallard Landing Drive, Quail Place Trail, Shady Oak Trail, Juneberry Drive, Rock Ledge Drive, Morning Light Trace, Lovegrass Lane, Pathfinder Lane, Dew Drop Run, Smokerise Road, Sawgrass Place, Spring Garden Way, Foggy Trace, Starview Lane and Meadows Edge Drive; and granting approval of the request for a financial guarantee with the following condition:

1. The plat not be recorded until the county attorney has approved the form of the financial guarantee and the contract.

Board discussion followed.

Lee Bowman, Project Manager, Chris Seamster, RLA, and Nick Robinson, Attorney were present for questions.

Motion to approve:

Mr. Grigg made a motion; seconded by Mr. Ernst to recommend granting final plat approval of Briar Chapel, Phase 7, Great Ridge Parkway Extension, Great Ridge Parkway Culvert, road names, and financial guarantee with the following condition:

1. The plat not be recorded until the county attorney has approved the form of the financial guarantee and the contract.

No further discussion and motion passed unanimously (9 members).

VIII. ZONING AND ORDINANCE AMENDMENTS:

Legislative Request:

1. Request by Jason Rivenbark to rezone a portion of Parcel No. 83841, located on Pea Ridge Rd., being approximately 6 acres out of 11.49 from R1 Residential to CD-NB for an open boat and RV storage facility.

Mr. Sullivan reviewed the agenda notes for rezoning a portion of parcel number 83841, located on Pea Ridge from R1 to CD-NB. A legislative public hearing was held on March 17, 2014, one property owner Mr. Fox spoke. Mr. Fox voiced his concerns over not knowing the size of the proposed sign, whether or not it would be lit, and security lighting for the storage lot area. The applicant held a community meeting as required by the Zoning Ordinance and met with the Appearance Commission in January 2014. The Appearance Commission recommended approval of the plan and recommended the following:

The CCAC recommended that northern boundary line extending to Pea Ridge Rd be buffered by a 20ft wide area planted with a diverse variety of evergreen shrubs in a staggered fashion. The western boundary abutting the property line of Layton Stevens should be buffered in this same manner. The eastern boundary adjoining Scott Patten shows a proposed landscaping cluster of White Pines (*Pinus strobus*), which the CCAC recommended be replaced by Virginia Pine (*Pinus virginiana*).

In the Zoning Ordinance there are four items that must be addressed by the applicant when submitting a rezoning application. The applicant has addressed those items in the application as follows:

Item #1: The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed description of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.

The applicant is not claiming any error in the ordinance.

Item #2: The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.

The applicant states in the application that given the continued growth of the region & housing models currently employed in neighboring communities such as east Apex, Holly Springs, Fuquay Varina (housing developments, multi-family housing, etc.), an

increase in demand for storage facilities and locations for the storage of property is evident. Storage facilities/ boat and RV storage lots are located east of Jordan Lake, but significantly less are located south and west of the lake. The applicant proposes this zoning amendment based on the location of this property being on a main artery (Pea Ridge Road) serving Jordan Lake, within 1.5 miles of the nearest boat launch, and less than five (5) miles to several campgrounds operated by the Corps of Engineers that will serve property owners from Raleigh to Sanford and locations between.

Item #3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts thereof.

Currently, the property is undeveloped, outside of a driveway extending from Pea Ridge Road to the field, which is approximately 300 feet from Pea Ridge Road. The wooded areas on each side of this driveway are planned to remain as buffer, outside of widening of the drive itself. Work will occur within the confines of the existing field, leaving the remaining five (5) acres (eastern side) undeveloped. Although the geographical location of this property is primarily residential, many people, local and not, venture to Chatham County for recreation at the county's many water and camping areas. The applicant states It is their intent to follow The Land Conservation and Development Plan by providing a storage facility that is in close proximity to these recreational areas while working to maintain the residential appearance of the area. This site will remain primarily wooded in order to maintain the natural appearance.

Item #4: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.

The applicant states he plans to partner with local Chatham County businesses to provide avenues for required services such as winterization and minor maintenance to the recreational vehicles to help promote other small businesses in our area. The watershed classification for this property will allow 36% impervious surface where curb-and-gutter is not used for parking areas. The property size is 11.49 acres of which six (6) acres will be set aside for the commercial operation with only 1.3 acres being disturbed for the storage facility itself. The impervious surface will fall below this threshold with the current plan. A storm water retention area is marked on the preliminary drawings but will be further developed upon approval of this request.

Planning staff recommends approval of the request with the following conditions:

Site Specific Conditions

1. The recommendations of the Chatham County Appearance Commission shall be followed as revised and agreed to by the applicant. The applicant should ensure the maintenance and survival of all plantings which shall be installed at the next optimal planting season following the issuance of the building permit.
2. The revised site plans along with the sign and lighting locations dated March 10, 2014 are to be the approved site plan for purposes of development of this property in connection with the conditional district rezoning request.

Standard Site Conditions

3. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place. These include but are not limited to landscaping, lighting, signage, parking, building construction, etc.
4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Stormwater Management, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.
5. A Certificate of Occupancy shall be obtained within two years of the date of this approval unless other approval/s has been given for an extension, or this approval becomes null and void.

Standard Administrative Conditions:

6. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.
7. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
8. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
9. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

Board discussion followed.

Motion to approve:

Mr. Wilson made a motion; Mr. Ernst seconded to recommend the request as submitted with Site Specific Conditions, Standard Site Conditions, and Standard Administrative Conditions. No further discussion and motion passed unanimously (9 members).

Consistency Statement:

It is the opinion of the Planning Board the request to rezone a portion of Parcel No. 83841 being approximately six (6) acres out of the 11.49 acre tract, from R-1 Residential to CD-NB is consistent with the adopted land use plans and regulations of the County, and therefore is approved as requested.

