

Chatham County Planning Board Minutes May 6, 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
Bill Arthur
Philip Bienvenue
Karl Ernst
Gene Galin
Tom Glendinning
Mike Grigg
Donna Kelly
Cathy Wright

Absent:

Cecil Wilson
James Crawford

Planning Department:

Jason Sullivan, Planning Director
Hillary Pace, Planner II
Lynn Richardson, Subdivision Administrator
Kimberly Tyson, Clerk to the Board

I. INVOCATION AND PLEDGE OF ALLEGIANCE:

Mr. Grigg 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 6:30 p.m.

III. DETERMINATION OF QUORUM:

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

IV. WELCOME NEW MEMBERS:

Mr. Arthur and Mr. Galin each briefly introduced themselves.

IV. APPROVAL OF AGENDA:

See Item V. below.

V. APPROVAL OF CONSENT AGENDA:

Minutes: Consideration of a request for approval of the April 1, 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.

VIII. SUBDIVISIONS:

1. Request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for final plat approval of Briar Chapel, Phase 8, consisting of 112 lots on 23.3 acres, off Andrews Store Road, SR-1528, Baldwin Township, parcel #87090 & 89623.

Ms. Richardson reviewed the agenda notes for final plat approval of Briar Chapel, Phase 8. At preliminary, 110 lots were requested and two additional lots have been added to the final plat. The road layout is unchanged from preliminary plat approval. The final plat submittal application includes a request for approval of a financial guarantee for completion of required infrastructure. Per Chris Seamster, RLA, McKim and Creed, the improvements are approximately 45% complete and it is anticipated that the project will be 70% complete at the time of Board of Commissioner review. Staff requests that they receive a certification letter from a licensed engineer prior to final plat recordation stating that the roadways are accessible to emergency vehicles. Planning staff recommends granting final plat approval of Briar Chapel, Phase 8 and recommends 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 contract and financial guarantee.
2. The plat not be recorded until staff has received a certification letter from a licensed engineer prior to final plat recordation stating that the roadways are accessible to emergency vehicles and confirmation is received from the Chatham County Fire Marshal.

Board discussion followed.

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

Motion to approve:

Mr. Glendinning made motion; seconded by Mr. Grigg to recommend final plat approval of Briar Chapel, Phase 8 as submitted with the following conditions:

1. The plat not be recorded until the county attorney has approved the form of the contract and financial guarantee.
2. The plat not be recorded until staff has received a certification letter from a

licensed engineer prior to final plat recordation stating that the roadways are accessible to emergency vehicles and confirmation is received from the Chatham County Fire Marshal.

No further discussion and motion passed by vote of 8-0 (1 abstention – Galin).

Meeting adjourn for public hearing item at 6:44 p.m.

Request by NNP-Briar Chapel, LLC for First Plat review of a Conservation Subdivision for U. S. Steel Tract, Parcel #2177, consisting of 127 lots on 131.38 acres, located off Briar Chapel Parkway/Cliffdale Road, Baldwin Township.

Nick Robinson, Attorney spoke briefly on behalf of the applicant Briar Chapel, LLC. Mr. Robinson thanked the planning staff and other county departments involved in the first conservation subdivision project. Mr. Robinson noted that some tweaks and clarification may be needed to the conservation ordinance language after this project and provided the following notes:

NR Planning Board Comments

US Steel (Parcel 2177) First Plat Application

May 6, 2014

1. Want to extend our appreciation and gratitude to Planning Staff and the associated departments for walking through this first ever Conservation Subdivision under the new Conservation Subdivision provisions of the Subdivision Ordinance.
2. There is nothing quite like a practical, real life example to test theoretical ordinance provisions. I think everyone involved will agree that, on the whole, many of the provisions of the ordinance function effectively. But we have also all learned a great deal in the practical application of the specifics of the provisions. There may need to be some clarifications or tweaks to some of the language.
3. We have read through all of Planning Staff's agenda notes regarding the proposal, including the three conditions.
4. We are satisfied with the three proposed conditions. If the Planning Board sees fit to follow staff's recommendation of approval with those conditions, we would appreciate that.
5. Within the 7 pages of agenda notes there are really only two areas where our interpretation differs from those of Planning Staff but fortunately neither of them has to do with matters that are addressed at this stage of the proceedings.
6. In this paragraph, I am summarizing those two areas just so that we will have a record of them for later.
 - a. With respect to the possibility of spray irrigation in the Natural Space subject to a timber management plan, we believe that Section 7.7(D)(6) allows the project to seek authorization from the Chatham County Department of Environmental Quality to utilize portions of the Natural Space for reclaimed water infrastructure despite the existence of a timber management plan. The developer may not seek such authorization but if it does, the record should reflect that we believe the Ordinance allows the developer to seek approval for such use.
 - b. With respect to trails, applicant reserves the question of whether certain types of pervious trail installations trigger application of the Soil Erosion and Sediment Control Ordinance.

No other comments were received.

Regular meeting resume at 6:50 p.m.

Planning Board public hearing item:

2. Request by NNP-Briar Chapel, LLC for First Plat review of a Conservation Subdivision for U. S. Steel Tract, Parcel #2177, consisting of 127 lots on 131.38 acres, located off Briar Chapel Parkway/Cliffdale Road, Baldwin Township.

Ms. Richardson reviewed the agenda notes for the First Plat review of a Conservation Subdivision for U.S. Steel tract. The subdivision request is reviewed under the current Subdivision Regulations, the Watershed Protection Ordinance, the Soil Erosion & Sedimentation Control Ordinance, the Stormwater Management Ordinance and all ordinances and regulations regarding subdivision and development of land. Currently the subdivision doesn't have a name and one will be determined at a later date. The request is a stand-alone subdivision and not part of the Briar Chapel compact community; however the subdivision will be accessed through Briar Chapel. A Conservation Subdivision requires that a minimum of forty percent (40%) of the project area be retained as Conservation Space. A minimum of eighty percent (80%) of such Conservation Space shall be Natural Space and a maximum of twenty percent (20%) of the Conservation Space may be Open Space. The Conservation Space Guidelines states "Natural space is unimproved land in its naturally occurring state, or preserved to regenerate to its naturally occurring state, unaltered by human activity, and preserved to maintain or improve the natural, scenic, ecological, cultural, hydrological, or geological values of an area." The 'Guidelines' states "Open space, as defined in the Subdivision Ordinance, allows amenities such as recreational uses and some non-intrusive common uses.

Proposed conservation subdivisions for the purposes of sustaining existing on-site bona fide agricultural operations are entitled to a five percent (5%) increase in permitted density. The applicant is seeking the ten percent (10%) standard density bonus for Conservation Subdivisions, as well as, the additional five percent (5%) for the Agricultural Preservation Density Bonus. The land required to be protected within a Conservation Subdivision under other regulatory provisions, i.e. riparian buffers and floodplain, is 30.27 acres per the application. This amount (30.27 acres) was deducted from the total acreage of 131.384 acres to arrive at the net land available of 101.4 acres. Of the 101.4 acres available for development, 53.4 acres will be in Conservation Space with approximately 42 acres in Natural Space and 11 acres in Open Space. The area set aside for Conservation Space meets the requirement that forty percent (40%) of the project area be retained as Conservation Space.

The developer has provided two plans, one for 126 lots and one for 127 lots due to a small wetland feature that may or may not require a riparian buffer. This will be determined prior to Construction Plan submittal. Staff notes are based on 127 lots.

The application materials submitted indicate that the prior use of the property was for timber management and that a portion (Natural Space) will continue to be under a

timber management plan; therefore, the project qualifies for the agricultural preservation density bonus of a five (5) percent 5% increase in permitted density (this in addition to the ten (10) percent density bonus). The total Conservation Space will be 53.4 acres with 42 acres in Natural Space which meets the 80% requirement. The Natural Space has been designated by the applicant as the area to be under a timber management plan. Forestry practices are allowed within Natural Space, excluding riparian buffers and flood area, provided such practices are conducted in accordance with a Forestry Management Plan. After deducting the area within the riparian buffers and flood plain, which is 30.27 acres, the area remaining for timber management is approximately 11.73 acres. Of the 53.4 acres designated as Conservation Space, approximately 11 acres will be Open Space.

Due to the number of lots, an Environmental Impact Assessment was required to be submitted and peer reviewed. The EIA was prepared by Wetland and Natural Resource Consultants, Inc. and peer reviewed by Froehling and Robertson, Inc. Two maps are required to be submitted, a Fragmentation Map and an On-site Inventory Map. The Fragmentation map illustrates the project site and all land within one mile of its boundaries and is designed to assist the applicant in deciding where Conservation Space should generally be located to create connections with existing Natural Space or allow future Natural Space connections on adjacent properties. On-site Inventory Map is used as the “primary decision-making tool for the applicant in selecting specific areas to include in Conservation Space, and the County in issuing approvals. The maps were in the EIA but weren’t clearly marked; staff asked the applicant to send new maps showing the information for Dan LaMontagne, Environmental Quality Director to approve.

The water features include perennial and intermittent streams, wetlands, and floodable area. The trails are shown located within the protected riparian buffer areas which are subject to the Watershed Protection Ordinance and have additional standards because the property lies within the Jordan Lake watershed. Natalie Landry, Environmental Inspector with the Environmental Quality Department has reviewed the plan and stated “The Watershed Ordinance lists Trails/Greenways in the buffer as an Allowable use meaning the use may proceed provided that there are no practical alternatives. Environmental Quality staff recommends that the trails/greenways be removed from the buffer areas and placed outside the riparian buffers and placed in the common space or open space unless it cannot be practically accomplished. It is Planning staff’s recommendation that the developer works with Environmental Quality staff prior to Construction Plan submittal for compliance with the riparian buffer requirements of the Watershed Protection Ordinance and obtain any buffer authorizations necessary. A revised trail/greenway map is to be submitted along with the Construction Plan.

The development will be accessed by public, state maintained roadways. The design and construction of all public streets and roads must conform to the current standards of the North Carolina Department of Transportation Division of Highways, except as provided. Thomas Bender, Chatham County Fire Marshal has reviewed the cross section of the proposed roadway provided by the applicant and has stated “At the

dimensions presented, if parking was restricted to one side of the road it would leave approximately eighteen (18) feet of unobstructed road travel for emergency access. It appears to me that would meet the requirements and intent of the NC State Fire Prevention Code, the NCDOT requirements, and any other ordinances that may be applicable.” Road names will be Old Valley Road, Post Oak Road, Foxbrook Place, Rosebank Drive, Whispering Wind Drive, Ashwood Drive, and Birch Hollow Road. Cliffdale Road will be extended from Briar Chapel into the project. These roads will all be public and state maintained. The Emergency Operations Office has approved the names stated above for submittal to the Board of Commissioners for approval.

Public water will be provided by Chatham County and sewer will be provided by the Briar Chapel WWTP. The typical residential lot size will be 60 x 125 /.17 acre as shown on the Typical Lot Plan included in the application booklet. The lots are clustered together to provide area to be set aside as the Conservation Space. There are two lots designated as ‘Recreation Area’. Only one lot will be utilized as the Recreation Area. The other lot will be designated as ‘common space’. The applicant has provided a phasing schedule in the application booklet stating that Phase 1 will consist of 63 lots with final plat application submittal by December 31, 2019 and Phase 2 will consist of 63 lots with final plat application submittal by December 31, 2025 which is the same as the 2012 revisions to the Conditional Use Permit for the Briar Chapel Compact Community which extended the final plat submittal deadline to December 31, 2025.

Subdivision Regulations requires that the applicant identify the current and intended future owners(s) of the Conservation Space and who will be responsible for maintaining the area / facilities. Per the Draft Conservation Management Plan the Natural Space and the Open Space will be maintained by the “applicable homeowners association”. Prior to final plat recordation, the county attorney shall review and approve the form of the Management Plan, the Declaration of Covenants and Restrictions, and the deed for the Conservation Space. Subdivision Regulations states “The approved First Plat will be used to obtain any additional permits (Local, State and/or Federal) or approval letters that are required to obtain a valid Construction Plan. Approval is done by County Staff unless staff deems there are significant changes from the approved First Plat. The Staff shall approve the submitted Construction Plan or require approval of the Construction Plan by the Board of Commissioners if the following significant changes from the first plat are present:

- Increase in the number of lots by five percent (5%) or more
- Increase in the number of stream crossings
- Number of road lanes increases on any segment except where providing for turning, acceleration or deceleration lanes pursuant to recommendation of NCDOT
- Linear feet of road increases by five percent (5%) or more
- Discovery of historically-significant structures or cemeteries after First Plat that may alter the overall design or layout of the subdivision.

If staff requires review of the Construction Plan by the Board of Commissioners due to significant changes, the Planning board and Board of Commissioners will review the plan.

Staff recommends granting approval of the road names Old Valley Road, Post Oak Road, Foxbrook Place, Rosebank Drive, Whispering Wind Drive, Ashwood Drive, and Birch Hollow Road and approval of the request for First Plat approval of Conservation Subdivision for U. S. Steel Tract, Parcel #2177 with the following conditions:

1. The Timber Management Plan shall exclude timbering within riparian buffers and flood plain areas. A copy of the Timber Management Plan shall be provided to staff prior to final plat recordation.
2. The developer shall work with the Environmental Quality staff prior to Construction Plan submittal for compliance with the riparian buffer requirements of the Watershed Protection Ordinance and obtain any buffer authorizations necessary to develop the Trail / Greenway Plan. A revised trail/greenway map is to be submitted along with the Construction Plan.
3. Prior to final plat recordation, the county attorney shall review and approve the form of the Management Plan, the Declaration of Covenants and Restrictions, and the deed for the Conservation Space.
4. The applicant shall receive approval of the Fragmentation Map and On-site Inventory map from the Environmental Quality Director prior to First Plat Approval of the Board of Commissioners.

Board discussion followed.

Nick Robinson, Attorney, and Lee Bowman, Project Manager, were present for questions. Mr. Robinson briefly spoke about the project.

Motion to approve:

Mr. Arthur made a motion; seconded by Mr. Glendinning to recommend the First Plat approval of a Conservation Subdivision for U.S. Steel Tract as submitted with the following conditions:

1. The Timber Management Plan shall exclude timbering within riparian buffers and flood plain areas. A copy of the Timber Management Plan shall be provided to staff prior to final plat recordation.
2. The developer shall work with the Environmental Quality staff prior to Construction Plan submittal for compliance with the riparian buffer requirements of the Watershed Protection Ordinance and obtain any buffer authorizations necessary to develop the Trail / Greenway Plan. A revised trail/greenway map is to be submitted along with the Construction Plan.

3. Prior to final plat recordation, the county attorney shall review and approve the form of the Management Plan, the Declaration of Covenants and Restrictions, and the deed for the Conservation Space.
4. The applicant shall receive approval of the Fragmentation Map and On-site Inventory map from the Environmental Quality Director prior to First Plat Approval of the Board of Commissioners.

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

IV. ZONING AND ORDINANCE AMENDMENTS:

Legislative Request:

1. A request from NNP Briar Chapel, LLC for a text amendment to the Chatham County Compact Communities Ordinance, Section 7.2 Wastewater Treatment; Section 9.2 Perimeter Buffer; and Section 9.3 Viewshed Buffers.

Mr. Sullivan reviewed the agenda notes for the text amendment of Chatham County Compact Communities Ordinance, Section 7.2 Wastewater Treatment; Section 9.2 Perimeter Buffer; and Section 9.3 Viewshed Buffers and provided a copy to Jep Rose, County Attorney. His email response was provided to the Planning Board members. A legislative public hearing was held on April 21, 2014, at the regularly scheduled Board of Commissioners' meeting. The first requested modification is in Section 7.2 Wastewater Treatment, General Design Standards. The proposed changes would allow for the continuation of treatment as currently permitted and would also allow treatment from offsite properties to utilize the facility. The change would also allow tertiary treated wastewater to be returned to the generating site for spray.

The second modification request is in regards to the perimeter buffer as noted under Section 9.2 Perimeter Buffer. This change would allow an applicant to request a reduction of 100% of this type of buffer provided the approved plan is being preserved and the adjoining property owners and the Board of Commissioners agree. Currently the ordinance allows for a 50% reduction if it is determined the impact of the compact community is adequately mitigated by community design or topography. A request was sent to Jep Rose, county attorney, to verify if written consent from the adjoining property owners would be acceptable. The county attorney had concerns with the wording in Section 9.2 Perimeter Buffer where it states "where the adjoining land owners consents in writing" he would like for it to state after consulting with adjoining landowners.

The third modification is in regards to the viewshed buffer as noted under Section 9.3 Viewshed Buffers. Currently, the ordinance allows a reduction of up to 50% and requires protection of existing native forest vegetation where practicable. The applicant has requested an exception making the requirement optional for the developer where the use adjoining the applicable roadway is a commercial, institutional or office use. Planning staff has modified the wording presented to include:

Before any native vegetation is removed a revised landscaping plan detailing what is proposed to be removed and the extent and type of replanting must be reviewed by the

Chatham County Planning Department and the Chatham County Appearance Commission. Selective removal may be recommended in lieu of clearing the site of all existing native forested or vegetated areas.

Planning staff recommended approval of request as submitted with the wording modification in Section 9.2 as suggested by County Attorney Jep Rose. The following are the proposed wording for Section 7.2, Section 9.2, and Section 9.3:

7.2 Wastewater Treatment

General Design Standards

~~The following are general wastewater options available for compact communities:~~

~~Off-site: Send wastewater to existing municipal treatment plants or construct new centralized wastewater treatment facilities;~~

-

~~Hybrid: Treat wastewater on-site and pipe treated water to an existing municipal treatment plant or new centralized wastewater treatment facilities; or~~

-

~~On-site: Treat wastewater on-site and distribute treated water onto the land surface via irrigation system(s).~~

Wastewater treatment shall occur at centralized wastewater treatment facilities either on-site or at existing, previously permitted off-site facilities as permitted by the State of North Carolina Department of Environmental and Natural Resources (NCDENR). Spray irrigation may occur off-site provided that said use conforms to the uses allowed in the applicable zoning district.

Wastewater collection, treatment, distribution and storage systems for compact communities must apply technologies approved by the State of North Carolina, with facilities and operating programs approved by the State of North Carolina, and with operations that are effectively monitored by the State.

Location, Ownership, and Sizing of Wastewater Facilities and Spray Fields

Compact communities shall be served by wastewater collection, treatment, distribution and storage systems that are adequate to serve the reasonable needs of the community and service area (as defined by the North Carolina Utilities Commission) and comply with all applicable regulations. The wastewater facilities may also serve neighboring areas. Compact communities shall: ~~and comply with all applicable regulations. Compact communities shall:~~

~~Locate the wastewater treatment facilities and infrastructure within the project boundaries;~~

Show the location of all wastewater facilities spray fields needed for the compact community at build out in the sketch design submitted to Chatham County;

In the determination of adequacy, the County may consider any alternatives that provide reserve capacity in the wastewater system above the state required minimum, including but not limited to the following:

- Increasing the amount of wet weather storage to provide reserve capacity;
- Setting aside additional open space acreage for future spray irrigation to provide reserve capacity; and/or
- Limiting spray irrigation on a certain portion of open space acreage during specified times in order that the remaining capacity of the acreage to accept wastewater spray results in reserve capacity

9.2 Perimeter Buffer

Perimeter buffers shall be utilized to minimize the impacts of each compact community on adjacent properties along the entire perimeter of the compact community. Table 9.2 lists the minimum buffer width allowable, depending on the proposed land use along the edge of the compact community and the existing land use in the adjacent property at any point along the perimeter.

Chatham County may allow a reduction in the perimeter buffer width required by this ordinance of up to fifty percent (50%) if it determines that the impact of the compact community is adequately mitigated by community design or topography. In addition, Chatham County may allow a reduction in the perimeter buffer from fifty-one percent (51%) up to one hundred percent (100%) where the adjoining land owner consents in writing and Chatham County determines that the impact of the compact community is adequately mitigated by the community design or topography. A developer of a Compact community may request of the Board of Commissioners such a waiver or reduction at any time.

9.3 Viewshed Buffers

-

Viewshed buffers shall be ~~utilitized~~utilized in order to minimize the impacts of compact communities on pre-development roadway views.

The developer shall map all roadway views into the project and delineate a continuous buffer of at least one hundred (100) feet in width. The buffer shall be measured at right angles to the edge of the roadway right of way into the compact community.

The Chatham County Board of Commissioners may allow a reduction in the viewshed buffer width required by this ordinance of up to fifty percent (50%) if it determines that the impact of the compact community is adequately mitigated by community design, topography, and/or guidelines for outdoor lighting such as those included in the proposed Chatham County lighting ordinance.

Dedication of the Buffer

Once the viewshed buffer has been delineated, a deed restriction satisfactory to the County Attorney shall be filed with the Chatham County Register of Deeds that

permanently protects this land as a buffer and identifies the maintenance responsibility that rests with the homeowners association.

Viewshed Buffer Vegetation and Land Uses

To the extent practicable, existing native forest vegetation shall be utilized for this buffer, except that this requirement is optional for the developer where the use adjoining the applicable roadway is a commercial, institutional, or office use. Farms, pastures, and other traditional rural land uses owned by the developer or protected with a permanent conservation easement may be used to meet this requirement. Topographic features such as hills, valleys, and planted berms owned by the developer may also be used to meet this requirement.

Before any native vegetation is removed a revised landscaping plan detailing what is proposed to be removed and the extent and type of replanting must be reviewed by the Chatham County Planning Department and the Chatham County Appearance Commission. Selective removal may be recommended in lieu of clearing the site of all existing native forested or vegetated areas.

Vegetative plantings in the buffer shall produce the effect of a natural forested area, using native species. The planting does not have to be opaque, but should function to significantly soften the visual impact of buildings, both initially and in the longer term. The visual buffering provided by vegetative plantings shall be effective in all seasons.

Nick Robinson, Attorney spoke on behalf of NNP Briar Chapel, LLC. Mr. Robinson suggested an alternate language than County Attorney Jep Rose had suggested for Section 9.2 Perimeter Buffer. Mr. Robinson suggested “after giving the adjoining property owners an opportunity to comment”.

Board discussion followed.

Motion to approve:

Mr. Galin made a motion; seconded by Mr. Ernst to approve the application as submitted with the modified language suggest by Mr. Robinson for Section 9.2 Perimeter Buffer.

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

Consistency Statement

It's the opinion of the Planning Board that the land use is consistent with land use plans and regulations of the County.

Motion to approve:

Mr. Glendinning made a motion; seconded by Mr. Grigg to adopt the consistency statement. No further discussion and motion passed unanimously (9 members).

2. A request from Briar Chapel Utilities, LLC for a text amendment to the Chatham County Zoning Ordinance, Section 10.13 Table of Permitted Uses, to add a category

entitled “Spray Irrigation of tertiary treated wastewater (reclaimed water) and allow as “P” Permitted in all zoning districts.

Mr. Sullivan reviewed the agenda notes for a text amendment to the Chatham County Zoning Ordinance, Section 10.13 Table of Permitted Uses. A legislative public hearing was held on April 21, 2014, at the regularly scheduled Board of Commissioners’ meeting. The request is to add a use to the table of uses for spray irrigation of tertiary treated wastewater. This is to clarify treated wastewater can be applied to property in any zoning district. Planning staff recommends approval of the following proposed request:

Chatham County Zoning Ordinance, Section 10.13, Table of Permitted Uses:

DISTRICT	R-5	R-2	R-1	O&1	B-1	NB	CB	RB	IL	IH
Spray irrigation of tertiary treated wastewater	p	p	p	p	p	p	p	p	p	p

Mr. Nick Robinson, Attorney, was present for questions.

Motion to approve:

Mr. Glendinning made a motion; seconded by Mr. Ernst to approve request as submitted.

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

Consistency Statement

It’s the opinion of the Planning Board that the land use is consistent with land use plans and regulations of the County.

Motion to approve:

Mr. Arthur made a motion; seconded by Mr. Grigg to adopt the consistency statement. No further discussion and motion passed unanimously (9 members).

Quasi-Judicial Request:

3. A request by Tim Winters with Winter Custom Yachts, located at 2273 Holland’s Chapel Rd., Parcel No. 64272, for a CUP revision to add three (3) additional 1800 sq. ft. storage buildings to the existing site.

Mr. Sullivan reviewed the agenda notes for the CUP revision to property located at 2273 Holland’s Chapel Rd. A quasi-judicial public hearing was held April 21, 2014, at the regularly scheduled Board of Commissioners’ meeting. In 2008, the property was rezoned to CU-Ind Light with a Conditional Use Permit for light manufacturing or processing with associated retail sales for boat assembly, boating, and fishing supplies. The business has expanded since and now need the additional three (3) storage buildings as requested. Revision of a conditional use permit must meet the required five findings by the Chatham County Zoning Ordinance. Those findings are addressed as follows:

FINDING #1 – The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located. The proposed expansion is in keeping with the approved zoning classification and permitted use/s on the site.

FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare. In order for the business to continue to meet the demand of their customer base, the applicant states they are in need of space to store items in their inventory needed for boat construction. Currently they have four (4) boats under various stages of construction. There would not be any additional improvements needed for the proposed storage units.

Currently there are 13 employees and the applicant is not proposing any additional employees with this request although he stated in the pre-application meeting held in December 2013 he planned to add more with the CUP revision request. Environmental Health advised at that time the site had been approved for up to eight (8) employees with an associated retail space. The applicant had stated in the pre-application meeting he was not going to have the retail portion of the business. Per Environmental Health, an Operations Permit Revision and Setback Compliance approval must be completed for the number of employees currently on the site.

FINDING #3 – The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety, or welfare of the community. No additional traffic will be generated from the additional buildings. A revised landscaping plan has been reviewed and recommended by the CCAC.

The buildings are to have wall packs installed and the already approved pole lighting for the parking lot is to be installed from the original approval.

These building are for storage of inventory and possibly one paint booth only. The applicant had conducted a pre-application meeting with the county development team in December 2013. In that meeting he had indicated one structure could potentially be a paint booth approved and permitted as required by the NC Building and Fire codes. However, it was not stated in the application. Planning staff contacted Mr. Winters to inquire if this was still proposed to which he stated it was.

No additional signage is proposed however relocation of an existing entrance sign is allowed. If no entrance sign has been installed to date, a review and approval from the Planning Department must be made prior to its installation.

FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan. This request continues to meet the recommendations of the Land Conservation and Development Plan by protecting rural character. Existing vegetation would remain with the exception of what has been recommended by the CCAC. Surface and groundwater will continue to be protected through management of stormwater runoff and erosion and sedimentation control measures as required. Impervious surface is allowed up to 36%. The additional proposed impervious surface is approximately .5% added to the existing 12.8%.

FINDING #5 – Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the county's plans, policies, and regulations. No additional water or wastewater

is needed for these structures unless needed for the potential paint booth as may be required through other regulatory rules.

The existing commercial driveway has been relocated on the property. However, planning staff contacted NCDOT and the permit has not been approved. This is conditioned below.

The applicant states the proposed expansion is less than 20,000 sq. ft. and a stormwater plan would not be required. An exemption from Environmental Quality is needed in order to verify this is the case.

Planning staff recommends approval with the following conditions:

Site Specific Conditions

1. All previously approved conditions shall remain in effect with the exception of modifications included with this amendment.
2. Written approval from the Environmental Quality Director must be provided exempting the site from designing any stormwater management plan and the requirement for an erosion and sedimentation control plan before the beginning of any further land disturbing activity.
3. Approval from NCDOT on the relocated commercial driveway must be obtained and a copy presented to the Planning Department before the issuance of the first building permit for the new structures.
4. The new structures may be used for storage of materials and one as paint booth only.
5. The applicant shall follow the recommendations of the Chatham County Appearance Commission and install said plantings by the next optimal planting season prior the Certification of Occupancy being issued.
6. The first building permit shall be issued within two (2) years of the date of this approval or this revision becomes null and void.

Standard Site Conditions

7. 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.
8. 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.

9. 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:

10. 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.
11. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
12. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
13. 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.

Motion to approve:

Mr. Ernst made motion; seconded by Mr. Glendinning to approve the request as submitted with conditions and one amendment to Condition No. 5 to change the word "prior to" with "following" the Certificate of Occupancy.

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

X. NEW BUSINESS:

No new business.

XI. PLANNING DIRECTOR'S REPORTS:

- Minor Subdivisions / Exempt Maps – Mr. Sullivan stated spreadsheet was provided in the packet.
- Preliminary discussion regarding regulations for industrial uses in unzoned areas of the county at the request of the Chair and Vice-Chair of the Board of Commissioners– a sub-committee was formed to study/train on the difference recommendations to the Board of Commissioners. Sub-committee members: B. J. Copeland, Bill Arthur, and Gene Galin
- Board of Commissioners Public Hearing – May 19, 2014

XII. BOARD MEMBER ITEMS:

1. Land Use Plan Study Committee Discussion

Mr. Bienvenue and Mr. Glendinning made a brief report and board discussion followed.

XII. ADJOURMENT:

There being no further business, the meeting adjourned at 8:38 p.m.

_____/_____
B.J. Copeland, Chair Date

Attest: _____/_____
Kimberly Tyson, Clerk to the Board Date