

Chatham County Planning Board Minutes December 2, 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
Cecil Wilson

Absent:

Cathy Wright

Planning Department:

Jason Sullivan, Planning Director
Angela Birchett, Zoning Administrator
Hillary Pace, Planner II
Kimberly Tyson, Clerk to the Board

I. INVOCATION AND PLEDGE OF ALLEGIANCE:

Mr. Glendinning 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 .

IV. APPROVAL OF AGENDA:

The agenda was approved as presented.

V. APPROVAL OF CONSENT AGENDA:

Minutes: No items were provided on consent agenda.

VI. PUBLIC INPUT SESSION: No public comment was received.

VII. ZONING AND ORDINANCE AMENDMENTS

Legislative Requests:

1. A request to adopt a consistency statement for following proposed amendments to the Chatham County Zoning Ordinance: Section 7, Definitions, to include a definition for minor utility and major utility, to modify the accessory dwelling unit definition; Section 10 Schedule of District Regulations, to exempt minor utilities from minimum lot size requirements and to remove existing public utility language and add minor and major utilities to the Zoning Table of Uses; Section 5 Conditional Zoning Districts, to include an additional required finding.

Ms. Pace explained that a consistency statement was not adopted for this item during the November 3, 2014 meeting. Ms. Pace read the following consistency statement into the record: ***Staff recommends that the proposed text amendments are consistent with the Chatham County Land Conservation and Development Plan in the following areas:***

- ***The proposed amendments offer a wide variety of housing options.***
- ***Support the provision of infrastructure in ways that support the Land Use, Economic Development and Environmental Objectives of the Plan.***

Motion to approve:

Mr. Wilson moved to adopt the consistency statement as presented by staff; Mr. Ernst seconded. The motion passed unanimously.

2. A rezoning request by Rocky River Rental, LLC to rezone approximately 60 acres out of the 202 acre tract, Parcel No. 5213, located on the south side of US 1 off Pea Ridge Road, from R-1 Residential to IL-Light Industrial, Cape Fear Township.

Ms. Birchett explained the request and Board discussion followed.

As a general rezoning request, the applicant must address the requirements of Section 19 of the Chatham County Zoning Ordinance regarding Zoning Map Amendments:

Item #1: In response to any alleged error in the Ordinance, if any, which may be remedied by this proposed amendment, the applicant claims none. However, the applicant does believe the current zoning designation of Residential is not consistent with the County's published Strategy and Vision and isn't conducive to the productive utility of this property.

Item #2: The changed or changing conditions, if any, in the area or in the County generally, which make the proposed amendment reasonably necessary for the promotion of the public health, safety, and general welfare. This portion of the split tract being considered for the rezoning is a long narrow section that fronts 4200 feet of US 1. Residential use would not be suitable for this location due to constant highway noise and close proximity to the interchanges. The applicant believes the use of this parcel would greatly benefit the County by putting an active and productive use of light manufacturing into place which will bring jobs, economic stimulation for the area

businesses, and opportunities for other small scale light industrial operations to locate. In order to keep traffic under control in residential neighborhoods, the applicant believes siting commercial and industrial uses at existing interchanges and along highway corridors is the better option.

Item #3: The manner in which the proposed amendment will carry out the intent and purpose of the adopted Land Use Plan or part thereof is to reinforce that the Moncure-Haywood area is shown as a designated Economic Development Center, specifically for its industrial potential along with access to transportation and infrastructure. Areas currently zoned for such uses to locate are not readily available as encouraged by the Plan.

Currently, there are other nearby industrial uses along Pea Ridge Road in close proximity to this proposal. They are ST Wooten, Parcel 68322; Pea Ridge Commons contractor's condos, Parcel 78135; John Wasson, Parcel 65327; Triangle Brick, Parcel 5611; and Performance Fibers, Parcel 5814. There are others on Corinth Road in the Haywood Community. If new business is to be encouraged, usable land must be made available.

Item #4: Other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment are the Chatham County Strategic Plan encourages balanced growth. The applicant states transportation is important to that balanced growth. US 1 has a major impact on the character of this parcel guiding more towards commercial/industrial uses. Balanced growth also means creating a diversified workforce to bring jobs and tax revenue into the County.

The applicant was present to address any questions from the Board. Discussion followed concerning traffic access and floodplain.

Motion to approve:

Mr. Glendinning made a motion to approve the rezoning request as presented; Mr. Grigg seconded the motion. The motion passed unanimously.

The Board considered the following consistency statement prepared by staff:

It is the opinion of the Planning Board the rezoning request for that portion of Parcel No. 5213, being approximately 60 acres out of the 202 acre tract, is consistent with the goals and objectives of the Land Use Plans of Chatham County by reinforcing that the Moncure-Haywood area is shown as a designated Economic Development Center, specifically for its industrial potential along with access to transportation and infrastructure. Areas currently zoned for such uses to locate are not readily available as encouraged by the Plan.

Motion to approve:

Mr. Ernst made a motion to adopt the Consistency Statement as read into the record; Mr. Grigg seconded the motion. The motion passed unanimously.

3. A conditional district rezoning by Kevin Davis from R-1 Residential to Conditional District Neighborhood Business (CD-NB) on Parcel No. 11441 being approximately 11.587 acres, located at 8169 Moncure Pittsboro Rd., Haw River Township specifically for a campground with accessory uses, boat and RV storage.

Ms. Birchett explained the request and Board discussion followed.

As a Conditional District Rezoning request, the applicant must address the requirements of Section 19 of the Chatham County Zoning Ordinance regarding Zoning Map Amendments:

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 applicants are not claiming any errors 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. Due in part to the potential growth industrial uses in Moncure, as well as the increase in traveling, temporary workers at local jobsites and Jordan Lake Dam, the applicant finds this facility to meet a convenient, comfortable, and aesthetically pleasing contribution to the area for temporary housing. By allowing on-site boat and RV storage, travelers will be able to keep their recreational equipment near their lodging area, as well as be conveniently located to the lake's access areas keeping traffic off main roads as much as possible.

Item #3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts thereof. In relation to the Land Conservation and Development Plan (LCDP), the applicant states this project will make a prudent, conservative use of the land. No large scale clearing of trees, utilizing as much of the rural character in order to preserve it, and protection of the viewshed from the main traveled roadway, makes this an ideal development for the area. The project will strive to protect surface and ground water by installing a pond, utilizing the county water system, and implementing a septic system for use with the temporary lodging as well as the applicant's permanent residence to be phased in at a later date.

Item #4: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment. The applicant anticipates the uses proposed for this property will help stimulate the local economy, specifically convenience stores and gas stations. He also plans to provide a small provisions store on-site specifically for RVs campers and boaters.

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

Site Specific Conditions

1. The recommendations of the CCAC shall be followed as agreed upon. Required plantings shall be installed by the next optimal planting season prior to the completion of Phase One.

Standard Site Conditions

2. 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.
3. 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.
4. Phase One for RV camp sites shall be completed 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:

5. 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.
6. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
7. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
8. 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.

The applicant and the applicant's development team was present to answer questions from the Board. Questions regarding surrounding development and phasing of this project was discussed.

Motion to approve:

Mr. Ernst motioned to approve the application as presented; Mr. Wilson seconded the motion. The motion passed unanimously.

The Board considered the following consistency statement prepared by staff:
The request to rezone Parcel No. 11441 being approximately 11.587 acres, from R-1 Residential to CD- NB is consistent with the adopted land use plans and regulations of the County by providing adequate information for the protection of ground and surface water, by the minimal amount of disturbance needed to develop the project, keeping impervious surface below the allowed percentage, further encouraging travel and tourism to the county; and therefore is approved as requested.

Motion to approve:

Mr. Ernst motioned to adopt the consistency statement as read into the record; Mr. Wilson seconded the motion. The motion passed unanimously.

Quasi-Judicial:

4. A request for a new Conditional Use Permit by The Parlour, LLC on property currently zoned CU-B1, located at 175 Poythress Rd., old Mann's Chapel Church, Parcel No. 62230, for an event center venue specializing in small-scale weddings, seasonal marketplace, workshops, meetings, etc., Baldwin Township.

Ms. Birchett presented the application and answered questions from the Board. The applicant was not present.

A conditional use permit must meet the required five findings as required 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. A mixed use building is listed as a permitted use within the Table of Permitted Uses located in Section 10.13 of the Chatham County Zoning Ordinance to be utilized for general and professional office and small scale events

FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare. The applicant believes with the continued growth happening in Chatham County, specifically existing approved developments and the forecasted 7,000 acre Chatham Park project, it will be critical to preserve history and protect the character of the county in an historical setting. They will be remodeling the existing church, upgrading the parking, and adding improvements to the landscaping. There have been concerns expressed by neighbors about the vacancy of the church and how vulnerable it is to becoming an eyesore, unless it is preserved with a use that would complement the surrounding area.

The applicant has reviewed other similar uses near to this proposed location. There are no currently operating small scale venue options available. The larger venues are The

Carolina Inn in Chapel Hill and Fearington Village in Pittsboro. This project would sit between those two locations.

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. The applicant has proposed to preserve the existing character of the building/church that has been a staple in the community since its construction in 1887. They do not propose any changes to the existing footprint of the building, but will be bringing the structure up to current building code, enhancing the outside appearance, and remodeling inside.

NCDOT will be issuing a revised commercial driveway permit for the project and do not have any issues with the use being proposed.

The applicants held a community meeting on July 14, 2014. Some topics of discussion included concerns over the chapel restoration, parking, illegal dumping in the past due to the site being vacant, and noise. The applicant states in the report, overall, the neighbors were excited about the potential for new life at the chapel and happy to have activity again.

The applicants met with the Chatham County Appearance Commission who were very impressed with the details presented for the renewing of the site. There was one concern noted on the rear of the property and protecting that landowner from view of the new parking areas. The applicant has proposed fencing in that particular area to address that concern. The minutes from the CCAC meeting and their recommendations of approval can be viewed in the packet materials and on the Planning Department webpage under this item.

FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan. A component of the Land Conservation and Development Plan is to encourage the protection of rural and historical areas. The restoration of this property will do that, as well as provide a mix of services not currently found in the community. Preserving the area's character and building's historic features are at the core of this proposal.

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. The property will utilize a new well that is to be located on site, as well as on-site septic. The applicant has secured approval from the Chatham County Environmental Health Department for these items.

The property fronts on a state maintained roadway and will be issued a new commercial driveway permit for the use. The property is located within the WSIV-Protected Area of Jordan Lake Buffer Rule watershed designation. Impervious surface is allowed to cover

up to 36% of the tract. The ordinance also allows an exemption for the pre-existing impervious surface, which could allow more than 36% impervious surface. The impervious surface area will have to comply with the county watershed requirements and will be verified by the Environmental Quality Director.

Planning Board discussion focused on traffic and parking concerns as well as landscaping requirements. Ms. Birchett mentioned that these concerns have been addressed adequately by the applicant.

Motion to approve:

Mr. Galin motioned to approve the application as presented; Mr. Glendinning seconded the motion. The motion passed unanimously.

IX. NEW BUSINESS: No new business was presented to the Board.

X. PLANNING DIRECTOR'S REPORTS:

1. Minor Subdivisions/Exempt Maps- Provided in Planning Board packet.
2. 15/501 Corridor Study Update- Ms. Pace presented the final 15/501 Corridor Study report to the Board. The Board discussed the proposed superstreet design and particular intersections within the county.

Other- Mr. Sullivan passed out the annual Planning Board Survey. He also informed the Board about US Post Office requirements for mailbox kiosk placement.

XI. BOARD MEMBER ITEMS:

1. Appointment discussion- Mr. Copeland updated the Board regarding the timeline for new Planning Board appointments.

Other- Mr. Copeland presented Mr. Ernst with a certificate of appreciation for his service on the Chatham County Planning Board.

XII. ADJOURNMENT:

There being no further business, the meeting adjourned at 7:34 p.m.

_____/_____
B.J. Copeland, Chair Date

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