



Chatham County Planning Board Minutes June 2, 2015

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
Brian Bock
Stacey Curtis
Jim Elza
Barbara Ford
Gene Galin
Tony Geata
Caroline Siverson

Absent:

George Lucier
Cecil Wilson

Other: Diana Hales, County Commissioner Liaison

Planning Department:

Jason Sullivan, Planning Director
Hillary Pace, Planner II
Kimberly Tyson, Clerk to the Board
Kay Everage, Temporary Staff Support

- I. INVOCATION AND PLEDGE OF ALLEGIANCE:
Chair Copeland 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 a quorum was present to begin the meeting (9 members were present at this time).
- IV. APPROVAL OF AGENDA:
There were no comments or requests for changes to the Agenda. See vote below, Item V.
- V. APPROVAL OF CONSENT AGENDA:
Minutes: Consideration of a request for approval of the May 5, 2015 Planning Board minutes.

No changes were made to the May 5, 2015 minutes. Items IV. and V. were considered approved as submitted.

VI. PUBLIC INPUT SESSION: Fifteen-minute time of public input. Speakers limited to three minutes each.

There were no requests to speak at this time.

VII. SUBDIVISIONS:

1. Request by Sears Design Group, P.A. on behalf of Fitch Creations, Inc. for subdivision preliminary plat approval of Section X, Area B – Millcreek, consisting of 29 lots on 12.71 acres, located off Millcroft, S.R. 1817, Williams Township.

Ms. Tyson reviewed the agenda notes for this subdivision request. She stated that Fearington PUD was originally approved in 1976 as a Planned Unit Development with a master plan allowing mixed uses and has continued to develop over time. Fearington has 1602 approved residential units with 173 remaining to be developed; and that the PUD is reviewed under the pre-2008 Subdivision Regulations and 1994 Watershed Ordinance.

Per Dan LaMontagne, Chatham County Environmental Quality Director, the project is exempt from the Chatham County Stormwater Ordinance, but is not exempt from the Jordan Lake Buffer requirements. It was noted that the project is subject to the Soil Erosion and Sedimentation Control Ordinance.

In 2010 the Board of County Commissioners granted approval of a sketch design revision to a 1999 PUD plan revision. The 1999 plan revision included all the remaining undeveloped land within the PUD which included Section X, "Area B". In 2012 the County Commissioners granted approval of another sketch plan revision to Section X. The preliminary plat submittal for 'Area A' is based on the 2012 approved revised sketch plan.

This request is for preliminary plat review and approval of Section X, Area B, consisting of 29 single family residential lots on 12.71 acres. The lots will be accessed by a public, state maintained roadway, water will be provided by Chatham County and sewer service is provided by the private Fearington WWTP. Other agency permits as required for a preliminary plat approval have been received as follows:

NCDOT	Road Plan Approval	Apr13, 2015
NCDOT	Commercial Driveway Permit	Apr 14, 2015
NCDOT	Encroachment Agreement	Apr 14, 2015
Chatham County	Erosion Control Permit	Feb 24, 2015
NCDENR	Water Main Extension	May 4, 2015
NCDENR	Authorization to Construct	May 4, 2015
NCDENR	Wastewater Collection System Ext.	April 4, 2011

The Chatham County Emergency Operations Office has approved the road name "Millcreek Circle" to be submitted for approval to the Board of County Commissioners. Alan R. Keith, P. E. Diehl and Phillips, P. A., has certified in a letter dated May 6, 2015 that the wastewater treatment plant currently has capacity to serve Section X, Area B at Fearington (7,250 gallons per day) and that the existing collection system has capacity to serve the proposed project. Per the letter, Fitch Creations, Inc. currently has an Authorization to Construct an expansion to the WWTP to provide adequate treatment capacity for Section X as needed. The permits listed above can be viewed on the Planning Department webpage at www.chathamnc.org/planning , Rezoning and Subdivision Cases, 2015, Fearington, Section X, Area B.

A Technical Review Committee meeting was held on May 13, 2015 to review the submittal. There were no concerns or questions from staff.

The developer will provide a buffer overlaying the existing trail along Burke Place, Millcroft, and within Section X as it is further developed. The developer has previously agreed to provide a 100 foot wide riparian buffer along Bush Creek as shown on the preliminary plat. Wetlands will have a 25 foot wide buffer although the 1994 Watershed Regulation does not require wetlands to be buffered. Perennial and intermittent streams, except Bush Creek, will have a 50 foot wide riparian buffer.

Per Dan Sears, Land Planner, Sears Design Group, P. A, there are no historical structures within the area to be developed.

Ms. Tyson noted that it is the opinion of the planning staff that the plat meets the requirements of the Subdivision Regulations for preliminary plat review; and that staff recommends granting approval of the road name "Millcreek Circle" and preliminary plat approval of Fearington PUD, Section X, Area "B": Millcreek, as submitted.

R.B. Fitch, Fitch Creations, Inc., was present.

There was no discussion by the Board but similarity between the proposed road name and section name was noted.

Motion:

Mr. Arthur made a motion; seconded by Mr. Galin to approve the proposed road name "Millcreek Circle" and preliminary plat approval of Fearington PUD, Section X, Area "B": Millcreek, as submitted and as recommended by staff. There was no discussion and the motion passed unanimously (9 Board members).

2. Request by John Coffey on behalf of Coffey Grounds of Chapel Hill, Inc. for a revision to preliminary plat and final plat approval of "Horizon Subdivision - Phase 3", consisting of 20 lots on 30.9 acres, Baldwin Township.

Ms. Pace reviewed the agenda notes for this request. Some specifics of the development were noted as follows:

Zoning:	R-1
Water:	Public, Chatham County
Sewer:	Private, on-site
Watershed:	WSIV-PA
Roads:	Public NCDOT standards, previously approved road name, <u>Brookhaven Way</u>
Within 100 year flood:	No

Ms. Pace stated that Horizon Subdivision received sketch design approval by the Board of County Commissioners in September, 2006 for 66 lots and preliminary plat approval was received in October, 2007 for a total of 62 lots. Phase One received final plat approval for 38 lots in August, 2008. Phase Two received final plat approval in March, 2014 for 7 lots. The development is reviewed under the pre-2008 Subdivision Regulations and the 1994 Watershed Protection Ordinance.

The applicant has submitted the revision to preliminary plat and final plat approval for Phase 3 before the sunset date of May 15, 2015. The request is two-fold in that it modifies the preliminary plat approval to increase Phase 3 from 17 to 20 lots and requests final plat approval for the Phase Three. The final total lots requested for the development is 65 lots, which does not exceed the original sketch plan approval of 66 lots. The 20 lots in Phase Three average 1.4 acres in size as explained in E-mail from John Coffey dated May 8, 2015 included in tonight's agenda packet. (Note: Mr. Coffey's E-mail describes the preliminary plat change and a copy is filed in the Planning Department.)

Ms. Pace reviewed the following:

Financial Guarantee: Per the cost estimate letter prepared by John W. Harris, P.E., dated May 4, 2015, Phase 3 improvements are approximately 72% complete, including a partially completed Brookhaven Way (1,750 LF). Per the pre-2008 Subdivision Regulations, the required improvements must be a minimum of 40% complete and the public health and/or safety not be endangered, prior to submittal of a final plat request.

Septic permits: All lots of Horizon Phase 3 have been evaluated and approved by Thomas Boyce, Chatham County Environmental Health Soil Specialist. Copies of the permits will be issued and provided to the Chatham County Planning Department.

Water: The applicant has paid for the three additional meter boxes for the three additional lots. The water availability fee was paid for 66 lots originally. Prior to final plat recordation, the applicant is required to revise the financial guarantee and must include the cost for preparing as-builts for Phases 2 and 3 to Chatham County Public Works.

Miscellaneous: There is an incorrect adjoining property owner on the west side of the draft final plat. The property labeled as “Stella Gattis” is in fact “Nancy Marie Gattis”. This correction of property owners name before recordation of the plat will be added as a conditional of final plat approval.

Ms. Pace cited that additionally, the proposed 15’ walking trail easement along Branch Creek, encroaches within the 100’ riparian buffer; that Chatham County Environmental Quality staff have reviewed the encroachment and have provided a condition (#9) on the final plat that deems the encroachment of the trail into the buffer exempt per Section 304 J.3 of the Watershed Protection Ordinance under the following circumstances: and that the trail does not exceed 4 ft. in width, installation does not require the removal of trees, and no impervious surface is added.

In closing Ms. Pace stated that planning staff recommends granting approval of the request for financial guarantee and approval of the final plat titled, “Horizon Phase Three (Lots 24-40C)” with the following four (4) conditions:

1. The final plat not be recorded until the county attorney has approved the form of the contract and financial guarantee.
2. The final plat not be recorded until the financial guarantee is revised to include the cost for preparing as-builts for Phases 2 and 3 to Chatham County Public Works.
3. The final plat shall include an updated adjoining property owner name for the “Nancy Marie Gattis” property prior to recordation of the final plat.
4. The final plat not be recorded until staff has received certification from the engineer that the roadways are accessible to emergency vehicles and the Fire Marshal has approved the certification.

Board members discussed:

- proposed walking trail, i.e. no walking bridges/culverts proposed
- impervious surface definition
- as-builts
- average lot size, i.e. 1.4 ac.
- condition #3 (noted above regarding Nancy Marie Gattis)
- fire inspections, i.e. meet requirements

John Coffey, applicant, was present. Mr. Coffey, Mr. Sullivan and Ms. Pace addressed the above.

Becky Crouse, stated she lives northeast of this proposed property and was concerned about the 0.345 acre tract shown on the survey map. Mr. Sullivan explained that this tract is a dedicated 60' public right-of-way for a future access road; and that this type reserve acreage is addressed in the Chatham County Subdivision Regulations.

Motion:

Mr. Galin made a motion; seconded by Mr. Arthur to grant approval of the request for financial guarantee and approval of the final plat titled, "Horizon Phase Three (Lots 24-40C)" as submitted and as recommended by staff with four (4) conditions as stated above. There was no further discussion and the motion passed unanimously (9 Board members). The four (4) conditions are as follows:

1. The final plat not be recorded until the county attorney has approved the form of the contract and financial guarantee.
2. The final plat not be recorded until the financial guarantee is revised to include the cost for preparing as-builts for Phases 2 and 3 to Chatham County Public Works.
3. The final plat shall include an updated adjoining property owner name for the "Nancy Marie Gattis" property prior to recordation of the final plat.
4. The final plat not be recorded until staff has received certification from the engineer that the roadways are accessible to emergency vehicles and the Fire Marshal has approved the certification.

VIII. NEW BUSINESS:

1. *Gun Range Ordinance*

Mr. Gaeta spoke on behalf of his rural community neighborhood about the issue of gun fire near their properties. He stated that he recently spoke to the Chatham County Commissioners regarding this concern.

Discussion followed regarding a possible county gun range ordinance and the significance of researching procedures of other surrounding counties.

IX. PLANNING DIRECTOR'S REPORTS:

1. *Minor Subdivisions / Exempt Maps*

Mr. Sullivan stated that this update was included in tonight's agenda packets.

2. *Public Hearing Items*

Mr. Sullivan stated that application material was distributed to Board members earlier tonight for the following two (2) requests scheduled for public hearing June 15, 2015.

- Legislative Request:

Public Hearing request by Goldston Apex Properties dba Builder's First Source – to rezone approximately 4.19 acres to be added to the current development for three new storage structures and laydown yard from Residential District (R1) to Conditional District Light Industrial (CD-IL) and to reclassify the existing zoning of Conditional Use Light Industrial District (CU-IL) to Conditional District Light Industrial (CD-IL), including all or a portion of parcels 17893 and 73463.

▪ Quasi-Judicial Request:

Public Hearing request by Strontium Partners, LLC for a three year extension on a Conditional Use Permit approval for a 15 unit condominium building to be located within Governor's Village, Parcel No. 76561.

3. *First Plat Site Plan - Seaforth Landing First Plat submittal site visits.*

Mr. Sullivan distributed copies of map entitled, "First Plat Site Plan dated May 20, 2015, Seaforth Subdivision, Deed Book 1293, Page 483, Chatham County, NC" (a copy of this 8-1/2" x 11" map is filed in the Planning Department). He explained the 'First Plat' process and noted that additional information would be provided after staff completes reviewing the application. He stated available dates to attend site visits were: June 16, 2015 at 9 a.m. or June 17, 2015 at 5:30 p.m. Mr. Sullivan asked that Board members let staff know when they could attend the site visit (since a public notice would need to be submitted if a majority of Planning Board members attend). Mr. Sullivan encouraged those attending the site visit should wear boots and bring water and tick spray.

4. *Legislative update*

Mr. Sullivan referenced an eight (8) page document entitled, APA-NC Legislative Update 4.10.15 included in tonight's agenda packet summarizing planning-related legislation and bills of interest to the planning community proposed during the 2015 legislative session.

Ms. Pace reviewed and updated the status of the bills. She stated staff would continue to update the Board on this legislation.

X. BOARD MEMBER ITEMS:

1. *Alternatives to Open Use-Zoning Subcommittee Update*

Ms. Siverson referenced, 1.) hand-out distributed tonight entitled, "Notes on Subcommittee Meeting for Alternatives to Open Use Zoning" dated May 19, 2015, and 2.) document included in tonight's agenda packet entitled, "Options for Dealing with Unzoned parts of the county. Draft (work in progress)". Copies are filed in the Planning Department for your reference. Ms. Siverson reviewed the subcommittee notes regarding the five (5) zoning options listed. Board discussion followed.

Mr. Bock voiced concern as to how these recommendations would fit into the proposed Comprehensive Land Use Plan. The term 'Interim Zoning' was discussed and Mr. Arthur suggested labeling this wording as "Interim Options".

2. *Continuation of discussion regarding joint planning with municipalities from the May 5, 2015 meeting.*

Chair Copeland stated that during last month's meeting the Planning Board discussed the need to have joint discussions with other planning boards in the county (i.e., Pittsboro, Siler City, Goldston, etc.). He suggested that all entities appoint one or two planning board members to represent their respective boards to meet two or four times a year to discuss current and pending actions.

Motion:

Following discussion, Mr. Galin made a motion; seconded by Mr. Arthur that the Planning Board suggests to the Board of Commissioners that the Commissioners initiate a liaison between all the planning boards within Chatham County. The motion passed unanimously. (9 members)

3. *Update on meeting with the Agricultural Advisory Board.*

Chair Copeland stated that he and Mr. Sullivan would be meeting with the Agricultural Advisory Board June 9, 2015 at 7:00 p.m. in this building; and that other interested Planning Board members are welcome to attend.

Farm Bureau

Chair Copeland stated that he recently spoke with Charles Lutterloh with Farm Bureau and informed him that some Board members would be willing to meet with his firm.

4. *Update on conservation plan presentations for the July 7 meeting.*

Mr. Sullivan stated that Allison Weakley and Catherine Deininger would be speaking at the July 7, 2015 Planning Board meeting; that Ms. Weakley plans to address the conservation plan; and that Ms. Deininger would be addressing her work with the Town of Pittsboro. Chair Copeland suggested that their presentation be limited to 15 minutes each.

