



Chatham County, NC

Meeting Minutes Board of Commissioners

Monday, August 18, 2014

6:00 PM

Historic Courthouse Courtroom

WORK SESSION - 2:30 PM - HISTORIC COURTHOUSE COURTROOM

Present: 4 - Vice Chair Brian Bock, Commissioner Mike Cross, Commissioner Pam Stewart and Commissioner Jim Elza

Absent: 1 - Chairman Walter Petty

CHATHAM COUNTY ZONING BOARD OF ADJUSTMENT

Convene as the Chatham County Zoning Board of Adjustment.

Vice Chairman Bock called the meeting of the Chatham County Zoning Board of Adjustment to order.

14-0911

Vote on a request to adopt an order reversing the notice of violation.

Vice Chairman Bock reviewed the specifics of the item.

A motion was made by Commissioner Stewart, seconded by Commissioner Cross, that the Order Reversing the Notice of Violation of the Chatham County Zoning Ordinance Issued by the Zoning Administrator on June 10, 2014 with Respect to Activity Taking Place on Chatham County Tax Parcel Number 17828 be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

A motion was made by Commissioner Cross, seconded by Commissioner Stewart, that the Order Reversing the Notice of Violation of the Chatham County Zoning Ordinance Issued by the Zoning Administrator on June 10, 2014 with Respect to Activity Taking Place on Chatham County Tax Parcel Number 17795 be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

Adjourn as the Chatham County Zoning Board of Adjustment.

Vice Chairman Bock adjourned the meeting of the Chatham County Zoning Board of Adjustment.

WORK SESSION

Convene as the Chatham County Board of Commissioners

Vice Chairman Bock called the Work Session of the Chatham County Board of Commissioners to order.

PUBLIC INPUT SESSION

There was no one signed up who wished to speak.

BOARD PRIORITIES

14-0781

Presentation to the Military Order of the Purple Heart with a Resolution

Proclaiming Chatham County (North Carolina) a Purple Heart County

Attachments: [Purple Heart County Proclamation](#)

This item was moved from the Work Session Agenda to the Regular Session agenda.

14-0907

Vote on a request to approve Resolution Commending Walmart and Its Foundation for Supporting Critical Food Needs in Chatham County

Attachments: [Walmart Appreciation Grant](#)

Vice Chairman Bock stated he met Anthony Soto three years ago when the County first broke ground on this Walmart. He and his colleagues assured Bock that the new Walmart was going to be a good neighbor and was going to help the local nonprofits. Vice Chairman Bock stated how happy he was that they have followed through with that promise and he believed they have gone beyond any expectations he personally would have had.

Vice Chairman Bock read the resolution into the record.

Vice Chairman Bock presented the framed resolution to Mr. Soto and posed for pictures.

Mr. Soto thanked the Board and stated it has been his honor to work at Walmart for 17 years. He started as a part time worker while in college and now he oversees 6,000 employees. It is an expectation of Walmart to partner with local organizations. They opened the Chatham County location in June of 2013 and they recently celebrated their anniversary. They are still hiring and creating new jobs. Mr. Soto stated they are still looking for other opportunities to partner with their neighbors and told the Board and the staff to make him aware of any way he could be of further assistance.

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that the Resolution #2014-24 Commending Walmart and Its Foundation for Supporting Critical Food Needs in Chatham County, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

14-0884

Presentation of North Carolina Code Officials Qualification Board Award to Charlie Horne for 20 Years of Service.

Attachments: [OSFM Award \(2\)](#)

Vice Chairman Bock presented County Manager, Charlie Horne, a certificate of appreciation from the North Carolina Code Officials Qualification Board. The Board thanked Mr. Horne for his commitment and dedication to the public safety of the citizens of North Carolina through his attendance and sharing of his expertise at each meeting for the past twenty years. Mr. Horne thanked the Code Officials Qualification Board and the Commissioners for the award.

14-0904

CCCC Presentation on the classroom proposal for the retail area proposed by Briar Chapel

Attachments: [PowerPoint_Chat-Science-Bldg](#)

Vice Chairman Bock invited Dr. Bud Marchant of Central Carolina Community College to give the presentation.

Dr. Marchant thanked the Board for the opportunity to speak and in attendance with him today are Mr. Kurt Bradley and Mr. John Fugo. Mr. Bradley is a well-known developer in the county and Mr. Fugo works with Briar Chapel.

Dr. Marchant stated our area is growing and healthcare employment is growing by leaps and bounds. Central Carolina Community College has focused on healthcare training for many years. They feel that Chatham County, particularly northern Chatham County, is the right place to do this training. They also know that there is a need in Chatham County for increased commercial development.

A commissioner in Harnett County, Mr. Tim McNeil, came up with the idea of putting a health science building in a commercially zoned area in order to help that area attract commercial business. Thanks to Mr. McNeil, they have not only built a health science center in Lillington, they have done it in a commercial area and it has attracted a Micro Hotel, drug stores, and a long term care facility. They hope it is an idea that can also be done in Chatham County.

Dr. Marchant stated there is a parcel attached to Briar Chapel that will be developing commercially over the next two years. They believe locating a healthcare training facility there would satisfy not only the need for the training of healthcare professionals but also aid in the creation of the needed commercial development. The conceptual site plan has been developed. The community college area is 46,000 square feet of training space and roughly the same size as the Harnett County site. There is a need in this part of the county for conference space. The conference space in Harnett County is used almost every day and by two or three groups. The remainder of the space will be mixed use development.

Dr. Marchant stated again that this concept is very similar to the concept used in Harnett County. This is a proposed timeline. Everything is very tentative. They wanted to bring it to the Board so it could think about it and ask questions. This project has not been approved by the Board of Commissioners and they did not want people to assume it has. They are eventually going to ask the Board for a health science center because they need to train for these healthcare jobs and the increase in commercial development is something the County has been needing for quite some time.

Mr. Fugo stated he was with Montgomery Development, the company that developed downtown Southern Village. They have partnered with Newland Companies to develop their 125 acres. Mr. Bradley has partnered with him and he came to him with the idea for the college building. They used the Harnett County building as a guide with a few minor changes. They think it would be a great anchor with about 400 students. It is an unusual anchor but he would say that the developers and retailers they spoke to all liked the idea of having students there.

Dr. Marchant stated they wanted to introduce the project to the Board and they were available to answer questions at any time.

Vice Chairman Bock stated he thinks it is a good idea. His issue is that normally someone else is paying for the anchor and everyone else gets the benefit. He asked if they saw the college building having to be in place and funded for the rest of the development to be working. Mr. Fugo stated the college part does not have to be built and in place for the rest to be working. It would serve as the anchor if everyone knew it was coming.

Vice Chairman Bock stated that generally a project has to go in a CIP and it takes a long time for a project like this to be completed. It could take more time than it would take to start developing the other businesses. Mr. Fugo stated if they could put a sign saying coming in 2018, in commercial development that would go a long way.

Commissioner Stewart asked if they had any idea of the cost of the project yet. Mr. Fugo stated he could get that information for her. Commissioner Cross wanted to know the County cost.

Commissioner Elza asked a question about parking. He asked if there would be a common entrance or could the county have a separate entrance. Mr. Fugo stated he did not know if the college would have dedicated parking and that is a good question. The obvious answer is the entire development has cross parking easements, but if there are specific needs for the college they could make arrangements.

Dr. Marchant stated in Harnett County they have dedicated parking but they also have cross parking with the development. Mr. Fugo stated they would be able to work it out. They have done it with several different uses but not yet with a college.

Vice Chairman Bock asked if the project proposal was about the same size as the site in Harnett County. Dr. Marchant stated the one in Harnett County is a little bigger because of the hospital, not because of the commercial area. However, the size is about the same.

This Agenda Item was received and filed

14-0735

A request from staff to discuss various text amendments to the Zoning Ordinance, Subdivision Regulations and Watershed Protection Ordinance to address recent legislative changes and enhance ordinance consistency.

[Attachments: ATT1_BOA Edits](#)

[ATT2_Amendment Redlines 18Aug14](#)

[Text Amendment Discussion_18Aug14BOC](#)

Hillary Pace, Planner, reviewed the specifics of the item. She stated this was a follow up from the April discussion. There were proposed updates to the three different ordinances they work across being the zoning, watershed and subdivision ordinances. They had some statutory updates they wanted to include and they had some consistency problems they wanted to address across the three different

ordinances. She stated staff is asking the Board to receive the report and to set a date to hold a public hearing for the beginning of the process to amend the ordinances, possibly in September.

Ms. Pace presented a PowerPoint reviewing the ordinances and the proposed amendments.

Vice Chairman Bock asked if "essential and desirable" was the standard language. Ms. Pace stated that it is standard language and as she'd mentioned earlier, it is in the conditional use permit required findings currently. Therefore, the burden is on the applicant to show justification for those particular uses. Vice Chairman Bock stated he can imagine there are a lot of things that are desirable but essential is debatable.

Ms. Pace stated staff did not narrow down what would have to be provided, for example market analysis, it would be on the applicant to show justification. They see different varying levels of justification, but they thought with some more of the developing uses that they've been seeing repetitively in the area that this might be another great piece for the applicant to show justification as they go through the process.

Ms. Pace stated conditional zoning districts are neither quasi-judicial nor legislative in nature; they can receive input pretty openly on those uses.

Commissioner Elza asked if staff is ready to set a public hearing. Ms. Pace stated they are.

Commissioner Elza clarified that the request is to receive the report and set a hearing.

Vice Chairman Bock asked Ms. Pace to review why the Board began the discussion. Ms. Pace stated the discussion began with accessory dwelling units. She stated the Board wanted to change it because currently county regulations do not have a cap on the size. In the unzoned parts of the county one can technically get accessory dwelling units much larger than what we have in our zoned parts of the county.

Ms. Pace stated through their research, staff discovered the county is the most permissive in terms of size, however, they also had some discussion if that was large enough with the modern times and housing demands. The Board asked staff to consider increasing the allotment.

Vice Chairman Bock asked the Board if they had any thoughts on the subject. Commissioner Cross asked if the regulations applied to farm shelters. Ms. Pace stated it only applies to dwellings and anything farm related would be exempt.

Vice Chairman Bock asked if it had come up as an issue. Ms. Pace stated they have had a couple of times where people have stated they wished the size allowed was a little larger. The concern from the staff perspective has been the application of the regulations across the entire county and the consistency of the regulations.

Commissioner Cross stated 1500 feet is not very large. Vice Chairman Bock agreed.

By consensus the Board agreed to set a public hearing on September 15, 2014.

14-0895

A request from Planning Staff to provide an update on the SPOT 3.0 Transportation Project Ranking.

Attachments: [ATT 1_Division 8 Draft Points Allocation](#)
[Transportation Update August 2014 BOC presentation](#)

Hillary Pace, Planner, reviewed the specifics on the item.

Ms. Pace stated SPOT 3.0 is the local prioritization for projects entered into the state system. There is the state level, the regional level and the division level. There is an exercise of prioritization of our points and a coordination of local point assignments. There is a coordination of local point assignments across TARPO (all over our County) and the MPO (the northeast part of the county) and the division proposes local point assignments on our prioritized projects as well. The big concept is to match your point assignments at the MPO level or TARPO level with the Division Eight point assignments. If you get points from the division and points from the MPO then the project is probably considered important and more likely to be considered for funding.

Ms. Pace stated the programming window for these projects is 2016-2025. She stated staff had a surprise recently. The bike/pedestrian projects which had not been previously scored have now been scored. Another surprise is they have been put on the MPO's list for submittal to SPOT. Even more of a surprise is Division Eight has

also proposed points on those projects.

Ms. Pace stated the state is asking for a letter of commitment for a 20% match for the bike lane construction during that 2016-2025 programming window.

Ms. Pace gave a PowerPoint presentation reviewing the projects and point assignments.

Vice Chairman Bock asked if the letter is really a letter of commitment. Ms. Pace stated it really is not because it is contingent on funding. Jurisdictions are allowed to modify the letter as they see fit. Commissioner Elza stated it is really a letter of intention.

Vice Chairman Bock stated when the year 2020 comes around and they are no longer on the Board but they do the letter now, it gives the option to whoever is on the Board at that time. However, if they don't do the letter now then the option won't be there in 2020. Ms. Pace stated that was correct.

Ms. Pace stated a TARPO project that is also potentially being added is an easement acquisition for the Siler City Airport.

Vice Chairman Bock also asked about the prices being different ten years from now. He asked if the numbers presented included any inflation. Ms. Pace stated she would have to clarify.

A motion was made by Commissioner Elza, seconded by Commissioner Cross, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

14-0896

Vote on a Request to approve to Increase the Budget for the Construction of a New Solid Waste & Recycling Office, adopt a new project ordinance, and to award the bid to Muter Construction, the low bidder including alternates for asphalt pavement and window blinds.

Attachments: [EQ - Certified Bid Tab](#)

[Waste Management Office Space Project Ordinance #2](#)

Dan LaMontagne, Director of Environmental Quality and Public Works reviewed the specifics of the request. He stated that about a year ago the Board passed a project ordinance approving the construction of a new Solid Waste and Recycling Office and new scales.

Mr. LaMontagne stated the project went out to bid on May 21, 2014. The bid was considerably over budget by about \$630,000. He stated staff went back to the drawing board and made many changes to both the site and the building. The project went back to bid on July 30, 2014 and the bid was reduced by about \$472,000. The bid was still over budget but this time by only \$98,000.

Mr. LaMontagne is asking the Board for the additional \$98,000 from the Enterprise Fund. Vice Chairman Bock asked if the money was available in the Enterprise Fund. Mr. LaMontagne stated it is available as the total budget in the Enterprise Fund was \$3.4 million dollars.

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that the project budget be increased by \$98,000 and the new project ordinance, attached hereto and by reference made a part hereof, be adopted, and the bid be awarded to Muter Construction including alternates G-2 and G-3. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

14-0897

Presentation on DMV assigning vehicles to the wrong county

Attachments: [DMV Collection of MV taxes](#)

Frances Wilson, Tax Administrator, reviewed the specifics of the item and gave a PowerPoint Presentation.

Ms. Wilson stated in September of 2013 the North Carolina Department of Motor Vehicles (NC DMV) started collecting the motor vehicle taxes for counties. The taxes are collected when the registrations are renewed. Moving to a centralized system was supposed to have some advantages and result in increased revenue.

Ms. Wilson stated the NC DMV vehicle tax collections from January of 2014 to this point have exceeded the County's collections from the previous year. This is good

news and hopefully why we switched to the statewide system of collection.

Ms. Wilson stated there have been, however, some unforeseen consequences. Some of the vehicles that should have been taxed in Chatham have been taxed in other counties. While this is not a new issue, the residents may not notice the County changes on their registration renewals. She stated that there are three places on the renewal that state which county the vehicle is registered in but the font is small and not very noticeable. The residents are also used to seeing the county tax statements from the past.

Ms. Wilson stated that if a new address shows up in their system that does not belong in Chatham County, they have the capability of electronically sending that address to the correct county and other counties can do the same for Chatham. They are finding out, however, that is not always happening.

Commissioner Cross asked if the problem has something to do with the zip codes.

Ms. Wilson stated it is their understanding if someone registers for the first time and the street address the NC DMV uses is not identical to the address the County has in its database then they may get something going to a default address. That can be in or outside of the county or may get taxes belonging to a fire district.

Ms. Wilson stated she ran reports of the subdivisions in Durham and in Briar Chapel. She has been comparing homeowners names with NC DMV records and some are coming up in Orange and Durham counties. Staff is going to have to contact those counties and find out why they are not sending those addresses to us. There may be some bugs in the state system causing this.

Ms. Wilson stated they are trying to work with the Home Owners Associations of these subdivisions as well. Vice Chairman Bock asked if she could put a notice in the subdivision email newsletters.

Ms. Wilson stated the Fearrington community has postal boxes instead of street addresses and the County was getting mail returned. The County was able to clear that issue up with them by getting the word out in their subdivision newsletters. They will try to do the same for the other subdivisions.

Commissioner Elza asked if they debug that file will they be able to keep it that way.

Ms. Wilson stated she did not know. They have billed these addresses correctly in the County system for years and they are just now showing up incorrectly. Staff is sure other counties are having these issues as well. She stated that for residents, it means their taxes are higher and it also means the county is losing the revenue.

Commissioner Elza stated he believes the residents would be interested in getting it changed.

Ms. Wilson stated it is common for people not to know which county they live in. Many people move here from other parts of the country and they do not realize they may live in the City of Durham but not in the County of Durham. People ask which county they live in. She stated Carolina Preserve has a big problem with that.

Vice Chairman Bock stated he paid an Orange County registration tax for the first three years he lived in Chatham County and this is a real problem.

Ms. Wilson stated staff can correct problems with wrong districts as long as it is within the county.

This Agenda Item was received and filed

14-0882

Discuss and adopt resolution approving Chatham County's 2015-2016 NCACC Legislative Goals Proposal.

Attachments: [2015-16 ncacc goals \(2\)](#)

Renee Paschal, Assistant County Manager, stated County staff would like the Board to consider a legislative goal to "seek legislation to ensure accurate reporting of sales tax by county."

Ms. Paschal gave some background on the subject. She stated several counties are losing significant sales tax from items delivered into their county because vendors report sales tax by five digit zip codes. Counties such as Chatham, Davidson, and Harnett have zip codes that overlap from neighboring counties. The zip codes and cities they are assigned to are associated with other counties. In Chatham, five of the eight border counties have higher sales tax rates, resulting in Chatham residents paying too much sales tax. In Chatham, 65% of residential building permits in the last year were within these zip codes. Builders report that 75-90% of materials are

delivered to the site.

Ms. Paschal stated staff has met with the Homebuilders Association of Orange, Durham and Chatham Counties and they are sending an email out to their membership. Those are the people the County is losing the most sales tax through. She stated they are also sending emails out through the homeowners associations who are willing to do that.

Vice Chairman Bock asked if there is something that can be attached to the building permits as a reminder. Ms. Paschal stated there is the flyer that has been created saying to use the nine digit zip code if you can. However, there is no way the County can require it, it can only encourage it. The folks in the Chapel Hill, Durham and even Sanford zip codes will be paying a higher rate. For the builder it is a huge difference.

Commissioner Elza asked if there is some way to download the 911 address system. Ms. Paschal stated there is a way to geo code the addresses. Commissioner Elza stated it is really hard to know a nine digit zip code. Vice Chairman Bock stated it is a matter of education and it is in everyone's best interest. Ms. Paschal stated when they met with the Chatham Park representatives earlier in the week they asked what their zip codes were going to be.

Ms. Paschal stated they are hopeful Davidson and Harnett Counties will also put this on their list of goals and they hope the Board will put this on its list of goals as well. She thinks the biggest loss is occurring in the Briar Chapel subdivision.

A motion was made by Commissioner Cross, seconded by Commissioner Stewart, that the legislative goal to "seek legislation to ensure accurate reporting of sales tax by county" be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

END OF WORK SESSION

A motion was made by Commissioner Stewart, seconded by Commissioner Cross, that the meeting be adjourned. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

REGULAR SESSION - 6:00 PM - HISTORIC COURTHOUSE COURTROOM

Present: 4 - Vice Chair Brian Bock, Commissioner Mike Cross, Commissioner Pam Stewart and Commissioner Jim Elza

Absent: 1 - Chairman Walter Petty

INVOCATION and PLEDGE OF ALLEGIANCE

Commissioner Cross delivered the invocation after which the Vice Chairman invited everyone present to stand and recite the Pledge of Allegiance.

CALL TO ORDER

Vice Chairman Bock welcomed those in attendance and called the meeting to order at 6:00 PM

He gave special welcome to Boy Scout Troop 900 from Goldston who were working on earning merit badges. He also gave a special welcome to NC Chapter 637 of the Military Order of the Purple Heart and let everyone know they will be receiving a special proclamation later in the evening.

APPROVAL OF AGENDA and CONSENT AGENDA

Vice Chairman Bock stated Item # 14-0781 Presentation of Purple Heart Proclamation was pulled from the Work Session and will be moved directly after the Public Input Session.

Vice Chairman Bock stated Planning Items # 14-0769, # 14-0800, and # 14-0805 all need to be pulled from the Consent Agenda and moved directly after the Public Input Session.

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that the Agenda and Consent Agenda be approved as amended. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

14-0901

Vote on a request to approve the July 21, 2014 Work Session Minutes and the July 21, 2014 Regular Session Minutes.

Attachments: [07.21.2014 Minutes Draft](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that the Minutes be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

14-0769

Vote on a Wireless Telecommunication Permit request by American Tower Corporation and AT&T Mobility for a portion of Parcel No. 10519, known as the Gum Springs Site, located off of White Smith Rd., near Henderson Tanyard Rd., for a 300' self-supported telecommunications tower on a lease area of approximately 0.45 acres of the 43.72 acre tract and is within the Hadley Township. The application includes a waiver request to exceed 199' in height pursuant to Section 2-4 of the Wireless Telecommunication Facilities Ordinance.

Attachments: [Hyperlink](#)

This item was removed from the Consent Agenda and moved to the Regular Agenda immediately following Public Input

14-0800

Vote on a Wireless Telecommunication Permit request by American Tower Corporation and AT&T Mobility for a portion of Parcel No. 3391, known as the Bennett Site, located at 24477 NC Hwy 902 for a 300' self-supported telecommunications tower on a lease area of approximately 0.69 acres of the 28.90 acre tract, unzoned, within the Bear Creek Township. The application includes a waiver request to exceed 199' in height pursuant to Section 2-4 of the Wireless Telecommunication Facilities Ordinance.

Attachments: [Hyperlink](#)

This item was removed from the Consent Agenda and moved to the Regular Agenda immediately following Public Input

14-0805

Vote on a A Wireless Telecommunication Permit request by American Tower Corporation and AT&T Mobility for a portion of Parcel No. 12512, known as the Pleasant Hill Site, located off NC Hwy 902 near Cannon Rd. for a 300' self-supported telecommunications tower on a lease area of approximately 0.40 acres of the 107.20 acre tract, unzoned, within the Hickory Mountain Township. The application includes a waiver request to exceed 199' in height pursuant to Section 2-4 of the Wireless Telecommunication Facilities Ordinance.

Attachments: [Hyperlink](#)

This item was removed from the Consent Agenda and moved to the Regular Agenda immediately following Public Input

14-0866

Vote on a request to approve a Pyrotechnics Display at 11000 Club Drive, Chatham County, NC on August 29, 2014

Attachments: [Attachment A- G.S 14-410, 14-413.pdf](#)
[Attachment B-Pyrotechnics Display Request.pdf](#)
[Attachment C-Pyrotechnic Display Operator's License.pdf](#)
[Attachment D-Insurance Certificate.pdf](#)
[Attachment E-ATF License.pdf](#)
[Attachment F-Display Area Site Map.pdf](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

14-0867 Vote on a request from citizens to approve the naming of a private road in Chatham County

Attachments: [J ROY DRIVE PETITION](#)
[J ROY DRIVE MAP](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

14-0874 Vote on a request to approve the Appointment of Julie Inman as Deputy Tax Collector

Attachments: [Oath-Julie.doc](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that this Appointment be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

14-0878 Vote on a request to approve the Consideration to extend the term of the current Lease from the County to New Cingular/AT&T from five (5) years to a total of fifteen (15) years.

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that this Contract, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

14-0879 Vote on a request to approve the Tax Releases and Refunds

Attachments: [July NCVTS_BOC 8-18-14.pdf](#)
[TaxReleasesandRefunds08-04-2014.pdf](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that the Tax Releases and Refunds, Agenda Item be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

14-0881 Vote on a Request to Approve the 2014-2015 N.C. Forest Service Contract

Attachments: [Forestry Contract 2014-2015](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that this Contract, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

14-0893 Vote on a request to approve funding in the amount of \$20,733 to be taken from contingency for funding from Chatham Trades for a new truck.

Attachments: [Chatham Trades Letter](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

14-0894 Vote on a request to approve a Purchase of John Deere 524K Wheel Loader

Attachments: [James River Quote](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

14-0899

Vote on a request to Approve of a contract with Chatham Trades to appropriate \$300,000 for purchase of a new building and/or upfit costs.

Attachments: [ChathamTradesBuildingContract.Final](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that this Contract, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

14-0869

Vote on a request to approve the 2012 Local Water Supply Plans

Attachments: [Resolution](#)

[Chatham County Asbury 2012 LWSP](#)

[Chatham County Southwest 2012 LWSP](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that this Resolution #2014-27 for the 2012 Local Water Supply Plans, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

14-0875

Vote on a request to approve the FY 2015-2016 Budget Calendar

Attachments: [BudgetCalendar](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that the Budget Calendar be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

14-0903

Appointments to Environmental Review Advisory Committee

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that these Appointments be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

14-0909

Vote on a request to approve a Resolution Proclaiming September as Childhood Cancer Awareness Month in Chatham County

Attachments: [Hyperlink](#)

[American Cancer Fund Resolution September 2014](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that this Resolution #2014-25 Proclaiming September as Childhood Cancer Awareness Month in Chatham County, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

14-0908

Financing Resolution

Attachments: [FO Financing Resolution 8-18-14](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that this Resolution #2014-26 Authorizing the Negotiation of an Installment Financing Contract, Directing the Publication of Notice with Respect Thereto and Providing for Certain Other Related Matters Thereto, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Tony Gaeta - 305 Durham Bailey Lane, Pittsboro, gave the following comments:

"My name is Tony Gaeta; I am a corporate and securities attorney with the Wyrick Robbins firm in Raleigh and I am a neighbor of many of the good people who signed the petition presented to you by Ms. Seaton regarding our concerns about Range 2A. I have been a resident of Chatham County for almost 14 years and I want to make two points to you for your information and consideration;

First, I want you to know that the friends and neighbors who surround Range 2A are not some wild and crazy anti-gun fanatics; indeed, many of us own guns; many of us are avid hunters; all of us are strong supporters of gun rights, our military and our law

enforcement officers. I for one proudly served in the US Army for 2 years during the Vietnam conflict; we are NOT against guns; but as the Book of Ecclesiastes says, there is a TIME AND PLACE for everything; we are opposed to the PLACE of Range 2A which is located in a country community of law abiding, taxpaying residents who have been there for many years and many for generations. These 71 acres in the heart of our community just is not the PLACE for a gun range.

Secondly, I ask you, in your position as Commissioners of one of the fastest growing and most progressive counties in North Carolina to give prayerful and thoughtful consideration to restrictions on the establishment of such dangerous and noxious activities as a gun range. Consider greater acreage requirements necessary to conduct gun shooting where high powered rifles and military assault weapons will be fired; consider requiring significant and SAFE setbacks of any gun range from existing residential structures; consider stricter decibel limitations at the borders of those neighboring the prospective range AND please require that any such commercial enterprise, whether it calls itself a club or a business, require on-site supervision of those utilizing the range. To allow anyone, member or customer gain access at any time of day or night, to shoot in any direction he or she desires, without strict supervision and attentive oversight, is simply irresponsible and fraught with potential liability.

We ask you to consider this: if Range 2A sprang up in your neighborhood, wouldn't you TOO be concerned for your safety and that of your children, friends and neighbors? If it can happen here, I am afraid it can happen in many locales in Chatham County. Now is the time to act, before it is too late. Thank you very much for your time, your consideration and most of all, for your public service."

Debra Seaton - gave the following comments:

"My name is Debra Seaton. I am a dentist in private practice in Carrboro. I have lived on Silk Hope Gum Springs Road for over twenty-five years. The entrance to my farm is about 1,400 feet from the entrance to Range 2A. I have personally experienced the noise during range operation. I cannot carry on a conversation out of doors, can hear the shooting indoors and could not attempt to train or ride my horses during hours of operation for fear of being injured. The ability to sell my property as a horse training facility, should I need to, is almost zero due to the presence of the range.

The foremost reason for being here this evening is to present these petitions to the Chatham County Commissioners requesting that they do all within their authority to halt the operation of range 2A in its current form as well as its planned expansion, of which they include military and law enforcement training. The majority of those signing the petition are current residents, most of which are landowners within a one mile radius of the boundaries of the range. I currently have 133 signatures and we are by no means done yet.

Please take time to note the number of years that these good people have lived in this community, some of them 80+ years. It seems nearly incomprehensible that in a few short weeks, a small group of people pursuing their own interests have almost totally disregarded this community, disrupting the lives of the neighbors and creating safety concerns and diminishing the values of the surrounding properties which these residents have worked so hard in their lives to secure. For the record, despite the attention that the GOAT House Refuge has received, the refuge operation has not for one minute adversely affected the enjoyment of my property. The same cannot be said for Range 2A.

Several Points:

1) The Range has not recently been in operation. As reported in the papers they have received both a Violation and a Continuing Notice of Violation for being out of compliance with the county's storm water and erosion control requirements. I believe they have only until Friday to present a plan for mitigating damage that has occurred to this point. 2) They have been in violation of the county's noise ordinance. It appears that they will need to have additional grading and excavation to attempt noise abatement which many locals who know the terrain feel, and due to the presence of significant wetland acreage, there is "no remedy."

3) It has also been noted that according to most estimates a shooting bay is currently positioned only approximately 7,000 feet from Haw River Christian Academy located at Emmaus Baptist Church. This would seem to impose a huge liability risk for the county, the school and the range. And with future plans to include a 700 yard range and 360 degree range for military and law enforcement, should this community have to be exposed to the problem? Statistics list the range of a 30-06 bullet to be between 3.5 and 4.5 miles.

Even though we live in an unzoned area, we do not feel that this is a risk that anyone presumes they take when they decide that country living is where their heart is. Rather than the onus being on the range owners to prove to county officials that they would be doing nothing to disrupt the lives of longtime residents, it is now on the community to use their time, effort and savings to prove that the range is going to have a significant impact on the health, safety and welfare of local citizens. Be assured, however, that if it comes down to it, most of us will continue to protect our dreams and are prepared to pursue legal action against the range for noise and nuisance. It will be a shame if it comes to that."

Tom Glendinning, 160 Eddie Perry Road, Pittsboro. Stated he wanted to speak on zoning, specifically in the western part of the county. Back when zoning was adopted circa 1980, the western part of the county did not want zoning. Zoning was not adopted in the west and it was respected. From the people he has polled they still do not want it. He is requesting that any vote on zoning be done on a township basis. This kind of voting was done with the water infrastructure and to date he believes that the Albright Township, which refused to have the water system installed, still does not have water system except at Silk Hope School. The demographics are more heavily in the east than they were in 1980 and more people who have moved here are very familiar with zoning. They town where he came from would not allow you to own a pick up truck and park it at your house. Imagine that in Chatham County. He respects zoning and thinks the zoning and subdivision regulations are well crafted but they need to be polled by township.

Terry Phillipie, 3570 Phillipie Lane. Stated he would like to discuss the Lighting Ordinance adopted by Chatham County. He thinks it is a smart ordinance and had the best interest of Chatham County in mind when it was created and adopted. American Tower Corporation wants to put up a lot of towers in the county and they want to put flashing lights on the tops of those towers. All we will see is a lot of flashing lights instead of the stars. He believes we need to take into consideration the wildlife that will be affected by these towers. Once those towers go up, those lights will have an affect on the wildlife.

He stated that at 199 feet the towers do not have to have lights. They can still get their signal out at that lower height because there are no trees native to Chatham County that grow over 120 feet. At 150 feet they can get their signal out. American Tower wants to put up 300 foot towers and the wildlife will be affected. I have honeybees and they use sun for their guidance. In the daytime that light is white and the bees can be confused by that white flashing light. There is something called hive collapse and the experts cannot explain it. The bees will just leave. Chatham County is going to be in a bad situation if the bees leave because they help pollinate the fruits, the trees, and the produce that we eat. If we lose wildlife, what is Chatham County going to be.

14-0781

Presentation to the Military Order of the Purple Heart with a Resolution Proclaiming Chatham County (North Carolina) a Purple Heart County

Attachments: [Purple Heart County Proclamation](#)

Vice Chairman Bock reviewed the specifics of the item and then read the resolution into the record.

Vice Chairman Bock presented the framed resolution to Mr. Jesse Torres and the other Purple Heart Veterans in attendance.

Mr. Torres spoke on behalf of Chapter 637 of the Military order of the Purple Heart. He thanked the Board for making the County a Purple Heart County. He stated that all 100 counties in North Carolina became Purple Heart Counties this year and at

their state conference this month they received a proclamation from Governor Pat McCrory declaring North Carolina a Purple Heart State.

He thanked the Board for helping them with this great achievement.

A motion was made by Commissioner Cross, seconded by Commissioner Stewart, that this Resolution be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

14-0769

Vote on a Wireless Telecommunication Permit request by American Tower Corporation and AT&T Mobility for a portion of Parcel No. 10519, known as the Gum Springs Site, located off of White Smith Rd., near Henderson Tanyard Rd., for a 300' self-supported telecommunications tower on a lease area of approximately 0.45 acres of the 43.72 acre tract and is within the Hadley Township. The application includes a waiver request to exceed 199' in height pursuant to Section 2-4 of the Wireless Telecommunication Facilities Ordinance.

Attachments: [Hyperlink](#)

A motion was made by Commissioner Elza, seconded by Commissioner Cross, that Resolution #2014-28 Approving a Conditional Use Permit Request by American Tower Corporation and AT&T Mobility for Parcel No. 10519 Known as the Gum Springs Site, attached hereto and by reference made a part hereof, be approved as amended with the additional site specific condition " If requested by the County, American Towers, LLC will provide a co-location site to the County for the placement of antennas in support of the County's emergency communication needs at no charge to the County, so long as the co-location by the County does not interfere with the other carriers located on the tower." The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

A motion was made by Commissioner Elza, seconded by Commissioner Cross, that the waiver request to exceed 199' in height pursuant to Section 2-4 of the Wireless Telecommunication Facilities Ordinance be approved. The motion carried by the following vote:

Aye: 3 - Vice Chair Bock, Commissioner Cross and Commissioner Stewart

No: 1 - Commissioner Elza

14-0800

Vote on a Wireless Telecommunication Permit request by American Tower Corporation and AT&T Mobility for a portion of Parcel No. 3391, known as the Bennett Site, located at 24477 NC Hwy 902 for a 300' self-supported telecommunications tower on a lease area of approximately 0.69 acres of the 28.90 acre tract, unzoned, within the Bear Creek Township. The application includes a waiver request to exceed 199' in height pursuant to Section 2-4 of the Wireless Telecommunication Facilities Ordinance.

Attachments: [Hyperlink](#)

A motion was made by Commissioner Elza, seconded by Commissioner Stewart, that Resolution #2014-29 Approving a Conditional Use Permit Request by American Tower Corporation and AT&T Mobility for Parcel No. 3391 Known as the Bennett Site, attached hereto and by reference made a part hereof, be approved as amended with the additional site specific condition " If requested by the County, American Towers, LLC will provide a co-location site to the County for the placement of antennas in support of the County's emergency communication needs at no charge to the County, so long as the co-location by the County does not interfere with the other carriers located on the tower." The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

A motion was made by Commissioner Elza, seconded by Commissioner Stewart, that the waiver request to exceed 199' in height pursuant to Section 2-4 of the Wireless Telecommunication Facilities Ordinance be approved. The motion carried by the following vote:

Aye: 3 - Vice Chair Bock, Commissioner Cross and Commissioner Stewart

No: 1 - Commissioner Elza

14-0805

Vote on a A Wireless Telecommunication Permit request by American Tower Corporation and AT&T Mobility for a portion of Parcel No. 12512, known as the Pleasant Hill Site, located off NC Hwy 902 near Cannon Rd. for a 300' self-supported telecommunications tower on a lease area of approximately 0.40 acres of the 107.20 acre tract, unzoned, within the Hickory Mountain Township. The application includes a waiver request to exceed 199' in height pursuant to Section 2-4 of the Wireless Telecommunication Facilities Ordinance.

Attachments: [Hyperlink](#)

A motion was made by Commissioner Elza, seconded by Commissioner Cross, that Resolution #2014-30 Approving a Conditional Use Permit Request by American Tower Corporation and AT&T Mobility for Parcel No. 12512 Known as the Pleasant Hill Site, attached hereto and by reference made a part hereof, be approved as amended with the additional site specific condition " If requested by the County, American Towers, LLC will provide a co-location site to the County for the placement of antennas in support of the County's emergency communication needs at no charge to the County, so long as the co-location by the County does not interfere with the other carriers located on the tower." The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

A motion was made by Commissioner Elza, seconded by Commissioner Stewart, that the waiver request to exceed 199' in height pursuant to Section 2-4 of the Wireless Telecommunication Facilities Ordinance be approved. The motion carried by the following vote:

Aye: 3 - Vice Chair Bock, Commissioner Cross and Commissioner Stewart

No: 1 - Commissioner Elza

PUBLIC HEARING

14-0902

Public hearing to receive public comments on the naming of one state maintained road in Chatham County

Attachments: [TURN KEY WAY PETITION](#)
[TURN KEY WAY MAP](#)

The Vice Chairman opened the hearing for public comments.

There was no one signed up who wished to speak.

The Vice Chairman closed the hearing.

This Agenda Item was referred to the Emergency Operations Department.

14-0887

A legislative public hearing request by Donald Jordan to rezone a portion being 1.5 acres out of the 7.42 acre tract of Parcel No. 1478, located at 15 Pine Terrace, from Mobile Home District - Non-conforming (MHD-NC) to R-1 Residential in order to subdivide said 1.5 acres and create separate parcel, Baldwin Township.

Attachments: [Hyperlink](#)

Hillary Pace, Planner, reviewed the specifics of the request.

Donald Jordan, 3587 Hamlet Chapel, the owner of the property stated the property was zoned back in 1976 as a mobile home district. He moved his son to the first mobile home lot. They would like to get it rezoned to R1 so that it can be recorded as a lot to him.

The Vice Chairman closed the hearing.

This Agenda Item was referred to the Planning Board.

14-0888

A legislative public hearing request by Jeff Cooper dba Furniture

Follies to rezone Parcel No. 2639 from R-1 Residential to Conditional District Neighborhood Business, located at 11311 US 15-501 N, being approximately 1.67 acres for a furniture and general retail sales business with covered outdoor display of furniture, Baldwin Township.

Attachments: [Hyperlink](#)

Power Point Presentation available.

Jason Sullivan: *This is a request for rezoning, for Property currently zoned R1. I have a copy of the zoning map pulled up on the screen. The request is to rezone to Business District for Furniture Sales Business. This is close to the intersection of 15/501 and Mann's Chapel Road. The adjoining property to the north is zoned conditional use B1. Nothing is constructed on that site at this time. The adjoining properties to west and south are zoned Residential or R1. Across 15/501 is zoned Conditional Use B1, as well. I'll pull up site map for proposed business. The applicant is here and they have representatives here who can cover the specifics of the application. Just a little bit of background: The Appearance Commission reviewed this site at their meeting in May, and recommended approval. The developer also held the community meeting in June. An environment impact assessment is not required since it is less than two acres in size. This is the site plan. (See power point presentation from Planning).*

Clerk calls Bob Crumley. He offers to let applicant go first. Cindy Perry, attorney for the applicant speaks on behalf of the Cooper's.

Ms. Perry: *Good evening Board of Commissioners. My name is Cindy Perry, and I live at 259 Hillsboro Street. I am pleased to represent the Cooper Family, owners of the parcels for this request. With me tonight are Jeff Cooper, he represents his family on the request. Julia Cooper is with us tonight, Jeff's sister. She is one of owners and operators of Furniture Follies, currently located in Carrboro. This is family land deeded to the Cooper Family by friends and relatives and close friends. Charles and Brenda Cooper, their parents, own several parcels of land in Chatham County, among them being a Cattle farm in Bynum has been owned by family for over 200 years.*

At this point in the hearing the audio becomes severely corrupt. The rest of Ms. Perry's comments are summarized.

Ms. Perry explained that the Cooper family have been long time Chathamites, going back generations. The family simply wants to move the business back to the County where they were raised.

The business has been in Orange County for 17 years. Furniture from the business has been sold to students at UNC, as well as online. The business is not a startup. It is a stable, successful business. There will be no evenings hours, no Sunday opening, less intensive use than most retail businesses, and no issues with lighting. The building will be attractive, and it will bring in property and sales tax to the county. Ms. Perry introduced Jack Haggerty as the architect who was here to explain the aspect of the project and the site plan. She thanked the commissioners for their consideration.

Clerk calls Jack Haggerty (Project Architect)

Mr. Haggerty: *I appreciate you having us here. I've brought a collection of pictures to talk a little bit about this with you. I want to show you the site first so that we are all familiar with the location. This is standing in the southeast corner along 15/501; it is running in a southerly direction on the right; as you can see it's a grassy field on a site less than two acres. The driveway (gravel) you are currently seeing will be the location of the permanent drive. We will be retaining as much as the large trees as we can. On this site and on our siting of the building we placed it toward the top of the hill as you are seeing now. This is for accessibility purposes and also because the natural drainage of the property is toward the front, and as you see the stake in the photograph at the front. Will be draining in this corner, which is the natural topography of the property. The landscape plan, as you saw somewhat there, we took good care the building is up in this corner, the parking in front. There are residential properties to the west and to the south, and we've taken care to not only maintain the existing natural buffer there, but to enhance them. The Appearance Committee asked for more screening and we were happy to provide that. This is a look toward the south buffer of the residential property. This is at the driveway entrance--we propose to disturb none of this, in fact, as I said we will be enhancing this buffer. Looking further up by the drive, there is a considerable amount of extensive mature trees in it; we will be enhancing it with lower shrubs, etc., to increase the screening towards the residential property. The west buffer which would be again toward residential is quite heavily filled with mature trees at the point, and again we will be adding more plantings of a lower height to screen that property as*

well. As Ms. Perry said, the hours of operation is mostly daylight hours so there will be not a lot of night time lighting, and the building we are proposing is a smallish building of 5000 square foot metal-sided building, something like the agrarian buildings that were around the county as they are now. We think it will be a tasteful building. We do have a dumpster facility in the front, but we've pushed it as far back by the crown of the hill. We do not think it will be very visible at all. I am through with my presentation unless you have any questions for us. Thank you.

Clerk calls Jeff or Julie Cooper:

Mr. Cooper. My family has been so blessed and we thank the Lord for that. We just would like to continue the family stuff here into the County. It's been said that the third generation is usually gone; left overs are gone. I don't want to be that statistic. We just want to bring everything back here and continue what they started. Thank you.

Clerk calls Bob Crumley:

Mr. Crumley: I live in Asheboro, North Carolina. I am here today representing my father and mother in law. By way of introduction, I am an attorney and also licensed Real Estate Broker, a commercial broker, and I am not here on a mission of an attorney tonight but on a much higher calling as a son in law representing my in laws. They've lived in the property just south of this location for almost 50 years. They have seen this location change tremendously over the last 50 years. My wife and I have been married about 37 years, and when I dated her she lived in that house. I can assure you that end of Chatham County has changed tremendously in the last several years. We have three main points here today and hope you will consider them. We do not oppose the commercial development of that area of 15/501. We understand what is happening in Chatham County, we understand there is going to be commercial development, so we don't oppose that. It is inevitable.

What we would like to see is that it be measured and that it be quality development. If you look at the developed happening in Chatham County all the way to Lister Church Road on up through the shopping center and the new work being done for the hospital, all the way up to the U-Haul location. You will see that the quality construction that is very high. Even the U-Haul facility is brick construction with metal buildings in the back with brick façade in the front. You have to go all the way past the Cole Shopping Center on up toward way to Chapel Hill before you reach the first metal building, and even that building has a split faced block.

At this point in the hearing the audio becomes severely corrupt. The rest of Mr. Crumley's comments are summarized.

Mr. Crumley explains that his in laws are not against the development. Their concern is that the development is measured and that it be of high quality. He gave examples of what other counties are doing, and his own personal expertise as a realtor and attorney. He thanked the commissioners for their time.

Commissioner Bock asked if there were any other comments. Hearing none, he closed the hearing.

This Agenda Item was referred to the Planning Board.

14-0889

A legislative public hearing request by Michael Gress to rezone Parcel No. 89671 from R-1 Residential to Conditional District Community Business (CD-CB), located off Beaver Creek Rd., being approximately 6.76 acres for a self-storage facility including boat and RV storage, New Hope Township.

Attachments: [Hyperlink](#)

Power Point Presentation is available.

Hillary Pace: This request is a public hearing request, by Michael Gress to rezone this property as you see here highlighted in blue, from R1 Residential to Conditional District Community Business. This is a use being proposed for boat and RV storage in the New Hope Township. The Appearance Commission had heard this application at their March meeting and provided comments for the applicant. The applicant had responded with proposal of ...buffers along the residential side of the property-let me pull up the site plan; Also the applicant required by the application held a community meeting several concerns came up at the meeting including, lighting, traffic, type of fencing, and hours of operation. Staff would like the applicant to address these concerns at the public hearing, please. That would be the summary of staff presentation.

Clerk calls Cindy Perry.

Ms. Perry: Good evening, I am still Cindy Perry and still residing in Pittsboro. I am pleased to represent Michael Gress, a local landscaper specialist in designing pools and fountains in the county. He has operated this business in the county since 1999. You may remember that Mr. Gress in that he has been before the board previously to rezone a portion of his personal resident in New Hill for a contractor's yard. That was when he moved the business from Wake County to Chatham County. Michael Gress purchased these 6 acres tract of land which lies approximately 2000 feet from Highway 64 at the Beaver Creek Road intersection and wishes to create a multiple storage facility. One which as planning staff indicated would include boats and RV's but mini storage, warehouse storage, and general open and closed storage as well. This tract slopes to the west and comes to the point as you can see from the map that is on the screen right now. That point meets right at the acquisition road for the Jordan Lake. Therefore the storage facility is faced towards the front of Beaver Creek Road. Extensive landscape will protect the site from neighbor's privacy which was a concern expressed at the community meeting. As a result of that community meeting, Michael Gress completely redesigned the storage facility. He made major renovations to the site plan. He internalize the plan, as you can see that instead of people coming and serving their storage needs on the outside of the triangle, they would actually enter into the triangle, and no traffic flow would be on the outside of the storage buildings. With those revisions light and sound and traffic will be completely buffered from the neighbors. ...Property to the north, south and east, are currently zoned Residential but the property to the north is zoned commercial, even though it is currently used as Residential.

One aspect that stands out is the expertise of Michael Gress. As a landscaper he has developed the buffer and the...that will protect the neighbors from...using the storage unit. Yes, as staff has indicated we have discussed limitation of hours, not having access of the facility after 10:00 PM. There has also been discussion of making major seasonal adjustment to the time to accommodate neighbors. In the application we were...the goal of responsible development around Jordan Lake...to serve the recreational needs of the public, while still protecting watershed property...Because the project uses no water, no septic, and serves to bring recreational uses closer to the lake with local storage, this project fits both public need and water shed protection. This project will not create any additional traffic; it will serve those people already here for recreation. Savings will occur because this project will store recreational items right here in the County where they will be used. This project also meets the goals of ...small family businesses and balanced development which are stated goals in the Land Conservation Plan...Tax revenues will be increased ...since that build out value of this project is estimated to be a half a million dollars (\$500,000). When you think of the revenues lost and lands lost and...families displaced in the 1970's when the lake was developed, it becomes even more important to rebuild the tax base with responsible businesses...without requiring water and sewer. ...not only to the recreational public but the communities as a whole. Mr. Gress is here tonight and be glad to answer any question if you have any questions.

Commissioner Elza. I have a question. You said no septic, there is no office here?

Ms. Perry: There is no requirement for an office.

Commissioner Elza: So the ... space offsite somewhere? How does a person rent a site?

Ms. Perry: It's all done by telephone and by internet.

Commissioner Bock: ...

Ms. Perry: There are several facilities that operate in that same fashion. The Gress family will be on site frequently, insomuch as the balance of the land in the back for hunting purposes and his wife is getting ready to retire and hopes to provide onsite supervision as well. Thank you very much.

Clerk calls: Keith Whitfield

Mr. Whitfield: Good evening. My name is Keith Whitfield. I live at 238 Beaver Creek Road. That is my wife's home place. I've lived there for 23 years. As she said the lake did come and took both her grandparents land, the Beckwith Farm and the Goodwin Farm. We just are concerned that this will decrease the value of our property. It will create a traffic flow problem on weekends and especially the holidays. There have already been over 550 boat and RV spaces units that have recently been approved for construction in the surrounding area, and that is a lot to deal with. We just want to you to take that into consideration. My wife has some letters she would like to provide. Thank you. Thank you for your service.

Commissioner Bock: Are there other questions? Hearing none, at this time I will

closed this public hearing.

This Agenda Item was referred to the Planning Board.

14-0891

A legislative public hearing request by Raleigh Industrial Partners, LLC to rezone Parcel No. 17890 and 17891 from R-1 Residential to Conditional District Regional Business, located off US 64 E, being approximately 45.69 acres total for a three-story self-storage facility, boat and RV storage area, and boat, trailer and other utility vehicle sales and service facility, New Hope Township.

Attachments: [Hyperlink](#)

Power Point Presentation is available.

Jason Sullivan: This is a request by Raleigh Industrial Partners, LLC to rezone Parcel #17890 and Parcel #17891 from R-1 Residential to Conditional District Regional Business. This property combined is a little over 45 acres. The request is to have a three-story self-storage facility with boat and RV storage; boat, trailer and other utility sales and service. The first item is the zoning map. The properties in question are outlined in blue. The adjoining property is zoned R1. The location of this property is where Builders 1st Source is currently located; further to the east, it is not too far from intersection at NC 751. This applicant met with the Appearance Commission in June and had a community meeting. An Environmental impact study was submitted to Environmental Quality for review. There were a few questions regarding the environmental impact assessment. At this time they haven't received response to those questions. My understanding is that there are no major questions about the environmental impact assessment, just clarification of some items.

Staff has some concerns in regards to this request. Several years ago NCDOT conducted the US 64 Phase 1 and 2a Study. This section of the road was also included in the more detailed Phase 2a Study, and I am going to pull up an excerpt from that report. In that report there are short and long term improvements. The short term improvements that are recommended on US 64 is that where it now has crossovers, it would create superstreets in its place. The long term vision is to make it a controlled access highway, so all current access points currently existing on US 64 would be cutoff.

A frontage road would be added to US 64; and then other interchanges would be added to all major intersections. The page from the report showing the long term solution at the intersection of NC 751 and US 64 and why it is important for this particular property is that there is a crossover for the frontage road because of the proposed interchange at the NC 751 configuration. It is not traditional, and they have rerouted the access road. It would tie into New Hill Road in Wake County, so that people who have frontage on US 64 would have to access New Hill Road, and then be able to travel on US 64 or NC 751. We also have concerns that this would be a right in/right out facility. We have forwarded these concerns to DOT with no response at this time, but hope to have some answers, shortly. But whether or not DOT has concerns of the possible development of the two (2) properties in relation to this plan, and whether or not the DOT is fully committed to this design, it would have a substantial impact as to whether or not this project is approved. The applicant may be submitting a revised plan, with Environmental Quality regarding stream buffers, showing a larger stream buffer required by regulation so they may be submitted for review to the plan we received. At the conclusion of the Public Hearing tonight, once we receive your comments, staff is requesting that you continue the hearing for September Board of Commissioners meeting until we receive information and feedback from DOT. The appellant is here to address the board.

Clerk calls Warren Mitchell:

Mr. Mitchell: Good evening commissioners. My name is Warren Mitchell. I am here to present the Space Station in Chatham County. I also have with me my partner in the project, David Durham. As soon as I go through my presentation I will address the items Jason has about the DOT, as well. David is from Raleigh, and he built and operates the Space Station in Cary. He has 20 years' experience. I have 12 years' experience in the self-storage bus. A couple of years ago we started looking on US 64 to build a boat and RV self-storage facility. We noticed the trend is building (homes) on smaller lots. People also living in town homes and apartment and are moving into downtowns. So people don't have places to put their boats, RV or classic vehicles and US 64 for us was a good place. They're some other (businesses) doing well in the area and they are expanding. We found this property about a year ago. It is 45 acres. It belonged to the Hedgepeth Family. The heirs live in California. The parents and grandparents grew up here. They live out there and have no intention of coming back, so they put it up for sale. We are proposing a self-storage on the property for boats and RV, and also a boat dealership with boat repair on the site. I've done quite a bit of boating. I know it is really ruins your day when your battery is dead or you don't have enough life preservers. Anything can go wrong. It's just nice to have a place close to the lake to provide that type of thing.

Maybe get you back out there, and doesn't ruin your whole afternoon. The site is appropriately located for this use. It shares the western boundary with Builders 1st Source Lumber Company, and there are other uses similar to this across the highways. It will have zero impact on the school system and very little impact on the roads. The peak hours for this types of facility is weekends, not during rush hour traffic. We had a neighborhood meeting on June 30th. None of the adjacent neighbors showed up for that meeting. We appeared before the Appearance Commission in June and other than some minor discussion about the buffer and signage, they liked the building elevations. They thought they looked nice. That is truly what I had prepared for tonight. I might get Jason to pull up the DOT long range plan again. I met with the man in charge of the DOT in June in the long range/future planning department because the short term range will not be any problem. It's just a superstreet at the NC 751 intersection. It will not come down as far as this property. And the long range plan which you are looking at here on the screen does have a service road going through the property down the property line. I asked him and he said that these plans are ...they put thought into, but no real engineering has been done to this point that there was no thought given to the location at the services road. I asked if we could move it to the eastern property line (showing on map) and our site plan would accommodate that. He said that would be fine. This plan is at least 30 years, but it could be 40 or 50 years out. He said he presented it to the planning board, or planning commission and it was not accepted or adopted by the county. They have not accepted it. So it is truly so far out he didn't think that our plan would have any trouble accommodating the new location for the service road if it is ever built. And as far as right now, I've been in discussion with Justin Robinson at Asheboro. There are two access points on this property from the highway that we are deeded and recorded by the DOT. They have asked for a deceleration lane to have people get off the highway a little more quickly turning into the driveway, but beyond that I think that the plan is acceptable. Thank you for consideration of our zoning request for this project.

Commissioner Bock: *So I guess what makes this a little different is that in addition to the storage you will also have boat sales. Is that correct?*

Mr. Mitchell: *That is correct. The boat sales and the repair facility is 15,000 square feet (here on the right side of the plan). This is self-storage facility and then the boat and RV storage. This is the...because of the size of the property, but it will not be built all at once, it will be phased in. No one had any idea that Wake County and eastern Chatham County were going to be growing so fast. So it will just be constructed as the need requires.*

Chairman Bock: *Are there anymore speakers?*

Clerk calls Walt Lewis: *See comments provided by Mr. Lewis.*

Clerk calls Jim Goldston:

Good evening ladies and gentleman. I am Jim Goldston. I live at 7728 Grace Cove Lane in Wake Forest. I am the general partner and manager of Goldston Apex Properties. We leased the property to Builders 1st Source. I've talked to Builders and we are all in support and in favor of the rezoning and this use. It's a good way to use this property because there is very little septic in that part of the county and this does not require much septic for this project. It will increase the tax base substantially. It is a good location, close to the lake, saves a lot on gas. That leaves the traffic for the DOT and you. But we are in support of it. Thank you.

End comments.

Commissioner Bock: *Are there any questions from commissioners?*

Commissioner Elza: *I believe staff asked to table this one?*

Commissioner Bock: *At staffs' request we will table this hearing until the September Board of Commissioners meeting until we get feedback from DOT on the questions that staff has.*

End of hearing.

This Agenda Item was tabled until the September 15, 2014 Board of Commissioners Meeting.

14-0886

A quasi-judicial public hearing request by NNP-Briar Chapel for a Conditional Use Permit Revision on multiple parcels that make up the Briar Chapel community located off US 15-501 N, being approximately 1589 acres, to increase the dwelling unit count from 2389 to 2500 residential units; modify the use chart to allow up to 200 multi-family units in SD-North, SD-West, or SD-East; to modify and update site plan in various ways as depicted on the proposed revised Master

Plan; and update Responses to Compact Communities Ordinance, Baldwin Township.

Attachments: [Hyperlink](#)

Hillary Pace, Planner, reviewed the specifics of the request. The request is to increase the number of dwelling units from 2,389 to 2,500 residential units; to modify the use chart to allow up to 200 multifamily units in SD North, SD West and SD East; to update the site plan in various ways as depicted on the proposed revised master plan map; and to update responses to the Compact Communities Ordinance.

Ms. Pace stated there are some staff concerns they would like the applicant to address:

- *question at staff level as to why the request for the increase in the number of residential units, specifically, what market conditions are necessitating the addition of residential units from 2,389 to 2,500 considering in 2012 the 2,389 was the cornerstone of the revision.*
- *there is a bit of concern about the traffic generation information provided in the application. Applicant contended that a revised Traffic Impact Analysis is not required by the NCDOT based on the threshold of residential units being proposed.*
- *there is some work going on at the Andrews Store Road intersection and we are curious as to whether this relates to the CUP revision.*
- *explanation of as to why there is a 70% increase in single family cottages in the T4B zone proposed.*
- *the County does have current concern with the modification of the Fire and EMS site condition and this may require further discussion.*
- *With regards to the stream buffer reduction, please explain how the stream will not be impacted in the reduction and the protections set forth by the buffer.*

Ms. Pace stated this concludes staff questions. She called upon Mr. Nick Robinson to speak on behalf of the applicant.

Mr. Robinson: My name is Nick Robinson. I am an attorney with Bradshaw and Robinson, 128 Hillsboro Street, in Pittsboro. I am speaking as the attorney on behalf of the applicant, NNP Briar Chapel, LLC. Briar Chapel is Chatham County's only compact community. I am happy to be here in support of the requested amendments to the Conditional Use Permit. This project was approved in 2005 and amended in 2012 and this is the second amendment being sought. With me tonight from Newland are Lori Ford, the Vice President of Operations at Newland Real Estate Group, Lee Bowman, Project Manager for Newland Communities, Julie Daniel, Construction Manager for Newland, in addition we tender the following expert witnesses; John Fugo who will testify in connection with commercial development issues, Richard Adams of Kimley-Horn and Associates who will testify on traffic issues, Chris Huysman, Strategic Natural Resources Group who will testify on environmental issues that have been raised, Lucy Gallow, DPF, Inc. who will testify on economic impacts, and Mark Ashness of CE Group, who will testify on engineering or utilities issues. This is lot of witnesses. I give you my word that we have met together and we have paired it down as much as we can. We will go through this as quickly as possible; however, it is a quasi-judicial hearing so we need to get our evidence in the record.

Let me take a couple of seconds to give you a view of the request that we are making. We have certain updates and changes to the approved master plan. When I get to it, you will see the map in front of you that has the red bubbles on it, and those are the areas where there is a request for a technical change of some kind. In addition as Hillary mentioned we would like to amend the project Table of Uses to allow 200 total multifamily residential units as an allowed use within these areas. (He showed on a map the areas in question). The special districts (SD) are commercial areas that we are going to be discussing. SD West and SD East are divided by 15-501 as it heads north. In our application we talked about requesting the flexibility to have up to a total of 200 multifamily residential units in any of those three sections. That was a misstatement. We do not intend to put any residential units in the SD North Section. We are only talking about putting multifamily residential in SD West and or SD East. Just so you know for reference the approval currently already allows for 80 multifamily units in the SD West section. As Hillary mentioned we are also asking to increase the number of residential units from 2,389 to 2,500. Our testimony will set out as the application does as well the reasoning behind that request. In addition we would like to update the language of the Conditional Use Permit to reflect these changes and to acknowledge any requirements we have satisfied since the 2012 amendment. Finally, we want to update the responses to the Compact Communities Ordinance as necessitated by the project changes and also to acknowledge amendments to the Compact Communities Ordinance that have occurred in the interim.

This was a Conditional Use Permit approved under the old ordinance in 2005. We are not obligated to have any kind of community meetings about any changes. Nevertheless, Briar Chapel sent out notices of informational meetings to over 790

different recipients. Letters were sent to all of the Briar Chapel residents that live there now, all of the Fearington Village adjoiners to this property, all of the adjoiners that live in Herndon Woods development, and all of the other property owners that adjoin Briar Chapel.

We had a Residential informational meeting for each one of those groups. We sent notice to 570 people about the meeting on August 6th and for that meeting 65 to 75 people from Briar Chapel showed up. The August 7th meeting for Herndon Woods adjoiners, 22 were sent notice and there were 5-6 attendees. There were 175 adjoiners sent notice of the meeting on August 7th approximately 10 attendees. Notice was sent to 24 Fearington Village adjoiners and there were about 5 attendees at that meeting as well. We've also met with the Fearington Village homeowners association. Lee Bowman has met periodically with that association over the entire course of his work with the project and he met with them to explain the changes and that was with 4 folks. A few attendees registered some concerns and we tried to address those concerns at those meetings but the overwhelming majority of attendees were positive about the request or were just merely there seeking information.

Mr. Robinson stated he would like to begin the evidence part of the hearing.

Mr. Robinson: I would like to give some background on the project. The Conditional Use Permit was approved in 2005. I would like to turn it over to Lee Bowman for an update on where the project is now from where it began.

Mr. Bowman: I will just give you a quick update of where the project stands now. He showed on the map that Phase 4 is where the project began. Since then we have built out Phase 5 South and Phase 5 North and Phase 6 North and Phase 6 South. That area is about 881 lots that we have on the ground today. Of the 881 lots, about 40 still remain meaning we have been sold or committed to through the builder contract process. Of those 881 lots we have almost 600 residents today. In fact we have a moving target because we have people moving in literally every day. Last week for example it was a record week. We had about twelve new home owners move in for the week. For this momentum we have had to plan and design for the future and over the past year or so we have been working on the southern side of Briar Chapel. We will be focusing the next phase of development on about 700 lots and this fall we will have available 300 lots. We will definitely have some momentum and because of the planning and design process, it takes about two years to take a land area from the design and permitting process to the construction and build phase. We are actually beginning to focus on this western section (pointed out on the map). The final phase will take three to five years to complete the residential side based on market conditions. The last area of residential development would be this northern section (pointed out on the map) and we see that happening in the next three to five years based on market conditions. I thank you for your consideration.

Mr. Robinson explained he would like to review with the Board the "red bubble map" that showed the different areas of the site map where there are requested physical changes.

Mr. Robinson: There is an ephemeral channel that was previously noted and what we've requested here is a reduction in the length of that buffer channel and the basis of that has to do with the re-inspection of that area both by our environmental consultant along with Natalie Landry of the Environmental Quality Department. The Request is to move that, just to inch it back in a fashion that is depicted on here still leaving the 30 foot buffer there in order to have it more accurately match what is on the ground there. Next, if you are familiar with the Compact Communities Ordinance, it requires a 150 to 100 foot perimeter buffer all the way around the perimeter of the project. There is a provision in the Compact Communities Ordinance, however, that allows the county to waive that 100 foot buffer if the notice has been given to the adjoining property owner and the commissioners believe it is a good idea. In this case NNP Briar Chapel owns both parcels, they own Briar Chapel parcel and this one that says conservation subdivision (pointed out on the map). They will be developing a conservation subdivision with roads. Therefore, if you can imagine it would be perfunctory to have a road running from this area into this section but having to stop and go through a 100 foot buffer rather than consolidate the houses so that they are on a straight line. So we request that the 100 foot buffer be eliminated where it joins other property owned by NNP Briar Chapel. That is the extent of that request.

Lee mentioned we have been going out and have been prepared to develop the western section of the project and in doing that our environmental consultants discovered there was a stream there that had not been previously been noted to exist. We conferred about that and we decided that we need to show the stream, buffer it in accordance with the applicable ordinances. The reason for showing it on this map is that on the former site plan these little bubble areas on this map show where there will be lots and houses. On the former site plan there were houses down here and not as much up here (pointed out on the map) so in finding that new stream and buffering we have had to move some of the residences up here and that is the purpose of showing that change. At the top of the stove pipe where Briar Chapel

meets Manns Chapel Road we have agreed with the county to donate to it a proposed fire EMS site. We have the acreage plotted out and we have a deed drafted. At this point there is a little bit of uncertainty on the county's side, not on our side, of the exact usage of it. At first it was going to be a fire station, they may have opted out or decided not to now. I think now the thinking is, this is just what I have been told, it may possibly be an EMS site but they don't know when that will be exactly. It was communicated to me to give the county ten years to decide whether or not to build on that. Our Conditional Use Permit amendment request clarifies that and states the county would have ten years from the date of the original application approval to decide whether or not to build on it and if it doesn't build on it to tender the deed back.

The 100 foot buffer here is unchanged (pointed out on the map). This 50 foot view shed buffer was previously approved. This perimeter buffer increased from 100 feet to 200 feet and this is property that adjoins the Herndon Woods subdivision. There was actually a prior agreement in place between the developer and the Herndon Woods owners that had previously called for this and for some reason it had never shown up on the map. We told them last time we would get it on the map and now it is on the map. The other buffers and view sheds in this area are unchanged. These two changes here (showed on the map), the Compact Communities Ordinance allows for a 100 foot view shed buffer along the highway for commercial uses but also allows for the commissioners to reduce it to 50 feet where the circumstances warrant it, which is what you did in this area here (showed on the map). Now that we are moving to the development of the commercial areas here, to make it consistent with the others and in general to make the commercial site more visible and available, the request is to use the authority granted to you in the Compact Communities Ordinance to reduce the view shed buffers from 100 feet down to 50 feet. That concludes the map changes.

The big part of the request to increase from 80 multifamily residential units to 200 multifamily residential units in SD West and reasons for that will be self-evident when we get to the next witness. It has been determined by all of our business consultants that some multifamily is needed to trigger the arrival of good commercial in this area and that 80 units is not enough. While it is true the original approval did not allow for this in 2005, we did not know exactly where we would be in 2014. Our consultants have a good feel for where we are right now. As it currently stands right now, SD West and SD East allow commercial of any kind allowed in the Zoning Ordinance except for light industrial and heavy industrial. The only question is whether among that array of commercial uses you can inject some multifamily residential. Mr. Robinson turned the hearing over to Lori Ford.

Ms. Ford: I am Lori Ford, Vice President of Operations for Newland Real Estate Group. I oversee development for Briar Chapel. I am here to give you a feel for why the request and why now. Briar Chapel Grand Opened in 2008 and since it grand opened we have accomplished a lot. We have established Briar Chapel as the number one green community in the triangle. Six hundred households are occupied, we have created substantial contributions to important civic causes in the Chatham County area and we have created volumes of unparalleled amenities in the community. Briar Chapel is a beautiful community, it is iconic and it is highly desired by potential home buyers in our market place. It is because of this success that we have achieved thus far in the community that we feel right now is the appropriate time to begin to activate the commercial properties in Briar Chapel. We have recently taken some important steps to allow for this to happen. One of the first things we have done is partnered with John Fugo with Montgomery Development. He is most known for his partnership with the developers of Southern Villages Commercial Center. In fact, the residents in Briar Chapel were the ones who introduced us to John. We are excited to have him as part of our team. It is based on his input and recommendations that these amendments are before you today. We think fulfilling these requests will allow us to position Briar Chapel more effectively to meet the demand in the market place. We think it will allow us to attract quality commercial users to the site. We also feel that it will allow us to accelerate the development of those commercial areas. You can best tell the story about Briar Chapel because it is the only compact community that exists in Chatham County today. The purpose behind those compact communities is that we create a community in and of itself so that there would be elements of residential, civic, recreational, and commercial uses. We have done a phenomenal job on the residential, civic and recreational side. I just wanted to quickly summarize for you the high points of those three components of compact communities.

With regards to residential, Briar Chapel is the number one selling community in Chatham County. It is so successful it accounts for 41% of new home starts in Chatham County. It is the number three selling community in the Triangle region. It ended the second quarter in 2014 with an average home price of \$356,000. We have over six hundred homes occupied in the community today and that translates to we are selling almost two hundred homes a year. It is a sustainable and green community and it is the number one green community in the Triangle. That is

because Newland practices sustainable community development practices and we also work hard at attracting builders that have that same value system. Every home built is green certified to national association of home builders standards.

With regards to the civic components we've made considerable investment in the Chatham County area. It is a value that Newland holds dear and believes very strongly in being part of the community. With regards to schools, to date the community has contributed about \$3.5 million dollars to support schools here in the county. By the project build out that number should be over \$13 million. We've also donated two school sites to the school district; Margaret Pollard Middle School and Woods Charter School. We are also continually making contributions to the schools both financially in other ways and also in terms of volunteers and also making other special donations. An example of that would be the walking classroom.

With regards to Affordable Housing. At the County's request we have paid and are continuing to pay a fee to account for affordable housing. Our contribution comes to a total of \$2 million dollars when it is all said and done. To date \$1.3 million dollars has been contributed through Briar Chapel for that purpose.

With regards to Parks and Recreation, another key value here in the Chatham County area. In addition to the recreational component we build internally in our community, we have contributed \$538,000 total for that purpose here in Chatham County. We estimate our total contribution by the time our project is completed will exceed \$2 million dollars. We have agreed to set aside the property for EMS and are willing to donate that over if the county does decide that they need it. We are making a provision for that because we do believe in that particular component and investing in that component as well.

In terms of Economic Development, we believe very strongly that economic development is a really important component. We believe in supporting that effort, not just within our walls of our community. So we are very involved with the Chatham County economic development groups in the area.

With regards to recreation you have to just take a drive through Briar Chapel to really figure out that there is a lot of investment in terms of recreational uses. We have a major Clubhouse, it is 8,000 square feet and it is LEED certified, we have two pools, a splash pad area, we have 10 separate parks that we have constructed to date, each part representing a completely different series of active or passive amenities. We are in the process of constructing a \$1.2 million dollar park in that new division we pointed out. That will contain a whole new series of active and passive recreational amenities as well. We are also building a total of 24 miles of hiking and biking trails. We have about half of that in to date.

The bottom line is that now that we made some tremendous end roads in the areas of the residential, civic, and recreational components we really do feel that this is the appropriate time to really begin figuring out how we can activate that commercial property. We want to approach it with the same care and attention to quality that we do at Briar Chapel throughout the rest of this development. As we have been working on the commercial and the future of that, we've received responses from a number of commercial developers and also from end users. We are getting some consistent messages and of those messages is that "there is just not quite enough residential households to make my business work". So we believe that the introduction of some additional residential will help us activate some of that more quickly because we feel we are just right on the cusp. We are really trying to do whatever we can to encourage that activity. We also feel that creating more of a multifamily mixed use kind of an environment is going to garner the types of uses that our residents and the surrounding folks are expressing they would like to see there. We are really wanting to stay consistent with that mixed use component.

We have engaged John Fugo to make a master plan for that area and begin to market those properties. We believe in the proposal you are hearing today and we are relying very heavily on his experience and his track record in bringing quality commercial developments to our area. We believe that these changes are going to have a positive impact for not only the residents of Briar Chapel but for the Chatham County area overall. Ms. Ford introduced John Fugo of Montgomery Development.

Mr. Fugo: My name is John Fugo, I live at 100 Arlan Park Drive, Chapel Hill, Lives. I live in Southern Village. I am the Vice President for Montgomery Development. They are a national general contractor and we build all over the country. We also own a real estate firm, Montgomery Carolina, who has been engaged by Newland to develop Briar Chapel's 125 acre commercial center. Most recently they developed West Point at 751 which is a development right off of Highway 751 and Interstate I-40. There is a Bonefish Grill out front and a Hyatt Place Hotel just opened. We developed with Kirt Bradley, one of the original development partners of Governor's Club. Southern Village is what we are best known for. It is the reason I am here. I got a call approximately a year ago from some of the residents in Briar Chapel who wanted to chat with me. In December we signed an agreement with Newland to develop Briar Chapel's commercial center. We do not do residential and we don't

know residential well. We do know multifamily and hotels, but we don't do homes. As we look at developing any commercial development, even West Point which is only 14 acres, we are very concerned with who the tenants are, what the mix is, and how it is going to mature and operate in the long run. We took a lot of time in Southern Village, DR Brian and myself. DR built the homes and I did the commercial center. We collaborated a lot and if you look at the original plan of Southern Village and compared it to what is built today you wouldn't recognize it. We changed each building along the way, we looked at different uses, we learned and we modified. We found that the residential component was necessary in a couple ways which I'll get to.

One of the points I'd like to make as far as these types of developments and multifamily residential is to look at the ones that are strictly commercial that don't have people that are there when all the stores close. They are quiet, they are dark, and you could say things could happen that are more likely to happen. We added the residential units at Southern Village downtown on the fly. We actually had a building when the Weaver Street building was in design, completed, ready to go to building permit and then decided to put the second floor on. DR came in and he said I really think we need residential in downtown because it is not alive it is not going to work. So we pulled the drawings, we added a second floor and built the building and it's been extremely successful. All the units were sold before we were done with the project. All of the units in Southern Village on the downtown area were sold before we completed the buildings. Some of them even flipped, which made me feel we sold them too little. The people that live in these commercial centers keep them alive. They are a security as far as we have seen. The lights are on, there are eyes in the windows, they are coming out of the theater late, they know there are people in there and those people are aware of what is going on. So we look at that as they are somewhat of a security blanket for our downtown area.

Some of the comparables, I will get to the point of why I brought up residential in my meetings with Newland. I called Kirt Bradley and I said tell me how you developed Governor's Club and in what stages. He said the first house sold in 1987, then multifamily apartments started in 1997, and the Food Lion deal was signed in 1999. I called Ben Perry at East West Partners and asked how Meadowmont was done. He said Sr. Living Center, then multifamily apartments, and commercial center was third.

I came to Southern Village in 1996. Phase One, Island Park, was under construction and was the first residential neighborhood, which is where I live. The multifamily apartments broke ground in 1996. We broke ground on first office building in 1998, the theater opened in 2000, and the Weaver Street Market came in 2002. So you can see the progression all of these developments and the commercial came after the residential started. Was that enough residential to justify the retail? No. Psychologically was it enough to get the commercial users in there? Yes. It is the appearance and the understanding that you are moving dirt and the project is actually underway. I meet with Lori and Lee frequently, almost weekly. Grocery stores, retailers and restaurants all understand what is going on in Briar Chapel and the amount of houses that are being built. They understand there is a completely mature development right across the street in Fearington which is physically closer than the homes. But they want to see them and they want to see dirt moving. Residential multifamily right now on this corridor can sustain itself. If we can begin to build multifamily apartments that are planned right and that work in with the commercial center, ultimately, we are not just going to put them in there to start moving dirt, we are going to plan and think about where they go. I can get these tenants to sign on board and we can start this project and really get it rolling.

One other statement about one other thing that we are asking for tonight and that is the allocation of the maximum square footage. The component of the office square footage versus the retail square footage is an interesting issue that we went through with the Town of Chapel Hill and Southern Village just last year. The Town of Chapel Hill rezoned the entire commercial center of Southern Village to a single zone. What happened was there was zoning very similar to the zoning that is in Briar Chapel but once the project reached maturity and everyone understood that you need the flexibility to mix and match uses they said we got to change the zoning. The zoning actually became obsolete. Every other parcel in Chapel Hill was zoned general commercial. So they changed our zoning. To have the flexibility to get the proper deals to get the proper uses in Briar Chapel, it is going to make all the lives a lot easier if we have one zone across it. We still are going to want to mix and match to make it work but hard line zoning will hit the wall and will make us come back here multiple times. An example is the church in Southern Village. It didn't fall into either zone and the Town didn't know what to call it. We didn't know what to call it so they called retail. It took 35,000 square feet of retail away from us because the sanctuary is 35,000 feet. After they realized that they said pull the church out all together and let it be. So you can think about that with the Central Carolina Community College if that happens and several others. I thank you for your time.

Vice Chairman Bock asked if the SD West is the same parcel we are talking about with the college. Mr. Fugo stated he was correct. Vice Chairman Bock stated that earlier it was said that the community college piece was needed to attract commercial development to Briar Chapel. He asked where the residential now fit in with that plan

and was it in a mixed use building. Mr. Fugo stated if you assumed it was in a mixed use building the intent of the second floor would be residential.

Mr. Fugo: In my professional opinion, the combination of requests being made by the developer, if granted, create the highest likelihood of catalyzing development of the commercial parcels.

Mr. Robinson: One of the elements for the existing approval for the commercial is the total of 510,000 square feet of commercial. There is a cap that says 270,000 of that would be office space and then a maximum of 240,000 of retail space. What John was alluding to was our request to eliminate those maximums to just create the flexibility for the developer and the market to determine the extent to which both those will be present in the development. We know we can stand here and can say for sure there will be some of both, office, institutional and retail, but it is rather difficult if not impossible to stand here and try to predict the way that the percentages between those two will play out based on the market. If you think about it logically much of that will depend on what other space around is available to other potential tenants. So it is really critically part of John's analysis that the developer be given the flexibility to use those 510,000 square feet as any of those allowed commercial uses in a proportion that makes sense.

Mr. Robinson called Lucy Gallow as the next witness to talk briefly about economic impact.

Vice Chairman Bock asked if the amount of commercial space proposed has changed or been reduced to make room for the amount of residential being proposed. Mr. Robinson stated it had not.

Mr. Robinson: The residential will be possibly mixed use on top of it in the same building. It will be the same amount. There is one caveat to that, Richard Adams will talk about the traffic engineering aspect. If it turns out that the mix that we wind up with of a multifamily and commercial would put them over the traffic counts that they already have in place with their traffic impact assessment with the NCDOT then the developer would have to go back to the NCDOT and redo its Traffic Impact Analysis. And that could happen. What Richard says is if you got all 200 units in the special districts you probably based on reasonable roll outs you probably wind up with 510,000 square feet of commercial, you would wind up with 474,000 square feet of commercial before you tip the scale and said you have to redo the traffic assessments. That is something that will take care of itself if it comes up. We just don't know the allocation between those two at this point.

Ms. Gallow: I am Lucy Gallow, partner with Development Planning and Financing Group, a national real estate and consulting firm. I am familiar with Briar Chapel through our role as a long term economic consultant to the project. I was asked to consider the fiscal impact of the amendments before you tonight and based on the rational described in the letter that has been submitted to you, the impacts of the proposed amendments are likely to be fiscally positive.

Mr. Robinson. Lucy was referring to a letter that she wrote that he'll submit as part of the documents as the public record.

Mr. Robinson called Chris Huysman as his next witness.

Mr Huysman: I am Chris Huysman and I am with Strategic Natural Resources Group and they also do business under Wetland and Natural Resource Consultants. I have been doing wetland and stream permitting delineation and identification throughout North Carolina for over twenty years. Tonight I am going to specifically address the changes to the ephemeral stream channel that was shown earlier. On August 6th I conducted a field review with Natalie Landry of the Chatham County Environmental Quality Department according to protocol established by North Carolina Division of Water Quality. We reached consensus and I have concluded will have no adverse impacts on water quality. The storm flow has been conveyed through the valley treated in an approved storm water bmp. The only storm water that area will receive will be from the backs of lots and will flow through approximately 40 feet of lawns and another 25 feet of wooded area before it even enters the 30 foot ephemeral buffer. That is the equivalent of going through the Jordan River Buffer before it ever gets to the ephemeral buffer. I feel very confident there will be no adverse impact to water quality by changing that buffer length.

Mr. Robinson called Richard Adams as the next witness:

Mr. Adams: I am Richard Adams, Traffic engineer with Kimley-Horn and Associates. I am a Professional Engineer in North Carolina and have been practicing with Kimley-Horn for twenty years. I was with the NCDOT for four years before that. In 2004 we did a Traffic Impact Analysis for the original application for Briar Chapel. In that case we recommended a whole series of improvements to mitigate the traffic impact of Briar Chapel. And those improvements are still in effect. The vast majority

have not been constructed and there is a very specific schedule as to when they will be constructed. They total roughly at about \$3.5 million worth of work that Briar Chapel is committed to do. In response to the matter before you we, at the request of Briar Chapel, looked at the trip generation looking at the additional residential units that are allowed and a likely retail and office commercial development scenario for those pieces and compared that to the original Traffic Impact Analysis in terms of trip generation. What we found, and I submitted the findings in a report to the county, that scenario with the new requirements generated very similar and slightly lower trip generation than what was in the original Traffic Impact Analysis. As Nick mentioned earlier our finding was that if the commercial in total is around 474,000 square feet and this is all in my letter. Then with the additional residential units allowed you do get similar and slightly lower trip generation than in the original study. So as a result of that, it is my professional opinion that with the additional residential units allowed, a likely developed scenario for the commercial parcels of Briar Chapel that we expect the trip generation to be similar to the original traffic study and thus the original Traffic Impact Analysis is still applicable for the Briar Chapel development.

Mr. Robinson: Hillary asked some questions about some surveying work being done out by Andrews Store Road. Richard stated he believed the question was in reference to some work going on around Andrew's Store Road and that is actually some surveying. Some survey crews working to develop some surveys for designs that we will be doing for the ultimate construction of some of those \$3.5 million dollars worth of roadway improvements. There is no commercial development anticipated right now, it is just surveying.

Mr. Robinson called Mark Ashness as his next witness.

Mr. Ashness: I am Mark Ashness and I work for the CE Group. I am a registered Professional Engineer in North Carolina and have been practicing in the area for over twenty years. I am going to speak on the adequacy of the water supply, wastewater availability and the impact on impervious coverage for the project. With regard to the water, since the inception of Briar Chapel there has been a million gallon water storage tank built within the project. There is also now a second looping of water. There is the original corridor of 15-501 and a loop now that comes down Manns Chapel Road through the project and back around on Andrews Store Road. Based upon those improvements it is my professional opinion there is adequate water supply and pressure available for the additional units. With regards to sewer, Briar Chapel when originally permitted, the rate was permitted to 750,000 gallons per day wastewater treatment and reclamation system? In 2013 we received a flow reduction from the state based on the original permitted rate. It is now a lower rate as a result of the actual flows we are getting in the now lower permitted rate. This additional development will still fall well within the current permit of 750,000 gallons per day for the project. With regards to impervious coverage, a lot of this stuff may be built in a mixed use format, so the impervious use for the project will remain neutral. There is no increase in the impervious coverage. It is my professional opinion that in all three of those areas, everything is average and satisfactory.

Commissioner Elza asked if the parking would be reduced by the residential component. Mr. Ashness stated that is a great question.

Ashness: John alluded to the West Point project where the Bonfish Grill is. For one of those projects they put parking underneath the building. So with that you are still thinking about housing and retail on top of each other. You are taking uses that would normally be lying flat and doubling impervious coverage. You could do the same thing with parking. The end result here will be combination of the development would not have any more impervious coverage including parking, building, sidewalks, etc.

Commissioner Elza asked if they know if these buildings will have to be sprinklered. Mr. Ashness stated John could probably better speak to that but he is sure some buildings will be sprinklered. They have been part of other projects on the 15-501 corridor and it depends on building code, but is likely some would be sprinklered.

Mr. Robinson submitted to the Clerk the resumes of the professional expert witnesses, letters from Chris Huysman, Lucy Gallow, and Selina Day and asked all be entered into evidence.

Mr. Robinson: The Planning staff had an opportunity to review the application and had asked some specific questions to which they had given very specific written answers. We submitted those to planning staff and I want to make sure Planning's questions and the applicant's answers get submitted into the record.

I want to address all of Ms. Pace's questions. The first was what are the market conditions that are triggering the request the increase in number in residential units. I believe John Fugo spoke to that pretty directly. Basically if you only have 80 multifamily units no developer is going to look at it but if you can bring up to 200 you increase the likelihood substantially. That is based on not just speculation but on

conversations with actual potential developers. The next question was about traffic generation and I believe those issues have been addressed. The next question was about the surveying on Andrews Store Road which is unrelated to the requested changes. We don't yet actually know what the County's concerns are about the Fire EMS site other than the concept of not knowing exactly when they are going to build. So we tried as hard as we could in our application to say we will give you ten years hoping that we had guessed the right issue, but if we have not then obviously the lines of communication on that are open. We just need to know what the issues are. The final question was about the stream impacts and I believe that Chris Huysman addressed that.

I would like to admit into the official record all the evidence that we have presented so far including the written and oral testimony. I would like to admit the entire application which includes the incorporation of the prior applications. In addition we have surveyed the five findings and I have submitted with the application our arguments with regards to the five findings and I will briefly review those. (He quickly read the findings into the record) For the third finding let me point out it is important to take stock of what is around you when you do a commercial area like this. (He pointed out a 200 foot buffer on the map between commercial area and the residential area. He pointed out another 300 foot buffer with the homes in Fearrington Village that exists from the original plan and will not be changed.) I think it is relevant and significant if you go into the zoning ordinance now and look at what the applicable ordinary setbacks are for commercial. Typically the commercial uses we are talking about there is a 20 to 25 foot setback. So in these cases we are talking about 200 feet in one case and 300 foot in the other. Those are actually in excess of the biggest setback that we have in the county which is for heavy industrial. That would be for things in the nature of a jail or a landfill. So these are some gigantic buffers and we believe they do more than enough to offset the impact of commercial and you shouldn't forget that there is already commercial approved in this entire sets of districts. The only difference would be adding multifamily residential. But the building heights can't go up, there is a 60 foot building height for residential height in Chatham County. There is a 60 foot building height for Chatham County in the Compact Communities Ordinance carries that through. So whether they wind up putting multifamily or commercial in any of those districts buildings won't be any taller either way. So we do believe that it won't impair the integrity or character of any of the adjoining properties.

The last two items are the technical legal part but I always make a General objection to any testimony that comes after the applicant that is hearsay or incompetent. For the purposes of expediency I wish to lodge a general objection at this time in order to keep from interrupting folks as they are talking. For any evidence that is hearsay, immaterial, incompetent or otherwise objectionable in form or content I want to observe a minute or two to respond after all the public input. We would ultimately ask you to consider what Briar Chapel is and what it has been, the fact that it has honored its commitments and that it really does want the best outcome for Chatham County and we would ask you after all of the review from Planning staff, Planning Board and recommendation that you approve the requested amendments. Thank you.

Commissioner Elza asked a couple of questions for clarification. He stated the request is to go from 2389 total residential units to 2500 total residential units and he thinks the applicant is asking for an increase of 120 mixed use units to 200 units. So somewhere they have lost 9 units. Mr. Robinson stated that was correct.

Mr. Robinson: Right now there are 2389 units already approved and included among those are 80 multifamily units. What we are asking to do is increase the total number 2389 to 2500. That is only 111 additional units but we are asking for basically 120 additional multifamily units to get 200 multifamily, which means we would have to reduce part of the 2389 by the amount to under the 2500.

Commissioner Elza stated the 200 makes sense to him because as he understands that with multifamily projects, 200 is the minimum units that you want for management. Commissioner Elza asked if the request was for all 510,000 square feet should be retail and/or office. Mr. Robinson stated yes. Commissioner Elza asked why do they want 510,000 square feet and not 475,000 square feet to match the Traffic Impact Analysis. Mr. Robinson stated that was a good question.

Mr. Robinson: Right now what Richard Adams has done is projected out what we would consider to be a reasonable array of commercial uses. If you have a movie theater it requires a certain amount of traffic. If you have a restaurant it is a different number. So what he has done is looked at what the different proposals are today and he has looked at a reasonable rollout. If we follow that reasonable rollout for commercial and you wind up doing 510,000 square feet that way and you get 200 multifamily residential units you are going to have to scale back to 470,000 square feet of commercial. On the other hand if what turns out is what you get is lower traffic uses mixed in there you might still be able to wind up with 510,000 square feet of commercial and 200 multifamily and not trip the wire on the Traffic Impact Analysis..

Commissioner Elza asked if the wire was at 475,000. Mr. Robinson stated it is only there if you calculate the exact uses Richard Adams has put in as potential commercial uses. There might be some uses that come in as a lot less traffic than what he is projecting. If you do you might be able to wind up with 510,000 square feet of commercial. Commissioner Elza stated he understood. He asked if the 510,000 square feet is split between both sides SD East and SD West. Mr. Robinson stated it was but not mathematically equal. Commissioner Elza stated it can be used in either one. Mr. Robinson stated that was correct. Some of it, I am not sure the exact amount, but some of it is in SD North which is by the entrance, plus or minus 20,000 square feet.

The Vice Chairman asked the Board if they had any other questions. Hearing none he opened the hearing for public comments.

The Clerk called Mary Beth Grealey.

Ms. Grealey: I am Mary Beth Grealey, 105 Turtle Pond Farm Rd in Chatham County. Our parcel is adjacent to 3 properties which are directly adjacent to the Special Districts mentioned in the Briar Chapel Conditional Use Permit. We are all co-signers of our neighborhood covenants. I oppose the amendments as currently written. I also question the Kimley-Horn traffic update. Using Department of Transportation calculations of 6 daily trips per household, a net increase of 111 units increases the daily trips by 650+ which will further impact the intersection of Andrews Store Road and US 15-501. The Kimley-Horn report states that no change is needed to the Transportation Impact Assessment and indeed, a final draft of the NCDOT's US 15-501 Corridor Study has not included any further amendments to the Briar Chapel Traffic Impact Analysis while projecting out to the year 2040. Changing the zoning to one limited use zone impacts the traffic planning and puts the County and DOT into reaction mode vs. planning mode. I am especially concerned about the changes and improvements to intersections in the vicinity of the Special Districts, especially Taylor Rd, Andrews Store Rd, Village Way /Morris Road and the roadway between these. The Turtle Pond neighborhood will be impacted by any road/intersection improvements in this area. I respectfully request that this application be tabled to receive further review from the Chatham County Planning Department and involve landowners beyond those immediately adjacent. Thank you for your consideration.

The Clerk called Scott Ferguson.

Mr. Ferguson: I am Scott Ferguson and I live at 23 Benchmark, Fearrington Village, Pittsboro. Creep, I'm not talking about a person but a thing. It's how government allows for something to change from what it was supposed to be to what was never envisioned in the beginning. When Briar Chapel was first proposed it had approximately 1800 dwelling units and in a single commission meeting that was changed to 2389. Today Newland would like to increase that number to 2500 units. This concerns me because they have proposed to take the commercial property that abuts my home and 24 plus other homeowners in Fearrington Village and add multi-use residential in with the office and retail. We had always been told that this abutting property would be commercial and not residential. What caused this change? The partner that Newland has picked to develop the SO East parcel. You see, they are the company that developed Meadowmont and Southern Village and they know if they cannot add residential units to the commercial, it does not fit their way of developing property. I see in the pictures 3 to 5 story structures. Now we were told last week in an information open house that the intent was for "Senior living" but a look at both Southern Village and Meadowmont will tell you that that is not what will be the final use of the units. I have read the proposed revision of the Conditional Use Permit and fully understand the changes to satisfy the obligations that Newland has met for Water tower, public and charter school, payments for library, affordable housing among other things but think that the request to increase the number of dwelling units and to multiuse should be denied. My understanding is that they have only developed 25% of the 2389 units as of today and they should stand by their original plan. They knew when they got into this project that it would take time to build enough homes in the interior to make the commercial property outside viable. This request to change the SD East parcel to multiuse is an attempt to speed up the development because the interior development has not grown at a pace to warrant this commercial property to be developed as was the original intent. Think about the homes that have been in this historic district of Fearrington Village for 30 plus years and the next creep will be a request to reduce the 300 foot buffer or add more units. It's a fact that we know the commercial property will be developed. They knew what they had to build with and now they want more with no respect to their neighbors. Thank You.

The Clerk Called Tammy Schwerin.

Jenny Schnack, read comments on behalf of Tammy Schwerin of the Abundance Foundation:

Dear Commissioners, I have been a Chatham County resident for over 20 years. I've been a small business owner, helped found Chatham Marketplace Cooperative and

also began Abundance, a non-profit focusing on local food, renewable energy and community. I've been very active here and I love this community. I first worked with Briar Chapel when we approached them about supporting our new grocery store co-op. They were happy to purchase blocks of ownership shares to give out to their new residents as they moved into the community. This was a perfect way to welcome people into the community of Chatham while at the same time giving some financial assistance to the new co-op. We were very appreciative. Later down the road as we were getting the Abundance Foundation started we were beginning a local food and sustainable agriculture festival, The Amazing Pittsboro Pepper Festival. With the help of Briar Chapel, we took it from about 40 people to over 1400 this past year. We expect it to keep growing and to keep Chatham County at the forefront of Sustainable Agriculture in the nation. We are known for our local food, small organic farms and of course peppers! It not only took money, but expertise and I'd like to recognize Briar Chapel and Newland for:

Supporting what they believe in

Doing what they say they are going to do

Offering not only funding, but guidance and other ways of helping

Introducing their residents to all the cool things happening in this county.

They not only support The Abundance Foundation and Piedmont Biofarm, but the Arts Council, Triangle Offroad Cyclists, local businesses and the Chatham County Schools. Another project Briar Chapel helped with was ringing in local celebrity chefs to work with the lunch staff in all 17 schools and create new better tasting and locally sourced lunches. Briar Chapel was crucial to getting this off the ground and all 8000 of our Chatham kids are going to be better off because of it! (not to mention the staff and administration). Again, I'd like to say that Briar Chapel and Newlands' has been a very good corporate citizen to this community and I hope you will take that into consideration when reviewing their plans. Tami Schwerin on behalf of Abundance.

The Clerk called John Turner.

Mr. Turner: I am Jon Turner, 364 Hubert Herndon Road, Chapel Hill. I represent the Herndon Woods Homeowners Association which is twenty-eight homes that lie at the center of this wording here (pointed to the map). We border the SD West and SD North areas. I had some notes prepared tonight but I want to speak off the cuff because I have learned so much. There is a bit of info that surprises me. I have learned tonight that a 2.5 increase in residential units will not increase traffic flows. When I say a 2.5 increase, let me be specific about that. The numbers given were 2,389 to 2,500 residential units. When we look at SD West and SD East, that increase goes from 80 currently approved units to 200 units. That is a 2.5 times increase. It is one thing if those increases were spread throughout the development but they are concentrated in a very tight area. It is the removal of the zoning restrictions to the 510,000 square feet that concerns us as residents. Essentially what we are hearing is trust us. The original plans that were made that called for 80 residential units and a lower divided zoning for development, we are now hearing wasn't sufficient and the previous studies were not good. We heard tonight from Nick Robinson that only 80 units is insufficient and no developer is going to look at it. Lee Bowman says the project finally has momentum. Lori Ford says it is number one in Chatham County and number three in RTP. John Fugo says we don't do homes we do hotels. This concerns us because what it says is the new plan says trust us, our old analysis wasn't sufficient but this time we got it right. I don't think we have the evidence yet to say that. As a neighborhood that borders this we heard continuously that Newland was going to offer a walk-able community. Unfortunately we didn't know at that time that we were going to be the community that could walk to this. We heard about integrated commercial development, but we are not seeing that. We are seeing, in my opinion a fortress. I see a subdivision, of beautiful homes surrounded by green with commercial development shoved out on Highway 501. Now the concerns that the development has to go someplace but we are not convinced that this plan is thoroughly thought out. There is too much of the cuff decision making being made now and being made in the future. We would like to ask you to table this until further development is done. Table this until some specifics are provided and until some protection is provided for us as residential neighbors so that we have like property bordering like property, residential bordering residential and not commercial. That was the basis of our agreement to support the original CUP. The original CUP was based on that buffering, that bordering of townhomes and now we are hearing we are going to have a college there. We are going to have 510,000 square feet of something that is going to be decided whenever. We would like some more specifics. We might be able to support this in the future but at this moment we can't and that pains us because we originally could not support the original proposal from Newland we are pleased to say at the last meeting that we were able to support it. We would like to be able to do that again but at this moment we can't. We thank you for your consideration.

The Clerk called Joe Ditmar.

Mr. Ditmar: I am Joe Ditmar, a resident of Briar Chapel. I live at 1158 Great Ridge Parkway, Chapel Hill. I will tell you that I been here for exactly four years. I was home number 101. We heard Ms. Ford talk earlier about the fact that we are over

600 homes. It has been a phenomenal development. Despite the fact there are lots of numbers being thrown around, we are growing at a great pace and the community is wonderful. I came here on my own volition. I wanted to be able to speak on behalf of the folks that live in Briar Chapel. We find that Newland are good partners and conscientious community developers. We find that they are always taking a progressive and proactive stance to do things on a big picture basis, as opposed to that small or minute type of basis. They always will support the positive development, public enhancement and community betterment of Briar Chapel. To advance the cause of bringing retail operations supportive of Briar Chapel community to Briar Chapel, Newland's plan to expand the residential county makes solid sense to us. The more head count demographic is one that encourages retail operations to locate and develop adjacent to our community. I heard a lot of different things tonight. There have been a lot of different changes. We are talking about 120 additional residential units out of 2,500. It is not a lot if it brings us what we are looking for. We think that would be great. We do believe that despite what we've heard that our developer Newland has done a great job of being conscientious and working for the good of the entire community.

The Clerk called Kate Bice.

Ms. Bice: I am Kate Bice and I live at 172 Windy Knoll Circle, Chapel Hill. My family and I have been residents of Briar Chapel for over three years. When we began our search for a new home from out of state we visited many new communities and developments throughout RTP. We felt at home with all the old fashioned feel of Briar Chapel. Since we first toured Briar Chapel four years ago there have been many changes both in the growth and in the amenities. We moved to the community knowing there were a broad range of amenities coming with no promise or guarantee of when or what they may be. It is my belief Briar Chapel is unique as far as developers are concerned. They are open to and embrace feedback of existing residents of both the county and development from a broad range of issues. Since the development approval in 2005 there has been much change in our world and Briar Chapel has done an excellent job in balancing residents' wishes and concerns with economic conditions, county concerns and the future viability of Briar Chapel. Change is part of life and expectations and visions of years past are not always feasible in current times. The Briar Chapel CUP will help bring retail to Briar Chapel, a prominent demand of residents and local Chatham County residents alike. I chose Briar Chapel because of their vision and I continue believe they are operating in the best interest of current and future residents of both Briar Chapel and the 15-501 corridor of Chatham County. Allowing the increase in residents from 80 to 200 will assist in bringing quality commercial and other mixed use development benefitting all Chatham County residents.

The Clerk called Marva Price.

Ms. Price: I am Marva Price and I live at 85 Shagbark, Ferrington Village, Pittsboro. My family and I have been there almost 36 years as the first homeowners of the home we live in. I want to certainly applaud Newland for their stewardship of the environment in Briar Chapel. We were here nine years ago from Ferrington Village very concerned about the promises that they were making, particularly for the environment, and the protection of the streams. Much of which is container ? and I have to say you met your promises in the greenness of your neighborhood and you met your promises in the visual appeal of your neighborhood. I have concerns as to whether that same promise will happen, particularly for SD East, which borders the homeowners in Ferrington. I have major concerns as to whether that will happen with that parcel of land. You promised us it would be commercial. Some of the concerns we had nine years ago were the impact that the lighting would have on our homes and what affect the noise would have on our homes. We also were concerned, and there was some extremely good scientific evidence at that time, about the runoff effect on the streams. Now you talk the ephemerals but you did not point out that there are streams in Ferrington that would be affected. I believe that you have or plan to have about three spray ponds some place and I don't know whether it is in these special districts. You have done well, there is no odor at this time but obviously it was said at a recent meeting with some of the residents it would be too expensive to have your sewage go across Highway 15 501 and that you have already developed there to handle the wastewater. We had some very good scientific reports about what you would do and what the impact of the current planned commercial would be with the three spray ponds on our streams. And you have not mentioned what that impact would be with the 2.5 doubling of that. I am very pleased to see that you don't plan to bother that 300 foot buffer but your requests have been fairly step wise. There is some concern at a future date that when you start your development you may want to change that buffer. You have not addressed about the 200 sites left in the main part of Briar Chapel. You have not told us why those homes cannot fulfill the commercial needs you already have established. You have not addressed that fact. You have made a good point as to why we need to increase home sites to support the commercial development, but you haven't said why the 200 already established lots can't do that. My last lot point is you talk about multifamily homes and I do think I heard rental from one of your presenters. I can say that when people were not buying as many homes and home development increased in some

previous years it looks like you did put multifamily units in Briar Chapel and the appearance of those with parking and the needs does not look like the quality you have put into your individual home sites. So my points are examine the impact of increased units on ephemerals already current in Fearington and to examine whether you have sufficiently given evidence as to why you need to change your CUP to multifamily homes and commercial when you already have 200 homes sites that are not yet fulfilled. Thank you.

Mr. Robinson: I would like to make one general statement. I appreciate the remarks of the folks that have concerns. I do hope that they all believe that Briar Chapel is doing its level best and will always do its best to make sure their impacts are minimal. That 300 foot buffer has been there on that map since 2005 and we have never intimated a possibility of changing it and still do not intimate changing that. As a general matter the suggestion was made more than once tonight that you table this item until there is more development and there are more proposals. I think what we have here is a chicken or egg situation. Briar Chapel is not engaged in this very expensive and time consuming process of amending their CUP just for the fun of it. They are doing it because they have, as the testimony shows, they have received specific input from developers that says in order to do this commercial development they need to have multifamily residential and more than 80 units. It is not sufficient to say to somebody that wants to buy commercial property to "hold that thought, we'll go and see if we can get approval from the commissioners that will only take six or seven months". You can't do it that way. When they come in and they ask if they can do that project there and you say "yes, we have the ability and the legal entitlement to do it", that is how you get the job done. And that is why we are asking for it. We wouldn't be asking for it unless we needed it. I would just encourage you to take that and keep that in mind. We request that you vote to approve the requested amendments.

Ms. Pace: Staff has one last question. We had noticed something in the perimeter buffer. Are these storm water facilities bmp's added in this area? (pointed to area on the map)

Mr. Robinson: No, those have always been there.

Mr. Robinson called Mr. Fugo to rebut one item.

Mr. Fugo: My company had nothing to do with the development of Meadowmont. I simply called Ben Perry who is Roger Perry's son and asked them how they developed it. We had nothing to do with the development of Meadowmont.

The Clerk called Rita Spina:

Ms. Spina: I am Rita Spina and I live at 12 Matchwood, Fearington Village, Pittsboro. I live on the edge of the forested area that reaches out all the way to Highway 15-501. I ask that you consider that the people who have homes of the cusp of this property, that this development could affect the values of our homes. If there is going to be an apartment building there, it is not going to be very helpful to myself or the other people around me. I ask that the Board please preserve the character for those that live on Matchwood and Benchmark. It will be very difficult to sell my home, because my property value will go down if they build one of these big large buildings there.

The Clerk called Sledd Thomas.

Mr. Thomas: I am Sledd Thomas and I live with my wife Ann Thomas at 220 Rock Ridge Road, Pittsboro. I am here with my wife Ann Thomas. (He tried to show on the map where they live.) There is some drainage that feeds to a pond on our property. I would like to speak briefly about that one acre pond on our property. We are a neighbor to Briar Chapel and we f

This Agenda Item was referred to the Planning Board.

14-0890

A quasi-judicial public hearing request by Lenore Braford dba Piedmont Farm Animal Refuge, for a conditional use permit on Parcel No. 78297, located at 7404 NC 87 N, being approximately 16.07 acres, for Animal Husbandry Specialized as a farm animal rescue facility, Hadley Township.

Attachments: [Hyperlink](#)

Jason Sullivan, Planner, reviewed the specifics of the request.

Mr. Sullivan: This request is for an Animal Husbandry Specialized operation to operate as a farm animal rescue facility so there is no rezoning involved. It is a Conditional Use Permit currently in the list of Table of Permitted Uses. The applicant met with the Appearance Commission in June and received a favorable report from them. They also had a community meeting in May of this year. In addition to the

rescue operation they also intend to hold educational tours as well as special events that would be centered and focused on farm animal welfare. Environmental assessment was not required because of the amount of disturbance does not exceed two acres on the property. Ms. Lenore Braford is here to further explain the project. Mr. Sullivan brought up the site plan for the Board to view.

Ms. Braford: I am Lenore Braford and I am the founder of the Piedmont Farm Animal Refuge and am also the owner of the parcel in question. Our organization is a 501-3c nonprofit. We work to rescue farm animals from abuse, neglect and abandonment situations. We also work to educate people about the cruelties farm animals face, try to teach them how we can build communities and build a world that is full of more compassion and cruel free living for farm animals. We have worked with the county to develop our Conditional Use Permit without the use of any other professionals. We have worked really hard to meet everyone's standards today. We need to build the sanctuary, we need to build barns and other infrastructure to serve the needs of our farm animals, including food, housing and medical care. In five to ten years we will be building these structures and we anticipate if we receive our Conditional Use Permit to build our goat and sheep barn, that building would commence in January of 2015. Thank you for your consideration.

The Chairman opened the hearing for public comments.

The Clerk called Shan Stodt.

Ms. Stodt: I am Shan Stodt and I live at 815 Popular Forest Lane. I am speaking in support of the Conditional Use Permit to the Piedmont Farm Animal Refuge to which I am a neighbor of proximity. As a citizen of Chatham County, I believe that this is the very sort of endeavor that benefits our community in three key ways. The first, Chatham County has a large rural aspect with a tradition of farming. This is a beautifully planned project that will enrich our children's educational capacity by enlightening children to the beauty of farm animals. The site itself strengthens the vision of Chatham County itself as it respects and integrates Chatham's natural beauty. It presents the potential to enhance the county's commerce and overall values with a unique public attraction. I welcome them and hope you will grant their permit. Thank you.

The Clerk called Bill Lynch.

Mr. Lynch: I am Bill Lynch and I live at 851 Popular Forest Lane in the Hadley Township. I am just 8.5 miles north of here. I am a great supporter of the refuge. I am a neighbor and go by it every day. The educational aspect teaching adults and children not just about farm animals, not just about the cruelty of farm animals but their importance to our lives is to me very important. It is very crucial to what Chatham County can lead in in terms of being a center for progressive compassionate and a thinking county that respects the environment and citizens, be they people or animals. I think that is the big difference, people don't think of animals except as something to eat. I am proud to be a citizen and resident of Chatham County. The pride I hope to be further enhanced by your approval of the request by Lenore Braford dba as Piedmont Farm Animal Refuge for a Conditional Use Permit for animal husbandry specialized as a farm animal rescue facility. Off the cuff, I think this county needs it. With everything that is changing in Chatham County, to keep the tradition of farming and the love for animals to me is paramount. You have a great responsibility as do we as citizens to make sure things stay the same, get better and grow. Thank you.

The Clerk called David Minor.

Mr. Minor: I am David Minor and I live at 7342 NC Hwy 87. I concur with all of the supporters. I share the north property boundary so I am a neighbor of the applicant. I want to go on record as saying I would like to see the project done well. I would like for the animals that do not survive to be disposed of properly or composted. I would also like to make sure that there is a limit to or a regulation on the number of animals that can be at the refuge so that it is not a nuisance.

The Vice Chairman closed the hearing.

This Agenda Item was referred to the Planning Board.

14-0892

A quasi-judicial public hearing request by The Keith Corporation for a Conditional Use Permit Revision for Parcel No. 62180 located at 11500 US 15-501 N, currently known as Cole Park Plaza, to redesign the site, maintaining current uses and conditions currently approved, being approximately 8.58 acres, Williams Township.

Attachments: [Hyperlink](#)

Hillary Pace, Planner reviewed the specifics of the Conditional Use Permit revision

request.

Ms. Pace: The request is to redesign the site, maintain current uses and conditions currently approved, being approximately 8.58 acres in the Williams Township. Staff has reviewed the application and has no major comments other than asking the applicant to give an update as to the Plaza Drive situation. There has been some disrepair on that roadway.

Ms. Pace turned the hearing over to the applicant.

Laura Mondrick stated she was representing the Keith Corporation.

Ms. Mondrick: The Keith Corporation is the owner and developer of the site in question. It is currently known as Cole Park Plaza. We purchased the property approximately one year ago with the intent to redevelop the site and to improve upon the layout and the facade design. Currently the center is functionally obsolete and has a pretty dated facade. We are requesting revision to the CUP that was issued back in March of 1982. The changes that we are requesting are simply to update the layout of the site plan as well as we have provided some updated elevations for our intentions for approximately what it is going to look like in the future. We are also going to try and make the whole site a more attractive center for Chatham County, which I think everyone is going to look forward to. I have with me Chris Bostic and Richard Brown from Kimley-Horn and Associates, our engineers on the site. They can provide some more information as to the actual details of our proposal.

Mr. Bostic: I am Chris Bostic. I am a civil engineer with Kimley-Horn and Associates. I have been employed there for the last fourteen years. I am a registered Professional Engineer in North Carolina. We do represent the applicant, the Keith Corporation who owns the property. We are seeking approval of a revised Conditional Use Permit for the shopping center. I have a very short presentation of an overview of the project and then we will address the findings of fact associated with the application.

The site is bounded by 15-501 to the west, Plaza Drive to the South, and is an existing developed parcel composed of four buildings. There is a Subway that is an out parcel in the parking lot today. A large major building that parallels 15-501, a smaller retail building that is perpendicular to 15-501 and then an adjacent building on the north side of the site that is also perpendicular to 15-501. As far as the scope of this project, two of the buildings are proposed to be removed as part of the project. The aforementioned building that houses the Subway today is to be demolished. The building that sits in front of the larger building perpendicular to 15-501 is also proposed to be removed as part of the project. The new site plan for you to review depicts a new free standing quick service restaurant along 15-501 along with improvements to the remaining parking area to include new trees and also a new street yard along 15-501 and portions of Plaza Drive for redeveloping. The street yard along 15-501 is very minimal today and there are no landscape isles within the parking lot today so we are adding all of that as part of our proposed development.

This plan was presented to the appearance commission back in late May and it was well received. The only comment that they had was about some of the species of bushes along 15-501 and they asked us to look at using a different type of species and we are happy to accommodate that. Another addition to the property which is going to improve the water quality is we have added a storm water retention pond in the north east corner of the property. It is currently a vacant area today. The new storm water pond will be installed and treat thirty percent of the developed area on the site per county ordinances. Another part of the project is we are proposing to renovate the facades of the existing buildings using split face ? and there is information on that in your packet. Signs are also going to be improved with this project. There are going to be two signs on the project. One will be a shopping center sign and one will be specific to the quick service restaurant. We took that to the appearance commission back in May and the only issue they had with the signs was the original height proposed was 15 feet and now we are keeping all of our signs at 10 feet. We have done photo metrics for advised lighting for the site. All brand new light fixtures will be used, however, we will be using existing poles.

In closing I would like to quickly go over the five findings of facts. He read those into the record from the application.

The Vice Chairman opened the hearing for public comments.

The Clerk called John Dimos.

Mr. Dimos: I am John Dimos and I live at 329 Azalea Drive, Chapel Hill. I am the owner of the Dockside Seafood Restaurant and also the property owner. I have been there over 22 years and I am the oldest occupant and business owner there in the shopping center ever since the hardware store left. My main concern coming here today was to find out what was being proposed. My main concern is that access to my business is not disturbed during construction and after the construction because I

was a victim of a construction related problem back when the highway was being expanded in 2002. I had two months where the main entrance to the shopping center was shut down in November and December. It was shut down completely and I don't want that to happen again when the new construction is going to happen. I also wanted to make sure the new owners of the shopping center understand the dumpsters that they currently have are not enclosed like my dumpsters are. The recycling center is nearby and most people don't know that they are supposed to go to the recycling center and they come to Cole Park Plaza instead and drop off their trash at those dumpsters and often times on the ground. This was going on for a long time and I have been complaining to the health department and the planning department. I tell the people dumping that it is not the recycling center and they say they are sorry but it is the responsibility of the county and the owners of the shopping center to at least have the signs saying that it is not for public use. The county needs to put up a sign saying that is not the recycling center. It is right outside of my main door and my customers see that. My dumpsters are enclosed and I clean them every day. Every day you go by there you will see sofas, tvs, and mattresses, so it needs to be addressed when this renovation is happening. I am in favor of any improvement of any redesign of the shopping center because it is long overdue. I admire you all for the job you do.

The Clerk called Nick Robinson.

Mr. Robinson: I am Nick Robinson and I am speaking as a person that lives a quarter of a mile away from the site in question. The Keith Corporation has a great reputation and I believe this renovation comes not a moment too soon.

The Vice Chairman closed the hearing.

This Agenda Item was referred to the Planning Board.

BOARD PRIORITIES

14-0880

Vote on a request by KC2 Enterprises, LLC & I-3, LLC for subdivision First Plat review and approval of Carolina Crossings, consisting of 20 lots on 73.23 acres, located off Hwy 751, Williams Township, parcel #60710.

Attachments: [Hyperlink](#)

Lynn Richardson reviewed the specifics of the request. The zoning is R1, the water source is private wells, it will be private onsite initial and repair septic systems. Watershed District is the (inaudible) and it is within the Jordan Lake watershed buffer area. There is no funnel area on the property. This process consists of four steps: concept, first plat, construction, final. We are at the first plat stage. There was a community meeting prior to the concept plan review. There were twelve people in attendance. Issues and questions were raised at the meeting. The turn lane on 751 and the pond to the north of lot one. The gentleman that owns that property had concerns, would there be stricter setbacks than what the county required, the availability of ground water, lot clearing limits, custom built homes by national builders, size of the homes and the value, and would the project be annexed by Cary. The property is within the Joint Cary Chatham Planning area and it is in the very low density designation area.

Public hearing is required during the first plat process and there was one held at the Planning Board meeting.

A Soil Science report was prepared and was reviewed by environmental health and the report was adequate. The community meeting was held on March 10th.

Approval of the first plat will allow the applicant to complete the engineering necessary to receive all permits to bring us the construction plan design and if first plat is approved by the board then the construction plan and final plan can be reviewed and approved by staff.

Due to the number of lots, general environmental documentation was required. Environmental Quality reviewed the report and found reports adequate. Any buffers that will be impacted by stream crosses will require permits by NC Department of Water Quality and or US Army Corp of Engineers. The stream buffer review was an onsite review by a private consultant then the environment quality staff did an onsite review and found it to be adequate. There were two perennial streams, one ephemeral and four wetlands. Buffers run from 30 feet per side to 100 feet per side. Stream crossings will be required and there will be buffer authorizations and permits that will be required to be submitted at the construction plans.

EOC approved road names.

June 17th staff and two planning board members visited the site. The site has been

selectively timbered. The Historical Association has been invited to visit to see if any structures need to be marked historical before construction begins. There is a house that appears to have been built around 1933.

The planning board did meet on July 1st. There was a public hearing. Mr. Richard Vickers spoke, he is the gentleman who owns the property just north of the entrance that has the pond. He does have some concerns about runoff from the subject property into the pond, whether the well would be impaired by the twenty wells to be drilled on the property, possible trespassing onto his property and safety regarding the pond. Mr. Vickers requested a fence be constructed. Ms. Richardson believes the developer declined. No one else spoke at the public hearing.

Mark Ashness, engineer, spoke at the Board Review and he said lots will be large, an average of 3.5 acres. If Cary had annexed those lot sizes would be much smaller.

All the storm water requirements will be met that the County requires. The public roads will be built to NC DOT standards. We assured Mr. Vickers that the developer would make every effort to control the erosion from the subject property onto his. Only a portion of lot one will drain towards Mr. Vickers property. He also mentioned that there will be a short left turn lane coming from the north going south on 751 for left hand turns. The adjacent property owner Rachael Mitchell on the south side did question whether or not the construction of the turn lane would impact her property. He said no, the developer had plenty of property to construct the turn lane without impacting any adjacent property owners.

The Planning Board recommended eight to one and the planning department recommended granting first plat approval as submitted.

Commissioner Elza asked what is going on with lots eighteen and nineteen and asked if that is where the septic area is. Ms. Richardson stated that yes, they will have one common area to access those septic areas.

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

14-0806

Vote on a request by The Retreat on Haw River, LLC to rezone Parcels 3027, 87217, 86946, 81274, and 86878 - 86944, from CU-RA90 to a split zoning district consisting of R-1 Residential for lands outside the River Corridor area and R-5 Residential to lands within the River Corridor, being approximately 650 acres collectively, located off Bynum Ridge Rd.

Attachments: [Hyperlink](#)

Jason Sullivan reviewed the specifics of the request. This is the first part of two requests. The first part is the rezoning request and the second part will be the subdivision request. This is a request to rezone 650 acres that are currently zoned RA90 to R1 and R5. It is actually a request to revert this to the zoning prior to the approval of the conditional use RA90 rezoning. This is a general use rezoning request. There was no community meeting required. There was appearance commission meeting required. A public hearing was held on June 16th of this year and the only person who spoke at the public hearing was the attorney representing the developer. We did receive one written set of comments regarding storm water runoff concerns as well as requesting a fence where the project adjoins the other property. Because this is a general rezoning request we can't add conditions to this request. The planning board voted eight to one to approve the consistency statement and voted unanimously to recommend approving the rezoning.

A motion was made by Commissioner Elza, seconded by Commissioner Cross, that Resolution #2014-31 Adopting the Consistency Statement for the Approval of Request from the Retreat at Haw River, LLC to rezone, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that rezoning be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

14-0885

Vote on a request by The Retreat on Haw River, LLC for subdivision First Plat review and approval of **The Retreat on Haw River Conservation Subdivision**, consisting of 393 lots on +/- 650 acres,

located off SR-1711, Bynum Ridge Road, Baldwin Township.

Attachments: [Hyperlink](#)

Lynn Richardson reviewed the specifics of the request. The property is currently zoned RA90 Residential and Agricultural. It was done in 2005. A sketch plan was approved for 185 lots and then 67 lots received final plat approval. If the Board approves the zoning request then this approval will no longer be valid. The water source is public Chatham County. Sewer will be a private wastewater treatment plant. The watershed district is combined DWS4 Jordan Lake buffer and river corridor and there is some floodable area on the property. A community meeting was held on April 7th of this year and eighteen people attended. Some of the concerns raised from the public were would there be walking trails and street lights, would there be a possible park open to the public, would there be a low income housing component, what offsite roadway improvements would be made, lot density, traffic study, scheduled development, average lot size, timing and phasing, cemetery protection, would the entrances be the same as before, the questions about the prior approved site plan and enlarged buffers along the Haw River.

The conservation subdivision will consist of the 393 lots, a community amenities center which will include an extensive trail system and there is a simultaneous request for a zoning district change from the conditional use RA90 residential agricultural conditional use district back to the original zoning district of R1 and then of R5.

The project is reviewed on the current set of subdivision regulations and will have to meet all ordinances and regulations regarding subdivision and development of property in Chatham County. As you know in a conservation subdivision when the developer protects large tracts of land then they get a 10% density bonus. That is one of the advantages of doing a conservation subdivision. The conservation subdivision requires a minimum of 40% of the project area be retained as the conservation space of that 80% has to be a natural space and a maximum 20% can be open space. In this case the developer anticipates that 66% of the project area will be the conservation space. This will include some additional voluntary green space the developer is putting into the mix that is not required. There will be plus or minus 430 acres will be in the conservation space of the whole project.

There was a public hearing held during the planning board meeting and no one signed up to speak. The board has two meetings to act on the proposal.

There is a density calculation sheet in your packet provided by the CE Group, there is a certain amount of land that happens to be protected which is riparian buffers and flood plain, 34.8 acres of that is in the river corridor and 91 acres is in the R1. The maximum density allowed in the combined R1 and R5 districts is calculated to be 422 lots but the developer is proposing 393 lots. Impervious surface calculation is projected to be 15%. 80% of the conversation space is required to be natural and that space is unimproved. 258 acres will be natural space. The open space can be a maximum of up to 20% of the conservation space which in this case would be 51 acres. However the developer is only designating 6.45 acres to be open. This will consist to be part of the trail system. Open space can allow amenities such as recreational uses.

The developer is adding this additional green space, it is a voluntary area provided by the developer. It is considered open space but it is not subject to the regulations of the conservation guidelines. That is 169 acres. The developer anticipates both active and passive recreation to occur in this green space. There is a management plan that is required to be submitted and reviewed by the county attorney and approved. The ownership of the conservation space has not been determined, Chatham county is in the mix as well as other conservation organizations as well as the homeowners association. It will be determined before final plat is submitted for the project.

Environmental impact assessment was required due to the number of lots and it was approved through peer review. There is a rare species of buttercup within 117 acres of this project that will be preserved.

Environmental Quality reviewed and approved the water quality report. The lots will be accessed by NCDOT public roads and private alleys. Thomas Bender has requested that there be turnarounds. The EOC has approved all road names. Water will be provided by Chatham County. Sewer will be provided by a new wastewater treatment plant that will be constructed only to serve this residential project.

There are 393 lots for single family residential, there are 2 nonresidential lots. One for the wastewater treatment plant and one for the pump station that will be created at a later date.

There are two proposed phases with two sub phases. With and outside completed date of December 1, 2028

There were some areas of historical and archeological value found on the property. There is the Bynum-Lambeth House and the Snipe House. Both structures were designated by the State Historic Preservation Office as survey only and currently not on the study list national register or the determined eligible list. They are though, however, significant to Chatham County history. We want the Chatham County Historical Association to document the significance of the homes. The developer has allowed the Chatham County Historical Association to visit the homes and view them to see if there is a way to preserve the home and possibly creating a lot around the Bynum-Lambeth house at a future date. It was not part of this application but Nick Robinson has a condition that staff agrees with that would allow a lot to be created around the house so if some entity would like to purchase it and restore the old log cabin as part of it.

The Snipe house has been deconstructed, it is no longer there. But the Bynum-Lambeth house is still standing. There are two cemeteries on the property. One has been found, the Bynum cemetery located south of the pond shown on the site plan. The Bynum Slave Cemetery has not been found and that may have already been disturbed and destroyed. Bev Wiggins with the Chatham County Historical Association has looked at the Bynum-Lambeth house and has stated in an email that the archeological report done in 2005 when the previous development was approved she did not think it was adequate. She has asked the developer to do more investigation to be sure there is no additional native American artifacts that have yet to be discovered since it is located by the creek and the Haw River. It was a prime location for Indians and others to live in those areas and she doesn't want to destroy something significant. We have not gotten a response back yet.

Planning Board met on July 1st. There was a public hearing. No one signed up to speak. Nick Robinson did speak on behalf of the development. The Planning Board by unanimous vote and the planning department recommend granting approval of the road names and approval of the request for first plat approval of the Retreat on Haw River conservation subdivision with the three conditions

- 1. Subdivision request approved be contingent upon approval of the zoning request*
- 2. 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*
- 3. The Condition Nick Robinson will present*

Nick Robinson stated they have had a lot of interest in the Bynum-Lambeth House and are requesting a condition that would acknowledge they may be able to create a lot solely for the purpose of conveying that to an entity that may want to do the preservation work there. He read the language he proposed to the planning staff that they also agreed with: "Developer has been reviewing a structure on the property referred to as the Bynum Lambeth House, located near the northwest corner of the property, very close to the Bynum Ridge Road. It is believed that portions of the structure may be of historical value. The disposition of the structure lies in the discretion of the developer. Developer will continue to determine if a workable disposition of the structure for preservation or restoration is possible. If developer determines, in its discretion, to create a lot for purposes of conveying the Bynum-Lambeth structure, developer may do so as part of their construction plat process. Approval of which will be handled administratively by planning staff. Because the developer has set aside over 168 acres of additional voluntary green space creating a reasonably sized lot for this purpose would be beneficial and would not in any affect the minimum natural and open space requirements of the conservation subdivision. Developer may attach conditions restrictions and covenants to any such conveyance in its discretion."

Mr. Robinson stated that is what they would like to see as the third condition if it meets the Board's pleasure.

A motion was made by Commissioner Elza, seconded by Commissioner Stewart, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

MANAGER' S REPORTS

There were no reports at this time.

COMMISSIONERS' REPORTS

There were no reports at this time.

ADJOURNMENT

A motion was made by Commissioner Stewart, seconded by Commissioner Elza, that the meeting be adjourned. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

Brian Bock, Vice Chairman

ATTEST:

Lindsay K. Ray, Clerk to the Board
Chatham County Board of Commissioners