



Chatham County Planning Board Minutes September 1, 2015

The Chatham County Planning Board met in regular session on the above date in the Agriculture Building Auditorium, Pittsboro, North Carolina. Members present were as follows:

Present:

B. J. Copeland, Chair
Cecil Wilson, Vice Chair
Bill Arthur
Brian Bock
Stacey Curtis
Jim Elza
Barbara Ford
Tony Gaeta
George Lucier
Caroline Siverson

Absent:

Gene Galin

Other: Diana Hales, County Commissioner Liaison

Planning Department:

Jason Sullivan, Planning Director
Lynn Richardson, Subdivision Administrator
Angela Birchett, Zoning Administrator
Kimberly Tyson, Clerk to the Board

- I. INVOCATION AND PLEDGE OF ALLEGIANCE:
Chair Copeland delivered the invocation and afterwards invited everyone to stand and recite the Pledge of Allegiance.
- II. CALL TO ORDER:
Chair Copeland called the meeting to order at 6:30 p.m.
- III. DETERMINATION OF QUORUM:
The clerk stated a quorum was present to begin the meeting (10 members were present at this time).
- IV. APPROVAL OF AGENDA:
See Item V. below.
- V. APPROVAL OF CONSENT AGENDA:
 1. Minutes: Consideration of a request for approval of the August 4, 2015 Planning Board minutes.

There were no comments or modification requests to the Agenda or Minutes. Items IV. and V. were considered approved as submitted.

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

- The following citizens spoke **in opposition** to the proposed zoning of the currently unzone portions of Chatham County:

John Wesley Seawell, 5210 Goldston Carbonton Rd., Goldston NC

Paul Price, 645 J Cook Rd., Goldston NC

Philip Watson, 8414 Hwy 421, Bear Creek NC

Wayne Sears, 774 Copper Mine Rd., Sanford NC

Dale Lambert, 2510 NC Hwy 902, Bennett NC

Cindy Dameron, 11080 Hwy 64 W., Siler City NC

Gary Moon, 3665 Moon-Lindley Rd., Silk Hope NC

- John Graybeal, 3396 Alston Chapel Rd., Pittsboro NC spoke **in favor** of the proposed zoning.
- Esta Cohen, 688 Van Thomas Rd., Pittsboro NC spoke concerning **groundwater quality and quantity** regarding the impact of numerous private wells that continue to be constructed in the county, i.e. new subdivisions such as Seaforth Landing.

Chair Copeland thanked the above citizens for their comments.

VII. BOARD MEMBER ITEMS:

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

Chair Copeland stated that the Planning Board made a recommendation to the Board of Commissioners last year to consider rezoning parts of the county; that after that time the Planning Board asked the Commissioners to reconsider this matter and submitted proposed alternatives to open use zoning; that in the meantime the Board embarked upon a plan to initiate comprehensive land use planning which was done; that the Commissioners have submitted RFP's and those bids would be reviewed soon; and that the Planning Board needs to consider whether to move on with some alternatives tonight or wait until the completion of the Land Use Plan.

The Chairman noted that during last month's Planning Board meeting three separate motions on this issue failed (with votes of 5-5 consecutively).

Motion:

Mr. Elza made a motion to adopt the following recommendation for consideration by the Board of Commissioners:

1. **Recommend Option 4 Hybrid Zoning as follows:**

adopt traditional zoning for any unzone land from the Eastern County Line to a western boundary as follows: along the centerline of 421 from the South Chatham

County Line to the Siler City ETJ Boundary Line; and thence northward along the Siler City ETJ boundary line to the centerline of Silk Hope Road; thence northward to the North County Line;
and adopt Open Use zoning for all portions of the county west of said boundary to the Western County Line.

2. Recommend zoning ordinance revisions which implement Open Use as follows:

Any use which is agricultural exempt or permitted in the R5 (Residential 5 AC), R2 (Residential 1.5 AC), R1 (Residential 1 AC), and NB (Neighborhood Business) zones will be permitted in the Open Use zone. Any use allowed only by Conditional Use Permit in these zones, will be allowed only if approved for a Conditional Use Permit.

Any use permitted by-right, or allowed by Conditional Use Permit in the O/I (Office/Institutional), B-1(Business), CB(Community Business), RB (Regional Business), IL (Light Industrial), IH (Heavy Industrial), CD-CC (Conditional Use – Compact Community), or CD-MU (Conditional Use – Mixed Use) will be allowed if reclassified to O/I, B-1, CB, RB, IL, IH, CD-CC, or CD-MU as required for the proposed use, and approved for a Conditional Use Permit.

3. Recommend ordinance provisions to include Shooting Range as a separate use line in the Table of Permitted Uses with CU in the IH District.

4. Recommend the Planning Director prepare a map which reflects the Hybrid Option 4 as outlined above. In addition to residential land, the Planning Director should identify any existing industrial or commercial uses on said map.

Mr. Elza expressed his views on the above recommendation and the need to forward this proposal on to the County Commissioners.

Mr. Arthur seconded the motion.

Board discussion followed. Some specifics noted were:

- clarification that conditional zoning is proposed to include currently unzone lands from the east county line to Hwy 421 - follow the ETJ of Siler City NC – and then on up the Silk Hope Road
- petition signed by over 300 citizens (mostly from western part of Chatham County) – stating “Don’t Zone”
- proposal supersedes the Comprehensive Land Use Plan – wait until the land use plan is developed
- several generations of landowners affected
- 8 counties that border Chatham County have a degree of zoning – we are more at risk getting things that the other counties do not want
- zoning actually protects property values

- agriculture and timbering activities are not subject to zoning and secondary businesses associated with agriculture are exempt
- existing businesses are exempt
- open use zoning
- motion/recommendation too aggressive

Substitute Motion - Failed:

Mr. Wilson made a substituted motion to recommend zoning only the currently unzone land east of NC 87 and to leave the rest of the land alone. Mr. Bock seconded the motion. The motion failed 4-6 with Wilson, Copeland, Bock, and Curtis voting in favor of the motion; and Arthur, Elza, Ford, Geata, Lucier, and Siverson, voting against.

Original Motion - Failed: See Mr. Elza's motion stated above.

The motion failed 4-6 with Elza, Arthur, Lucier and Siverson voting in favor of the motion; and Copeland, Bock, Curtis, Ford, Geata, and Wilson voting against.

Chair Copeland stated that the issue now is whether to make another motion tonight or defer the issue until next month's Planning Board meeting.

Break:

A five-minute break was taken at this time - 8:02 p.m.

The meeting was continued at 8:07 p.m.

Motion - Failed:

Mr. Geata made the following motion:

"Be it hereby resolved that the Planning Board recommends to the County Commissioners that it develop an ordinance or ordinances to regulate in a comprehensive manner a high impact land uses below which have the potential of interfering with the peaceful enjoyment of property rights of hereby residents, businesses, churches, schools and busy highways so that the safety of its residents is protected in the immediate term on the Comprehensive Land Use Plan as being developed and implemented. Those activities are:

- for-profit or club-like gun ranges,
- airfields / airstrips
- asphalt plants
- bulk inflammables, chemicals, fuels, and explosives manufacturers or storage facilities
- chemical manufacturing
- cement manufacturing
- commercial incinerators
- concrete suppliers
- mining and extraction operations and quarries (alternative phrasing: Hard Mining/Resource Extraction/Quarrying)
- fossil fuel generating facilities

- motor sports activities
- race tracks
- slaughtering and meat processing plants
- waste facilities
- automobile salvage and storage facilities, and
- metal recycling & salvage facilities

Accordingly and further resolved that the Planning Board **not** recommend any interim zoning for unzone areas of the county at the present time regarding that the County Commissioners immediately and actively direct the appropriate officials of the county to develop such restrictive ordinances”.

Mr. Bock seconded the motion.

Following discussion, Chair Copeland called the question. Mr. Geata explained that his above motion states that the Planning Board **not** recommend any interim zoning for unzone areas of the county at the present time provided that the County Commissioners immediately and actively direct the appropriate officials of the county to develop such restrictive ordinances. The motion failed 5-5 with Geata, Bock, Copeland, Curtis and Wilson voting in favor of the motion; and Arthur, Elza, Ford, Lucier and Siverson voting against.

Motion – Failed:

Ms. Curtis made a motion to recommend that the unzone area east of Route 87 be zoned conditional zoning and that ordinances be applicable to the unzone areas of the county.

Mr. Geata seconded the motion.

Discussion followed. Mr. Lucier suggested that staff come back at next month’s Planning Board meeting (rather than Board members rushing a decision tonight) with 3 or 4 maps that represent intermediate approaches between Mr. Wilson and Mr. Elza’s above motions; and that the Planning Board discuss the definition of open-use during next month’s meeting.

The motion failed 5-5 with Curtis, Geata, Copeland, Bock and Wilson voting in favor of the motion; and Arthur, Elza, Ford, Lucier and Siverson voting against.

Table Issue:

Chair Copeland stated that discussion of this issue would continue at next month’s Planning Board meeting (October 6, 2015).

VIII. SUBDIVISIONS:

1. Request by Michael Poe, Complete Development, LLC, for a twenty-four (24) month extension of the preliminary plat approval for Cattail Creek Subdivision to extend the expiration date from November 15, 2015 to November 15, 2017 for the balance of the project consisting of 21 lots, located off S. R. 1506, White Smith Road, Hadley Township, Parcel #60065.

Ms. Richardson reviewed the agenda notes for this subdivision extension request. She stated that staff has not made a recommendation on the request since this is a policy decision to be made by the Board of County Commissioners; but that if the request for an extension is approved, the Planning Department requests that the developer provide staff with copies of any new or renewed permits.

Michael Poe, applicant was present.

Board discussion followed. Ms. Richardson explained that even though approximately 75% of the development is complete there is a deadline for submittal of the final plat on the balance (November 15, 2015); and that economic conditions delayed final development.

Motion:

Mr. Wilson made a motion; seconded by Mr. Geata to grant approval of the extension request as submitted; and that the developer provide Planning Department staff copies of any new or renewed permits. There was no discussion and the motion passed unanimously (10 Board members).

2. Request by F-L Legacy Owner, LLC for subdivision final plat approval of The Legacy, Phase 4A1, consisting of 32 residential lots plus a Lift Station Lot, located off S. R. 1716, Big Woods Road, Williams Township, parcel #17378.

Ms. Richardson reviewed the agenda notes for this request for final subdivision approval which received preliminary plat approval on April 20, 2015 for 32 lots. She stated that the proposed plat meets the requirements of the Subdivision Regulations; and that staff recommends granting final plat approval as requested with two (2) conditions regarding final plat as listed in tonight's agenda notes.

Mark Ashness, project engineer was present.

Motion:

Following discussion, Ms. Siverson made a motion; seconded by Ms. Curtis to grant approval of the request as submitted and as recommended by staff with the following two (2) conditions:

1. The plat not be recorded until the county attorney has approved the form of the contract and financial guarantee.
2. The plat not be recorded until staff has received certification from the engineer regarding emergency vehicle access and the Fire Marshall has approved

There was no further discussion and the motion passed unanimously (10 Board members).

IX. ZONING:

1. A request by the Governor's Club Property Owner's Association, Inc. for a text amendment to the Chatham County Zoning Ordinance, Section 7.2 Definitions and

Section 10.13 Table of Permitted Uses to change the definition and allowances for Family Care Homes within the R1, R2, R5, and O & I zoning districts.

Tabled:

Chair Copeland stated that an E-mail was received today from the developer requesting that this issue be postponed for one month since several of their development team members could not attend tonight's meeting. Board members had no objection and the matter will be included on the October 6, 2015 Planning Board Agenda.

X. NEW BUSINESS:

No issues were presented.

XI. PLANNING DIRECTOR'S REPORTS:

1. *Minor Subdivisions / Exempt Maps*

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

2. *Comprehensive Plan Update*

Mr. Sullivan stated that staff would begin reviewing proposals received last week for recommendation to the Advisory Board.

XII. ADJOURNMENT: There being no further business the meeting adjourned at 8:45 p.m.

_____/_____
B.J. Copeland, Chair Date

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