



**Chatham County Planning Board  
Minutes  
February 2, 2016**

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  
Stacey Curtis  
Jim Elza  
Tony Gaeta  
Gene Galin  
George Lucier  
Caroline Siverson  
Allison Weakley

Absent:

Brian Bock

Other: Diana Hales, County Commissioner Liaison

Planning Department:

Jason Sullivan, Planning Director  
Lynn Richardson, Subdivision Administrator  
Hillary Pace, Planner II  
Angela Birchett, Zoning Administrator  
Dylan Paul, Planner I  
Cara Coppola, Planner I

- I. INVOCATION AND PLEDGE OF ALLEGIANCE:  
Mr. Copeland, Chair, 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:  
No changes were proposed and the agenda was considered approved as submitted.
- V. APPROVAL OF CONSENT AGENDA:

*Minutes: Consideration of a request for approval of the January 5, 2016, Planning Board minutes.*

Changes to page six (6) to add Ms. Weakley's questions regarding phasing, grading plans, topography, soils, water quality ponds and how they are to be maintained, wetland and stream impacts, type of stream crossings, lighting, natural areas, rare species, and impacts on Parkers Creek and Jordan Lake for the Sunset Grove proposal will be amended and minutes stand approved.

VI. PUBLIC INPUT SESSION:

Fifteen-minute time of public input. Speakers limited to three minutes each.

1. Karl Ernst, 711 Red Oak Dr. Siler City, NC – recommend that Vice-Chair Wilson be the next Planning Board Chair, if elected he would provide top notch service. He commend the board on their recommendation to the Board of Commissioners' about the unzoned areas. Mr. Ernst stated, although the Board of Commissioners didn't accept the Planning Board recommendation it was still an outstanding job on the Planning Board.

VII. SUBDIVISIONS:

1. Request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC, for subdivision preliminary plat review and approval of Briar Chapel, Phase 16 South, consisting of 125 lots on 45.50 acres, located off SR-1528, Andrews Store Road, parcel #82829.

Ms. Richardson reviewed the agenda notes for Briar Chapel, Phase 16 South consisting of 125 lots on 45.50 acres. This phase is adjacent to the US Steel conservation subdivision. Propose project is reviewed under the Conditional Use District / Compact Community Ordinance, public water, private wastewater treatment plant, and reviewed under the pre-2008 Subdivision Regulations. No additional off-site parking is planned for this phase. Sidewalks will be provided. Commercial driveway permit isn't required. Road names Abercorn Circle, Middleton Place, Coventry Lane, Pulaski Trail, and Boone Street have been approved by the Emergency Operations Center.

Staff met with representatives of Briar Chapel in 2013 for a pre-submittal meeting to review the upcoming phases proposed for submittal (Phases 15 & 16). The configuration of Phase 16 has been modified since the 2013 meeting due to constraints on the property. All permits necessary for preliminary plat review have been submitted and may be reviewed on the county website. A Stormwater pond is located within a common area. There are five (5) retaining walls being constructed in Phase 16 South. A preliminary plat was approved in August 2015, of 5.55 acres for common area, in order to construct the retaining walls. There are no historical features or cemeteries within Phase 16 South.

There are streams with associated buffers and the required 10 foot no-build area in Phase 16 South that are located within the common area. There is a wetland shown

on the site plan that extends beyond the stream vegetative buffer and the 10 foot no build area, but is still within the common area. In the Compact Communities Ordinance, Section 9.1, Riparian Buffers, wetlands are not listed as areas that shall be permanently protected. Per the engineer, no disturbance is planned in or near the wetland.

The Technical Review Committee (TRC) met January 13, 2016, to review the application; there was discussion regarding the interconnecting roadway from Phase 16 South to the US Steel property and that the road name will need to be the same. There was discussion regarding the rip rap stone for the stormwater pond requirement to be outside the 10 foot no build area. The Fire Marshal stated his continued concerns regarding on-street parking and emergency vehicle access. There were no other concerns or questions.

The Planning Department recommends granting approval of the road names Abercorn Circle, Middleton Place, Coventry Lane, Pulaski Trail, and Boone Street and recommends granting preliminary plat approval of Briar Chapel, Phase 16 South as submitted.

Questions for staff: Board discussion followed, questions were asked about on-street parking, buffers, utility easement, public/private drainage easements, and primary access. No on-street parking, utility easement under the riprap pond, and more than one road access.

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

Questions for Developer: Type of homes, parking, side yard setbacks, slopes, and retaining walls. Mr. Bowman stated the type of homes are patio homes and the homes are age targeted for fifty-five plus (55+) homeowners. Mr. Bowman addressed the parking issues and stated towing is enforced by the HOA on the main roads but not on the neighborhood streets which are standard NCDOT roads. He also stated there is a twenty plus feet (20+) front setback and each home has a garage. The side yard setback is five (5) feet.

A question was asked about the slopes being steep going to the stream and Chris Seamster stated all slopes were based on a 3:1 slope ratio and there's a 3:1 slope ratio around the perimeter of the site. Mr. Seamster stated they had to work hard on this site to basically create a table top of grading on the entire site because it was a mountain in the middle, which required a lot of studies and working with the contractor. The site was flatten as much as it could and field was pushed out to the perimeter with a 3:1 slope ratio. Mr. Bowman stated reclaimed irrigation system will be used. Retaining walls went through a separate preliminary plat last year because they wanted to build them prior to this submittal. Ms. Weakley had concerns with the retaining walls being right outside the stream buffers.

Motion - Passed:

Mr. Elza made a motion; seconded by Mr. Galin to approve as submitted. No Board discussion followed. Motion passed by vote of 9-1 (Weakley against).

VIII. ZONING:

1. Mr. Lucier made a motion; seconded Mr. Gaeta to approve the first plat with the absence of the right-of-way. Mr. Arthur asked Mr. Lucier to remove the 'absence of the right-of-way' from the motion and Mr. Lucier removed that portion. There was no further discussion and the motion passed 10-1 (Mr. Elza against)

Ms. Birchett reviewed the agenda notes for Darren Eck conditional use permit for a Bed and Breakfast Inn. A quasi-judicial public hearing was held on January 19, 2016. Four adjacent property owners spoke and all were in opposition of the conditional use permit. The property is currently zoned R-1 Residential and consist of 13.05 acres. The applicant purchased their property in 2005 and lived there since 2007.

In reviewing and considering approval of a Conditional Use Permit, there are Findings of Facts that ordered by the NC General Statues that needs to be met:

**Finding 1 – The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.** R-1 Residential Districts allow for an application for a Bed and Breakfast Inn to be applied for as stated in Section 10.13 of the Zoning Ordinance. The definition, as included in Section 7 of the Ordinance, states that a Bed and Breakfast Inn is a “Small owner-operated businesses where usually the owner lives on premises but is not required to do so. The building's primary usage is for lodging of overnight guests and meals served in conjunction with the stay of guests. Inns advertise, have business licenses, comply with government ordinances, pay all appropriate taxes and post signs. The inn may host events such as weddings, small business meetings, et cetera, with up to 6 overnight rooms for rent to overnight guests provided all other local and state requirements are met.”

The owner could operate an Owner-occupied Bed and Breakfast with no more than two rooms/units for rent without requiring a permit from the county.

**Planning staff believes this finding has been met.**

**Finding 2 – The requested conditional use permit or revision to the existing permit is either essential or desirable for the public convenience or welfare.** The applicant has stated his operation will be a low-intensity commercial operation that will fit into the existing rural agricultural location and offer a more affordable rate than other similar facilities within the county. The applicant further states this proposal would offer more luxurious accommodations and venues than other less expensive venues in the county.

The applicant stated in the application there were no Bed and Breakfast Inns east of Pittsboro or near Jordan Lake. However, Shady Wagon Farm, which obtained

an approval in 2008 as a bed and breakfast, event center, training center, and wedding cake bakery is approximately 1.8 miles south of this proposed location. The Shady Wagon Farm property was rezoned to Conditional Use Office & Institutional with a conditional use permit. The Bradford, which is approximately 3.7 miles south of this location, obtained their approval as a bed and breakfast and event center in 2011. The Bradford property was rezoned to Conditional Use Regional Business with a conditional use permit. The applicant provided information obtained from “Cost of Wedding” that these venues stay booked, therefore supporting the need for more available options.

**Planning staff believes this finding may be met.**

**Finding 3 – The requested permit or revision to the existing permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.**

The applicant held a community meeting on November 19, 2015. That report was included in the application packet. Concerns noted were noise, the potential for guests wandering onto neighbor’s property, and the transferability of the CUP.

The applicant also presented the proposal to the Chatham County Appearance Commission where additional vegetative plantings were suggested in order to keep the noise level down and help keep visitors on the subject property. The commission recommended approval of the landscaping around the barn that would be constructed to hold events. Lighting was a concern and it was restated all lighting must conform to the lighting regulations of the county zoning ordinance. The applicant provided the proposed lighting fixtures to county staff and it was determined they would comply with the regulations. Lighting would only be used during events per the applicant.

No signage is being proposed for this plan.

The four adjacent landowners who spoke during the public hearing were Dennis Chapman, John Collins, Robert Wilson, and Margaret Dey. The concerns stated were the commercial use of the property would not be in keeping with the rural character of the community. Concerns on noise from events, lights, privacy and the potential for trespassing by guests noting the lot is long but not very wide. Mr. Wilson further stated there have been issues in the past with the applicants animals (cows, chickens) leaving his property and there has also been shooting with air rifles.

The application and the applicant’s presentation emphasized the events aspect of the proposal, including the addition of a 3,000 square foot event barn with future plans to expand the barn and add a commercial kitchen. The category is Bed and Breakfast Inn that allows some use for weddings, meetings, etc. The zoning ordinance has a specific category for Events Center Limited that would require a conditional district rezoning. This proposal seems more in line with that category than a bed and breakfast inn.

**Planning staff believes this finding has not been met based on the testimony from the neighboring property owners, being the “community” and lack of support in the application.**

**Finding 4 – The requested permit will be or remain consistent with the objectives of the Land conservation and Development Plan.** The portion of the property where the events would be taking place and the bed and breakfast inn is located within the WSIV-Critical Area Watershed where a maximum of 24% impervious surface is allowed. The applicant meets the LCDP guidelines for the protection of ground and surface waters by developing approximately 8.8% impervious surface. The rear portion of the property under the WSIV-PA allows for up to 36% impervious surface and the proposed is 0%.

There are currently three ponds on the property that capture most of the rainfall that falls on the land and may be used in connection with the increased impervious surface. A review from Land and Water resources will be needed if this request is approved.

This application also supports the need to support travel and tourism as stated in the plan by providing an additional venue for services already being sought in this portion of the county.

**Planning staff believes this finding may be met.**

**Finding 5 – Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County’s plans, policies, and regulations.** The site is served by the county water system and will continue to do so. Private septic is currently used for the residence and an additional system that will support up to 200 people is anticipated to be applied for.

A preliminary approval has been provided by NCDOT for a commercial driveway permit. The applicant has also obtained a letter from the Department of the Army stating they would not limit the issuance of a commercial driveway permit for the applicant’s property. The property does not have direct road frontage but crosses Corps of Engineer’s property.

Excess traffic related to the business will be mainly on weekends.

**Planning staff believes this finding may be met.**

Based on the application materials, the testimony provided at the public hearing, and all other information as provided in these findings, it is Planning staff belief all findings have not been met and therefore the application should be recommended for denial.

Board discussion followed about adjacent property owners, the meaning of “finding may be met”, lighting, and distance between neighbors. Six (6) adjacent

owners and four (4) spoke in opposition, “finding may be met” means may need additional information, lighting can stay on for one (1) hour after the event ends, and approximately two hundred plus (200+) feet between Mr. Eck’s property line and neighbor’s home.

Mr. Darren Eck, Applicant/Owner, was present and spoke briefly stating he wanted to scale the proposal back and not have an event barn, but focus on the standard Bed and Breakfast with the occasional event for guest of the Bed and Breakfast.

Board and staff discussion about Mr. Eck amending his applicant. Mr. Sullivan stated planning staff would need to contact the county attorney to see if a new public hearing is required.

Motion - Passed:

Mr. Elza made a motion; seconded by Mr. Lucier that the Mr. Eck work with staff to reword application for the Bed and Breakfast he is currently proposing and send back to Board of Commissioners. Mr. Eck agreed with the recommendation. No further discussion followed. Motion passed unanimously.

X. NEW BUSINESS: Mr. Arthur express his concerns about off street parking issues in Briar Chapel. Board and staff discussion followed.

XI. BOARD MEMBERS ITEMS:

**Vote for Chair**

Chair Copeland opened the floor for Chair.

Mr. Galin nominated Mr. Wilson for Chair. Mr. Gaeta nominated Mr. Lucier for Chair.

Vote: 4 in favor of Mr. Wilson and 6 in favor of Mr. Lucier

Chair goes to Mr. Lucier.

**Vote for Vice-Chair**

Chair Lucier open the floor for Vice-Chair.

Mr. Elza nominated Ms. Siverson for Vice-Chair and Mr. Galin nominated Mr. Wilson for Vice-Chair. Nomination closed.

Vote: 6 in favor for Ms. Siverson and 4 in favor of Mr. Wilson.

Vice-Chair goes to Ms. Siverson.

XII. PLANNING DIRECTOR’S REPORTS:

1. Minor subdivision/exempts maps. Mr. Sullivan stated that this update was included in the agenda packets.
2. Ms. Pace gave an update on Comprehensive Plan. Chair Lucier and Mr. Arthur volunteered to serve as representatives at the stakeholders meetings on February 18 and February 19, 2016.
3. Update on zoning the unzoned areas.
4. Upcoming Board of Commissioner’s public hearing on February 15, 2016.
5. Clarification on information to be included in packets. Board would like a map showing the environmental figures and a topo maps.

XIII. ADJOURNMENT: There being no further business the meeting adjourned at 8:20 p.m.

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B.J. Copeland, Chair                      Date

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