



## Chatham County Planning Board Minutes June 6, 2017

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:

George Lucier, Chair  
Caroline Siverson, Vice Chair  
Bill Arthur  
Brian Bock  
Tony Gaeta  
Emily Moose  
Jon Spoon  
Allison Weakley  
Jamie Hager  
Gene Galin (arrived at 8:53 p.m.)

Absent:

Jim Elza

Other:

Diane Hales, County Commissioner Liaison  
Brian Taylor, Town of Pittsboro Liaison

Planning Department:

Jason Sullivan, Planning Director  
Kimberly Tyson, Land Use Administrator I  
Paula Phillips, Clerk to the Planning Board

- I. INVOCATION AND PLEDGE OF ALLEGIANCE:  
Mr. Gaeta delivered the invocation and afterwards everyone stood and recited the Pledge of Allegiance.
- II. CALL TO ORDER:  
Chair Lucier called the meeting to order at 6:30 p.m.
- III. DETERMINATION OF QUORUM:  
Chair Lucier stated a quorum was present to begin the meeting (9 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 May 2, 2017 Planning Board minutes was postponed until the July 11, 2017 meeting due to two members, Bill Arthur and Jon Spoon who did not receive their packet.

## VI. PUBLIC INPUT SESSION:

Ms. Chris Tommerdahl of 107 Polks Trail, Chapel Hill, North Carolina spoke on behalf of neighbors of Polks Landing regarding the rezoning request that is a very important issue to her and others. She stated that out of the 157 neighbors that had been spoke to by going door to door; that 97% are strongly against the commercial rezoning request. She said that it would impact the neighborhood significantly. They had a reasonable expectation that the neighborhood would stay residential. She was happy to hear that the Planning Board staff and board members would be visiting their neighborhood to walk the site. She and others are appreciative of the board's time and attention to this issue.

Mr. Tony Gaeta made a request to the Planning Board staff that the citizens of this neighborhood be given an explanation as to why a site visit was called so quickly. Mr. Sullivan explained that site visits are not required for rezoning projects by the developer. He indicated that because there had been so many inquiries from neighbors and after speaking to the developer and county attorney it was decided since it was going to be controversial, a site visit would be a good idea. It would also be a good way to get it on everyone's radar before the Public Hearing on June 19, 2017. The site visit was scheduled for this week due to staff's schedules and time off. Mr. Sullivan indicated that this will be open to the public and staff would meet on Knox Way, Thursday, June 7, 2017 at 10:00 a.m. Chair Lucier explained that it would also be good for the board members to walk through the property and it would allow people time to ask questions.

Mr. and Mrs. McNeill of 39 Caswell, 1214 Fearington Post, Pittsboro, N.C. signed up to speak and then it appeared they had crossed through their name. When the Clerk, Paula Phillips, confirmed whether they wanted to speak, they decided to speak. They indicated they live in Fearington Village and their main concern was whether or not the proposed retail rezoning would interfere with Fearington. Chair Lucier and Mr. Sullivan explained to them that this particular property was not located in that development and showed them exactly where it was located on the map. Mr. Lucier did explain, that Item VII-1 on the Agenda was located in the Fearington Village and if they would like to speak on that they could. He briefly explained what that item would be addressing.

Mr. Rusty Nipper of 148 Stone Gate Drive, Pittsboro N.C. was also signed up to speak and had marked through his name. When Clerk to the Board, Paula Phillips, asked if he wanted to speak he indicated no, but later in the meeting did decide to speak. His concern was whether or not the water quality on his property near the Briar Chapel Phase 15 South buffer area would be affected. He said that when the project originally started years ago he had presented a drawing that showed there are three springs on his property that feed a pond on the Thomas' property off of Rock Ridge Road. He wanted to know if the Board still had that information. Mr. Chris Seamster, RLA, McKim & Creed said that Briar

Chapel is retaining the 100' buffer along Mr. Nipper's property and nothing would impact Mr. Nipper's property.

VII SUBDIVISION:

1. Request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for subdivision **Sketch Plan Revision of Fearington – Section X, Areas “D” – “M”**, consisting of 200 lots on 123 acres, located off US 15-501 N, Weathersfield/SR-1807, Millcroft/ SR-1817, and E. Camden/SR-1813, Williams Township, parcel #18998

Ms. Tyson reviewed the agenda notes for this request as follows:

Discussion & Analysis- Some details noted were:

- Zoning-R 1 with a Conditional Use Permit for a Planned Unit Development
- Public Water System-Chatham County
- Private sewer WWTP
- No floodable area in Section X
- Watershed district-WSIV-PA

She reported that the 1999 approved revision request included four conditions of approval. See attachment # 3. The conditions have been addressed as follows per the 2012 revised sketch design approval:

1. The building height will not to exceed 57 feet.
2. Access for county water has been/will be provided in an easement to the adjoining property owners of Lingerfeldt, Riggsbee, and Barber.
3. Public road access has been provided to Barber lands (Henderson Place Subdivision)

Private road access has been granted to Riggsbee. It is for emergency access only and not for public or private street connection that would allow traffic from development of those properties to Fearington Village streets. Private road access as stated was provided to the Riggsbee property during approval of Phase 1 of Galloway Ridge. Utility and private road access will be provided to the Lingerfeldt property as shown on the 2012, and 2017 revised sketch plans

Ms. Tyson stated that Fearington Village was approved in 1976 as a Planned Unit Development with a master plan allowing mixed uses such as a Village Center for commercial uses, 1333 dwellings units (including detached single family homes and attached townhomes), open space and utilities. The master plan has been modified over the years to meet market demands, plus additional land was added to the PUD in 1981 and 1991. In 1999 Galloway Ridge, a continuing care community, was approved. Fearington Village now includes approximately 956 acres and 1602 dwelling units (including the Galloway Ridge units). There are 126 lots remaining to be final platted of the 1602 originally allowed.

She noted that in 2012 the Board of County Commissioners granted approval of a sketch design revision which is shown on Attachment # 6, Sheet No. SD1. The application in 2012 stated there were 226 lots remaining of the overall 1602 lots that would be platted in Section X. It has since been determined by Sears Design Group, that the remaining lot count of 226, as stated in the 2012 Revision Application Booklet, was incorrect and that there were actually 200 remaining lots at that time. In 2013 and 2015, Section A, Burke Place, consisting of 12 single family lots; Section B, Millcreek consisting of 29 single family lots; and Section K, Rutherford Place consisting of 12 townhome lots have received final plat approval. To date there are 147 lots remaining to be final platted. Of the remaining 147 lots, 21 lots in Area C – Richmond, received preliminary plat approval on May 15, 2017. The requested revision for Areas “D” – “M” consist of 126 lots. The chart shown on Sheet SD2, attachment # 7, gives a breakdown on lots in Areas A – M.

Fearrington Village is reviewed under the pre-2008 Subdivision Regulations and the 1994 Watershed Protection Ordinance as based on previous approvals and on requirements of continued development of the overall project. The Planning Board has two (2) meetings to review the request.

TRC: The Technical Review Committee met on 5/17/17 to review the project. Chief John Strowd, North Chatham Fire Department, was present along with Larry Bridges, Utilities Director; and other departments including Environmental Quality, Emergency Management, Planning, Central Permitting, etc. Staff discussed emergency vehicle access; on street parking, water availability, road names.

Staff Recommendation-Ms.Tyson stated that the Planning Department recommends granting approval of the request for **Sketch Plan Revision of Fearrington – Section X, Areas “D” – “M”** as submitted.

Board Discussion followed. Some specifics noted were:

- Review the stream buffers, which ones are ephemeral, intermittent, wetlands and perennial
- Is the Knolls part of Fearrington
- Will the pasture remain
- Will the cows continue to access wetlands/streams
- Will the pasture be cut down the middle
- The current permit for the water treatment is for a certain capacity, will you be upgrading
- Any stormwater treatment planned?
- Planning Board members appreciated voluntary stream and wetland buffers that exceed requirements

Mr. Sears addressed the above and said that the Knolls is part of Fearrington. He said that the pasture will remain and that there will be fencing put up along the public roadway; that gates will be installed that will allow the farmers to move the cows from

one pasture to another when necessary. There are wetlands on the property as he pointed out on the drawing. Mr. Sears stated that the stream separating The Knolls from Section X had a 50 foot wide riparian buffer on the Knolls side and a 100 foot wide (50' voluntary) riparian buffer on the Section X side. He said that he was not increasing the number of houses. The biggest difference in the current plan today and the one approved in 2012 is there are more single family homes, and less multi family. He said there will be 70 acres overall of open space within Fearington Village and includes stream buffers. Mr. Sears addressed the water treatment plant questions and stated that the plant will continue to run as currently permitted. At some point they may have to upgrade based on legislative laws. That it is currently below the capacity and when, and if, an upgrade is needed they already have an authorization to construct and there is already a design plan in place. He said that it will probably be done in steps and the capacity would be 500,000 which is permitted. The plant is actively being tracked.

Motion to approve - Mr. Tony Gaeta made a motion; seconded by Ms. Caroline Siverson to grant the request for Sketch Plan Revisions for Fearington-Section X, Areas "D"- "M" as submitted. The motion passed unanimously 9-0.

2. Request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision **Preliminary Plat review and approval of Briar Chapel, Phase 15 South**, consisting of 141 lots on 44.23 acres, located off Andrews Store Road, SR-1528 and Boulder Point Drive, Baldwin Township, parcel #82828

Ms. Tyson reviewed the agenda notes for this request as follows.

Discussion & Analysis- Some details noted were:

- Zoning-Conditional Use District
- Compact Community-Approved in 2005 for 2,389 dwelling units on 1,589 acres, permit revised in 2012 and 2014. Current number of lots allowed based on the 2014 CUP amendment is 2500
- Public Water System-Chatham County/Private wastewater treatment plant
- No floodable area in Phase 15 South-subject to 100 year flood
- Under pre-2008 Subdivision Regulations
- On May 15, 2017 the Board of County Commissioners approved a Waiver Request for a 100% reduction of the 100 foot perimeter buffer adjacent to parcel #2832, also owned by Briar Chapel.
- The Planning Board has two meetings to review and make a recommendation on the request.

Ms. Tyson stated that the roadways are proposed to be built to the NCDOT standard for public, state maintained roads. There will also be private alleyways. The Construction Plans show 12 off-site parking spaces within Phase 15 South. An emergency vehicle turn-around has been provided at the end of the stub street adjacent to parcel #2832. Per Chris Seamster, RLA McKim & Creed, the turn-around is 70' long and 20' wide with a 28'

radii and meets the minimum required by the State Fire Code. The Chatham County Fire Marshal and North Chatham Fire Department have been provided a copy of attachment # 3. It was also noted that the applicant has submitted the approved agency permits as required for a preliminary plat request which include NCDOT, Chatham County Erosion Control, USACOE, NCDEQ DWQ, and Chatham County Public Works. The permits can be viewed on the Planning Department webpage at [www.chathamnc.org/planning](http://www.chathamnc.org/planning) Rezoning & Subdivision Cases, 2017. A copy of the Stormwater Permit/Plan issued by NCDWR, dated March 10, 2017 has been submitted to Chatham County Environmental Quality Department as required by the Compact Community Ordinance, Section 8.

The Technical Review Committee (TRC) met on May 17, 2017 to review the request. Chief John Strowd, North Chatham Fire Department was present at the TRC meeting along with county staff from Planning, Environmental Quality, Fire Marshal, Public Works and Central Permitting. Lee Bowman, Chris Seamster, and Garretson Browne were present to represent the developer. Discussion included providing a temporary turn-around at the end of the stub road, location of pump station, submittal of Stormwater Plans to Chatham County Environmental Quality, overflow parking, on-street parking, and emergency vehicle access. The Fire Marshal and Chief Strowd of the North Chatham Fire Department continue to have concerns regarding emergency vehicle access and on-street parking.

Staff Recommendation- Ms. Tyson stated that the Planning Department recommends approval of the road names Chapel Lawn Avenue, Birch Hollow Road, Bluffwood Avenue, Logbridge Road, Pineland Street, Crowfoot Court, Star Grass Trail, Grouse Trail, Tottenham Street, Trelauny Drive, and Trappers Run and recommends granting approval of the preliminary plat titled **Briar Chapel, Phase 15 South** as submitted.

Board Discussion:

- The overall plan shows red lines, what are the solid redlines?
- Still concerns about the emergency access, what will the remedy be?
- Is the property outside wetlands, stream land buffers
- What is the nature and purpose of the 12 parking spaces?
- Are there any issues with the one way alleys?
- Has SW Plan been reviewed and approved by Chatham?

Mr. Lee Bowman, Project Manager addressed the above questions and indicated the red lines are retaining walls around the site. He stated that the 100 foot wide perimeter buffer will remain as an undisturbed area except along the boundary of parcel #2832 as approved in the Waiver Request approved by the BOC on 5/15/17. Regarding the emergency access area, Mr. Sullivan noted that the fire department recommendations will probably not result in changes to the road design. Mr. Bowman noted there was a meeting on 6/6/17 with the Planning staff, Fire Chief Strowd and at this time, there is still an ongoing conversation regarding how to accommodate and find solutions to the parking issues. As of now it has not been fully determined and there are a number of options that are being discussed. The 12 parking spaces are provided for parallel parking and open space parking for visitors. The pump station will be located 75 feet off

the boundary line with parcel #66186. Briar Chapel does have a storm water plan approved by the state with no comments.

Motion to approve: Mr. Tony Gaeta made a motion; seconded by Brian Bock to grant approval of the preliminary plat titled **Briar Chapel, Phase 15 South** as submitted. The motion passed unanimously 9-0.

3. Request by Lewis Metty Development, Inc. for subdivision **Revised Preliminary Plat and Final Plat review and approval of Cedar Mountain, Phase 3B**, consisting of 3 lots on 6.099 acres, located off Jones Ferry Road, S. R. 1540 and Cedar Grove/Cedar Mountain Road, Baldwin Township, parcel #1721

Ms. Tyson reviewed the agenda notes for this request as follows:

Discussion & Analysis- Some details noted were:

- Zoning-R 1
- Watershed-WSIV-PA/JLBA
- Private Water Systems-On-site and Off-site wells
- Septic-Private on-site and offsite systems and repair areas
- Roadways-Public, NCDOT state maintained roads
- Reviewed under pre-2008 Subdivision Regulations and the 1994 Watershed Protection Ordinance and Jordan Lake Buffer Rules
- 65 lots received sketch design approval from the BOC July 17, 2006
- To date 50 lots have received final plat approval including Phase 3A (16 lots) from the BOC on February 20, 2017

Ms. Tyson noted that there were two conditions of sketch design approval:

1. The emergency access easement be widened to a minimum of 50 feet and be labeled as "50 foot wide dedication of public right-of-way and emergency vehicle access".
2. The emergency vehicle access shall be constructed to a minimum standard of a 16 foot wide, all weather travel surface. A note shall be placed on the preliminary and final plat detailing the standards to which said access is constructed and future upkeep and maintenance responsibilities.

She also noted that the preliminary plat submitted in 2007 included the required 50 foot wide dedication of public right-of-way and emergency vehicle access. The Preliminary Plat was approved by the Board of County Commissioners in 2007 for 65 lots.

In 2016, in preparation for a final plat submittal for Cedar Mountain, Phase 3A, the developer constructed the emergency vehicle access as required by the sketch design approval in 2006. At the time of preliminary plat review and approval in 2007, only streams shown on the USGS maps were required to have an undisturbed buffer. During construction of the roadway and based on the Jordan Lake Buffer rules, that came into effect in 2008 after the preliminary plat approval, it was discovered that there was an additional stream feature located within proposed Lots 29, 30 & 31 that was not shown

on the USGS maps. Lots 29, 30, & 31, were removed from the Revised Preliminary/Final Plat for Cedar Mountain Phase 3A along with the emergency vehicle access road due to the discovery of the additional feature.

County staff visited the site due to the NRCS Soil Survey indicating the possible presence of a stream. The presence of the stream was verified and potential wetlands were identified during the site visit. The developer hired a private consulting firm, Agri-Waste Technology, to perform an on-site riparian buffer review on the remaining portion of Cedar Mountain, Phase 3 consisting of 55.020 acres since the entire balance of the property is within the Jordan Lake Watershed Area. The AWT report stated that there were 2 ephemeral features, 1 intermittent stream, and 1 forested wetland. Per a memorandum from Julie Davidson, AWT, to the developer dated February 7, 2017, "it has been determined that the impacts made to the surface water identified by Chatham County and AWT as an intermittent stream with an emergency access road does not need a Section 401/404 Nation-wide Permit (NWP) from the US Army Corps of Engineers and The Department of Environmental Quality." AWT also submitted a letter to NCDWR, dated February 27, 2017, stating no permits were required.

Ms. Tyson continued by stating that based on concerns expressed by the adjacent property owners during the Phase 3A December, 2016 and January, 2017 Planning Board meetings, the developer requested a revision to the original sketch plan Condition # 1 which read "The emergency vehicle access easement be widened to a minimum of 50 feet and be labeled as "50 foot wide dedication of public right-of-way and emergency vehicle access". The developer requested the condition be changed to read "A 30 foot wide private emergency vehicle access and utility easement be constructed at the end of the Eagles Crest cul-de-sac to the common boundary line of parcel #75530.

The reasons stated were:

1. To address the safety and privacy concerns expressed by the adjacent property owners. If the width of the right-of-way is reduced to 30 feet and the status is changed from 'public' to 'private', this would restrict use of the emergency vehicle access road by the general public. The revised sketch design map shows the entire length of the roadway being within the boundary of Lot 30. There is a note on the revised sketch plan stating that responsibility of the future maintenance & upkeep of the roadway will be the owners of Lot 30. The developer is also discussing with his attorney the possibility of forming a homeowners association to consist of the remaining unsold lot owners and have the HOA be responsible for the future maintenance and upkeep of the emergency vehicle access road. This decision will be made prior to final plat submittal for Lots 29, 30, and 31.

2. To reduce the environmental impact of the stream crossing. Reducing the width of the right-of-way and changing from public to private will require less piping of the stream and lessen the environmental impact.



She noted that the Board of County Commissioners approved the sketch plan revision request on 3/20/2017.

Discussion and Analysis: The issue before the Board consist of two requests.

Revised Preliminary Plat: A revised preliminary plat review is required due to:

1. The addition of the intermittent stream and associated riparian buffers shown on the NRCS maps;
2. The emergency vehicle access roadway constructed across the intermittent stream;
3. The March 20, 2017 approved sketch plan revision regarding the emergency vehicle access.

A request for Final Plat approval of Lots 29, 30, & 31

Staff Recommendation- Ms. Tyson noted that the Planning Department recommends granting Revised Preliminary Plat and Final Plat approval of Cedar Mountain, Phase 3B, Lots 29, 30, and 31 with the following conditions:

1. Prior to final plat recordation, the developer shall install a locked gate across the emergency access roadway at the common boundary of the Cedar Mountain Subdivision and parcel #75530 and provide emergency personnel with a key, and that appropriate signage be installed at each end of the access road to indicate that use of the road is for emergency personnel only. Evidence of the gate and signage installation shall be provided to the Planning Department staff prior to recordation of the final plat.
2. The certificate for Approval of Minor Subdivision shall be removed from the final plat.

Board Discussion-Some specifics noted were:

- Has the gate and signage been installed
- Do Lots 29 and 30 have onsite septic and 31 offsite septic
- Where are the ephemeral streams located
- Concerns that existing septic is a done deal and can't be moved out of the buffer. The origin of the intermittent stream may move upstream and cause problems with the septic system infrastructure
- It appears lot 30 will have all the burden of maintaining the road and stream crossing, is that correct?
- On Survey, note 11 indicates it is the sole responsibility of Lot 30

Mr. Chuck Lewis, developer, addressed the above. He reported that the old gate/cable was put back up and 'no-trespassing' signs have been installed on both ends. He also said that he ordered a Knox Box to be installed on the gate and the fire department will then have access to the master key to access the area. Mr. Lewis stated that the required metal gate would be installed along with additional signage prior to the July 17<sup>th</sup>, 2017 Commissioner meeting. He said that Lots 29 and 30 do have onsite septic and Lot 31 offsite. He showed board members on the map that was provided to them for the meeting where the ephemeral streams are located. Mr. Lewis said the septic is set and the whole area of that easement has a nice stand up grass that was planted that will help to stabilize things. He did said that everything in that area is wet now. Mr. Lewis indicated there is a Road Maintenance Agreement that Attorney Messick has created and that it would be signed by everyone that purchases a lot in the remaining phases and will agree to maintain the road and culvert without any associated fees. At some point there may be an HOA established and it will be a shared interest at that point that covers the road and culvert.

Mr. Sullivan explained to Mr. Lewis that Note 11 will need to be changed on the final plat to reflect the Road Maintenance Agreement instead of how it is currently worded indicating the owner of Lot 30 would be solely responsible for the road where the emergency access is located.

Motion to approve: Mr. Jon Spoon made a motion; seconded by Bill Arthur to approve the Preliminary Plat and Final Plat review and approval of Cedar Mountain, Phase 3B, consisting of 3 lots on 6.099 acres as requested and as recommended by staff with the following added another condition (3).The motion passed unanimously 9-0

Condition 3-To modify Note 11 to reflect there is a shared road Maintenance Agreement for all 19 lots

## VIII ZONING:

**Legislative Requests-** Mr. Sullivan stated that a request from Glenda Toppe on behalf of Highcroft Commons, LLC for an amendment to the Chatham-Cary Joint Land Use Plan to change the density allocation for an area designated as Office/Institutional to the classification of MDR Medium Density to allow for 3.4 dwelling units per acre and change a portion of the LDR Low Density to Office/Institutional on a portion of Parcel 19865.

He noted that the joint Chatham-Cary plan was developed over seven years starting with a resolution adopted by both jurisdictions in 2005. The joint plan map includes several land use designations reflecting uses in existence at the time of plan adoption in 2012, as well as future land use recommendations for the remaining areas. The joint plan map designation of Low Density Residential (LDR) provides up to 2 dwelling units per acre, single family or attached, and Medium Density Residential (MDR) provides up to 4 dwelling units per acre, single family detached or attached. The Office/Institutional designation on parcel 19865 represents a previously approved

zoning change adopted by the Town of Cary for a “School/Church Complex”, as depicted on the Weldon Ridge Master Land Use Plan.

Mr. Sullivan also reported that a public hearing for this item was held on May 15, 2017 and Glenda Toppe presented the request on behalf of Highcroft Commons, LLC. Ms. Toppe explained that the Office/Institutional designation on the currently adopted land use plan represented an approval by the Town of Cary for a church, school, day care, and preschool. It was further explained that the adjoining area identified as SF-6 on the currently approved Weldon Ridge Master Plan allows a density of 5 dwelling units per acre on 9.19 acres. The approved overall density for Weldon Ridge is 2.46 dwelling units per acre (includes property within Wake County). The proposed amendment would reduce and reconfigure the Office/Institutional designation as shown on the attached master plans. The residential area would increase from 9.19 to 34.74 acres and change the designation from Low Density Residential and Office/Institutional to Medium Density Residential. The breakdown provided in the revised application indicates that the residential density within this area would result in a decrease from 5 dwelling units per acre to 3.31, although there would be an increase in dwelling units resulting from the acreage increase. Additionally, the overall dwelling unit count for Weldon Ridge would increase from 683 dwelling units to 733.

**Recommendation:** To discuss the proposed amendment and provide a recommendation to the Board of Commissioners

Board Discussion-Some specifics noted were:

- Clarification on when the joint plan is expected to be updated again and how change are incorporated
- Concerns with increase in density with all the streams that run through that area, stream buffers and protection of water quality with the proposed medium residential density
- Does it change amount of impervious surfaces, concerns with impact adjacent to major streams
- Will residents on the Tobacco Trail be buffered
- Can we add a condition that the density will not exceed 3.31 per acre
- Is this a public school

Mr. Sullivan stated that every 5 years the Joint Plan is reviewed and that comes up this year. It would then come again every 5 years. During the review there would be a discussion by both jurisdiction and if no changes are needed there would not be a Public Hearing. Mr. Sullivan also handed out an email from Mr. Frazier dated May 30, 2017 indicating the current O&I is 59 acres and the proposed O&I area is 35.6. It is also noted that the charter schools recreation needs are different than a typical K-12 and do not include the typical number of athletic fields.

Mr. Frazier addressed questions by the board and provided a little background; stating that the Town of Cary requires a 100' perennial stream buffer and they will adhere to that. He discussed that the Town of Cary has wanted a school for a long time and this represents the best opportunity for them to have one. He said that having the opportunity to swap residential for school would allow for it to be closer to the road for safety and access, traffic and it is buffered by the Tobacco Trail in the residential sections. He also indicated that the combination of residential and school has to happen in order for the school to be built. He did say that this is a public charter school and anyone can go, there would be a lottery for the selection process.

Motion to approve: Mr. Tony Gaeta made a motion; seconded by Brain Bock to approve Plan Amendment to the Chatham Cary Joint Land Use Plan to change the density allocation from an area designated as Office/Institutional to the classification of MDR Medium Density to allow for 3-4 dwelling units per acre and change a portion of the LDR Low Density to Office/Institutional on a portion of Parcel 19865 with the following condition:

1. Medium Density cannot exceed 3.31 dwellings per acre

The motion passed 5-4 with Mr. Lucier, Mr. Gaeta, Mr. Bock, Ms. Hager and Mr. Arthur in favor. Ms. Weakley, Mr. Spoon, Ms. Moose and Ms. Siverson voting against the motion because they could not support the recommendation. Chair Lucier said that anyone wanting to put together a Minority Report that would become part of the BOC package and Mr. Spoon indicated that he would do it. Mr. Sullivan said that a draft would need to be sent to him the following Monday or Tuesday.

#### IX. COMPREHENSIVE PLAN Update and Discussion:

Mr. Sullivan gave the following update.

- A draft was received by the consultant and it will be forwarded to the Steering Committee to get feedback prior to the June 15, 2017 meeting.
- Steering Committee's next meeting is June 15, 2017. This will be the last meeting for the Steering Committee to make recommendations to the Commissioners leading to the public hearing (P.H.) – from P.H. goes to Planning Board to review for recommendation.
- A Public Hearing will probably not be held until August 2017 and back to the Planning Board for the September meeting.

#### X. NEW BUSINESS:

**Chatham Conservation Partnership (CCP)** – Ms. Weakley reminded members that this year the CCP is celebrating its 10<sup>th</sup> year; that a celebration is planned for July 20, 2017 at the Chatham County Agriculture & Conference Center here in Pittsboro, NC; that the plan is for the event to be catered by Angelina's Kitchen (by donations); and that the theme for the event is, 'The Best of the Past 10 Years'. So far there will be 7 speakers there and she encourages everyone to attend.

XI. PLANNING DIRECTOR'S REPORTS:

▪ **Minor Subdivisions/Exempt Maps** - Mr. Sullivan noted that this information was included in tonight's agenda packet.

▪ **June 19, 2017 Public Hearing Items** – Mr. Sullivan stated that Board members received their public hearing packets earlier tonight for the following (2) applications:

**Legislative Public Hearing:**

1. FL Legacy - Legacy of Jordan Lake
2. Morgan Property – Chatham retail property rezoning

▪ A reminder that Tuesday, June 13, 2017 you are all invited to the meeting for Natural Gas Impact Study-this will be an interim presentation to give advisory boards and the public time to ask questions. This information will become part of the final study to be presented to the BOC.

XII. ADJOURNMENT: There being no further business, the meeting adjourned at 9:07 pm.

Signed: \_\_\_\_\_ / \_\_\_\_\_  
George Lucier, Chair                      Date

Attest: \_\_\_\_\_ / \_\_\_\_\_  
Paula Phillips, Clerk to the Board                      Date