



**Chatham County Planning Board  
Minutes  
September 5, 2017  
Amended October 12, 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  
Jon Spoon  
Tony Gaeta  
Emily Moose  
Allison Weakley  
Gene Galin  
Jim Elza

Absent:

Brian Bock  
Jamie Hager

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

Planning Department:

Jason Sullivan, Planning Director  
Lynn Richardson, Land Planner II/Subdivision Administrator  
Angela Birchett, Planner II/Zoning Administrator  
Paula Phillips, Clerk to the Planning Board  
Cara Coppola, Planner II

I. INVOCATION AND PLEDGE OF ALLEGIANCE:

Mr. Galin 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 there is a quorum (9 members were present, two absent)

IV. APPROVAL OF AGENDA:

Chair Lucier stated that the approval of minutes were moved to the end of the Agenda.

## V. PUBLIC INPUT SESSION:

Ms. Mary Blondy of 483 Rosamont Drive, Durham, North Carolina had questions and concerns about zoning specifically and that the Army Corps of Engineer property be reclassified in the comprehensive plan, permanently protecting the property and an action item included in the final draft. Also, would like to know why ATT is clear cut near White Oak (*Yates Mill Store Rd – underpass requirement of Cary development*) and she thought that a 200 ft (100 each side) undisturbed vegetated buffer applied. She commented on an email she received from Cary staff that required replanting once the work was complete.

Chair Lucier said that when he left the BOC in 2010 that the ATT buffer was in the final plan. Vice Chair Siverson also said that she remembers that it was changed and it went through the regular process. Chair Lucier said that the plan has to be looked at every 5 years, likely in 2018. He said that it could be looked at to be reinstated to include some type of buffer around the trail and to potentially put back what was removed. He asked that it is also to be on record that the board recommends that the ACOE be protected land.

## VI. SUBDIVISION:

1. Request by Michael Poe for a **twenty-four (24) month extension of preliminary plat to extend the current preliminary plat expiration date for Cattail Creek Subdivision from November 15, 2017 to November 15, 2019, consisting of 21 remaining lots**, located off White Smith Road, S. R. 1506, Hadley Township, parcel #60065.

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

Introduction & Background-Some details noted were:

- Zoning District : R-1
- Watershed District: WSIV-PA / Jordan Lake Buffer Area
- Water Source: Private wells
- Septic: On-site and off-site septic and repair areas
- No floodable area

She reported that this subdivision is reviewed under the Pre-2008 Subdivision Regulations. Cattail Creek received Sketch Plan approval in 2004 for 76 lots and Preliminary Plat approval in 2005 for 72 lots. There are 21 lots remaining to be final platted. The current preliminary plan for the remaining 21 lots will expire on November 15, 2017 unless an extension request is approved by the Board of Commissioners. If the current preliminary plat expires, any future development of the property will be reviewed and approved under the current Subdivision Regulation.

All lots in Cattail Creek Subdivision in Phases 1 through 5 (this includes a 5 lot minor subdivision approved in 2004 prior to the major subdivision submittal) have received final plat approval and to date 55 homes have been constructed. The

minimum lot size is 1.50 acres with an average lot size of approximately 2 acres. The Permit Extension Act of 2009 extended the preliminary plat expiration date to November 15, 2013 and the developer has requested and received two (2) additional extension requests to establish the current preliminary plat expiration date of November 15, 2017.

The request before the Board is for a twenty-four month extension of preliminary plat to extend the preliminary plat expiration date from November 15, 2017 to November 15, 2019. The developer, Michael Poe, has stated in his extension request letter that the reason for the extension request is based on the past housing market decline in the Siler City area, but the current housing market now appears strong enough to support completion of the project. As stated above there have been 55 homes built to date in Phases 1 - 5. Mr. Poe is marketing the balance of the property and has a potential buyer that is interested in completing the project as originally approved.

In 2008, the Jordan Lake Riparian Buffer requirements were required to be implemented by the Legislature and the parcel, #60065, is located within this area. Per the NRCS maps there are possibly two (2) additional features that may require an undisturbed riparian buffer. Drew Blake, Environmental Quality Specialist, made an on-site visit and determined that only one of the features will require an undisturbed buffer. If the extension request is approved, the feature and undisturbed buffer will be shown on the final plat.

The erosion control permit previously approved by Chatham County in 2013 has expired. The developer will be required to obtain a new permit prior to any land disturbing activities. Based on the pre-2008 Subdivision Regulations, no stormwater permit is required from Chatham County.

The lots in Cattail Creek Subdivision are accessed by NCDOT public, state maintained roadways. The road plan was approved by NCDOT in 2005. Mr. Poe petitioned NCDOT to take over the maintenance of the roadways in Phases 1 through 5. Planning staff has received a letter dated July 7, 2017 from NCDOT stating that Rebecca Lane, Isabela Court, and Madison Court will be state maintained. Staff received verification dated July 14, 2017 from Justin Richardson, Assistant District Supervisor, NCDOT, that a new road plan permit will not be required to complete the project as is unless the road plans change from the original approval. The Cattail Creek stream crossing was completed in 2008/2009 per the conditions of the Army Corps of Engineers 404 permit obtained in 2005. A NCDWQ 401 permit was not required based on the regulations at that time. There are no additional creek crossings necessary to complete development of the balance of the property.

*Ms. Richardson stated that the Planning Board met on August 1, 2017 to review and discuss the request. Laura Grace, Realtor, was present to represent the potential buyer, Karelian Homes, Inc. and to answer questions on the request. The Board discussed the request and had the following concerns / questions:*

*--Cattail Creek is a perennial stream and required a 50 foot wide riparian buffer at the time of preliminary plat approval in 2005,*

*--If developed under the existing subdivision regulations instead of the pre-2008 regulations, Cattail Creek would require a 100 foot wide riparian buffer,*

*--Can the Planning Board require the additional 50 foot riparian buffer along Cattail Creek,*

*--Concern regarding run-off from future development into Cattail Creek which feeds into Terrell's Creek,*

*--Would the additional feature shown on the NRCS map be included on future maps along with the required riparian buffer,*

*--If the extension request was granted, would the Planning Board have an opportunity to review future maps,*

*--If the extension request is granted, but the sale of the property does not happen, does the extension still apply?*

*Staff stated that under the pre-2008 subdivision regulations, the final plat(s) are required to be reviewed by the Planning Board and approved by the Board of Commissioners; that the Board cannot require the additional buffer, but that the applicant can volunteer to provide the additional buffer; that the additional feature shown on the NRCS map will have to be shown on future maps; that if the request is approved, the approval runs with the land and not the property owner.*

*Ms. Grace spoke and stated that her client was committed to completing the development of the property; that no work would commence until a new erosion control permit was obtained; and that every effort would be made to eliminate run-off into the stream.*

*The Planning Board tabled the request until the September 5, 2017 meeting to allow the current developer and potential buyer to respond to the Board's concerns.*

*Staff received a letter dated 08/22/17, attachment # 4, stating "Karelian Homes, Inc. is willing to voluntarily add an additional 50 foot wide buffer to effectively increase the existing mandatory 50 foot buffer area which extends along the property boundary with Cattail Creek to a total of 100 feet; that the additional 50 feet would not be used for dwellings, concrete and paved driveways and walkways, and wells; that Karelian Homes Inc. would, however, reserve the right to use a part of the voluntary 50 foot buffer as an area where septic drain fields may be located if necessary. See letter, attachment #4. A map, attachment # 5, has been provided showing the 50 foot voluntary buffer along lots proposed that would border Cattail Creek and shows the additional feature and buffer.*

*As previously stated, the Planning Department is not making a recommendation on the request as this is a policy decision to be made by the Board of Commissioners.*

**Recommendation:** The Planning Department is not making a recommendation on the request as this is a policy decision to be made by the Board of County Commissioners.

Board Discussion-Some specifics noted were:

- Concerns with the decline of water quality in Terrell's Creek
- Concerns with placing septic systems and repair areas in 50 foot voluntary buffer
- Concerns that development of the balance of Cattail Creek Subdivision under pre-2008 regulations, that do not require stormwater controls, will cause additional runoff into perennial streams
- Will Final Plat show additional stream feature as shown on NRCS map?
- Consider placing stormwater control(s) in this develop
- Will septic permits be issued for each lot prior to final plat approval?
- What do the soil analysis show in terms of septic sites?
- If plan was brought up to current standards how would it change compared to pre 2008 standards?

The developer, Mr. Kymalainen of Katelian Homes, Inc. said that the original soil scientist report shows that lots 63, 64, 65, 66, 67, 72, 73 and 76 have the richest soil areas, some of which are located near Cattail Creek, but will make every effort not to intrude into the voluntary 50 foot riparian buffer with septic and repair areas, and that septic improvement permits will be issued for each lot prior to final plat submittal. Ms. Grace spoke and stated that it is likely that less than 21 lots can be developed since lot lines will have to be revised due to addition of the stream and riparian buffer per the NRCS maps; that the building team will make every effort to minimize run-off even though they were following the old guidelines. Ms. Grace noted that clean water is very important to the developer. The minimum lot size in this area is 1.5 acres, but it is the developer's goal to have an average lot size of 2 acres, to keep the cost of house and land affordable, and to support the local building suppliers. She indicated that the average sale price during the peak of the market was up to 4k-6k and that there is very little inventory for upper 200k to 350k. She also said there were few choices in an affordable price in Chatham County. Ms. Grace stated that the developer will not be able to provide stormwater controls but with the addition of the 50 foot voluntary buffer along Cattail Creek, providing a 100 foot wide riparian buffer, and the additional buffers required by the NRCS maps, the developer will be providing the same width buffers as would be required if developed under current regulations. Mr. Kymalainen also noted 50% of the road is already completed.

Motion to approve- Mr. Galin made a motion to extend the expiration date and taking into consideration the August 22, 2017 letter provided by incorporating the buffer; seconded by Mr. Gaeta.

Motion passed-7 in favor - 2 opposed - Emily Moose and Allison Weakley

Ms. Weakley went on record to say she appreciates Mr. Kymalainen and his approach to the affordable housing, but she can't emphasize enough about the importance of water quality in Chatham County. That the State has been monitoring the Terrell's Creek water quality and from 2009 to 2013 it has taken a big dive. Ms. Weakley said that if the builder

would keep the septic out of the 50' voluntary buffer she would support this. She also said there is not a stormwater requirement which would help mitigate any impact from this development. Ms. Moose shares the same opinions as Ms. Weakley and ask if there was any way to bring stormwater management up to current standards. Per Ms. Grace, it is not affordable and due to the pending expiration date of the preliminary plat, they would not have enough time to do that.

2. Request by F-L Legacy Owner, LLC for subdivision Final Plat approval of **The Legacy Phase 5A2**, consisting of 22 lots on 10.29 acres, located off SR-1716, Big Woods Road and Legacy Falls Drive South, parcel #17378.

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

Introduction & Background-Some details noted were:

- Zoning District : R1 with Conditional Use Permit for a Planned Unit Development
- Watershed District: WSIV Protected Area & Jordan Lake Buffer Area
- Water Source: Public, Chatham County
- Sewer Source: Private, waste water treatment plant
- Road Type: Private, paved
- Within the 100 year flood plain: No floodable area in Phase 5A2
- Reviewed: Under 2008 Subdivision Regulations

She reported that The Legacy at Jordan Lake Subdivision was approved by the Board of County Commissioners on March 15, 2004 as a Planned Unit Development for a cluster development. Modifications were made to the plan in 2005 to add 50.6 acres and change the number of lots to 463. The project is approved for 463 lots on 626 acres with an amenity center. Phase One received final plat approval in December, 2005 for 105 lots. Phases Two and Three, consisting of 114 lots received preliminary / final plat approval in 2006 (54 lots in Phase Two and 60 lots in Phase Three). In 2011, the developer submitted a request to the Board of County Commissioners to relinquish the final plat approvals for Phases Two and Three (undeveloped); to recombine the 114 lots with the remaining undeveloped portion of the property into one parcel of land containing 402 acres; and to allow Phases Two and Three to revert to their approved preliminary plat status as of November 20, 2006. The BOC approved the request on November 7, 2011.

The Resolution Accepting the Voluntary Relinquishment of Final Plat Approvals of The Legacy at Jordan Lake, Phases Two and Three is recorded in Book 1593, Page 272. The recorded recombination plat can be viewed at Plat Slide 2011, Pages 199 & 200 and at Plat Slide 2012, Page 10. The Resolution stated that the recreation fees and the water availability fees previously paid by the developer would be retained by the county and credited toward any similar fees incurred by the developer in future submittals until December 31, 2015 or any later date required by an amendment to the Permit Extension Act.

She said that to date 226 lots have received final plat approval. *As part of a 2014 CUP revision, the final plat sunset date for all phases is December 31, 2020.* The Phase 5A2 layout conforms to the revision to the CUP approved in 2014.

Phase 5A2 is a portion of Phase 5A that received preliminary plat approval on April 20, 2015 for 57 lots. Phase 5A1 received final plat approval on September 21, 2015 for 35 lots. The request before the Board is for final plat approval of The Legacy, Phase 5A2, consisting of 22 lots on 10.29 acres with a financial guarantee for completion of the remaining infrastructure. The pre-2008 Subdivision Regulations allow a final plat to be submitted with a financial guarantee when a minimum of 40% of the total cost of improvements have been completed and when the public health and/or safety will not be endangered. Mr. Mark Ashness, P. E., CE Group, Inc. has certified in a cost estimate letter dated August 9, 2017 that 60% of the required infrastructure has been completed and that the roads are graded and stoned and accessible to emergency vehicles. The cost letter states that the developer anticipates the roads to be paved prior to final plat recordation. An updated cost letter may be submitted if additional work has been completed prior to recordation of the final plat to reduce the amount of the financial guarantee. The county attorney will review and approve the form of the contract and financial guarantee.

The roadways in The Legacy are private and will be constructed to meet NCDOT's Standards and Specifications, but not reviewed or approved by NCDOT. A third party testing agency has been retained to provide testing and certification. Those records will then be provided to the HOA. Per Note 12 on the plat, maintenance of the private roads is the sole responsibility of The Legacy at Jordan Lake HOA, Inc.

Mr. Mark Ashness, P. E., CE Group, engineer for the developer has provided the following information regarding stormwater management for The Legacy at Jordan Lake:

The Legacy was submitted in 2005 and predated the County Stormwater regulations.

The applicant voluntarily provided the following at that time:

1. Additional 50' (100' each side) voluntary buffer on all blue line streams.
2. **For portions of the project within the Jordan Lake Critical Area** (this is a very small area near Big Woods Road) Treat for the 1YR 24 Hour Storm.
3. **For portions of the project within the Jordan Lake Protected Area**  
Capture the equivalent volume of runoff equal to the 1<sup>st</sup> 1/2" of runoff from impervious areas and detain and release slowly over a 2-5 day period.

Capturing the 1<sup>st</sup> ½ inch is consistent of what other PUD projects proposed at that time. The additional 50' buffer on each side of stream and treating the 1 YR 24 Hour Storm (within the critical area) were proffers that were above and beyond what other projects were doing in 2005.

Ms. Richardson continued to say that Sheet 1 of the final plat shows a stream located in the common area. Staff recommends that the stream be shown on Sheet 2 along with the 100 foot per side riparian buffer measured from the top of bank landward. Staff also recommends that conservation area / open space be labeled on Sheet 2.

The Technical Review Committee met on August 16, 2017 to review the request for final plat. Staff discussion included that the property is located within the Jordan Lake Buffer Area; that there are no additional streams shown on the NRCS maps that affect Phase 5A2; that language is on the plat stating that the county would not be responsible for restoring private infrastructure in the course of repairing the public water system; and that emergency vehicle access is adequate. Staff had no other concerns or questions. The submittal meets the requirements of the Subdivision Regulations with changes stated above.

*Staff Recommendation:* The Planning Department recommends granting approval of the final plat titled "The Legacy at Jordan Lake – Tract 2, Subdivision Plat, Phase 5A2" with the following conditions:

1. The county attorney shall review and approve the contract and financial guarantee prior to final plat recordation.
2. Prior to recordation of the final plat, Sheet 2 shall be revised to show the stream along with the 100 foot per side riparian buffer.
3. Prior to recordation of the final plat, Sheet 2 shall be revised to label the conservation / open area.

*Board Discussion-Some specifics noted were:*

- o Can you change the runoff captured from ½" to 1"
- o Are the ponds inspected, concerns with pond failure
- o Is there an operation and maintenance plan for the stormwater ponds?
- o Is there a note about maintenance of the common area, if not can it be added?
- o What is the purpose of the Park?
- o Quality of water and sediment pollution

Mr. Ashness said that the park area is wooded and not going to be an active Park. He reminded the Board that this project was approved in 2005 and they volunteered to treat the water and to catch the first flush of runoff. The riser structure and spillway to the pond was built to handle the 25 to 50 year storm. There are safe guards put in place to help with pond failure. The wet stormwater pond is better than a dry pond, catching

½" or more of runoff. Mr. Ashness stated that the project was approved according to the requirements in 2005, they have gone above and beyond the requirements, and there is an O & M Agreement in place.



He continued to say that the HOA is funded by developer and property owners, there are approximately 150 home owners at this time. At some point it will be all turned over to the HOA. There is already a management entity and they take care of all the HOA aspects. Ponds are inspected on a regular basis each year, and he is not aware of any issues with the ponds. There is a pond management company in Phase 1 and he receives emails from them with reports.

Motion to approve- Mr. Galin made a motion to grant approval of Final Plat with the noted 3 conditions and to add a 4<sup>th</sup> condition to place a note on the plat regarding maintenance of the park/common areas; seconded by Mr. Arthur.

Motion passed-8 in favor and 1 opposed, Ms. Weakley

## VII. ZONING: (LEGISLATIVE REQUEST)

1. Request by Stephen Gangemi to rezone property located at 10295 US 15-501 N, Parcel No. 66505, from R1, Residential to CD-NB, Conditional District Neighborhood Business and convert a single-family residence into general and professional offices for a chiropractic business.

Prior to Ms. Birchett reviewing the agenda notes she reported that there had been a discussion by the Planning Director, Chair and Co-Chair and to have the zoning designation downgraded to CD-O&I (Conditional District Office and Institutional). They confirmed with the County Attorney this was legal because it would be an equal or lesser classification and the requested use was acceptable in both districts. The Planning Board felt as if the CD Neighborhood Business may be a little to open and they suggested that it be rezoned as a CD-O&I. Ms. Birchett did speak with Mr. Gangemi prior to the meeting about the change and he agreed to change the district classification. Chair Lucier asked Mr. Gangemi at the meeting if he agreed to that change and Mr. Gangemi replied yes.

### Introduction & Background:

A legislative public hearing was held August 21, 2017. Planning staff presented the request. No one spoke on the matter. The item was referred to the Planning Board for review and recommendation.

### Discussion & Analysis:

Conditional Zoning districts are districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of a legislative decision creating the district and applying it to the particular property.

Some land uses are of such a nature or scale that they have significant impacts on both the immediate surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. The review process established in this Ordinance provides for accommodation of such uses by a

reclassification of property into a conditional zoning district, subject to specific conditions, which ensure compatibility of the use with neighboring properties. A conditional zoning district is not intended for securing early zoning for a proposal, except when that proposal is consistent with an approved land use plan or the proposal can demonstrate that public infrastructure needed to serve the development will be made available within a reasonable time period.

The property is currently zoned R1, Residential, and the adjoining properties to the north, south, and west are also zoned R1, Residential. The properties on the opposite side of US 15-501N are zoned Conditional Use Business (Chatham Downs Shopping Center) and R1, Residential with a conditional use permit for a furniture store. The watershed designation is WS-IV Protected Area and is also in Jordan Lake Drainage. The watershed designation allows for non-residential uses with a built upon area limit ranging between 24% and 36%.

The applicant held a community meeting, as required by the zoning ordinance, on May 31, 2017 at the site. No adjacent or adjoining landowners attended and no issues were provided to the applicant.

The applicant met with the Chatham County Appearance Commission (CCAC) on May 24 2017. The CCAC was very pleased with the proposed landscape plan. The applicant is retaining the majority of the existing trees and vegetation. Some additional fill-in landscaping is proposed where needed. The existing privacy fence has been extended per the CCAC's request and this was their only additional recommendation.

Ms. Birchett continued to report that there are five standard items listed in the Zoning Ordinance that must be addressed by an applicant when submitting a rezoning application. The applicant has addressed those items in the application materials or in supplemental material and they are also discussed below.

**Item #1: The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed description of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.** The applicant is claiming no error in the Ordinance.

**This standard is supported and recommended for approval.**

**Item #2: The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.** Per the applicant's research included in the application packet, this area is growing at a 2.83% rate with more than 21,000 people within a five mile radius and over 114,000 within ten miles of this location. Housing is rapidly growing, especially within subdivisions off of US 15-501 (e.g. Briar Chapel and Chatham Park). With the current increased residential numbers and those to be constructed and occupied, the need for local medical services is and will continue to increase.

**This standard is supported and recommended for approval.**

**Item #3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof by encouraging the expansion and support of current business located within the county.** Per the applicant, This property fits in nicely with Chatham County's vision for land conservation and development. The current woodlands will be protected, as will be the natural underground spring which is located on the south side of the property. The rural character of the house and land are suitable and ideal for this small business; the current structure will be used with slight modifications within and the land will be maintained and improved with native trees, plants and shrubs.

The location of the property is on the opposite side of US 15-501 N from Chatham Downs shopping center and is located within a community center commercial in the proposed Comprehensive Land Use Plan, which is not adopted at this time. This area has been transitioning from rural and residential uses to commercial, as has occurred along several areas of the 15-501 corridor from Chapel Hill to Pittsboro. The current Land Use and Development Plan states on Page 12 that commercial is to be cited along major highways in clusters that retain rural crossroads or village character and should be integrated with other nearby development.

Page 34 speaks specifically on the US 15-501 North corridor as an area that may link to infrastructure and build on the economic activity south of Chapel Hill.

**This standard is supported and recommended for approval.**

**Item #4: The requested amendment is either essential or desirable for the public convenience or welfare.** The applicant states, there is only one chiropractic office within a five mile radius of this property, therefore, a rezoning of this area will allow easier access to chiropractic care. There is a high demand for chiropractic services in the proposed location as approximately 8% of residents within the five mile radius (and 7.4% within ten miles) have visited a chiropractor within the last twelve months (see report in the application packet) (For comparison, a dermatologist is at 12.4% and a physical therapist is at 6.3 %.) Within a fifteen mile radius the demand for a chiropractor exceeds other health professions.

**This standard is supported and recommended for approval.**

**Item #5: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment include** the practice does not require roadside advertisement; therefore the sign facing US 15-501 will be minimal. A 6'X2' sign approximately 6' high is proposed, either double sided, or two single-sided signs at an angle, per the visibility from both north and south 15-501 traffic.

The existing well and septic will be used and an operations permit revision from Environmental Health will be required if the rezoning is approved. The current septic area has been located is distant from any proposed land changes, including parking spaces.

The primary new built upon area will be the parking areas. Ten parking spaces are required per the size of the building and eleven are proposed. There will be eight parking

spaces parallel and adjacent to the driveway, four of which will be concrete (one of which is ADA compliant) and the other four will be gravel. This is essentially the most significant change to the grounds and a few trees will need to be removed from that area, however other areas of current existing gravel parking will be replaced by trees, plants, and gardens. There will also be three gravel parking spaces in the front of the building. Concrete sidewalks will join the parking areas to the building, and possibly a gravel walkway rather than concrete from the back four spaces to the back of the building (staff parking/entrance).

**This standard is supported and recommended for approval.**

**Planning staff recommends approval of this request with the following consistency statement and stated conditions as noted below.**

**Recommendation:**

The Planning Board has up to three (3) meetings in which to provide a recommendation to the Board of Commissioners.

Should your recommendation be in support of the rezoning request, the following **Consistency Statement** is also provided for consideration:

**It is the opinion of the Planning Board that the rezoning request for Parcel No 66505 is consistent with the goals and objectives of the Land Use Plans of Chatham County by supporting business growth that fills a need for medical services in a heavily populated residential area. The Land Conservation and Development Plan recommends that commercial development is to be cited along major highways in clusters that retain rural crossroads or village character and should be integrated with other nearby development. The proposal also protects ground and surface waters with no more than 36% development allowed without curb and gutter or 24% if curb and gutter with limited land disturbance on the site to maintain the rural character of the property.**

Should your recommendation be for approval, the following conditions are also provided for consideration :

**Site Specific Conditions**

1. The recommendations of the Chatham County Appearance Commission shall be followed. Existing vegetation should be preserved and maintained as reasonably necessary and as allowed by development of the site. Required plantings shall be installed by the next optimal planting season following the issuance of the first building permit.
2. A building permit shall be obtained and remain valid at all times within two (2) years of this approval or it shall become null and void.

### **Standard Site Conditions**

3. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place. These include but are not limited to landscaping, lighting, signage, parking, building construction, etc.
4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Stormwater Management, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.

### **Standard Administrative Conditions:**

5. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.
6. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
7. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
8. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

Board discussion followed: Some specifics noted were:

- Are surrounding properties residential? Mr. Sullivan reported that there is residential west side and east side, commercial at Chatham Down shopping center across the road and retail CUP for a furniture store is still being finalized.
- Concerns with traffic coming in and out with not turning lane
- How does it support the land use plan?
- Where is the 100' intermittent stream buffer located?
- Concerns were expressed that the rezoning would be inconsistent with the draft land use plan
- Concerns with residential area becoming commercial and ending up with strip zoning up and down 501.

Mr. Sullivan and Ms. Birchett reported that there is residential west and east side, commercial at Chatham Down shopping center across the road, as well as a CUP for a furniture store is still being finalized.

Mr. Gangemi said that it will be a very small practice with him and one other doctor. He noted that they will be seeing 19 to 20 patients each, no more than 40 people a week. He feels there are no issues with the driveway and it will be low volume traffic.

Motion to approve- Mr. Spoon made a motion to accept the rezoning request as a CD-O&I with the Consistency Statement; seconded by Mr. Gaeta.

Motion passed-7 in favor, 2 opposed, Mr. Arthur and Mr. Elza.

## **Zoning 2-**

Request by Nathan Glines, owner Harmony Gardens, to rezone a portion of property located at 5661 Beaver Creek Rd, Parcel No. 5727, from R1, Residential to CD-NB, Conditional District Neighborhood Business to develop an events center to hold weddings and other such gatherings.

Ms. Birchett read the agenda notes for this request as follows:

### Introduction & Background:

A legislative public hearing was held on August 21, 2017. Planning staff presented the request. No one spoke on the matter and the item was referred to the Planning Board for review and recommendation

### Discussion & Analysis:

Conditional Zoning districts are zoning districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of a legislative decision creating the district and applying it to the particular property.

Some land uses are of such a nature or scale that they have significant impacts on both the immediate surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. The review process established in this Ordinance provides for accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions, which ensure compatibility of the use with neighboring properties. A conditional zoning district is not intended for securing early zoning for a proposal, except when that proposal is consistent with an approved land use plan or the proposal can demonstrate that public infrastructure needed to serve the development will be made available within a reasonable time period.

The property is currently zoned R1, Residential and the surrounding properties are zoned R1 and R5, Residential. The R5 designation applies to property owned by the Corps of

Engineers for Jordan Lake. The watershed designation is this area WS-IV Protected and Critical Area within the Jordan Lake drainage. The WS-IV Critical Area covers a small portion of the northern property boundary and adjoining properties to the north.

The applicant held the community meeting, as required by the zoning ordinance, on April 2, 2017 at the site. No adjacent or adjoining landowners attended. The applicant then made door to door visits with each landowner and no issues or concerns were expressed.

The applicant met with the Chatham County Appearance Commission (CCAC) on May 24, 2017. The CCAC unanimously supported the preliminary plans and recommended moving the vegetation along the western side of the property closer to the venue area and not along the property line to meet the Type A buffer requirement.

Ms. Birchett continued to say there are five standard items listed in the Zoning Ordinance that must be addressed by an applicant when submitting a rezoning application. The applicant has addressed those items in the application materials or in supplemental material and they are also discussed below.

**Item #1: The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed description of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.** The applicant is claiming no error in the Ordinance. The use of an events center limited is an eligible conditional use under the requested CD-NB district. The Zoning Ordinance allows for uses that are listed as conditional to be considered as allowed uses when combined with a conditional zoning district rezoning application.

- This standard is supported and recommended for approval.

**Item #2: The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.** The applicant states that due to the increased residential growth in the county, there is a lack of affordable event space for weddings and other events. The area will be in the rear of the property so that traffic will be pulled into the site. Open space will be utilized for gardens and tent areas when requested. Although not a necessary use, it is desirable for the public convenience. It is also in close proximity to Old US 1 (approximately 1 mile) and US 1 which can draw revenue in from adjoining Wake County.

- This standard is supported and recommended for approval.

**Item #3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof by encouraging the expansion and support of current business located within the county.** The site will not be visible from the public roadway or adjoining properties. The property will utilize the existing wooded areas along the perimeter of the site and add additional plantings for a Type A buffer along the eastern and western property lines.

A future reception hall will be constructed which is to be located in the furthest corner of the property. The current railed fencing will help to ensure guests do not trespass onto adjacent land.

- This standard is supported and recommended for approval.

**Item #4: The requested amendment is either essential or desirable for the public convenience or welfare.** This venue hopes to offer options that are up to 50% less than what the average wedding cost was in 2016 to make it more affordable for more people. This is to be a low intensity commercial operation with minimal impacts to the property.

Based on an ESRI report provided by the applicant, events such as weddings draw clients from a radius of about 30 miles or 1.5 million citizens. The offering of a gardens style event center offers a unique appeal compared to other venues in the area that are either farm or barnyard style based.

- This standard is supported and recommended for approval.

**Item #5: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment include** creating a low impact business that may bring business to other parts of the county. Traffic will be minimal usually on weekends when traffic is lower. The applicant plans to hold 2-3 events per week with staggered arrival and departure times.

A commercial driveway permit will be applied for and all other regulations will be adhered to.

The property will utilize well and private septic for the venue. No additional costs or infrastructure are needed from the county. The applicant will live on the parcel to ensure safety and design standards are maintained.

- This standard is supported and recommended for approval.

**The planning staff, based on all standards being supported, recommend approval of the conditional zoning request with the following consistency statement and stated conditions as noted below.**

**Recommendation:**

The Planning Board has up to three (3) meetings in which to provide a recommendation to the Board of Commissioners.

Should your recommendation be in support of the rezoning request the following **Consistency Statement** is provided for consideration:



It is the opinion of the Planning Board that the rezoning request for Parcel No 5727 is consistent with the goals and objectives of the Land Use Plans of Chatham County by supporting business growth that offers affordable options for services in a growing residential area. Due to minimal land disturbance on the site, the rural character of the property will be preserved by locating the event center activity in the rear of the property.

Should your recommendation be for approval, the following conditions are also provided for consideration :

**Site Specific Conditions**

1. The recommendations of the Chatham County Appearance Commission shall be followed as recommended. Existing vegetation should be preserved and maintained as reasonably necessary and as allowed by development of the site. Required plantings shall be installed by the next optimal planting season following the issuance of the first building permit.
2. Phasing of the project is allowed provided the event center begins operations within two (2) years of this approval or it shall become null and void.

**Standard Site Conditions**

3. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place. These include but are not limited to landscaping, lighting, signage, parking, building construction, etc.
4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Stormwater Management, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.

**Standard Administrative Conditions:**

5. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.

6. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
7. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
8. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

Board discussion followed-Some items discussed were as follows:

- o Will there be stormwater treatment? Hope to stay below 20k sq ft disturbance and not require it, which is the threshold
- o This property is adjacent to Army Corp property, the pond on the site leads directly to Jordan Lake Corp of Engineer.
- o How many events do you plan on having a week?
- o Concerns with septic system overflow and if there is any failure it will go directly into the stream.
- o Concerns about venue being up against the ACOE property
- o Controlled burn and hunting on adjoining property
- o Concerns with traffic issues on the weekend

Ms. Birchett noted that the developers hope is to stay below the threshold of 20k sq. ft disturbance and not require stormwater treatment. Mr. Glines said the system is pretreated and slowly dispenses it through the week and the waste water system will be monitored closely. He said that the weddings will go until about 10:30 p.m., that is the cutoff for music and all music is indoor. He also indicated that he is aware of the Army Corp property and the people having weddings there will be made aware of this. He said there is an option to hold weddings inside. Regarding the traffic, he believes the traffic will be staggered and that the affordable weddings he will be offering are smaller and not draw large crowds. When asked about adding a condition that the septic be managed by a professional, Mr. Sullivan indicated that he would hesitate to do that because the system will be monitored by the state and we must stay consistent. Mr. Glines said in the future he will have it managed professionally.

Motion to pass- Mr. Galin made a motion to approve the request as a CO-I&O with included conditions and Consistency Statements; seconded by Mr. Gaeta.

Motion passed 7 in favor 2 opposed, Mrs. Weakley and Mr. Elza.

Mr. Spoon reported that he has spoken to Mr. Glines in the past through the Community College Small Business Program and he has no economic interest in the project. He also said that it causes no conflict of interest and he thinks this is the type of business we need in the community.

When one board member had concerns with litigation after Mr. Spoon indicated he had spoken to Mr. Glines about the proposed business, Ms. Birchett said that this is a Legislative not Quasi-Judicial process so it is not an issue.

### **Zoning 3-**

A Legislative Public Hearing to consider revisions to the Chatham County Flood Damage Prevention Ordinance.

Mr. Sullivan reviewed the agenda notes as follows:

**Introduction & Background:** On May 17<sup>th</sup>, 2017, the Federal Emergency Management Agency (FEMA) notified the County Manager that final flood hazard determinations had been made by the agency. FEMA received no requests for changes in the flood hazard determinations made in the preliminary Flood Insurance Study (FIS) and proposed Flood Insurance Rate Maps (FIRM), which were published on August 30<sup>th</sup>, 2013. The effective date for the modified flood hazard information and revised FIRM panels is November 17<sup>th</sup>, 2017. As a condition of continued eligibility in the National Flood Insurance Program (NFIP), Chatham County is required to adopt floodplain management regulations that meet the standards of Section 60.3(d) of the NFIP regulations by November 17<sup>th</sup>, 2017. The North Carolina Division of Emergency Management has revised their Flood Damage Prevention Model Ordinance to reflect the floodplain management regulations that meet the standards of Section 60.3(d) of the NFIP regulations. The current Chatham County Flood Damage Prevention Ordinance is modeled after an earlier version of the NCDDEM model ordinance, and therefore, must be revised to reflect the changes to the NCDDEM model ordinance, in order to allow Chatham County to remain eligible in the NFIP. On July 17<sup>th</sup>, 2017, the Board of Commissioners scheduled a public hearing to consider these revisions to the Chatham County Flood Damage Prevention Ordinance, a hearing which was held on August 21<sup>st</sup>. No one from the public spoke and the Board of Commissioners approved a motion to send this item to the Planning Board for a recommendation.

**Discussion & Analysis:** None of the changes to the NCDDEM model ordinance will significantly impact how Chatham County currently regulates flood hazard areas. The day-to-day floodplain administration of Chatham County should remain the same, with one possible exception: Article 5, Section A under "General Standards", #s 5-7 (Page 18). These general standards concern the placement of water supply systems, sanitary sewage systems, and on-site waste disposal systems on a parcel of land. A change was made to these standards to accommodate the rare situation when one of these systems must be located inside the Special Flood Hazard Area (i.e. if the entire parcel is within the Special Flood Hazard Area). Should this situation occur, any new system that must be located in the floodplain must also be reviewed and approved by the Floodplain Administrator. A copy of the Flood Insurance Rate Map Index has also been provided showing the flood panels where the special flood hazard areas have been revised.

**Recommendation:** Staff recommends approval of the revisions to the Chatham County Flood Damage Prevention Ordinance.

Mr. Sullivan reviewed the revised ordinance and board discussion followed.

Board Discussion followed-Some specifics noted were as follows:

- Module ordinance page 19 Article 5B 2 section. Some language was removed, may have been an oversight. In model ordinance inserted nonresidential has been removed. Need to add the language back in
- Reference all special flood areas.....should say Article 5 instead of 54
- Page 6, NAVD, needs to be spelled out, give the definition

Motion to approve- Motion to approve made by Mr. Elza with the 3 revisions noted above by Ms. Weakley; seconded by Mr. Arthur.

Motion passed- Unanimously, 9 in favor 0 against

County Commissioner Liaison, Ms. Hales spoke and said that she works for the state agency that did the flood plain mapping and that North Carolina is the only state in the US that has a technical agreement with FEMA to do flood plain mapping. This was a result of the devastation from Hurricane Floyd. The White House worked with their agency. NC was the first state to have the best ground elevation data. Aerial photography was done in 2013, it was a major achievement for the state of North Carolina and because of this we have the best data in the US.

#### **Zoning- 4**

Request by the Chatham County Board of Commissioners for a Public Hearing on the proposed Chatham County Comprehensive Plan

Ms. Coppolla reviewed and discussed highlights of the Comprehensive Packet that was provided to board members. She also reviewed some of the agenda notes. They looked and the Goals and Objectives and how to achieve those goals.

Introduction & Background: In the fall of 2015, the Chatham County Board of Commissioners appointed a steering committee to oversee the development of a comprehensive plan for Chatham County. The steering committee and planning department staff have been working with Land Design; a consultant hired through an RFP process, to develop the plan. After much public involvement and refinement, the final draft of the Chatham County Comprehensive Plan is complete. Staff and the steering committee have reviewed the final draft, the draft was released for public comment online from July 17<sup>th</sup> to Aug 28<sup>th</sup> 2017. A public hearing was held August 21<sup>st</sup> 2017 at 6 PM at the Board of Commissioners regular meeting where the plan was referred to the Planning Board to review and provide recommendations. To view the final draft and Digital Appendices visit [www.chathamnc.org/comprehensiveplan](http://www.chathamnc.org/comprehensiveplan) .

Discussion & Analysis: Having read the entire document, members will come prepared to provide their individual list of items for discussion and/or clarification. Planning staff will provide an overview on the highlights of the plan.

Public Comment on the draft has been received. Approximately 30 comments have been recorded and are posted on the county website under the Public Comment section of the comprehensive plan webpage; overall there was general support for the plan. Comments and concerns were regarding the following: continued increase and careful consideration to tax base revenues/job growth in the county, concern about conflict and traffic of residential and commercial centers and the traffic, concern about affordable housing, comments for consideration to the health obesity section. Also specific locational community needs/amenities were requested, consideration to landscaping improvements/requirements, environment and climate change readiness were also noted. Public hearing comments included that there was insufficient representation on the steering committee from the western portion of the county; that the conservation area should be extended to Terrells Creek; concerns about the community center commercial node at the intersection of Polks Landing Road and 15-501; and the link between the plan and climate impacts could be strengthened.

Recommendation:

1. Discuss items that need of clarification and provide a recommendation to the Board of Commissioners.

Chair Lucier recommended to the board that he would go around the table and ask each member to provide their major concerns/comments. It was also noted that a Special Meeting will be held on October 17, 2017 at 6:00 p.m. with the Planning Board members. The Consultants, Meg and possibly Greg will attend that meeting. Chair Lucier said at that meeting and at the October 3, 2017 meeting, they will go through the maps and go through the Comp Plan and chapter by chapter. This meeting will be open to the Public.

Board discussion followed and some specifics made by individual members are listed below:

- o Each page needs to be numbered
- o Maps: conservation areas reworked. Example in Terrell's creek area extension much further west. Big Woods conservation area should be extended to include the length of 15-501 between the Haw River and Mt. Gilead Road as well as the conservation area along Dry Creek. Removing Gum Springs village center to be downgraded to crossroads community.
- o Redundancy – needed. Only one reference to invasive species is in resiliency and parks and recreation section. Should be addressed much more than it is. Transportation – relaxation of roadway std for private roads for conservation and ag subdivision so they should be in those element sections as well.
- o Not enough concentration on parks for western portion of the county. Collaboration with Siler city parks and recreation should be mentioned.
- o Feasibility to have powerline easements doubly used as walkways?
- o Model UDO Jordan lake buffers
- o Economic development – table for small business specifically
- o 20, 000 acres of open space needs a mechanism to be tracked
- o Illustrations in the conservation document

- Cross reference what the planning board recommended in March and what was included in the plan. Also has maps: revisions from March (written on maps)
- Boxes in color are hard to read. Formatting needs to be reconsidered. Maps are meaningless for green and yellow graphics need to be labeled and enlarged.
- Plan references Chatham conservation plan appreciated
- Plan is too broad, not enough information to the reader
- Misses landscape connectivity reference
- References education and outreach with GIS data. Conservation data not on county GIS. (now restrictions and requirements to view right?)
- More cross-referencing on the goals & metrics and throughout.
- Resiliency should be renamed or explained better
- Appendices – Reference economic development etc.
- References used in the creation of the plan should be cited by date
- Need to scale the dots on the maps for town centers
- Should not be height limitations
- Future land use plan – needs to be specific? Parcel by parcel (led to discussion about difference problems with that from board)
- Self-driving vehicles and online retail studied further/mentioned
- Timberlands – growth stages documented because difference between old growth and clear cut land and how we evaluate those properties
- Resources toward agriculture more to help and assistance to small scale food processors. connect the food to source
- Rural support for ancillary businesses to continue to operate.
- Murky on how we do this plan – rezoning?
- Contradictory residential intensity to be balanced with rural conservation areas.
- Megasite recruitment but doesn't say how – scalability of small area plans.
- the plan is the vision guardrails for the future
- provides parameters
- Chatham Park – demographics changing over the next couple of years so increasingly important to continue to update in the next 10 years
- affordable housing
- with changing times the next plan update will be looking more into how technology can effect travel patterns and seeing the evolution of box stores – importance and value in brick and mortar stores still to be defined (example: TX grocer opened its doors to people displaced by Hurricane Harvey)
- Helpful to have glossary – definitions for affordable, walkable etc
- Ambitious and also a lack of specificity especially in regards to preserving agriculture. Not enough to keep farms from turning into homes
- Do we need neighborhood and community center? Seems redundant
- How does sliding scale zoning prevent all residential
- Do density bonuses support rural character?
- Ensuring *permanent* conservation space highest value
- Polk landing designation revisited
- How does the plan evolve - Geographic sense and through time

- Nodes have 4 corners one side community, one side office institutional on 15-501 – hybrid centers allowable. Polk’s 3 sides already zoned commercial maybe 4<sup>th</sup> office institutional
- Economic development: not much on workforce development – needs emphasis
- Big goals – **10k jobs** not much thought into the generation of these numbers – if population is going to double does not accomplish the intent of the big idea.
- Population projected to increase 70k to 128k in the next 25 years which is a slowdown of the rate from the previous 25 years. Such a slowdown is unlikely so the population projections is likely an underestimate. Reference figures.
- Land banking. For schools etc. identify high priority areas to target to apply for grants
- Rural areas between Fearington and haw pushed further-Big Woods conservation area

No consensus nor votes were sought as this will be done at the October 3 and October 17, 2017 meetings.

VIII- APPROVAL OF THE MINUTES: Chair Lucier asked for approval of the June 2017 minutes. Motion to approve made by Ms. Siverson to approve with modifications and seconded by Mr. Spoon. Passed unanimously 9 in favor 0 opposed.

Chair Lucier asked for approval of the July 2017 minutes.

Motion to approve- Ms. Moose made a motion to approve; seconded by Mr. Arthur. It was requested to list who opposed the vote on page 80, Mr. Spoon opposed.

Motion passed- Unanimously, 9 in favor 0 opposed.

Chair Lucier asked for approval of the August 1, 2017 minutes.

Motion to approve- Motion made by Ms. Siverson to approve minutes; seconded by Ms. Moose.

Motion passed- Unanimously, 8 in favor 0 opposed. Note: Mr. Spoon did not vote since he was not present at the August meeting.

Mr. Lucier reported that he and Vice Chair Siverson reviewed the draft minutes from the August 1, 2017 meeting and made some changes. He said that going forward Ms. Phillips will send the draft minutes to them prior to the meeting for review. This will hopefully avoid a backlog of approving the minutes.

IX. COMPREHENSIVE PLAN UPDATE & DISCUSSION:

X. NEW BUSINESS:

XI. BOARD MEMBER ITEMS:

None

XII. PLANNING DIRECTOR'S REPORTS:

- **Minor Subdivisions/Exempt Maps** - Information was included in tonight's agenda packet.

Mr. Sullivan reminded Board members about their Public Hearing item provided in tonight's packet. This will be the only PH item for this month's BOC meeting scheduled for September 18, 2017.

He also said that there will be a BOC work session with the consultant that prepared the Comp Plan at 9:00 a.m. for the closed session.

XIII. ADJOURNMENT: There being no further business, the meeting adjourned at 9:35 pm.

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

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