



Chatham County Planning Board Approved Minutes November 7, 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
Allison Weakley
Gene Galin
Jim Elza
Jamie Hager
Brian Bock

Absent:

Emily Moose
Jon Spoon
Tony Gaeta

Other: Diane Hales County Commissioner Liaison

Planning Department:

Jason Sullivan, Planning Director
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 (8 members were present, three absent)
- IV. APPROVAL OF AGENDA:
Approval of the Agenda

V. APPROVAL OF THE MINUTES: Chair Lucier asked for re-adoption of the September 5, 2017 minutes to change the motion to reflect the correct rezoning type for the Gangemi request. Motion made by Ms. Siverson to approve with the correct rezoning type. Seconded by Ms. Weakley.

Motion passed 7 to 1, 1 opposed due to that board member voting against the Gangemi proposal.

VI. PUBLIC INPUT SESSION: None

VII. SUBDIVISION:

1. Request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision Preliminary Plat approval of Briar Chapel, Phase 13 – Sections 1 & 2, consisting of 43 lots on 11.03 acres, located off SR-1532, Mann's Chapel Road, and Great Ridge Parkway, parcel #'s 80418, 86285, and 2617.

Mr. Sullivan read the notes and reviewed the overall map for this request and some other items were as follows:

- No improvements needed for water
- Mr. Burkhart with Environmental Health is still reviewing and said there would be no issues with approval
- During the Technical Review Committee meeting there were a number of items discussed, but nothing to delay the project
- No parking on front, additional parking in alleyway for overflow
- All necessary regulatory permits have been received
- 2 road names to be approved
- There is a stormwater permit issued by the state, although the county does a review
- There are some conditions noted

Mr. Sullivan noted that the Applicant and Attorney were available for questions.

Board discussion followed and some items discussed were as follows:

- Why the storm water infrastructure was built within stream buffer?
- Why was it approved in 2007?

Mr. Sullivan explained that is an existing area.

Mr. Seamster addressed the Board to explain that the elements within the buffer are from the approved plans in 2007 and those are scour holes. These plans were not revised or modified with this submittal. He also noted that he can't answer why it was approved in 2007 because he and the team were not here during that time. It was also said the stream impacts were approved back in 2007 by the state.

Mr. Sullivan said that the County Planning Board Committee and BOC approved it during that time. He said that it was missed during the 2007 submittal and that there was no storm water program at that time. He added that when the planning staff was evaluating the impact of the roadway south of the treatment plant, they were approved, permitted and installed. He said the planning staff has done a thorough review and they decided to leave it in place as is.

- Briar Chapel storm water plans are approved by the state first and the CCO requires the county storm water administrator to review and approve the plan. The CUP Revision requires the plan be approved prior to preliminary plat approval and it seems to happen well after permitting of the state. How did all of this gelled together and the fact that Mr. Burkhart is just now reviewing it?
- The CCO states the county has to approve it and the county has not yet approved it

Mr. Sullivan said that the 2014 Conditional Use Permit Revision has a stipulation that the stormwater plan has to be approved by the stormwater administrator prior to Preliminary Plat approval by the Board of Commissioners. The sequences in the past were not perfect but they are working through that process.

Mr. Sullivan said before the adoption of the storm water ordinance by the county there was nothing in place except to obtain the permit from the state. He has had ongoing conversations with Mr. Burkhart and he is doing a thorough review. Mr. Sullivan received an email from him today and he is in the process of reviewing it and he has no concerns or revisions. He did not provide comments in the email.

Mr. Seamster said that he started the review over the summer and previously in very early stages years back, when submitted to the county they never received any comments back. The last few submittals he has received some comments from Mr. Burkhart and he said that he has not issued his approval yet but that he sees no problems.

- Comment that the retaining wall many years ago, there was an issue that it went straight up and it may be outside the 10' no build at the top but not the bottom. Mr. Sullivan said they have a very thorough review of all retaining walls when they come through permitting.
- Concerns with blowing out the buffer over time
- Concerns with taking it out will cause more problems

Mr. Seamster said that it will cause more disturbance in the buffer if the scour pipe is removed now verses leaving it like it is. It's a scour hole, it is meant to collect, settle and overflow. The area being developed will be discharged in the new BMPs.

- What are Mr. Burkhart's comments?
- What are the consequences if we approve it?

Chair Lucier also agreed that taking it out will cause more disturbance.

Mr. Sullivan said that the State is responsible for doing the reviews, the Planning Department is not the permitting authority.

Chair Lucier asked if there were any more questions for the applicant. Ms. Weakley stated that she is not comfortable voting on the request until the Storm Water Administrator, Mr. Burkhart, approves the stormwater plan. Mr. Seamster read the email he received today from Mr. Burkhart and nothing indicated he was not going to approve it.

Motion was made by Mr. Galin to grant the Preliminary Plat approval request with the 2 conditions; seconded by Mr. Bock.

Motion passed 6 in favor 2 opposed
Ms. Weakly and Mr. Elza opposed

Ms. Weakley wanted it to go on record that she cannot vote to approve this without knowing Mr. Burkhart's comments and approval. Mr. Galin said that the statement was very clear in the email read by Mr. Seamster that Mr. Burkhart did not want to hold up the process.

2. Request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision Final Plat approval of Briar Chapel, Phase 15 South – Section 1, consisting of 104 lots on 28.94 acres, located off Andrews Store Road, SR-1528 and Boulder Point Drive, parcel #82828

Mr. Sullivan read from the staff notes and pulled up the overall map for review, additional comments he noted were as follows:

- No issue modifying open space changes to 2 lots
- Cost Letter will be updated prior to recordation
- The roadways will have adequate gravel and/or pavement before construction starts on homes.
- Briar Chapel will provide an updated cost letter prior to recording
- There are 2 conditions with this request

Mr. Sullivan said he and the applicant are available to answer questions.

Board discussion followed and some items discussed were as follows:

- The stream crossing in the northwest corner by the utilities, was it built, was it necessary?
- Not installed yet, its sewer and it does not impact the stream crossing.
- Why aren't you boring? It has to go to that elevation to get to the pump station.
- Are there other alternatives? Mr. Seamster said no
- How long is it? Mr. Seamster said it's an aerial suspended from pylons, as it crosses the stream buffer there are piers across it that suspend as aerial sewer pipes.

Mr. Seamster thinks its 60' to 65 ' in length and the entire stream buffer is 210' wide total. He noted it is not aerial over the entire area.

- How many piers? 8
- Concerns that it will be problematic
- The buffers on the northeast corner go from 100' down to 50' then back to 100' at the wetland-buffer reduced to 50' at location of wetland.

Mr. Seamster said these are all Corp approved streams

- Shouldn't the wetlands all be buffered at least 50' from top of bank at the stream? Mr. Seamster said the buffer map was provided to him and they have been working off the approved map.
- Would like to see more buffer on the wetlands

Mr. Robinson addressed the Planning Board and said that he appreciates the points Ms. Weakley has made. He reminded the board that they are in the Final Plat process, all permits were obtained and every element on the map has been previously approved on the Preliminary Plat. He noted that it is not the role of the Planning Board to re-litigate the Preliminary Plat at the time of the Final Plat stage. The plans were designed and have been approved and it is not the time to force the developer to change something.

- o CCO-Were there wetland requirements? No

Mr. Galin made a motion; seconded by Mr. Elza who said that the Final Plat is like an Asbuilt drawing, period.

Ms. Siverson wanted to clarify where the off street parking is located? Mr. Sullivan showed that area on the map.

Ms. Weakley requested that the distance of the 100' county stream buffer be noted on the Final Plat?

Mr. Galin asked if the applicant was okay with that. They responded that they were fine with noting it was a voluntary 30' buffer added. They said that it was designated as a 30' voluntary buffer to the wetlands. Mr. Galin said to add that to the motion.

Mr. Robinson wanted the record to reflect it is not a precedential value that it may not show on a map before or after now.

Motion passed unanimously-8-0

VIII. (LEGISLATIVE REQUEST)

1. A request by Russ Anderson for a general use rezoning of Parcel 92203 located at 414 New Elam Church Road, from R-1 Residential to IL Industrial Light on approximately 10 acres, Cape Fear Township.

Ms. Birchett read from the notes and said that a Public Hearing was held on Oct 16, 2017 and Mr. Anderson will only be using 4 acres for development due to impervious surface limitations. She also noted that the majority of the property will remain in a natural state. She also reported that a few months ago changes were recommended by the Planning Board to the BOC to require certain uses be allowed by right and other uses that can only be approved through a conditional use permit. Uses in a category with a P in it would be acceptable uses that would still be required to meet all other zoning, building, fire, environmental health, and land and water resources regulations.

- Concerns with poor soils for residential what will be the plan if rezoned LI
- Will there be waste water?
- Why general use rather than CUP
- Concerns with approving it LI and what others may use the land for if it is sold in the future

The applicant, Mr. Anderson reported that he has worked with Ms. Birchett and the Civil Engineer during this process. He indicated that this was going to be a storage area, mostly for parking for boats. He stated in his opinion this was one of the best uses for the land and that is was near the gas station and lakes. He said that the intended use will not need restrooms, sewer or water. The applicant stated he opted for general use and not conditional use mainly due to the expense and limitations already in place for developing the project. He felt this was the better option so as to not break the land up and the cost for surveying. Some other potential uses he was thinking of could be recreational such as riding bikes, driving range, etc. and Instead of boxing himself in it was decided light industrial use would be a better fit and less expensive. Chair Lucier said the zoning goes with land not the individual. Mr. Anderson said he does not know what others will do with the land only what he intends to do. There is another storage area up the road. When he purchased the property, there was no occupied residential properties touching his land. He has met with adjacent property owners and stated they are all okay with what he is planning to do. He is not interested in buying land and using it for something that neighbors do not want. The highway follows industrial and he said that he looked at the growth plan in the area, best intended use is general use, and it is not a residential property. Questions and comments from Planning Board members were:

- If you have a bike tract wouldn't you need water? Mr. Anderson said they would be more club level uses. Ms. Birchett stated if he decided to put a use on the property that required restrooms, building code would require he put in a system that could be very costly. Mr. Anderson also said that he sees it as an industrial area of growth in the county's plan.
- On the survey included in the application, shows the adjacent property splits, are these drainage ways? Mr. Anderson responded by saying those are drainage into the creek bed on the north part of the adjacent parcel. Based on what he and Ms. Birchett went through they do not see a problem or impact of water runoff. He said those are very dry areas. Mr. Anderson also said that there is a high spot in the land. They would use the high spot with natural tree buffer.

- Is CULI the best fit, is there an alternative?
- Keep in mind the snowball effect of approving rezoning LI requests in the future

Chair Lucier asked do we have a motion? Ms. Weakley has an issue with rezoning and worries about LI consequences beyond what Mr. Anderson may be planning. Chair Lucier agreed with Ms. Weakley. Mr. Anderson said that at the end of the day if he has to do all the surveys, etc., and it would be very expensive. He said again, there are no residences around it. He also said they had a Public Hearing, he had no arguments from any neighbors and that they have followed every procedure required to do this.

Ms. Birchett said that she was confused and thought when the Ordinance Table was amended that the things that were left as Permitted could be developed with a level of expectation that the current ordinances and regulations would work and it was nothing we would have to study or do further reports She stated those uses that were deemed of higher concern were made CU and would be required to go through that process. Mr. Bock agreed with Ms. Birchett's point and said the Future Land Use argues for industrial and said the staff recommended this with a lot of good reasons.

Motion was made by Mr. Galin for approval of Consistency Statement; Seconded by Mr. Bock. Ms. Birchett read the statement.

Motion passed 5 in favor and 3 opposed Mr. Lucier, Ms. Weakley and Mr. Elza opposed

Mr. Galin then made a motion to approve the rezoning request; seconded by Mr. Bock

Motion passed 5 in favor and 3 opposed. Mr. Lucier, Mr. Elza and Ms. Weakley opposed

8:15 P.M.

IX. NEW BUSINESS:

X. BOARD MEMBERS ITEMS:

1. Comprehensive Plan Update

- Compilation of Planning Board comments forwarded to the consultant
(**See Attachments**)

Land Use Plan

Ms. Coppola read through documents provided in the Planning Board packets and reviewed what the Planning Board recommendations were from previous meetings. She explained how things were organized and outlined. The recommendations will go to the BOC for approval. Ms. Coppola indicated that the information has been provided to the Consultant and they are in the process of making changes.

Chair Lucier reminded the board that there is no need to rehash things they did before and the purpose of looking at this document is to say if something in the document is not correct. He could not find anything incorrect with the document. Typos or word choices are to be provided to Ms. Coppola. The Chair has no significant changes. It was asked what will the commissioners receive, and Mr. Sullivan said they will received the revised document. The Board will be asked to make decisions on the first 3 pages.

Ms. Coppola will be taking more specific notes referencing page numbers and recommended changes as needed for submittal to the Consultant.

- Mr. Galin-no comments
- Mr. Arthur-no comments
- Ms. Weakley said that on the first page under recommendations with 4 items listed on map 5, she thought we talked about the Dry Creek and Terrell Creek connection. Ms. Coppola said that they followed up with the consultant. Mr. Sullivan said they indicated there was no logical reason to connect it. Ms. Weakley requested that more detail be added about that recommendation was brought up and an explanation regarding the follow-up. Ms. Coppola said that the circle left over could be removed.
- Ms. Weakley said that on page 32 under Minor Graphic changes-It seems pretty messed up in the document and she wants to make sure we are clear and accurate in the graphics.
- Ms. Hager said that in the Parks and Recreation section on page 121 removing bullet to improve Bynum Beach in parenthesis add that it's a horrible place for a canoe launch landing.
- Mr. Elza said that on number 18 Minor Revisions-page 41 goal 3, 70% what does County Centers mean?
- Mr. Elza said that in the Agriculture section, page 97 # 2 last bullet point, Major Conventional Subdivisions, when we recommended that, it could take 2 months of debate. Mr. Elza would like to strike that? Chair Lucier agreed it is complicated.

Chair Lucier said to leave it like it is, he took a vote, the Vote passed 6 to 2

Mr. Arthur and Mr. Galin opposed

- Recommendation to strike number 50 (lots) and replace with up to certain size on strategy 4.1 Consensus
- Ms. Siverson-no comments
- Chair Lucier said that on the 1st page, move designation from Gum Springs if we could change that to Crossroads because of its proximity
- Mr. Bock-no comments
- Ms. Weakley said that we ask for a reference section so people can look things up. Chair Lucier suggested that we add an item for the BOC to approve this request. Consensus

Big Woods Conservation Design Guide Subcommittee Update

Ms. Siverson reported that they met October 30, 2017. Ms. Siverson, Ms. Moose and Ms. Weakley of the Planning Board attending and Commissioner Diana Hales also in attendance. Ms. Weakley wrote up the recommendation document that has been provided to each Planning Board member. She said that it's very important that we get these design guidelines right and are very clear. The committee felt that somethings in the guidelines were not clear and that there are inconsistencies they have addressed in the subcommittee recommendations. The subcommittee feels that the section titled "Benefits of Conservation Design" be moved further up in the plan, after the "Why Now" section, as that section would be of interest to property owners referring to the guidelines. There was a consensus of approval on the Subcommittee document submitted this evening to the board.

Ms. Coppola reported that she spoke with the consultant today and they generally can make changes without further cost. As for the maps, they are not sure what that will cost and it would be difficult to estimate. The consultant had indicated the intent of it is that it could be replicated regionally. The guide is not intended to be a specific master plan for Big Woods area only, but to be able to provide it to a developer and say this is what it could look like.

BOC will receive the document at the November 20, 2017 meeting for their approval.

Mr. Sullivan said that they needed to follow up on conservation deadlines.

IX. COMPREHENSIVE PLAN UPDATE & DISCUSSION:

X. NEW BUSINESS:

XI. BOARD MEMBER ITEMS:

