



**Chatham County Planning Board
Approved Minutes
April 2, 2019**

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
Clyde Frazier
Jon Spoon
Cecil Wilson
Bill Arthur
Franklin Gomez Flores
Emily Moose
Gene Galin
Allison Weakley
Jamie Hager

Absent:

Planning Department:

Jason Sullivan, Planning Director
Angela Birchett, Planner II/Zoning Administrator
Kimberly Tyson, Planner II/Subdivision Administrator
Janie Phelps, Zoning Official
Dan Garrett, Clerk to the Planning Board

- I. INVOCATION AND PLEDGE OF ALLEGIANCE:
Mr. Wilson 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 (all 11 members present)
- IV. APPROVAL OF AGENDA:
Approval of the Agenda - Chair Lucier asked the board members if there were any issues with the Agenda. Motion made by Mr. Wilson to approve the agenda, second by Ms. Hager. Motion passed 11-0 and the agenda was approved.
- V. APPROVAL OF THE MINUTES:
Chair Lucier asked for consideration of a request for approval of the March 5, 2019 minutes with a few minor proposed changes. There were no objections by Board members and the March 5, 2019 minutes were approved. Motion was made by Mr. Frazier to approve; second by Ms. Weakley.

VI. PUBLIC INPUT SESSION:

- Chair Lucier asked if there were citizens signed up to speak. Clerk Garrett informed the Chair that there were four citizens that have signed up to speak on the first zoning item on the agenda. Chair Lucier asked the citizens to speak when that item was before the Planning Board.

VII. SUBDIVISION:

1. Request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for subdivision Preliminary Plat Revision review and approval of **Ferrington P.U.D. Section X, Area "D" Phase 1 Montgomery**, consisting of 15 lots on 10.2 acres, located off US 15-501 N, Weathersfield/SR-1807, Millcroft/ SR-1817, and E. Camden/SR-1813, Williams Township, parcel #18998.

Ms. Tyson gave an overview of the staff notes and she reported that the Ferrington PUD was originally approved in 1976 as a Planned Unit Development with a master plan allowing for mixed uses and has continued to develop over time. The Ferrington PUD is reviewed under the pre-2008 Subdivision Regulations and the 1994 Watershed Ordinance.

Ms. Tyson stated that the request before the Board is for preliminary plat review and approval of Section X, Area "D" Phase 1 – Montgomery, consisting of 15 lots on 10.20 acres and Phase One of Millcroft. A revised Sketch Plan was approved for Section X, Area "D" on February 18, 2019. See Attachment #4. Lots 5 -9 in Phase 1, will have ownership to the stream and there is a 30' voluntary stream buffer on lots 5-9. The proposed project has open space by lot 1 and lots 12-15. As part of this phase a section of Millcroft will be constructed up to Phase 2 of the residential project.

Ms. Tyson stated that County water is available and will be utilized. The Water Main Extension Permit and the Authorization to Construct, dated January 15, 2019 issued by NC Department of Environmental Quality (NCDEQ), Division of Water Resources have been provided. Sewer service is provided by the Ferrington private wastewater treatment plant. Alan Keith, P.E., Diehl & Phillips, P. A. has provided a letter stating that the plant has sufficient capacity to serve Section X, Area D. Mr. Diehl's letter also states that "Fitch Creations, Inc. has Authorization to Construct an expansion to the wastewater treatment plant from the North Carolina Division of Environmental Quality". The Wastewater Collection System Extension Permit, issued by the NCDEQ, Division of Water Resources, dated February 6, 2019 has been provided.

Ms. Tyson continued saying the main roadway in Phase 1, Millcroft, is to be constructed up to Phase 2. The cul-de-sac street, Montgomery, is proposed to be public, state maintained roads. The revised Road Plan Approval for Section X, Area D, dated February 21, 2019 issued by NC Department of Transportation has been provided. Additionally, there is no stream crossing in this area. The road name Montgomery and Millcroft have been approved by the Chatham County Emergency Operations Office as acceptable to submit for approval by the Board of County Commissioners.

Ms. Tyson said that Ferrington is subject to the 1994 Watershed Ordinance which requires a 50 foot riparian buffer along perennial and intermittent waters not within 2500 feet of rivers. An ephemeral feature located in the open space of Phase 1 area has a voluntary 30' buffer. There are open space areas beside lots 1 & lots 12-15. The open space area will be transferred to a homeowners association. A portion of Phase 1 is adjacent to private property owned by T. H. Lingerfeldt and a 50' wide perimeter buffer is shown on the preliminary plat.

Ms. Tyson also stated that the TRC reviewed the request on March 13, 2019. Discussion included the reconfiguration of Millcroft and 20' utility easement beside the 30' stream buffer. Tom Bender, Chatham County Fire Marshal, stated that the roads and water line needs to be in place before home construction begins. Other

county staff were present and there were no issues noted. The developer has provided two (2) sets of full construction plans which are available in the Planning Department if you would like a copy for review.

Ms. Tyson concluded by saying the Planning Staff recommends granting approval of the road name Montgomery and approval of Preliminary Plat as submitted with the following conditions: The final plat shall not show duplicate lot numbers within the Fearrington P.U.D.

Ms. Tyson said that Mr. Sears and Mr. Keith were available to answer questions for the Planning Board.

Board Discussion followed and some items discussed were as follows:

- Chair Lucier asked about the condition stated with duplicate lot numbers. Ms. Tyson stated that Fearrington has been established since 1976, lots 1-16 have already been taken by other lots in the development. When a new phase of the subdivision is proposed, there can't be duplicate lot numbers because it can get confused with another section of the subdivision.
- Mr. Galin asked about the lot numbers as well and if the house numbers match the E-911 emergency numbers. Ms. Tyson stated that Mr. Sears may answer that question better, but from her understanding whatever the house number is, that is also their post number within Fearrington.

Mr. Sears stated the 911 numbers, the house numbers, and the post office numbers are all the same number, which is coordinated by E-911 services.

- Ms. Weakley stated to the developer that she was thankful for the 30 foot buffer.

Motion made by Vice-Chair Siverson to approve this item with 1 condition: The final plat shall not show duplicate lot numbers within the Fearrington P.U.D. The motion was second by Mr. Frazier.

Motion passed unanimously 11-0.

2. A Legislative public hearing to receive input on revisions to the Chatham County Conservation Subdivision Guidelines for Conservation Space Selection to update the source for gis data layers needed to develop fragmentation maps and technical corrections.

Mr. Sullivan gave an overview of the staff notes and he reported that the Conservation Subdivision Guidelines for Conservation Space Selection were created to inform applicants, consultants and developers on the additional documentation requirements for conservation subdivisions. Recent changes made by the NC Natural Heritage Program have rendered some information within the Guidelines inaccurate.

Mr. Sullivan also stated that the guidelines need to be updated to reflect changes made by the NC Natural Heritage Program (NCNHP), particularly with regard to data provided by the NCNHP that were previously free of charge and could be accessed on Chatham County GIS. Element Occurrences must now be obtained directly from the NCNHP. The county cannot host this data as was the case when the Guidelines were written. There are also new fees associated with obtaining this item from the NCNHP as of October 2018. Section 2.1 of the Conservation Subdivision Guidelines for Conservation Space Selection has been revised to include the updated information, including the website for the NCNHP where the data can be requested. An edit was also made to Section 1.2 reflecting the staff title change from Environmental Resources Director to Watershed Protection Director. The Natural Resources Director position no longer exists.

Mr. Sullivan said that a public hearing was held on March 18, 2019 with planning staff presenting the request. There were no public comments provided during the hearing and no written comments were provided. The attached redlined guidelines have been updated from the version provided previously. The current version does not include Significant Natural Heritage Area data as being requested directly from the NCNHP. That data set can be hosted by the county and is available on the conservation gis data viewer. These are technical corrections and planning staff recommends approval.

Mr. Sullivan concluded by saying that the Planning staff recommends approval of the proposed amendments to the Conservation Space Selection Guidelines.

Board Discussion followed and some items discussed were as follows:

- Mr. Frazier asked for examples of occurrences on this topic. Ms. Weakley stated rare species are natural communities that are high quality and they are tracked and measured all over the state by the State. Mr. Sullivan stated they don't want that information shared at large to the public because some of those species are specific to certain areas and they don't want people going in there to poach or damage those areas.
- Ms. Weakley stated the Heritage program has changed the name of the significant natural areas to Natural Heritage Natural Areas several years ago. She stated on the second page of the guidelines under Primary Natural Areas, the title State Natural Heritage Areas should read State Natural Heritage Natural Areas. Ms. Weakley also stated on the third page under item "C" Significant Natural Heritage Areas should read, Natural Heritage Natural Areas. Mr. Sullivan stated staff can incorporate those changes in the recommendation. Ms. Weakley stated it will match what is on the map viewer.

Motion made by Mr. Spoon to approve this item with the revisions mentioned about the Natural Heritage Natural Areas; motion was second by Ms. Moose.

Motion passed unanimously 11-0.

VIII. ZONING:

1. A Legislative public hearing request by Charles Walker for conditional district rezoning from R-1 Residential to CD-RB Conditional District Regional Business on property located off Hillside Dairy Rd., Parcel No. 12236, being approx. 29.594 acres, for grounds and facilities for open air games or sports specifically for regulation size cricket fields.

Ms. Birchett gave an overview of the staff notes and she reported that the Planning Board felt that there needed to be modifications from the site plan submitted originally. The alternative site plans are to address some of the concerns from the adjacent land owners such as the use of the private easement accessed from Hwy 64 and the parking area on the southern property line. The applicant has provided the Planning Board with four alternatives for consideration. Ms. Birchett stated that one of the alternatives has the use of an easement off of Hillside Dairy Rd. in the hope of not crossing the stream with a driveway.

Ms. Birchett stated all of the alternate plans still show some type of use of the private easement drive from Hwy 64. It would be helpful to the applicant to provide an alternate without using the easement at all.

These are the items that need to be discussed tonight and the Planning Board needs to let the applicant know their thoughts.

Ms. Birchett stated in closing the Planning Department does not have a recommendation at this point. She stated there was an e-mail received from the Fire Marshal last Monday about the easement agreement off of Hillside Dairy Rd. The Fire Marshal said that the easement would have to be upgraded to meet fire code.

Ms. Birchett said Mr. Walker is available to answer questions for the Planning Board.

- Mr. Arthur asked, what does the Fire Marshal mean the easement would have to be upgraded? Ms. Birchett stated fire code requires 20' wide, all weather grade, and compacted gravel to withstand 75,000 lbs.

Mr. Spoon asked, the easement needs to be upgraded even if there is not a permanent structure on the property? Ms. Birchett stated yes, according to the Fire Marshal. Mr. Sullivan stated if there is an injury and an emergency vehicle needs to respond, sometimes the first responders are the fire fighters and the easement needs to be able to handle a fire truck.

Mr. Wilson asked if that was a requirement only for commercial use. Ms. Birchett stated that it is required for non-residential use.

PUBLIC INPUT:

- Chair Lucier asked Clerk Garrett to call the first speaker to the podium. Mr. Garrett called for Lynda Smith to speak, but she stated she had just received the alternate site plan handout from the applicant and wanted some time to review them before her and her husband Mark Weitzel speak on the item.
- Charles Walker of 275 Pea Ridge Rd., the applicant's representative spoke and had a few comments. He stated he gave the revision packet to the neighbors today and that the applicant, Mr. Kris Vishwanathan, had tried on several occasions to discuss the alternates with Mr. Raynor, but has not be able to. Mr. Walker stated he did not know if Ms. Smith and Mr. Weitzel had been contacted by Mr. Raynor with the new packet. Mr. Walker stated they have added a list of conditions such as the length of match play from 8am to 6pm and the season will be from March 1st to October 31st. Also, the onsite Latrine cleaning schedule will start at every two weeks, more frequently if needed.

Mr. Walker stated there are four alternate plans which varies the different combinations of the concerns that were raised last meeting, plus they are open to discuss any combination to the alternates. He stated Alternate 1 is the least different from the original plan and this plan specifies a berm on the southern property line and that the silo will not be disturbed, just clean it up. He also stated the parking will not be in front of the Smith house, but located down further past the house. The second field has changed to an oval shape as a practice field to avoid more grading and providing less disturbance. Mr. Walker also stated the latrines have a specific location and a cleaning schedule.

Mr. Walker stated Alternate 2 is using a new easement on Hillside Dairy Rd and Mr. Walker provided a signed agreement that represent the adjoining land owners to allow access to the

easement and are in support of the applicant. Mr. Walker stated they are trying to limit the environmental impact of the creek by keeping both fields on the west side so there will not be any creek crossing. There is an agreement to approve the farm road on Hillside Dairy Rd to a parking lot behind the Gaines property with the latrines near the two fields. If they choose to have a practice field, that will be placed on the eastern side of the property with its own parking lot and latrine off Hillside Dairy Rd. This will allow development without crossing the creek at all. They will also clean up around the silo. Mr. Walker stated with all of the alternates, they are asking for access of the private easement from Hwy 64 for maintenance only, player or visitor use would not be allowed on that easement.

- Ms. Weakley asked how they were going to control the easement use only for maintenance. Mr. Walker stated they will control it because they are a small ownership and can put rules in place and regulations to be followed. Ms. Weakley stated if the directions have them going on a direct and fastest route, it will have them using Hwy 64. Mr. Walker stated they will make sure all the players know to use the easement on Hillside Dairy Rd. Ms. Birchett stated they will need to get an address off of Hillside Dairy Rd.
- Mr. Frazier raised a question about an area for grass parking on the plans on the south side of the property. Mr. Walker apologized saying that is from the old plan and should have been removed and there is no parking near the Smith property on Alternate 2.
- Mr. Spoon asked if players would be crossing the creek on a foot path in the different alternate site plans. Mr. Walker stated that in Alternate 2, there would be no reason to cross the creek.

Mr. Spoon stated his concern is that the neighbors understand what might be happening and they are happy with the alternate plans, rather than the Board picking the best alternate plan. Chair Lucier stated the Planning Board will be hearing from the neighbors shortly. Mr. Walker stated he can't speak for the neighbors in attendance tonight, but he said that the neighbors they obtained the easement agreement from are all in favor of the plan.

- Mr. Walker stated Alternate 3 will have parking on the east side of the property which would require creek crossing by a foot bridge or using pipes with mulch or pea gravel to cross. Their goal is to have the least amount of creek disturbance as possible. He stated there will not be any vehicle crossing at the creek. Ms. Birchett asked if the grass parking on this plan is an error as well. Mr. Walker stated she is correct, that should have been removed from the plan.

Mr. Walker stated Alternate 4 is using one parking lot on Hillside Dairy Rd and another parking lot using the Hwy 64 easement to cut the potential traffic in half. He stated they wanted to come up with different ways to address the concerns.

- Mr. Spoon asked, when the fields are being constructed will they be using the easement on Hwy 64 to gain access? Mr. Walker stated no, they will be using the easement off Hillside Dairy for construction. Mr. Spoon asked if there would be building material or equipment needed to cross the creek. Mr. Walker stated no, they don't want to bring dirt in or off the site.

- Chair Lucier stated that on the last page of the packet it has check marks for the neighbors who are in agreement. Chair Lucier asked about the property to the east owned by Boggarapu and Nelluri. Mr. Walker stated he has not been able to speak with them and they are in Florida. It was discussed if there was a house on this property or if it was just an open lot. It was stated by Mr. Vishwanathan it was just an open lot. Mr. Walker stated the Brooks family owns 5 parcels that is around this property and they are in favor as well as the Gaines family.

Chair Lucier has concerns about the property to the east because it has a long adjacent property line. Mr. Walker stated they have sent letters to them and have not received any comments from them at all. There was Board discussion about the parcel having a check mark in the packet referring to their agreement, however they have not agreed to the site plan. Chair Lucier stated their property should not have been checked because they have a substantial property line and one of the alternate plans has a practice field right up against their property. Mr. Walker stated they have tried to reach the property owners on at least four occasions without any response.

- Vice-Chair Siverson asked about Alternate 2 practice area field using existing lawn, she asked if there would be any grading in that area. Mr. Walker stated it is just an open field and they would only need to cut the grass with no grading required in that area. Vice-Chair Siverson asked how large the parking lot would be for that area. Mr. Walker stated probably less than a dozen cars.
- Mr. Arthur asked about the dotted line that is located on Alternate 3. Mr. Walker stated the dotted line is the pedestrian walkway because all of the parking is located on the northeast side of the property.
- Ms. Weakley asked about Alternate 4 and the parking located on the south side using Hwy 64. She stated there was a hedge on a different alternate plan, but there is not one located on Alternate 4. Mr. Walker stated they would include a hedge by that parking lot or any buffer required. Ms. Birchett stated it would have to be a type A buffer.

Mr. Vishwanathan stated a sponsor of the Cricket League is closing on the Spivey property in May and he will be in support of using the easement off Hwy 64.

- A Board member stated it was mentioned that there were seven neighbors in favor of this plan. Mr. Walker stated there are three land owners that represent the seven tracks of land around the property.
- Ms. Birchett asked Mr. Vishwanathan to repeat what he had said about the Spivey property. Mr. Vishwanathan stated the land owned by Ms. Spivey near Hwy 64 has been bought by one of the Triangle Cricket League sponsors and is willing to support the use of the easement if needed.
- Ms. Weakley asked about driveway access on Alternate 2. Mr. Walker stated they exceed DOT requirements for separation. Ms. Birchett showed the Planning Board the easement in discussion on the screen.

- Vice-Chair Siverson asked if they would leave the trees there to block the parking lot. Mr. Walker stated yes, the parking will be behind the trees and that is in the easement agreement. Vice-Chair Siverson asked how wide that area is. Mr. Walker said it is about 75' wide.
- Vice-Chair Siverson stated on Alternate 3 field 2 is more of an oval shape, but on Alternate 2 it is the big round field. She is concerned with the amount of grading that will be required for that size of a field to work. She asked, why is it round on Alternate 2 and oval on Alternate 3? Mr. Walker stated the oval field would be used for practicing, but if they put a practice field on the right side of the property there will be room for two full size fields on the west side of the property. He stated if the Board feels that they don't want to have two full size fields, they will work with that request.

Vice-Chair Siverson stated that on Alternate 1 there is just two fields, one being round and the other is oval. There is no field on the east side. She stated that she would like that field configuration to be on Alternate 2 and she is not in agreement about the practice area on the east side of the property. Mr. Walker stated that if there is something in the Alternatives that we can combine to make it work, they will do what it takes.

Mr. Sullivan asked for clarification about the practice area and if it would be graded or not. Mr. Walker said it would not be graded and that it is just an open field to practice and warm up. Mr. Sullivan was concerned about the 10 acre threshold for the EIA requirement.

- Mr. Wilson asked about the comment on the bottom of the packet where it mentions Mr. Raynor would be in support of the project if the applicant were to sell him 10 acres of property. Mr. Vishwanathan stated that they were trying to talk to the neighbors to come to a compromise and Mr. Raynor said he would consider being in support of the fields if he were able to buy 10 acres of the property. Chair Lucier stated that is not part of this request or recommendation the Planning Board would make.
- Ms. Moose asked if the Spivey property had intentions to combine with this property. Mr. Walker stated no it will not be combined. Chair Lucier asked if that sale has closed. Mr. Walker said that it will close in May.
- Mr. Wilson asked if there was anything in writing that all these neighbors are in agreement. Mr. Walker stated that the Brooks and Gaines have signed the easement agreement and Ms. Spivey spoke in agreement at the public hearing.
- Mark Stohlman of 209 Bailey Ridge Dr. Morrisville spoke and had a few comments. Mr. Stohlman stated he is a former mayor of Morrisville, North Carolina. He stated Morrisville has been the center of a high growth area for the past 20 years and has embraced Cricket as one of their recreational sports. He said the Triangle Cricket League has been an incredible partner with the town of Morrisville. Mr. Stohlman stated Morrisville has developed a full size nationally sanctioned cricket grounds with lights and international players have come to play on their field and several other smaller venues around Morrisville. Cricket is part of the Morrisville DNA with a lot of cricket supporters and American Cricket is on the rise in the surrounding areas and the country as a whole. He stated Morrisville had partnered with Wake County to invest a lot of money into the Cricket facility and the remainder of the fields have been developed by the town Park and Recreation

Department. Mr. Stohlman stated he is a current cricket player on two different teams and cricket is a fantastic sport, plus the people who play this sport are really good types of people. He encouraged the Planning Board to accept this type of recreation to offset the big developments in the County and hopes the Board takes advantage of this opportunity. He stated it is a low impact sport and friendly to the environment and great for the community and believes Chatham County would be a better place because of the cricket influence. Mr. Stohlman thanked the Board and stated the TCL is in full support of this development with 1500 players and over 120 teams and is growing. In closing he stated that cricket is a lot of fun, gets people outside, and is good for the community.

- Mr. Arthur asked, the fields that were developed through the Park and Recreation Department, are any of them located in an agricultural residential area, do the fields have lights, and do they have restrictions on hours of play? Mr. Stohlman stated there were a couple fields that were repurposed from baseball and softball fields to cricket fields that already had lights that are tuned off at 10pm. He stated Morrisville used to have a lot of farms, but that has now given way to a lot of housing development. The fields are located primarily next to residential neighborhoods and there is an understanding of noise level and parking. TCL does a great job policing themselves because they know if people complain they will get kicked off the fields.

Mr. Arthur stated this sounds like a plan that was organized by the Morrisville Parks and Recreation. Mr. Stohlman stated there was a huge demand for the sport of cricket in Morrisville, something besides baseball and softball. Mr. Arthur said his question was is there a plan, an organization, a structure for the fields, these aren't just arbitrarily popping up anywhere. Mr. Stohlman stated the fields are controlled by the Park and Recreation Department, the town and the TCL has worked very well together and are good partners. He stated the TCL is an established league, very organized, and they care about the community.

- Mr. Galin asked, how many volunteer cricket fields does the TCL use? Mr. Stohlman stated there are two private fields in Fuquay-Varina that are leased out to TCL and maintains the use of the fields. He said most of the other fields are owned by towns, three in Research Triangle Park, a couple in Durham County owned by elementary schools, and one in Chapel Hill. Mr. Stohlman thanked the Board for their time and consideration.
- Mr. Mark Weitzel of 7134 US HWY 64W spoke and had a few comments. Mr. Weitzel stated he is fully against any of the proposed alternate plans presented tonight because this will still be in his front yard. He said there have been some contradictions from the first meeting to this meeting as well. He said last month Mr. Vishwanathan stated that there will be no spectators, but now we understand from a meeting with the town council they had painted a picture of people unloading their cars with coolers and chairs to watch the game. There will be a lot of spectators watching these games. He spoke about the former mayor of Morrisville speaking about the TCL brining in international players where there is a mass of people watching these games with music and drum beating. He said that will now be in his yard because he knows where this is going to go if it is approved. He said they will outsource this field to other leagues and it will grow beyond anything that can be supported on this property. Mr. Weitzel stated last month, the Board asked Mr. Vishwanathan and Mr. Walker to reach out to the neighbors to talk about revisions, but they never reached out to us. He said they have been to every meeting and they have his wife's contact

information and they have never once reached out to them. He said he feels like they will say anything to get this approved, but has no regard to what is really going to happen, because he is the one that is going to have to deal with it. Mr. Weitzel thanked the Board for their time and asked them to please vote against this rezoning.

- Ms. Lynda Smith of 7134 Us Hwy 64W spoke and had a few comments. She stated during the last meeting there were some comments that the applicant would be willing to go down to one single cricket field and have parking located on Hillside Dairy Rd, but on every single revision presented there are two cricket fields and possibly a third field added on. She said in the last meeting it was stated there will not be spectators and that players will car pool to the fields. She asked, how can anyone control who car pools with who and how many people are going to visit? Ms. Smith said the mayor had just stated this is a family event, a lot of people will be coming out increasing the traffic. She said at the last meeting the Board specifically asked do not use Hwy 64, but on one of the alternate plans they are using Hwy 64. Ms. Smith stated there is a sponsor of the TCL who is buying Ms. Spivey's property. At the BOC meeting, Ms. Spivey did not say she was in agreement with this rezoning, she said she had no objection to the rezoning. Ms. Smith said there is a slight distinction between the two.

Ms. Smith said all the neighbors around this property are agricultural with cows in their fields. She stated that Mr. Raynor, who owns the Alpaca farm, did want to buy 10 acres of land, but none of these alternate plans show where those 10 acres would be. She said there were a lot of different things that needed to be addressed before Mr. Raynor would buy the 10 acres such as the parking lot and latrines location. Ms. Smith stated they were not contacted at all from the applicant about the alternate plans packet. She said that they have spoken to Mr. Raynor and it is not Mr. Raynor's responsibility to relay information to her. She is a land owner and has a right to know about these plans, but the plans were handed to her 10 minutes before the meeting started. She also stated she asked Mr. Raynor if he received a packet and he had not received one either.

Ms. Smith said she doesn't believe they are being honest. She pointed out the grass area for parking might be an oversight, maybe not. Why are they adding another field when they said they were willing to go down to one? The Board encouraged the applicant to reach out to her and they have not. She mentioned the property owners agreement marked with green check marks, but then it came out that they didn't even speak to one of them. She said they are not being forthcoming at all and would greatly not want any of this near her home. Ms. Smith stated the playtime on Saturday and Sunday from 8am to 6pm is the entire day, what if she wants to do something in her yard, when will she not have to contend with the cricket games. Ms. Smith asked the Planning Board members if they would want something like his to come next to their home.

- Chair Lucier asked Ms. Smith if she would object to the development if there was no use at all of the easement on US 64 with a significant perimeter buffer and no parking near her house. Ms. Smith stated what a significant buffer is and there is going to be a lot of people attending these games. Chair Lucier suggested a buffer from the silo. There was some discussion as to the distance of the silo to the property line and to the house. The silo is 109' from the property line and approximately 200' from the house.

Mr. Weitzel stated this is North Carolina and if the latrines are going to be cleaned every two weeks, they will start to smell pretty bad in the heat and humidity. He stated he doesn't want that in his front yard, plus the over burdening of the easement. Ms. Smith stated a car flipped just past her driveway about two weeks ago and believes this is a very dangerous area for driving. The increase in traffic this use would bring would only make it worse. Ms. Smith thanked the Planning Board for their time.

Board Discussion followed and some items discussed were as follows:

- Chair Lucier asked the Planning staff when the alternate plans were provided by the applicant. Ms. Birchett stated they were received on March 21st and they were posted on the Planning Department website on March 25th.

Chair Lucier asked the applicant why didn't they give the packet to the neighbors as requested or reach out to them. Mr. Walker stated he should have done a better job, but they reached out to Mr. Raynor and were relying on him to disperse the information. He also said that Mr. Raynor didn't want to talk to them, so they assumed that Ms. Smith and Mr. Weitzel didn't want to talk to them either. Mr. Walker said that was a mistake on their part to assume that. There was some discussion about if Mr. Raynor ever received the packet and it was said by Ms. Smith that he never did receive a packet to give to them.

- Mr. Walker stated they were wanting to use the easement of US 64 for maintenance equipment only and no traffic other than maintenance. If there is no use south of the silo, then there will not be any action 110' to 150' away from the property line.
- Mr. Arthur asked the staff if they wrote the recommendation with the alternate plans in mind. Ms. Birchett stated the staff did not give a recommendation for tonight's meeting, the recommendation is from last month's meeting. Mr. Walker stated the writing Mr. Arthur is referring to is the initial comments from the packet and he explained how each of the alternate plans addressed the original comments. They are willing to discuss any combination of any alternate plan. Mr. Vishwanathan stated that there will not be any spectators, it will just be players.
- Mr. Galin stated he is leaning for a motion to table this item for another month. He spoke to the applicant about being disorganized and asked them to get this organized, to talk to the neighbors, and work this out. He stated if it is not figured out by next meeting, he is voting against this item. Chair Lucier asked to hold the motion until after further discussion.
- Ms. Hager asked, why was this land selected for cricket? Mr. Vishwanathan stated it was selected because of the easy access and commute from Hwy 64. Mr. Wilson asked, was this property purchased with the intent to access from US 64? Mr. Vishwanathan stated yes and the property was purchased in November of 2018.

Ms. Hager stated there has been plenty of time to see that this property is in an agricultural area and doesn't fit into the Plan for Chatham County. Mr. Vishwanathan stated he met with the neighbors and had a discussion with the Planning Department about this development on the property. He stated the Smith property neighbors were not land owners at the time and that the

Planning Department informed him they had to go through a rezoning process because it is an open air recreation sport.

Ms. Hager asked, should the Planning Board ask them to bring more alternate plans? Is the Board even considering this for approval and is the Board relying on neighbor's approval for the rezoning before the Board makes a decision? Chair Lucier stated the Board is not relying totally on the neighbors, but whenever there is a rezoning and changing the use of the property, it is the neighbors most impacted. The neighbors should have a significant impact in the County decisions that are made in rezoning request.

Ms. Hager stated this is not fitting with the County Comprehensive Plan and she is not convinced this is the best location for cricket. Chair Lucier stated the Comprehensive Plan does also call for recreation areas throughout the County which is a significant chapter in the Plan. Mr. Walker stated the only reason they are having to go through the rezoning process is because it is privately owned land.

- Mr. Frazier stated he prefers Alternate 2 which seems to go the furthest in meeting any objections the neighbors might have. He asked the applicant to come back with a clean plan and to please talk to the neighbors. He also stated he does not object to two fields because they might take a few trees down, but they are also leaving a lot of trees undisturbed.
- Chair Lucier stated he can't see approving any alternate with the use of the easement on US 64 or parking so close to the Smith property. He stated this is why he mentioned the 100' perimeter buffer with hedges. Chair Lucier was okay with the parking and the latrines far north near Hillside Dairy Rd. and there would have to be strict adherence to the dates and times of play. Chair Lucier stated there seems to be some support on the Board to delay this item another month to allow time to contact the neighbors and try to come to a compromise.
- Mr. Walker asked Ms. Birchett about a 30' naturalization area addressed at the Appearance Commission meeting. Ms. Birchett stated she will speak with him at a later time about that item.
- Mr. Arthur stated when the Board postponed this item last month, the whole idea was to get together with the neighbors. He said he is very disappointed that they did not speak with the neighbors and this item was very close to be rejected last month and it is not much further along than before. Mr. Arthur stated the only alternate he sees possibly passing is Alternate 3, this alternate is not using the easement on US 64 at all. He stated the Board wants to encourage recreational items like this, but he is just not sure this is the right place for it. Mr. Arthur stated Morrisville has a good plan and they placed a cricket field in a location where they can play at night. Mr. Arthur stated he is not in favor of delaying this item another month and a decision needs to be made tonight. Mr. Wright stated they will sit down with the neighbors and work this out.
- Mr. Wilson said he agrees with Mr. Arthur's statements and this is not the best location for cricket and the Town of Morrisville has cricket as part of their Parks and Recreation plan. He stated he has not heard any discussion as to how this would fit into Chatham County Parks and Recreation. Mr. Wilson stated it sounds like it is going to be a bit more than what is being said. Mr. Wright stated that they will be willing to discuss any regulations the County would recommend.

- Chair Lucier stated the Board seems to be mixed about tabling this item or not. He said let's get a motion to table the item and if it is not tabled the Board will vote on this item. Chair Lucier stated that seems to be the most efficient way to move forward on this item.
- Mr. Galin made a motion to table this item until the May 7th Planning Board meeting which will be the last meeting to discuss this item. Motion was second by Mr. Frazier.
- Ms. Moose stated she would like to add the conditions that were supposed to be met, have not been met, such as the promotion of the public health, safety, general welfare, and the Comprehensive Plan. She said this is in an agricultural area and when people move to an agricultural area they expect peace and privacy, this does not honor that expectation. Ms. Moose stated this is not a support use for agriculture. She would like to see cricket take off in the County, but this should not be ground zero.
- Mr. Wilson stated they have not met the conditions last month or tonight so what makes us think they will make them next month? Chair Lucier stated the four alternate plans were not compared to see if they met the findings, but he stated some of the objections probably still remain. Mr. Wright stated it would depend on which alternate is chosen as to if they meet the findings or not.
- Ms. Moose stated there is not a compelling reason to go against the Comprehensive Plan in the agricultural area. If the neighbors were all in full support and excited about this development that would be a different decision. Mr. Wright stated he understands, but there are places in the Comprehensive Plan that encourages recreational areas.
- Mr. Galin asked, how many homes would fit on that parcel if they were to put homes there? Mr. Sullivan stated it would be about 20 houses on the parcel. Mr. Galin stated if there was a development it would be about 15 to 20 homes with a natural buffer. He stated he knows someone near an elementary school field with a natural buffer and they can hear when the kids are outside and it is a different environment when the kids are not outside.

Vice-Chair Siverson stated the mayor said this is a low impact use and in a lot of ways this is a rural kind of use. She stated it will not be detrimental to the environment and it can go back to an agricultural use once it is no longer being used. Vice-Chair Siverson stated she does not think it is in a bad spot especially if it is coming off of Hillside Dairy Rd. and not using the US 64 easement at all. Pulling everything away from the southern boundary and have the parking and latrines in the northern section of the property. Vice-Chair Siverson stated she doesn't have a problem with some of the alternate plans. Mr. Galin stated he thinks it is workable especially if they put in a buffer.

- Chair Lucier reminded the Planning Board that there is a motion and a second to table this item one more month.

Motion to table this item passed 6-5, opposed by Vice-Chair Siverson, Mr. Wilson, Ms. Moose, Ms. Hager, and Mr. Arthur.

- Ms. Weakley stated the reason she was willing to table this item is because she has concerns for the neighbors. She encouraged the applicant and the neighbors to talk.
2. A general use rezoning from R-1 Residential to General Use Light Industrial by Jack Sanderford Jr. on property located at 538 Pea Ridge Rd. New Hill, Parcel No. 5295 & 66511, being approx. 3.26 acres.

Ms. Birchett gave an overview of the staff notes and she reported that this is a general use rezoning from R-1 Residential to General Use Light Industrial by Jack Sanderford Jr. on property located at 538 Pea Ridge Rd. New Hill, Parcel No. 5295 & 66511, being approx. 3.26 acres. A legislative public hearing was held on March 18, 2019. Planning staff presented the request to the Board of Commissioners and the applicant was available for questions and comments.

Ms. Birchett stated Planning staff reviewed the history for this area in connection with a mass rezoning effort by the Board of Commissioners in 2007 that involved 49 parcels and 533 acres. Prior to 2007, this property, along with several others, was zoned Heavy Industrial along Pea Ridge Road from US 1 to Old US 1. Approximately 111 acres were found to be located within the flood plain and therefore could not be developed for any purpose. The owners of these properties were prohibited from constructing residential buildings due to the industrial zoning and also wanted lower taxes, and down zoning would help with both issues. The BOC approved rezoning from Heavy Industrial to R-1 Residential. This property, which does not have any floodable, was being used as a home based business for a sawmill, logging, and grading business in 2007. This use had been in operation for several decades by the applicant's father and grandfather. At the time of the rezoning in 2007, there was a limited amount of equipment and materials on the properties; however the applicant states the business never completely ceased operation and both parcels were being used for the family business. The applicant has continued to operate on some level continuously and wishes to be able to continue the business.

Ms. Birchett continued stating the property is currently zoned R1, Residential, the adjoining property to the south and east is zoned Heavy Industrial, the property to the north and on the opposite side of Pea Ridge Road is zoned R1, Residential, and the one parcel on the opposite side of Pea Ridge Road is zoned Conditional District Regional Business for an event venue. The parcel is located in a River Corridor Special Area watershed district (outside of the Jordan Lake drainage) and non-residential uses are allowed. There is one water feature located on parcel 66551 and no special flood hazard area. In considering a general use rezoning request, Section 19 of the Chatham County Zoning Ordinance includes four standards that must be addressed and supported in order for a rezoning application to be approved. The standards are:

Standard No 1 – The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment. No error in the ordinance is being alleged. The applicant contends the zoning ordinance does not allow him to continue with the family business as a small scale sawmill, logging, and grading business because they are not permitted uses in the R-1 zoning district. Light Industrial would accommodate the proposed use of the site even though it was zoned Heavy Industrial prior to 2007. **It is planning staff opinion this standard is met.**

Standard No 2 – The changed or changing conditions, if any, in 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 contends that the family business has fluctuated over the years but has continued to operate in some manner since the 1950s. In 2007, when the land was rezoned by the BOC, the operation was small and the property was not identified as remaining in heavy industrial zoning and was subsequently rezoned to R-1 Residential. The county had no reason to question the rezoning until a complaint was filed with the

Planning Department for a possible stream impact and appearance of the property. At the time of the rezoning in 2007 the applicant's parents owned the property and may not have realized they needed to contact the county to advise them of the existing business and request that the zoning remain.

Ms. Birchett continued stating the adjoining property to the south and east is zoned Heavy Industrial and contains approximately 322 acres and was the site of Performance Fibers. The Performance Fibers property is now being marketed along with other properties in the area as part of the 2500+ acre Moncure Mega Site. **It is planning staff opinion this standard has been met.**

Standard No 3 – The manner in which the proposed amendment will carry out the intent and purpose of the adopted land use plan, or part thereof is: The property is located within a Rural designation, but is immediately adjacent to the Moncure Megasite Employment Center. The Rural designation recommends a mix of uses that includes residential, home based businesses, and small scale businesses. Employment Centers are recommended to include industrial, office, and supporting retail, restaurant, service, recreation, and other uses. The applicant's business is considered small scale in that he is limited on the size of the operation due to the acreage of the lots and built upon limitations. This property also abuts the Heavy Industrial zoned Moncure Mega site.

Ms. Birchett stated that under the Economic Development Plan Element Strategy 4.4 encourages the continuation and expansion of existing commercial and industrial uses that are appropriately zoned (p. 56). These properties were appropriately zoned until 2007 when they was changed to R-1 Residential. The applicant is seeking to regain the industrial zoning of the properties to continue the business. **It is planning staff opinion this standard is met.**

Standard No. 4 – All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment. The rezoning of the properties will increase the tax base in the county. There have been other properties rezoned in close proximity to this location over the last few years with the most recent being Courtesy Towing (Residential to Light Industrial) in June 2018 located at 800 Pea Ridge Rd.

The applicant will adhere to all required regulations regarding developing the site and comply with all permitting. NCDOT indicated via email that a new commercial driveway permit is not needed and that the existing permit will continue to be valid since the driveway is not being relocated. **It is planning staff opinion this standard is met.**

Ms. Birchett stated in closing that the Planning Board has up to three meetings in which to make a recommendation for approval or denial to the Board of Commissioners. Should the rezoning be recommended for approval, the following consistency statement has been provided for your consideration.

It is the recommendation of the Planning Board to approve the rezoning of Parcels 5295 and 66511, being approximately 3.26 acres total, located at 538 Pea Ridge Road for Light Industrial and finds that it is consistent with the Comprehensive Plan of Chatham by providing flexibility for rural business and increasing employment opportunities near the Moncure Mega site employment center.

Ms. Birchett said that the applicant Mr. Jack Sanderford is available to answer questions for the Planning Board.

Board Discussion followed and some items discussed were as follows:

- Chair Lucier stated it sounds like there was a communication problem back in 2007. He was a County Commissioner at the time and it was a resident initiated rezoning request because residential citizens didn't want to pay the industrial taxes. He stated it sounds like this gentleman's property fell between the cracks. Ms. Birchett stated she believes that is what happened and with all of the rezoning in the past few years, this does happen.

- Ms. Weakley asked Mr. Sullivan to pull up the conservation map on GIS. She stated in general she doesn't have a problem with rezoning this parcel next to the mega site, but she has taken a look at the data on the conservation viewer and a large part of the site is high confidence wetlands due to the soils on the site. She stated there is a stream that runs through the eastern property and the soils on that property have a very high seasonal water table from 0 to 1.5 feet. Mr. Sullivan had GIS on the screen for the Planning Board to see what Ms. Weakley asked him to display. Ms. Weakley stated this is an area with a high water table, is very easily flooded, and this area is very flat with 0% to 2% slopes. She stated the plan included in the packet shows a large part of that area will be parking and feels that this parcel is not an appropriate place for light industrial use.
- Mr. Spoon stated this is an established business that has been around for three generations and surrounded by heavy industrial uses. He stated he didn't know about the water issues.
- Mr. Wilson asked if it was in a floodplain. Chair Lucier stated it is not in a flood plain. Mr. Sullivan stated the applicant is working with the Corps of Engineers and DEQ currently in that area. Mr. Sanderford stated they had dug that area about 30 or 40 years ago, or longer because there was water coming onto their property so they dug a trench, what is now being called a stream, which they built. Mr. Sanderford stated with all the rain we have had in the past year, it has not flooded. He said they have been trying to work with the State for 50 years about this.
- Chair Lucier asked if they were working with the State now. Mr. Sanderford stated they have been working with them since he was a kid. Chair Lucier asked what the big building was on parcel 5297, located at 600 Pea Ridge Road. Mr. Sanderford stated that is Smith's funeral home.
- Ms. Weakley asked what is going on with the stream impact and why is Army Corps and DEQ involved. Ms. Birchett stated when you enter the property, he had built up the driveway and when he did, according to Watershed Protection, he had impacted the headwaters and that is what he has to get repaired with them. Ms. Weakley asked if he had to restore it. Ms. Birchett stated yes. Ms. Weakley asked if Ms. Birchett knows the classification of the stream. Ms. Birchett stated she did not.
- Mr. Sanderford stated he has not had any issues with the State and has been trying to contact them, but he has not heard back.
- Mr. Frazier asked who submitted the complaint that is mentioned in the notes about the stream and the appearance of the property. Ms. Birchett stated that it was an anonymous complaint.
- Ms. Phelps stated that NC DENR hasn't conducted a site visit, they are still waiting for USACE to confirm a site visit. Ms. Phelps was reading an email from a Ms. Stephanie Goss with NC DENR from October which was the last communication she had received. Ms. Goss's notice of violation only addresses the fill in the wetland and she did not include a violation in the stream.
- Ms. Weakley asked if there were any wetlands on the site. Mr. Sullivan stated that they are still waiting for the Army Corps to do the site visit. Mr. Spoon stated that the Army Corps would enforce protections or anything that they found during the site visit.

Motion made by Mr. Spoon to approve the consistency statement; second by Mr. Wilson.

“It is the recommendation of the Planning Board to approve the rezoning of Parcels 5295 and 66511, being approximately 3.26 acres total, located at 538 Pea Ridge Road for Light Industrial and finds that it is consistent with the Comprehensive Plan of Chatham by providing flexibility for rural business and increasing employment opportunities near the Moncure Mega site employment center.”

Motion passed unanimously, 11-0

Motion made by Mr. Spoon to approve this item; second by Mr. Wilson.

- Ms. Weakley stated she still has concerns about the soils on the parcel and how are the impacted areas going to be restored. She stated that this stream drains into the Haw River.

Motion passed, 10-1 opposed by Ms. Weakley.

IX. NEW BUSINESS:

X. BOARD MEMBERS ITEMS:

1. Continue the discussion to establish additional zoning standards for assembly occupancies in residential zoning districts.

Ms. Phelps gave an overview of the staff notes and she reported that research was conducted to find comparable jurisdictions across the nation and evaluate their standards for places of assembly. Jurisdictions were chosen based on being similar in rural character, size (amount of land), and population. These jurisdictions are Wright County, MN; Napa County, CA; Benton County, OR; Pottawattamie County, IA; and Elmore County, ID. Also included are surrounding jurisdictions of Chatham County: Wake County, NC; Orange County, NC; Durham County, NC; and Cary, NC.

Ms. Phelps asked the Planning Board to Review and discuss the submitted materials and work with planning staff to develop options for the Board of Commissioners to consider for assembly occupancies in residential zoning districts.

- Chair Lucier stated there is a lot of good information provided, but nothing that is perfect for the County's use. Ms. Phelps stated it seems like the other jurisdictions did have standards for non-residential uses, but they were still kind of lenient to a point. Chair Lucier stated maybe we can have an option to have something that is not located on a public road require a CUP process. Mr. Sullivan stated yes, it can be structured that way. Ms. Phelps stated she believes there is a jurisdiction that had that type of requirement with the public and private road access.

Chair Lucier stated this is the direction he believes we should be going because of the issues that arise from time to time with places of assembly. Chair Lucier also stated that we may want to consider monument height and that monuments are not subject to the building height restrictions in the Zoning Ordinance and there is a monument being considered in Moncure. Chair Lucier asked if we should change our height ordinance to not exclude monuments.

Mr. Sullivan stated that would be an easier issue to address by removing one word from the ordinance. Mr. Sullivan explained to the Planning Board the process it would take to complete that

change. Chair Lucier stated it was something he was thinking about because we were looking at the restrictions and requirements for places of assembly and churches.

- A couple Board members asked if the height restriction is something that can be voted on tonight or will it need to come back on the agenda. Mr. Sullivan stated that is something that can have a motion made tonight and from a procedural standpoint this will start the 3 to 4 month text amendment process. Chair Lucier stated he believes we all agree we should make that motion for the height restrictions.

Mr. Spoon made motion to make a change to the Zoning Ordinance for a text amendment to remove monuments from the height exemption, Section 8.8, second by Vice-Chair Siverson.

- There was some Board discussion as to what was being voted on and why monuments were being removed from the height restriction exemption. Ms. Phelps showed the Planning Board the paragraph in the ordinance, Section 8.8 where all the height restriction exemptions are stated and Ms. Phelps read it to the Planning Board.
- Mr. Spoon asked the Board if there was anything else we would like to remove from the exempted list.
- Ms. Hager stated she is not in favor of striking the word monument from the height restriction because this could be removing any kind of creative structure in an art community that might be a tourist attraction. Mr. Frazier stated he thought the monument looked kind of neat. Mr. Wilson stated this is supposed to be the tallest in the world.
- Chair Lucier reminded the Planning Board that there was a motion and a second for removing the word monument from the height exemption list.

Motion passed 7-3-1, opposed by Mr. Galin, Ms. Hager, and Mr. Frazier. Abstention by Ms. Moose.

- Mr. Frazier stated the citizens that were here a couple months ago wanted to have the ability to give their input if something wasn't coming to a public road. He stated when they started this process he thought about developing standards, but the more he thinks about it and all the different things that can fall under the standards, he feels that they cannot develop a set of standards to deal with all the different uses. Mr. Frazier stated he has come around to the thinking of requiring the CUP process in residential zones.
- Mr. Spoon stated he agrees with the standards, but maybe that should be part of the broader UDO process. He stated we do need a review process in place for neighbor input sooner rather than later to keep this from happening again. He also stated looking through all of the different jurisdictions, they all seemed to have carved out an exception for childcare under 15 kids and this seems like something that needs to happen as well.
- Vice-Chair Siverson stated she has come to the same conclusion about requiring the CUP process for the ability to have public input. Initially she didn't want to put that burden on small rural churches and she admitted she is still struggling with that. Vice-Chair Siverson stated with the kind of development pressures from the east and it moving west, it seems to be the right process.

Chair Lucier stated he shares the same concerns as the Vice-Chair and that something needs to be in place because as the County grows there will be more and more mega churches that might have substantial issues with immediate neighbors. Chair Lucier stated we either have to go with limited

performance standards or a CUP process for everything. Chair Lucier asked Mr. Wilson what he thought about that process.

Mr. Wilson stated it will be a great burden on churches and also some of the other non-profit uses. However, on the other hand if you look at the place of assembly in Moncure that is being proposed a lot of those neighbors are calling and asking when was this decided, they didn't hear or know anything about it. Mr. Wilson asked if there was any way to notify neighbors without a CUP process. He also mentioned churches or daycares have extra property and have plans to use that property as they grow. Will they be required to go through this new process? Mr. Sullivan stated yes, only the property that is currently in use is grandfathered, any other property would go through the CUP process.

- Mr. Frazier asked, how much the CUP process cost? Ms. Birchett stated the application fee for CUP is \$500 and \$25 per acre, or they can go through the Conditional District rezoning process and that is \$750 plus \$50 per acre. Mr. Sullivan stated that is just the costs for the County, but site plans need to be completed and also they might spend money preparing the application as well. It is not required to have a professional drawing, staff will accept a hand drawn site plan.
- Mr. Spoon asked if the County can waive the application fees or reduce the cost. Mr. Sullivan stated there are waivers in place in the County now, but that is something that would need to be brought to the County Attorney and also approved by the County Commissioners.

There was Board discussions about reducing or waiving the fee for the CUP process in these situations.

- Vice-Chair Siverson stated, to answer Mr. Wilson's question, if there is not a CUP process there really is not a way to craft standards for notification or public input. Ms. Birchett stated they can advise the applicant to do that, but there is no legal authority in that process. Mr. Sullivan stated even if there is a requirement in the zoning ordinance "we shall notify property owners", it sets an expectation that they have some input that is meaningful, but really they don't and it makes the neighbors even more upset.
- Mr. Spoon stated that there needs to be a tool available to review these types of requests and we need it sooner rather than later.

Mr. Sullivan stated the staff has to review the site plan either by a CUP process or uses allowed by right, whether there is fee cost or not, but with the CUP process it does open up the process for public hearing. The Board has to base their approval or denial on what is in the record and also to the requirements in the ordinance. Chair Lucier asked if that is quasi-judicial hearing. Mr. Sullivan stated that the CUP process is a quasi-judicial public hearing.

- Mr. Spoon asked if the Board could request traffic studies as part of that request. Mr. Sullivan stated staff has been discussing traffic studies and Cary has a traffic management plan that might be beneficial to look at for churches or schools.

Chair Lucier stated it wouldn't be needed for a small church, but for a mega church or a school it would be beneficial. Mr. Sullivan stated not only a traffic management plan, but also there are fire code issues; there could be a public safety plan for larger events. He stated that the traffic plan may not be a study, but a plan in place that can require access to areas of the property for emergencies and more details so it is clear. With large events it needs to be a safe environment, plus fire trucks and EMS vehicles need to have access.

- Mr. Arthur stated parking is a major issue as well. Mr. Sullivan stated with the CUP process there can be more information provided by the applicant to see how they are going to make a particular site work for their use. Plus, if there is input from the neighbors that the applicant can't address, then that is reason for denial.
- Ms. Weakley stated when it is a small church the process doesn't have to be laborious. Mr. Sullivan said Ms. Weakley is correct and that staff will accept a hand drawn plan. Chair Lucier stated there will be more cost to a larger facility because of the more area being disturbed.
- There was Board discussion about the different sizes of facilities and the difference between uses by right and the CUP process. Ms. Phelps stated it would be difficult to enforce because organizations grow and they can expand beyond the original request. Mr. Sullivan stated they can tie them to the site plan approval, but it is the special events that are causing the issues and is harder to manage from a regulatory standpoint. He stated Cary has some regulations in place for the building occupancy and some for special events, but it would be a complaint based evaluation. He stated when neighbors complain, staff will need to go out and count bodies at these events which would not go over very well. Mr. Sullivan stated when the Fire Marshal goes out to look at the site they are looking for vehicle access not really the event itself and not counting people.
- Ms. Hager stated if somebody is exceeding a capacity in a building isn't that a fire code issue and Cary requires a certain amount of capacity for parking. Mr. Sullivan stated yes, but it is an outdoor event that is causing the issues and it is easier for a building to have an occupancy requirement by building code, but outdoor events, who can manage the amount of people that arrive?
- Mr. Spoon stated it seems like performance standards are complicated and will need some time to research and develop, but feels there needs to be some way to review applications while putting the performance standards together. He feels the CUP process is the way to get that done. Chair Lucier confirmed Mr. Spoon's statement by saying, have a CUP process in place now for an immediate solution, but for long term build the performance standards into the UDO and then move away from the CUP requirement. Mr. Spoon said yes, the UDO can clearly spell out what you can and can't do in places when people buy property.
- Ms. Weakley stated she is in favor of the CUP process. Vice-Chair Siverson stated if the CUP process was in place there wouldn't have been the issue on Hogan Rd. Mr. Galin asked, how many issues have been like the Hogan Rd. issue? Chair Lucier stated the Triangle Cricket League item is a similar issue.

Mr. Galin stated does the County need a new set of regulations before the UDO is complete. Mr. Spoon stated we need the CUP process. Mr. Wilson stated there are people that are quietly buying property because they know discussion is happening and they are trying to get in front of it so they are grandfathered.

- Chair Lucier stated Chatham County will need to build a lot of schools in the next 20 years, a CUP process would be required to build a school.
- Ms. Hager stated we need to look at who would be the most negatively impacted by this CUP requirement. There was some Board discussion about keeping an exception for daycare uses.

- Mr. Sullivan stated the CUP process can be used as an interim, also request a fee waiver for that process while performance standards are being researched and developed. Mr. Sullivan stated there can be a threshold that will trigger the CUP process. The performance standards are going to be a much longer conversation and also learn what the thresholds are for them as well. He stated there are several issues to look at, such as traffic and noise restrictions.
- Ms. Weakley stated with the CUP process is site specific and there can be standards in place for the issues at that particular site so they can be addressed.

Mr. Frazier believes that we need to use the CUP process and asked how to move forward to make that happen. Mr. Sullivan stated there needs to be a motion to recommend a CUP permit for places of assembly and it will be added with the prior monument height restriction request. This would be brought to the County Commissioners at the May meeting to schedule a public hearing in June for a zoning ordinance text amendment.

- Chair Lucier stated the other items addressed tonight were the exemption for daycares with 15 children or less and waiving the fees for the CUP application process. Mr. Sullivan stated daycare is a use that can be left as permitted by right. It is a non-residential use in a residential area, but not considered a place of assembly and is limited by size. Mr. Sullivan stated the fee waiver can be added to the discussion as well.

There was some Board questions about the daycare centers and the requirements in place for them. Mr. Sullivan stated if it is a standalone daycare center it will be a CUP process, but if it is a daycare in the home, it is permitted by right. The Planning Board members agreed that daycares centers are okay and do not need to be placed on an exemption. The process is already provided in the Zoning Ordinance.

- Mr. Wilson showed some concern about voting on this item tonight when there should be more discussion. Vice-Chair Siverson stated there will be opportunity to hear from the public at the public hearing and then it would come back to the Planning Board for more discussion. She stated maybe there will be input from churches and people from the County and this will not be the end of the discussion. Mr. Wilson asked if the performance standards were ruled out. Chair Lucier stated the performance standards are not ruled out, but they will be built into the Unified Development Ordinance which is a longer process.

Chair Lucier stated we are starting the formal process, with a public hearing at the BOC, back to the Planning Board for more discussion, then back to the BOC for the text amendment vote.

Motion made by Mr. Frazier – Require a conditional use permit for places of assembly in residential areas, waive the conditional use permit application fee for those uses in residential areas, and evaluate performance standards as part of the Unified Development Ordinance development; second by Ms. Hager

Motion passed 9-2, opposed by Mr. Wilson and Mr. Galin

