



**Chatham County Planning Board  
Approved Minutes  
June 4, 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  
Cecil Wilson  
Emily Moose  
Gene Galin  
Allison Weakley  
Jamie Hager  
Bill Arthur  
Jon Spoon

Absent:

Franklin Gomez Flores

Planning Department:

Angie Birchett, Zoning Administrator  
Kimberly Tyson, Planner II/Subdivision Administrator  
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 (10 members were present, Mr. Franklin Flores was absent.)
- IV. APPROVAL OF AGENDA:  
Approval of the Agenda - Chair Lucier asked the board members if there were any issues with the Agenda. There were no objections and the agenda was approved.
- V. APPROVAL OF THE MINUTES:  
Chair Lucier asked for consideration for approval of the May 7, 2019 minutes with a few minor proposed changes. There were no objections by Board members and the May 7, 2019 minutes were approved. Motion was made by Mr. Wilson to approve; second by Mr. Arthur. Motion passed with a vote of 8-0, Mr. Spoon and Mr. Arthur did not vote because they were absent from the May Planning Board meeting.
- VI. PUBLIC INPUT SESSION:  
No public input.

## VII. SUBDIVISION:

1. Request by David Johnson for subdivision **First Plat** review of **Fern Creek Subdivision Section II**, consisting of 4 lots on 21.05 acres, located off Sugar Lake Road, SR-1714, parcel #80855.

Ms. Tyson gave an overview of the staff notes and she reported that this subdivision process is a four step process: Concept Plan, First Plat, Construction Plan, and Final Plat. The applicant has completed the community meeting and the Concept Plan review. The minimum lot size requirement for the project is an average of five acres with no lot smaller than 3 acres. The Planning Board has two (2) meetings in which to act on the proposal. The request is for First Plat review and recommendation of Fern Creek Subdivision Section II, consisting of 4 lots on 21.05 acres, located off Sugar Lake Road, S. R. 1714. An aerial showing the property location, attachment # 2, is included in the agenda packet. Per the Subdivision Regulations, Section 5.2C(4), a Public Hearing shall be held at the first Planning Board meeting to receive comments on the proposed subdivision. Item (b) states that following the Public Hearing, the Planning Board shall review the proposal, staff recommendation, and public comments and indicate their recommendation for approval, disapproval or approval subject to modifications. As stated above, the Planning Board has two meeting to act on the proposal.

Ms. Tyson continued by stating this request is to create four additional lots off of Fern Creek Trail that will be accessed by a county standard private road as provided in Section 7.2 D(1)(b) in the Subdivision Regulations. To use this option requires that the lot sizes average 5 acres in size with no lot containing less than three acres. All of the lots proposed with this request are greater than 5 acres. The private road provision allows for lots in a subdivision to be accessed by a private road meeting the design criteria in Section 7.2 D(3) that include a 60' right-of-way, 18' wide travel way width, and other standards that require verification from a licensed professional engineer. Fern Creek Trail ranges in width from 16' to 18' and the developer will have to upgrade the existing road to meet the design criteria. The developer has indicated that the project engineer has evaluated the existing road and determined that the road construction meets the road construction standards, with the addition of approximately 2 feet of additional compacted gravel in certain areas.

Ms. Tyson stated in 2005 Mr. Johnson submitted a variance request to the Board of Commissioners that Running Deer Trail, which accesses Fern Creek Trail, not be upgraded to the county private road standard. The request was submitted as part of a request for a four lot minor subdivision that lead to the extension of Fern Creek Trail. The Board of Commissioners approved the variance and allowed Mr. Johnson to subdivide 4 lots off of Fern Creek Trail, which was completed in 2006. Fern Creek Trail right-of-way is 60 feet wide, portions of the travel-way are currently range between 16 and 18 feet wide. The travel-way shall be 18 feet wide consistently from the beginning of Lot 5 to the end of Lot 8 and shall be unobstructed. The developer, voluntarily, will widen the travel-way to 18 feet wide to the cul-de-sac, north of Lot 8. The design and construction of the private road shall be certified by a licensed engineer. A road maintenance agreement shall be provided prior to final plat. The applicant contacted Bev Wiggins, Chatham County Historical Association. There are no old structures or cemeteries on the property per the applicant, if old structures or gravesites are found Ms. Wiggins asked to be contacted. No additional historical information was received.

The developer submitted the General Environmental Documentation and a letter, dated January 15, 2019 from North Carolina Department of Natural and Cultural Resources Natural Heritage Program to the Chatham County Watershed Protection Department for review. The letter states "A query of the NCNHP database, indicates that there are no records for rare species, important natural communities, natural areas, and/or conservation/managed areas within the proposed project boundary. Please note that although there may be no documentation of natural heritage elements within the project boundary, it does not imply or confirm their absence; the area may not have been surveyed. The results of this query should not be substituted for field

surveys where suitable habitat exists.” Rachael Thorn, Watershed Protection Director, reviewed and approved the information submitted.

Ms. Tyson continued saying a community meeting was held on December 27, 2018 at The Well Community Church, 130 Farrar Circle, Pittsboro. Three people attended the meeting. Items/issues discussed were about an easement not related to this project and there were no issues from others in attendance. The TRC met on May 15, 2019 to review the First Plat submittal. The developer was present. Items discussed included public hearing for the First Plat submittal, financial guarantee process, widening the travel-way, and the cul-de-sac radius. Billy Judson, Chatham County Deputy Fire Marshal, asked for documentation for the gravel compaction and Mr. Johnson stated he will provide it. A soils report and map was submitted to Thomas Boyce, Chatham County Environmental Health, LSS, REHS, Chatham County Environmental Health, for review. Mr. Boyce stated that the report and map were sufficient for a First Plat review. County water is not available and the lots will be served by private wells. The road name Fern Creek Trail has been approved by Chatham County Emergency Operations Office. Fern Creek Trail is an existing road and the name was approved in 2006.

Ms. Tyson also stated Julie Davidson of Agri-Waste Technology, Inc. identified two ephemeral streams, one intermittent stream, and two perennial streams. Drew Blake, Chatham County Watershed Protection Inspector reviewed the site on March 11, 2019, changes were made to the findings. All parties agreed to remove two ephemeral streams. Ephemeral stream #1 was a relict erosional gully that was heavily covered with pine straw and showed no recent flow and ephemeral stream #2 lacked a defined channel. Mr. Blake issued a confirmation letter dated March 13, 2019, his findings are intermittent segment and two perennial segments. Since the project does not meet the land disturbance threshold for stormwater controls none are required for this project.

Ms. Tyson informed the Board that site visits were scheduled for May 9 and 14, 2019 for Planning Department staff and various Board members to attend. David Johnson was present to walk the property with staff and Board members and discuss the project. Areas of the property viewed were the intermittent and perennial streams and a barn. Pictures of the site visit can be viewed on the Planning Department webpage. Plan Chatham was adopted by the Board of Commissioners in November 2017 and is a comprehensive plan that provides strategic direction to address the most pressing needs in the county. This property is located in an area of the county identified as Rural on the Future Land Use and Conservation Plan Map. The description for Rural includes low density development, single family homes on large residential lots, agriculture, home-based and small scale businesses, and public open space. The proposed lot sizes are greater than 5 acres. It should be noted that Plan Chatham is not intended to be used as a regulatory tool, but is a policy document. When reviewing subdivision applications the boards can use the plan as a tool to identify future regulatory changes.

Ms. Tyson stated in closing the Planning Department recommends granting approval of subdivision First Plat for **Fern Creek Subdivision Section II** with the following conditions:

1. Approval of the First Plat shall be valid for a period of twelve months following the date of approval by the Board of Commissioners and the Construction Plan approval shall be valid for a period of twenty-four months from the date of approval by the Technical Review Committee or Board of Commissioners
2. Road maintenance agreement shall be submitted prior to final plat.

Ms. Tyson said Mr. David Johnson and Mr. Smair Bahho was available to answer questions for the Planning Board.

- Chair Lucier asked if there was anyone signed up to speak for the public hearing. Clerk Garrett called Mr. Mars Davis to speak.

Mr. Mars Davis of 455 Running Deer Trail spoke and had a few comments. Mr. Davis stated he owns the property on the left side of the plat and doesn't have any objections on the subdivision. However, he stated that there are items on the plat that are not on his survey, such as a portion of a State road and an ingress and egress easement. Mr. Davis said that they should not be on the plat and wasn't sure why they were placed there.

Chair Lucier asked if the easement to the west of the proposed subdivision was on his property. Mr. Davis stated yes, it is all his property and the easement is not on his survey map.

- Mr. Spoon stated that this plat is not an official document and whatever plat is on record in the Register of Deeds office will be the official document.
- Chair Lucier asked Mr. Davis if he had looked at the GIS Tax/Land map. Mr. Davis said he had not looked on the GIS Tax/Land Map. Chair Lucier asked Mr. Johnson if he knew why these easements are shown.

Mr. Johnson stated the land had once been owned by a paper company and he believes the easement allowed them ingress and egress to the property so they were not boxed in.

Chair Lucier informed Mr. Davis that this is independent of the action that the Board will be considering for the subdivision. Ms. Birchett stated Mr. Davis will need to contact the Register of Deeds and do a title search. Ms. Weakley showed Mr. Davis on the plat the different references he can take to the Register of Deeds office to help get this resolved.

Board Discussion followed and some items discussed were as follows:

- Ms. Weakley asked Chair Lucier about the site visit and if he had anything he would like to share with the Board. Chair Lucier stated the perennial stream is Temple Creek and it has a 100' buffer. He asked Ms. Tyson to show the Board the location of the other ephemeral streams that were dismissed by Watershed Protection because there was no evidence of water running through them. Ms. Tyson showed the Board on the GIS Tax/Land Map and there was Board discussion about the streams and the locations.
- Chair Lucier answered Ms. Weakley's question about the site visit informing the Board that it is pretty straight forward, 21 acres with 4 lots, about 5 acres per lot.
- Mr. Spoon asked if the house at the start of the road was the applicant's house. Ms. Tyson stated no, his house is further down the road.
- Chair Lucier stated when completed the total lots will be 8 lots for this subdivision and it is on a County standard road which required this to be a major subdivision application.
- Mr. Spoon asked if the plan was to have individual or shared driveways off of Fern Creek. Mr. Johnson stated the land owner can put the driveway and house where they want to put it, but if owners want to share a driveway that is fine.

- Vice-Chair Siverson stated she is very comfortable with the subdivision and the site visit.

Motion made by Mr. Spoon to approve this item: Second by Mr. Galin

- Ms. Weakley stated she was curious if it was only the Heritage review required for the general environmental documentation. Ms. Tyson stated Ms. Thorn reviewed the submittal and because there is only 4 lots she may have treated the submittal more like a minor subdivision. Ms. Tyson stated Ms. Thorn may have also looked at a fragmentation map as well, but the Heritage review was the main document she used.

Ms. Weakley stated this is something we might want to look at when reviewing the UDO process as to what the triggers are to the various environmental documentation. She also noted that the Heritage Program provide information in a letter, it is important to note that just because something isn't documented within the project area doesn't mean it's not there. The Heritage Program can not survey every inch of the ground in the State. The reason they provide a report that documents what is within a mile of the project area is because if there is habitat for the items they have documented it could be present on site. Ms. Weakley added, just because the report says nothing is in the project area, doesn't mean nothing is in the project area.

Motion passed 10-0, unanimous.

#### VIII. ZONING:

1. A legislative public hearing request by Chris Sanders of Sanders Automotive for a rezoning of Parcel No. 77022, located off Ruth Lane and US 15-501 N, being approximately 7.07 acres, from Conditional Use District O & I and R-1 Residential to Conditional District Neighborhood Business, Baldwin Township.

Ms. Birchett gave an overview of the staff notes and she reported that a legislative public hearing was held on May 20, 2019. Planning staff presented the application and supporting information. Mr. Mark Sanders, co-owner with Chris Sanders, also spoke to the Board on the request. Also speaking was Kirby Zeman, an adjacent landowner, who spoke in support of the rezoning. A portion of the property was rezoned from residential to Conditional Use District Office & Institutional on April 18, 2000 with a conditional use permit for a medical (dental) clinic on 3.24 acres of the seven acre parcel under the name of J. Lowell Williams. The balance of the property remained residential. The Conditional Use Permit was voided because the site was never developed and the permit expired, but the conditional use district remained in place.

Ms. Birchett stated the applicant's current business, Sanders Automotive, is located on the opposite side of US 15-501 from the subject property. That building has been used for automotive services since 1956 per tax property information and the applicant has operated his business there since 2013. Due to increasing demand for automotive services, the applicant wants to expand and purchased the property on the opposite side of the highway in hopes to accomplish the expansion/relocation. The zoning of property in the vicinity of this parcel includes General Business; Conditional Use Office & Institutional, Residential, and a non-conforming automotive repair business. The watershed designation is WS-IV Protected Area within the Jordan Lake drainage and built upon area is limited to 36% without the use of curb-and-gutter. A private driveway, Ruth Lane, bisects the property and serves as access to an adjoining property. The entrance of Ruth Lane is proposed to serve the site, but access to the adjoining property will be relocated. Ruth Lane is approximately 600' from the intersection of US 15-501 and Bynum Road and US 15-501 has a divided median at this location.

Ms. Birchett continued saying 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 applicant held two community meetings to make sure all adjacent property owners had an opportunity to review the proposed project. One meeting was on November 12, 2018 and the other on December 10, 2018. There were no concerns or changes made to the application proposal or site plan based on the community meetings.

Ms. Birchett also stated a meeting with the Chatham County Appearance Commission was held November 28, 2018. The following amendments to the landscaping plan are as follows:

- Plans shown include the removal of tree cover in the center of the property to build an automotive repair shop and create parking.
- The rear of the property has existing hardwood dense cover that will not be disturbed.
- The east side of the property will be disturbed and plans call for planting evergreens to meet county screening requirements. The proposed and agreed upon species are Eastern Red Cedars to be planted 8' on center with Tea Olives in between.
- The dumpster, oil tanks and compressor areas are also to be screened with Tea Olives. The plans did not reflect this— but it was requested by CCAC members, and agreed to by both Chris and Mark Sanders to make the changes to the plans.
- The parking area on the plans submitted call for Juniper to be planted on its perimeter, Commission members suggested and it was agreed that these be Seargent or Andora Juniper.
- There was discussion about the area adjacent to the parking area where plans called for Fescue Lawn and shrubs. Commission Members suggested and it was agreed to by the Sanders that they plant Cedar trees 6' on center staggered as well as a variety of species including Dwarf Pussy Willow, Red Twig Dogwood and Dwarf Forsythia in between the trees to create a more wild, natural look than manicured lawn. Dan Sundberg suggested that using “live stakes” would keep the cost of implementing this change down. The Sanders agreed to have the plans changed to reflect these suggestions.
- No lighting is called for on the rear of the building and all other lighting planned will be submitted to Angela Birchett for approval.
- The signage will consist of an 8' x 8' monument that will comply with County requirements.

Ms. Birchett stated 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. It is the opinion of planning staff this standard is met.

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. Because of the current site's physical limitations, including access to and from the US 15-501 corridor, the applicant purchased a 7 acre parcel on the opposite side of US 15-501 and wants to relocate the auto service facility and provide additional flex space for future commercial development. The proposed site will allow better access and increased room to service automobiles. The site is currently zoned Conditional Use Office & Institutional for a professional office and R-1, Residential, but no development has occurred on the property. The property is also located adjacent to existing business uses on the east side of US 15-501 that include a restaurant, retail, and min-storage facility and zoned B-1, General Business, and CU-IND-L, Conditional Use Light Industrial. The property is located in the study area of the "15-501 Corridor Market Profile and Analysis" that is an appendix to the comprehensive plan. In the market profile, traffic along US 15-501 was found to have increased to 15,000 trips per day near Bynum. Residential development in the general vicinity has also increased and there are more than 9,000 dwelling units in the 50 square mile study area. The property is served by public water and has at least two approved septic sites. There is also sufficient property to accommodate the proposed structures and parking and meet built upon area limits. It is the opinion of planning staff this standard is met.

Item #3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof. The application notes that the rezoning would encourage the expansion of an existing business located within the area. A new service facility would allow the applicant to better serve the automobile service and repair needs of the community. Additionally, the site could accommodate future space for retail stores and other personal service shops, as well as business and professional offices. According to the comprehensive plan historic centers like Bynum should accommodate small-scale business, local retail, office, institutional, service uses, restaurants, and some residential. The application indicates that the limited uses proposed through a conditional district rezoning is consistent with that description. Although the site is located within an area designated as Conservation, it is in relatively close proximity to the Village Center designation that includes the Bynum community. The property is located adjacent to existing business uses on the east side of US Highway 15-501 and directly opposite the applicant's existing commercial property. Within the Economic Development Plan Element, Strategy 4.4 reads "Permit existing commercial and industrial uses that are appropriately zoned to continue to operate, and allow for reasonable expansion, contingent upon meeting environmental and transportation requirements." Although there is no use currently in operation on the property a portion has been rezoned for office and institutional use. It is the opinion of planning staff this standard is met.

Item #4: The requested amendment is either essential or desirable for the public convenience or welfare. The need for additional limited commercial development including automotive service is supported by the increased traffic on US 15-501, as well as the development of Briar Chapel, Chatham Park and other residential neighborhoods along this highway corridor. Existing and projected traffic volumes and the lack of nearby service facilities make this site appropriate for rezoning. The applicant's existing business supports the need for the automotive services it provides. The property is located within the WSIV-Protected Area watershed district and also within the Jordan Lake drainage. Up to 36% built upon area is allowed without the use of curb and gutter for roads and parking areas. The site plan shows approximately 2.4 acres of built upon area, which is below the 2.52 acres permitted by the Watershed Protection Ordinance.

The NRCS map does show a possible blueline stream near the southwestern property corner that requires a 50' buffer on either side of the feature. The site plan indicates that this area will remain wooded and undisturbed 200 feet into the interior of the property. When disturbing more than 20,000 square feet of land, an

erosion control and stormwater management plan will be required to be submitted and approved before any land disturbing activity can begin. There are no floodable areas mapped on the parcel. It is the opinion of planning staff this standard is met.

Item #5: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment. The application proposes limited neighborhood business uses that are adjacent to existing commercial development. The proximity to a major thoroughfare and existing businesses also make it unsuitable for residential development. The site plan has also been reviewed by the Appearance Commission for compliance with the adopted design guidelines and the applicant has agreed to implement the changes recommended by that advisory committee. The applicant has stated and county staff has verified that the property owners at the end of Ruth Lane have agreed to abandon their access and relocate their entrance. Ruth Lane will become a private commercial drive and NCDOT will review the driveway permit application submittal and determine if any additional road improvements are needed.

As previously noted, 3.24 acres of the property has been zoned Conditional Use Office & Institutional for approximately 19 years and no use has located on the property. However, adjacent properties have been successfully used for commercial uses, including a restaurant, retail sales, automotive repair, and mini-storage facility. The proposed rezoning is conditional and the applicant is proposing to the limit the uses to those that have shown a proven track record in the immediate vicinity. The lack of use of the CU-O&I rezoned portion of the property for almost two decades and success of nearby commercial uses can be viewed as supporting the rezoning request to conditional district neighborhood business. It is the opinion of planning staff this standard is met.

Ms. Birchett stated in closing the Planning staff recommends approval of the rezoning request based on all five standards can be met. It is the opinion of planning staff that the Planning Board recommend approval of the conditional rezoning request based on all standards being supported. The Planning Board has up to three meetings in which to make a recommendation to the Board of Commissioners. The following conditions would apply to the approval as well:

#### **Site Specific Conditions**

1. The recommendations from the Chatham County Appearance Commission (CCAC) shall be followed as stated in the minutes and as shown on the submitted site plan or revised site plan as required that reflects the adopted design guidelines. The planning staff and CCAC may conduct routine inspections of the property to ensure compliance with the landscaping requirements.
2. A building permit shall be obtained and remain valid at all times within two years of the date of this approval or the conditional use permit becomes 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 shall be obtained, if required, and copies submitted to the Planning Department 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 conditional listed above.
7. Non-Severability – If any of the above conditions is held to be invalid, this approval in it's 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.

Should the Planning Board recommend approval of the request, a consistency statement has been prepared for your consideration.

The request to rezone Parcel No. 77022, being 7.07 acres, located on US 15-501 N, from R-1, Residential, and CU-O & I, Conditional Use Office & Institutional to CD-NB Conditional District Neighborhood Business for an automotive repair and retail shops complies with the Chatham County Comprehensive Land Use Plan. The comprehensive plan includes supporting the expansion of small and medium businesses and a portion of the property is partially zoned for office and institutional use.

Ms. Birchett said Mr. Chris Sanders and Mark Sanders are available to answer questions for the Planning Board.

Board Discussion followed and some items discussed were as follows:

- Chair Lucier stated his one concern is they wanted to keep the section between Galloway Ridge and Bynum low development in the Land Use Plan.

Ms. Birchett stated if this was a property that did not already have non-residential zoning approval on it, she agrees with Chair Lucier. There was Board discussion about the current zoning and uses on the property.

Chair Lucier asked if anything could be used on that property without rezoning it. Ms. Birchett stated that the uses for the office/institutional zoning designation has expired, but the office/institutional zoning has not.

- Mr. Arthur stated he is worried about the traffic situation and wants to know how much influence they have about it. Ms. Birchett stated it is up to NCDOT and they will need to make that evaluation.
- Mr. Spoon stated he doesn't know the applicants personally, but he did attend an award presentation where Sanders Automotive won business of the year from the Chatham Chambers of Commerce. Everything that he has heard is that these applicants have a good business, they are from here, and they have outgrown their shop. Mr. Spoon understands the concern for conservation, but it is right next to two existing businesses and he believes they will do a good job. He is in full support of the

Comprehensive Plan, but the Planning Board shouldn't stand in the way of local people that are doing a good job in their business.

- Ms. Weakley stated this property is a half mile from the edge of the Bynum Village node. She also stated the Conservation Design Guide in the appendix of the Land Use Plan that was just adopted by the Commissioners has this parcel included in the conservation area. There was a lot of data and community input that went into the development of the Conservation Design Guide. Ms. Weakley also stated in the States Conservation Plan it shows this area as medium conservation value because of the hardwood forest and a headwater stream to a thread that goes directly to the Haw River. Ms. Weakley stated this is a very well thought out conservation area because there was a focused effort to develop the Conservation Design Guide in this specific area and was even more thought through than other conservation areas in the Comprehensive Plan.

Ms. Weakley asked why the applicants can't expand their business on the existing parcel. Mr. Chris Sanders stated they do not own the existing property, they lease it. He stated they made improvements totaling \$40,000 of their own money to the building to add an extra service bay that is not theirs to own. Mr. Sanders said they have tried to purchase the land, but the owners will not sell it.

Mr. Mark Sanders stated his concern is that the building is 60 years old and they are not sure how much longer the building will last. Also, the landlords are elderly, what if they give the property to their children and they tear down the building or sell the property for development. He said they would like to have their own property to keep the business going with a building they know will last.

- Chair Lucier stated the current site is residential non-conforming, where they can expand the business, but they can't change the use of the business. Ms. Weakley stated it makes sense to stay there because the infrastructure and foot print is already there, plus it is not in a conservation area.

Ms. Birchett stated the improvements will all go to the land owner and not the business owner.

- Mr. Galin stated from the staff notes, "the rear of the property has existing hardwood dense cover that will not be disturbed" and "undisturbed 200 feet into the interior of the property." Mr. Galin asked if he could be shown where those areas are located on the plat. Ms. Birchett showed Mr. Galin and the Board the areas. Mr. Chris Sanders stated the majority of the back area will be undisturbed. There will be one small building in the back close to Ruth Ln.

Mr. Galin asked what their vision is with the garage and retail space. Mr. Chris Sanders stated there will be two separate buildings, the larger building will be the automotive shop and the smaller building for rental purposes. He stated a friend has a reclaimed wood furniture business that might be interested in the smaller building.

- Vice-Chair Siverson stated the original zoning for the dental business was for 3.24 acres and this is asking for the whole site, 7.07 acres. She asked to see where the 3.24 acres is located on the property. Ms. Birchett showed the Board where the 3.24 acres is located. Vice-Chair Siverson asked why the applicants are asking for all 7 acres to be rezoned instead of focusing on the original 3.24 acres. Ms. Birchett stated it is the applicant's choice to zone what they would like to zone, but they are going to be

restricted by impervious surface. They will only be able to develop 2.5 acres, which is less than what was rezoned with the conditional use office/institutional.

Vice-Chair Siverson asked if the rezoning could be reduced to the 3.24 acres. Ms. Birchett stated that they are limited by the impervious surface. Mr. Wilson stated the land they are rezoning is 7 acres, but they can't use all of it and that will create more buffer.

- Chair Lucier asked the applicant what was agreed upon with the Appearance Commission between the building and 15/501. Mr. Chris Sanders described the different trees, shrubs, and bushes agreed to use as buffers. Ms. Birchett stated there will be a 20' type A buffer beside Amber Ln.
- Chair Lucier asked if the agreement with the Appearance Commission becomes part of the site plan and is required. Ms. Birchett said yes it is now part of the site plan.
- Mr. Arthur asked what kind of parking lot they will have. Mr. Sanders stated the parking will be asphalt.

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

- Ms. Moose asked vacating the original site, will that go back to R1 residential? Ms. Birchett stated that area is zoned R1 and has not changed, but because it is under non-conforming rules, automotive is the only use allowed. Mr. Sanders stated they are going to continue to use the leased building as well as the new building.
- Ms. Moose asked, if the smaller rental building was removed, would that take the acreage down to what is already zoned? Ms. Birchett stated they already can't develop what has already been approved. She stated they are losing developable acreage with this request because Watershed Protection is restricting them to 2.5 acres.

Ms. Moose stated this is another turn off from 15/501 that is supposed to be conservation land. She understands their growth and wants to support local business, but not in a conservation area. Mr. Galin stated placing restrictions on them will drive up cost in Chatham County. Ms. Moose stated she is not trying to restrict anyone, she just wants a full understanding before she votes.

- Chair Lucier stated this is the job of the Planning Board to do our due diligence and make a recommendation to the Board of Commissioners.
- Mr. Mark Sanders stated there was some discussion about a turn lane, but the entrance is much larger than the entrance at Allen & Son's restaurant. Chair Lucier agreed that their turn on Ruth Lane is much safer than Allen & Son's.
- Mr. Spoon stated if this zoning was going to be located anywhere else on that strip of 15/501 he would not be in support of it, but this isn't going to make the traffic any worse and next to Allen & Son is the best place for the driveway to be located.
- Ms. Weakley stated she wants to support their business and it is fantastic that they are successful, but she wishes they could expand in their existing space because that makes a lot more sense for many

reasons. She is struggling because it is a designated conservation area on the County Land Use Plan that was just adopted. She also worries about scope creep and they have seen that a lot since this plan has been adopted.

Chair Lucier stated he is struggling with it as well because he advocated for that conservation area, but he will support the rezoning. He wants the applicant to follow the Appearance Commission instructions for the buffers.

Vice-Chair Siverson stated there are a lot of small parcels around it and she is struggling with this item as well.

- Mr. Chris Sanders stated the setback will be about 100' off the road to allow room if there are improvements to US 15/501.
- Mr. Galin is thankful for the large buffer around the back.
- Mr. Arthur asked what the plans are for the current building location since they will not be leaving there. Mr. Sanders stated the current location will be used for quick services like oil changes, tires, and inspections. The new location will be for longer projects like high end restorations and engine overhauls.
- Ms. Hager asked about the process with the Appearance Commission and a landscape plan. Ms. Birchett stated they review what is submitted and they make recommendations. Chair Lucier stated every development goes through the Appearance Commission and they do a great job.
- Ms. Hager asked about automotive regulations such as waste oil. Ms. Birchett stated they will have to comply with State regulations as far as containment. They may need to get permits from the State and DEQ. Ms. Hager was more concerned about stormwater management. Ms. Birchett stated they will have to go through stormwater management, but the staff doesn't have an applicant go through that kind of expense until after they have been approved.
- Ms. Moose wished them success, but she will not be able to vote in favor because of the conservation area.

Motion for the consistency statement passed 8-2, opposed by Ms. Weakley and Ms. Moose.

Motion made by Mr. Spoon to approve this item with stated conditions; second by Mr. Galin.

- Mr. Arthur stated he is going to support and vote for the Sanders because they are local, but if they were not already established on 15-501 he would not be voting to approve. Chair Lucier agrees.

Motion passed 8-2, opposed by Ms. Weakley and Ms. Moose.

IX. NEW BUSINESS:

X. BOARD MEMBERS ITEMS:

1. Update from the Planning Board liaisons.

- Chair Lucier stated the Pittsboro Planning Board meeting had two items on their agenda. Pittsboro approved the change from medium density residential to office institutional for a dilapidated house located on Hillsboro St. He stated they removed some of the uses from office/institutional to limit what can go into that house such as financial. Chair Lucier also stated Pittsboro spoke about Chatham Park and their open space element. The North Carolina Division of Water Resources has entered into litigations with Chatham Park with their stream and river buffers. There has been an agreement between North Carolina Division of Water Resources, Town of Pittsboro, and Chatham Park with allowed uses in a 200' buffer and a 900' buffer off of the Haw River. The allowed uses in those buffers is unknown at this time. This will be going to public hearing and then to the Commissioners for Pittsboro.
- Vice-Chair Siverson stated she was not able to attend the Siler City Planning Board meeting.
- Ms. Moose stated she was out of town and could not attend the Agriculture Advisory Board meeting.
- Ms. Weakley stated Chatham Conservation Partnership's next meeting will be held on July 18<sup>th</sup> and it will be an evening meeting, time to be determined. The topic is "Trees" and there is a tool called ITree produced by the U.S. Forest Service that is a great tool for assessing trees from a single tree to a whole forest. There will be an overview of the tool and how to use it.

XI. PLANNING DIRECTOR'S REPORTS:

Ms. Birchett reported on the following:

1. *Minor Subdivisions/Exempt Maps* - Information was included in tonight's agenda packet for your review.
2. *Upcoming Public Hearing on June 17<sup>th</sup> will be Places of Assembly and the Board members were given a handout.*

XII. ADJOURNMENT:

There being no further business, the meeting adjourned at 7:55 p.m.

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

Attest: \_\_\_\_\_ / \_\_\_\_\_  
Daniel Garrett, Clerk to the Board / Date