



**Chatham County Planning Board
Approved Minutes
November 5, 2019**

The Chatham County Planning Board met in regular session on the above date in the Old Agriculture Building Auditorium, Pittsboro, North Carolina. Members present were as follows:

Present:

George Lucier, Chair
Clyde Frazier
Bill Arthur
Jamie Hager
Caroline Siverson, Vice-Chair
Emily Moose
Allison Weakley
Jon Spoon

Absent:

Cecil Wilson
Franklin Gomez Flores
Gene Galin

Planning Department:

Kimberly Tyson, Subdivision Administrator, Cara Russell, Planner II, and Dan Garrett, Clerk to the Planning Board.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE:
There was a moment of silence and afterwards everyone stood and recited the Pledge of Allegiance.
- II. CALL TO ORDER:
Chair Lucier called the meeting to order at 6:30 p.m.
- III. DETERMINATION OF QUORUM:
Chair Lucier stated there is a quorum (8 members were present, Mr. Wilson, Mr. Galin, and Mr. Flores were 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 October 1, 2019 minutes. There were minor corrections by Board members and the October 1, 2019 minutes were approved. Motion was made by Ms. Hager to approve; second by Mr. Arthur. Motion passed with a vote of 7-0, Mr. Spoon did not vote because he was absent from the October Planning Board meeting.
- VI. PUBLIC INPUT SESSION:
There were no citizens signed up to speak.
- VII. SUBDIVISION:
 1. A request by Garretson Browne, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision **Final Plat** review and approval of **Briar Chapel, Phase 12A**, consisting of 74 lots on 37.6 acres, located off Great Ridge Parkway, SR-1692, Baldwin Township, parcels #80420, 80418, 87088, & 88053.

Ms. Tyson gave an overview of the staff notes and she stated the request is for Final Plat approval of Briar Chapel, Phase 12A consisting of 74 lots on 37.6 acres with a financial guarantee for the completion of required infrastructure. Phase 12A received preliminary plat review and approval by the Board of County Commissioners on March 18, 2019 for 134 lots. The submittal includes a request for a financial guarantee for completion of the required infrastructure. Under the pre-2008 Subdivision Regulations, a project must have a minimum of 40% of the infrastructure completed prior to submittal of a final plat and the roads must be accessible to emergency vehicles. A cost estimate letter, dated October 11, 2019, has been provided by Chris Seamster, PLA, McKim & Creed, Inc. stating that the required infrastructure is 52% complete. The cost letter may be updated prior to plat recordation if additional work has been completed. Staff recommends granting the request for a financial guarantee. Staff also recommends that the final plat not be recorded until the engineer has certified that the roadway providing access to the parcels are accessible to emergency vehicles and recommends that the final plat not be recorded until the county attorney has reviewed and approved the form of the contract and financial guarantee.

Per the approved preliminary plat, roadways are proposed to be public and state maintained roads. Phase 12A is located off Great Ridge Parkway. There's one private alleyway (Mills Gap Road), two public roads (Vandalia Ave and Chauncey Circle) and 27 on-street parking spaces in Phase 12A. Phase 12A has one common area, Common Area #90. As shown on the plat, Common Area #90 has 22.813 acres. Common Area #90 has a common boundary with Richard and Margaret Wilson, Marvin Meacham, and Douglas Roberts. There is a 100' perimeter buffer provided along Richard and Margaret Wilson (parcel 62256) and Marvin Meacham (parcel 2190) properties and a 50' voluntary buffer provided along Douglas Roberts' property (parcel 2246).

Ms. Tyson stated the Riparian buffer widths of 50 feet per side (100' total) and 100 feet per side (200' total) measured from top of bank landward have been shown on the plat. There is one stormwater feature in Phase 12 A. The final plat information includes the approximate BMP location using top of bank of the existing features and has been reviewed and approved by Watershed Protection staff. The required stormwater note regarding the Operations and Maintenance Agreement and the maintenance responsibility of the stormwater features is included on the final plat.

The following conditions were added to the preliminary plat approval for this phase –

1. "The final plat shall include the approximate location of the BMP using top of bank of existing feature (no pipes or risers); the BMP maintenance easement be labeled and shown as 'private' with a minimum of 10 feet clearance; and the location of the access to the stormwater easement from the public right-of-way."
2. "A note shall be placed on the final plat stating the maintenance responsibility of the stormwater features."
3. The BMP, access to the BMP and a note stating the maintenance responsibility of the stormwater feature is shown on final plat.

Ms. Tyson also stated the Technical Review Committee met on October 16, 2019 to review the request. Staff discussed public right-of-way, mail kiosk location, floodplain, and road names. There were no other staff concerns. The subject property is located in an area designated as Compact Residential which allows a mix of detached and attached residential units complemented by a variety of open spaces. Phase 12A will have 74 single family detached homes on 37.6 acres. Compact Residential allows community centers, amenities, recreational uses, schools and churches. Briar Chapel development has various amenities including parks, walking trails, club house and pool, along with public schools either within the development or on adjacent properties. Compact Residential areas are to be connected by a system of local and collector streets. Phase 16 North has public roadways connecting to the balance of Briar Chapel.

In closing Ms. Tyson said the Planning Department recommends granting final plat approval of "**Final Subdivision, Easement, and Right-of-Way Dedication Plat of Briar Chapel Development Phase 12A for NNP Briar Chapel, LLC**" with the following conditions:

1. Prior to final plat recordation the county attorney shall approve the form of the contract and financial guarantee.
2. Prior to final plat recordation the engineer shall certify to the county that there is all weather access for emergency vehicles and the certification must be approved by the Fire Marshal.

Board Discussion followed and some items discussed were as follows:

- Chair Lucier stated this phase was originally recommended with 134 lots, but this phase is only 74 lots. Ms. Tyson stated the Chair was correct and tonight the item is Phase 12A and Briar Chapel will be bringing Phase 12B with the remaining lots soon.
- Ms. Weakley asked when the preliminary plat was recommended by the Planning Board. Ms. Tyson stated the preliminary plat was recommended in February of 2019. Ms. Weakley stated she did not attend the February meeting, but she understands Mr. Roberts's had concerns about runoff in his drinking water. Mr. Seamster stated Mr. Roberts did bring that up, but this isn't anything they can do. Ms. Weakley asked if that is why they provided the 50' voluntary buffer. Mr. Nick Robinson stated the 50' buffer came as part of the 2017 CUP amendment. Chair Lucier stated some of the problem with that is, the house was built partially in the stream buffer at the end of the cul-de-sac where that stream starts.
- Ms. Weakley asked if there is a retaining wall near the BMP on the southeast side which is right up against a 100 year floodplain. Mr. Seamster stated it is up against the 100 year floodplain and there is not a retaining wall. Ms. Weakley asked if there were any 500 year floodplain in that area. Ms. Seamster stated the 500 year floodplain is very close because of the steepness through that area. Ms. Weakley stated it raises concern for her when a BMP is near a floodplain because flooding has been changing over time. Mr. Seamster stated it is a small BMP and it is just treating the smaller section of the southeast corner near Vandalia Avenue and the front lots on Great Ridge Parkway.

Ms. Weakley confirmed 100 year floodplains and wetlands do not require buffers because of the pre-2008 rules. Mr. Seamster stated correct. Ms. Weakley asked if the wetlands were located in the common area. Mr. Seamster stated the wetland is located in the common area and a 210' buffer for the stream.

- Mr. Spoon stated on Half Dollar Rd where it makes the sharp turn, theoretically the stormwater runoff will end up in the pond on the bottom left. Mr. Seamster stated he doesn't think so because it is a rural 18' road with ditches on both sides and maneuver into Mr. Roberts's property. Mr. Spoon stated if there is a lot of heavy rain, wouldn't the water flow into some of the backyards. Mr. Seamster stated no, based on the topography it can't do that. Mr. Seamster also stated they did not touch Half Dollar Rd, but they did have to dedicate a section of the road to DOT for this final plat. He stated there was a lot of compliments from the adjoining neighbors because they did not tie into half Dollar Rd.
- Mr. Arthur asked if there will be driveways and garages. Mr. Seamster stated yes there is driveways and garages, plus 27 on-street parking.

- Ms. Moose asked about the sewage issues in Briar Chapel and if they have been addressed. Mr. Robinson stated there had been some issues, but the issue has been isolated and fixed it. They do not foresee any issues in this phase. Mr. Seamster stated Sanford is not the contractor for this phase.

Motion made by Ms. Hager to approve this item; second by Mr. Arthur. Motion passed unanimously, 8-0.

VIII. UNIFIED DEVELOPMENT ORDINANCE: NEW BUSINESS:

1. Review volunteer sign-up for Unified Development Ordinance focus groups.

- Ms. Russell stated the Chair has the sign-up sheet that will need to be turned in with the final selection for the primary attendee's at the UDO focus groups.
- Chair Lucier explained the handouts that each Board member received about the eight different focus groups. There was some Board discussion about the primary and substitute attendee's for the eight different focus groups.
- Ms. Weakley asked if the meeting dates have been adjusted or finalized and if only the primary person is allowed to attend the meeting. Ms. Russell stated the meeting dates will be finalized in December and because of limited space only the primary volunteer can attend the meetings, but all of the meeting will be audio recorded and written.
- Chair Lucier listed out the primary names for each focus group. They were listed as: Agriculture Preservation (Vice-Chair Siverson), Resource Protection (Chair Lucier), Waste Water (Clyde Frazier), Storm Water (Chair Lucier), Incentives & Flexibility (Jon Spoon), Non Residential & Mixed Use Configuration (Bill Arthur), Conservation Design (Allison Weakley), and Housing (Cecil Wilson). The primary contact information sign-up sheet was filled out and given to Ms. Russell.
- Ms. Hager stated she would be willing to be the substitute for Incentives & Flexibility and Non Residential & Mixed Use Configuration. Chair Lucier stated they will finalize the substitutes in the December meeting. Ms. Russell stated she only needs to know the primary attendee for the meetings.

2. Focus Groups sub-topic discussion.

- Chair Lucier encouraged each primary and substitute person of their focus group to go through the list of sub-topic items and see if there needs to be anymore items added, for example stream buffers and steep slopes. Ms. Weakley stated an overlay district could be an option because it has a lager purpose and intent rather than just water quality.
- There was some Board discussion about during the next meeting they will discuss each focus group and the sub-topic items. Mr. Spoon stated some of the sub-topics could fall into a couple different focus groups, how are we going to decide what focus group a particular sub-topic belongs in. Chair Lucier stated if there is some overlap that is okay because then we know the topic will be covered rather than not covered at all.
- Ms. Russell stated the first focus group meeting in January will have discussions about what sub-topics will be covered and discussed in each focus group.

IX. BOARD MEMBERS ITEMS:

1. Update from the Planning Board liaisons.
- Chair Lucier stated the Pittsboro Planning Board discussed in their October meeting about the activity on Industrial Dr. and construction will start on a new auto repair shop in that area. Whispering Meadows Phase 1 is a cluster development just north of town with 12 lots of 33 total lots. They are still working on their UDO, but it seems to have stalled. They also had discussion about their PUD's, each unit the developer will have to dedicate 56sqft of playground space and each playground will have to be ¼ mile within any residence. Chair Lucier stated the Pittsboro Planning Board discussed their flag ordinance at the November meeting.
 - Chair Lucier asked Commission Hales about the status of the statue at the Historic Courthouse. Commissioner Hales gave a brief update about the status of the statue.
 - Vice-Chair Siverson stated she did not attend the Siler City Planning Board meeting, but she did read their minutes from the September meeting. They made an amendment to their UDO on a driveway issue for the townhomes at the old Chatham Hospital site.
 - Ms. Moose stated she was not able to attend the Agriculture Advisory Board, but they are working on voluntary agriculture district applications and their Bi-laws. The following meeting will have the UDO presentation.
 - Ms. Weakley stated Chatham Conservation Partnership's last meeting was a success, the next meeting will be in January and they are working on the topics for the upcoming year. She stated that maybe one of the topics for CCP could focus on one of the UDO items. Ms. Weakley stated there is a new Jordan Lake Conservation Strategy and it has been published. Ms. Weakley also informed the Planning Board about the 2019 Environmental Summit that will be on December 4th from 9am to noon at the NC Botanical Garden Education Center. The agenda will have the following items. Presentation of the "2019 State of the Environment" Report from Orange County Commission for the Environment. Presentation on the Eno-New Hope Landscape Conservation Project, a collaboration of environmental resource professionals and the Eno-New Hope Landscape Conservation Group. Updates on the latest local environmental issues and efforts by Triangle government and conservation groups. Plus opportunities for you to help guide the focus of future conservation efforts.

XI. PLANNING DIRECTOR'S REPORTS:

Ms. Tyson reported on the following:

1. *Minor Subdivisions/Exempt Maps* - Information was included in tonight's agenda packet for your review.
2. *November Public Hearing Items.*

XII. ADJOURNMENT:

There being no further business, the meeting adjourned at 7:40p.m.

Signed: _____ / _____
George Lucier, Chair Date

Attest: _____ / _____
Daniel Garrett, Clerk to the Board Date