



**Chatham County Planning Board  
Approved Minutes  
December 3, 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  
Cecil Wilson  
Franklin Gomez Flores  
Caroline Siverson, Vice-Chair  
Emily Moose  
Gene Galin  
Jon Spoon

Absent:

Jamie Hager  
Allison Weakley

Planning Department:

Jason Sullivan, Planning Director, Kimberly Tyson, Subdivision Administrator, Janie Phelps, Zoning Official, and Hunter Glenn, Planner I.

- 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 (9 members were present, Ms. Weakley and Ms. Hager were absent.)
- IV. APPROVAL OF AGENDA:  
Approval of the Agenda - Chair Lucier asked the board members if there were any issues with the Agenda. Item number IX (Unified Development Ordinance) was removed from the agenda and the agenda was approved.
- V. APPROVAL OF THE MINUTES:  
Chair Lucier asked for consideration for approval of the November 5, 2019 minutes. There were minor corrections by Board members and the November 5, 2019 minutes were approved. Motion was made by Ms. Moose to approve; second by Mr. Spoon. Motion passed with a vote of 8-0, Mr. Flores 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. Request by Mitch Craig, P.E. on behalf F-L Legacy Owner, LLC for subdivision **Preliminary Plat** review and approval of **The Legacy at Jordan Lake - Phase 3**, consisting of 69 lots on 29.59 acres, located off Big Woods Road, parcels #89438 and #92463.

Ms. Tyson gave an overview of the staff notes and she stated the request before the Board is for preliminary plat approval of Phase 3, consisting of 69 lots on 29.59 acres and the last phase of project. The lots in Phase 3 are a smaller than the previous platted lots, which increased the open space. The developer has provided an update to the Conditional Use Permit conditions of approval. See attachment #10. Phase 3 is being developed out of Tract 2B, phases are owned by F-L Legacy Owner, LLC. Phase 3 has steep slopes in the vicinity. See attachment #9 for the Steep Slopes Exhibit. Roadways within Phases 3 will be private with a 50 foot wide right-of-way. The roadways will be paved to the NCDOT standards, but not reviewed and approved by NCDOT. Per Note 12 on the preliminary plat, the roads will be privately maintained by the Legacy at Jordan Lake, HOA.

Ms. Tyson also stated this project predates the Chatham County Stormwater Ordinance; however, the 2005 CUP stated that “a stormwater management plan shall be approved by the County prior to issuance of a Zoning Determination Permit, and the developer is required to provide the County with final plans and an impervious surface calculation sheet. The developer shall construct stormwater management control measures sufficient to serve the project area prior to issuance of a Certificate of Occupancy”. The plan for Phase 3 was submitted to Morgan DeWit, PE, Chatham County Senior Watershed Specialist for review. Per Ms. DeWit, “Based on the information submitted, the existing pond is sufficiently sized to treat the stormwater runoff from Phase 3 based on the 1/2” storm.” See attachment # 4. An email dated 2/3/15 from Dan LaMontagne, PE, Chatham County Public Works Director confirms that Phase 3 pre-dates the County stormwater ordinance, but runoff in Phase 3 is conveyed to stormwater devices that were required under through the conditional use permit. See attachment #5. This project is exempt from the Steep Slopes provision of the Soil Erosion and Sedimentation Control Ordinance, but not from other erosion control requirements per Rachael Thorn, Watershed Protection Director email dated 10/11/18. See attachment #6. Mitch Craig, P. E., CE Group, engineer for the developer, has provided the following information regarding stormwater management for The Legacy at Jordan Lake:

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

The applicant voluntarily provided the following at that time:

1. Additional 50' (100' each side) voluntary buffer on all blue line streams.
2. **For portions of the project within the Jordan Lake Critical Area** (this is a very small area near Big Woods Road) Treat for the 1YR 24 Hour Storm. Phase 3 is not located within the Critical Area watershed.

Ms. Tyson continued saying the development is served by county water and a private waste water treatment plant. The developer has placed the Certificate of Water Easement on all Sheets 1-3 as required by Chatham County Utilities. Per the engineer, there are no cemeteries or historical structures, i.e. buildings, chimneys, fences, etc, 50 years or older located in Phase 3. The Emergency Operations Office has approved two of the three road names High Wood Ridge and North Crest Drive for submittal to the Board of Commissioners for approval. One additional road name will be needed were High Woods Ridge and North Crest Drive intersect. Per Emergency Operations Office North Crest Drive stops at High Woods Ridge, because Emergency Operations Office cannot start the addressing at a cul-de-sac.

Phase 3 is adjacent to an unnamed stream. The stream has a 50' buffer on either side of the stream and is located within the open space area owned by F-L Legacy. One stormwater pond is proposed for the project. The Fire Marshal has reviewed the plans for Phase 3 regarding access for emergency vehicles and found the plans acceptable based on road widths. The development is a gated community and the fire department has been provided access if the gate is locked. The TRC met on November 13, 2019 to review the plans for Phase 3. Items discussed were utilities, stormwater maintenance and stormwater drawings, and road names may need to be adjusted. There were no other concerns from staff. The property is located in an area designated as

Compact Residential. The designation is based on the existing approved Planned Unit Development for a cluster development.

Ms. Tyson stated in closing the Planning Department recommends granting approval of the road names, High Woods Ridge and North Crest Drive and granting approval of the subdivision Preliminary Plat of **The Legacy at Jordan Lake – Phase 3** as submitted with the following conditions:

1. The final plat Site Data on sheets 2 and 3 shall show 69 residential lots.
2. The final plat will provide the third road name where High Woods Ridge and North Crest Drive intersect.
3. Prior to final plat recordation the county attorney shall approve the form of the contract and financial guarantee.

Board Discussion followed and some items discussed were as follows:

- Mr. Frazier asked about the details of the stormwater ponds for this property. Ms. Tyson stated there are three stormwater ponds and Mr. Ashness confirmed her statement. He informed the Planning Board that this phase had already been on final plat, but after the recession the bank took this property back and removed the final plat.
- Chair Lucier stated the Board was appreciative for the steep slope map and had a question about the limits of disturbance near the top lots. Mr. Ashness stated not all the lots in that area will be cleared and this shows what will be disturbed to prepare the site.
- Vice-Chair Siverson asked if the unnamed stream is intermittent stream. Mr. Ashness stated the stream that is on the east is perennial and the stream coming up the side is intermittent or less than intermittent.
- Chair Lucier asked about the open space and if there were any plans for it or disturbance. Mr. Ashness stated that the open space will be left as they are.
- Mr. Spoon asked if a road on the property was a two way road. Mr. Ashness stated yes.
- Chair Lucier spoke of the cemetery just north of the property and the access to it from Mt. Gilead Rd.
- Mr. Arthur had some questions about the total lot count of this project. Mr. Ashness explained that there is to be a total of 463 lots amongst the different phases that are currently in work and then will be presented to the Planning Board as final plats.

Motion made by Vice-Chair Siverson to approve this item; second by Mr. Wilson. Motion passed unanimously, 9-0.

#### VIII. ZONING:

1. A legislative public hearing to consider County-initiated zoning of five parcels formerly located in Harnett County.

Mr. Glenn gave an overview of the staff notes and he stated the uncertainty with the location of county boundary lines is common in North Carolina because today's technology can locate boundary lines much more precisely and uncover discrepancies in old boundaries. Discrepancies create issues when it comes to tax

assessment, property value, deed recordation, zoning, building permitting, public safety, boards of election, and the school systems. The current issues were prompted by the differences between the boundary lines used by Chatham and Harnett County. In some instances, the boundary line used between the two counties varied as much as several hundred feet. This resulted in confusion over the delivery of services and tax assessment to the properties along the boundary line.

Mr. Glenn stated during the months of April and May 2018, Wake, Chatham and Harnett counties passed joint resolutions authorizing the North Carolina Geodetic Survey to locate and survey the boundary line between Chatham and Harnett County. As part of preliminary survey work completed by the North Carolina Geodetic Survey, it was determined that Wake County and Chatham County had been using a corner boundary established by a 1961 survey that differed from the actual location of the tri-county border. To correct the error, the North Carolina General Assembly ratified SL2018-62 establishing a tri-county corner; and with a new corner, Chatham and Harnett mutually agreed to adjust the common boundary between them. At the December 3<sup>rd</sup> 2018 Board of Commissioners meeting the Board adopted a joint resolution adopting and establishing the common boundary line between Chatham and Harnett County. The joint resolution became effective on January 1<sup>st</sup> 2019. Once this boundary line was agreed on, staff in both counties set about locating the parcels that were affected by the change.

Mr. Glenn stated in addition to two community meetings, the property owners affected by the boundary change were sent multiple letters detailing the impact to their property. For instance, if the new boundary split a parcel between the two counties, that property would now be split assessed between the two counties. This is in accordance with state law. In other cases, the property may move completely into a new county. Some of the more common concerns addressed by the property owners were: 1) will further development be restricted in some way on a parcel that is split? and 2) will a split parcel affect the agricultural tax deferral. The answer to both those questions is no impact at all. It was ultimately determined that Chatham County would gain five properties. The GIS department in conjunction with various other county departments set about updating the GIS data and established Parcel ID numbers for the five properties. Once the five properties had parcel ID numbers, the Planning Department utilized the GIS software to obtain the property owners mailing address and other contact information. Planning staff sent letters to the five property owners in late July informing the owners of the October Commissioners meeting. This letter was a reminder that their property was involved in the border discrepancy. The property owners were informed that a portion of their property was located in Chatham County, and the portion would have a zoning classification of R-1 Residential. Included with a letter was a map indicating the portion of the property that was now located in Chatham County.

In closing, Mr. Glenn stated the Public Hearing was held at the November 18<sup>th</sup> 2019 Board of Commissioners Meeting. Staff presented a PowerPoint detailing each of the five parcels being zoned. The commissioners had questions regarding the size and location of the parcels, as well as the corresponding zoning in Harnett County. Planning Staff explained that the zoning of the parcels in Chatham was similar to that of Harnett, but being that the counties have different zoning classifications they will obviously be different. Commissioner Crawford was interested in the tax implications. Staff informed him the tax bill for the parcels would most likely be very similar to what it was before the county line adjustment. Most of the parcels take part in the present use valuation. The planning department did not receive any public comments regarding the zoning, and there were no public comments at the hearing. The Commissioners moved that the issue proceed to the planning board. It is the opinion of Planning staff to recommend approval of the rezoning and the Planning Board has up to three meetings to make a recommendation on zoning requests.

Board Discussion followed and some items discussed were as follows:

- Chair Lucier asked if any of these lots were to be developed in the future, will they need to receive approvals from both Counties? Ms. Tyson stated yes, if they are subdivided. Mr. Sullivan gave some examples of subdivisions in both Chatham and Orange County.

- Mr. Spoon asked if any of these properties were close to a node and what designation are they in the Comp Plan. Mr. Glenn stated they are not near a node and in a rural area of the County.

Motion made by Mr. Arthur to approve the consistency statement; second by Ms. Moose. Motion passed unanimously, 9-0.

**The request to adopt R1-Residential zoning for the unzoned portions of parcels 93277, 93278, 93279, 93280, and 93281, formerly located in Harnett County and being located off of NC HWY 42, and complies with the following strategy of the Chatham County comprehensive plan, Plan Chatham: Strategy 5.2 under the Land Use Plan Element reads “Encourage residential development types that fit the character of different areas of the County.”**

Motion made by Mr. Arthur to approve this item; second by Ms. Moose. Motion passed unanimously, 9-0.

2. A Legislative public hearing request by Paul Brewer for a conditional district rezoning from R-1 Residential to CD-CB for indoor/outdoor storage facility, Parcel No. 80765 being 15.52 acres and Parcel No. 5421 being 1.4 acres for a total of 16.92 acres, located off Dickens Road, Cape Fear Township.

Ms. Phelps gave an overview of the staff notes and she stated a legislative public hearing was held on November 18, 2019. Planning staff presented the rezoning request and the applicant Paul Brewer also presented to the Board. Graham White signed up to speak, and David Orringer (business partner of Paul Brewer) was available to answer questions as well. Conditional Zoning districts are districts in which the development and use of the property is subject to predetermined ordinance standards and 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.

Both parcels are zoned R-1 Residential and are vacant. All surrounding properties are residential, with a place of worship on the south east side of HWY 42. There are four dwellings located on adjacent properties. A community meeting was held on September 26, 2019 and 8 people attended. The attendees had questions about traffic, access, hours, light, and impervious limits. The community report is included in the application packet and no changes were made to the site plan based on the meeting. A meeting with the Chatham County Appearance Commission (CCAC) was held on September 25, 2019. There was one shortcoming in the tree planting plans which required specification of which species would be in the wet and dry areas. The members were assured that the plans would be amended to reflect this. The size of the signage was agreed that the maximum would be 150 square feet as allowed by the Zoning Ordinance.

Ms. Phelps stated Commissioner Crawford inquired about if there would be any waste water tanks to service RV's. Mr. Brewer stated this is just a storage facility, not a RV park, so there would not be any. Commissioner Hales asked if this would be a manned site. Mr. Brewer stated it wouldn't be initially, but they do have employees go to their current sites several days each week. Mr. Brewer also mentioned that the developed part of the property would be mainly gravel, but some pavement may be required.

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 errors in the Ordinance. **It is planning staff opinion this finding 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. The applicant states that traffic counts by this site are increasing. They propose that they will be taking approximately 20 boat trailers per day off Chatham County main roads and from driving longer distances to the boat ramp. This will help make NC HWY 42 a safer route.

Ms. Phelps stated during the hearing Mr. Graham White, a landowner roughly 1,000 feet from the site, stated there were concerns about the speed limit. He wanted to be assured steps would be taken to make sure travelers on the road would abide by this 35 MPH speed limit in order to avoid possible accidents at the intersection of Dickens Rd and NC HWY 42. After the hearing, planning staff contacted the NCDOT District office service Chatham Count about the concerns raised during the hearing. Jennifer Britt, PE, Assistant District Supervisor, District 8, Division 1, replied with the following:

“Thank you for bringing the public’s concerns over the safety of NC 42 at SR 1918 Dickens Rd to NCDOT. If the new development warrants improvements to NCDOT roadways, those improvements would be addressed in the Driveway permit review process. For a complete review of any needed safety improvements for this site, we will need a driveway permit submittal. Since we have not received the driveway permit yet for this site, the District can conduct a preliminary review of the site and will consider the request for flashing and non-flashing beacons and any other needed improvements based on the attached site plan.

The site plan looks like it is of a first phase of this development. If this is true, we would like the opportunity to comment on the entire phasing plans at full build-out to capture the complete picture if possible.” **It is planning staff opinion this standard can be 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 property is partially located within a Crossroads Community. Strategy 2.3 on page 63 states “allow areas designated as Village Centers and Crossroad Communities, as shown on the Future Oland Use Map, to be developed for residential, commercial, and some light industrial purposes if appropriately designed to be in keeping with historic development patterns”. The applicant claims to meet the expectations of page 60 of the Land Use Plan by “integrating new development into the rural landscape in a seamless manner”. This facility will have a minimum impact on the surrounding neighbors as it will be very well buffered, won’t be visible, and it is an extremely quiet and low traffic business. **It is planning staff opinion this finding has been met.**

Item #4: The requested amendment is either essential or desirable for the public convenience or welfare. The applicant states that there will not be as many boat trailers and RV’s travelling long distances across the county to go to Harris Lake. Fuel emissions and traffic counts will be reduced by having this storage facility. Not only can boats and RV’s be stored here, but other residents and businesses may be able to benefit from storing other items here. This facility will increase tax dollars and property value for the county. The property is located within both the WS-IV Protected Area Watershed and Local Watershed, but is not located within the Jordan Lake Buffer rule area. Built upon area in these watershed districts is 36% without curb and gutter, and the applicant is proposing 35.81% built upon area. **It is planning staff opinion this standard has been met.**

Item #5: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment include: The applicant states that the Harris Lake Boat Storage is full and has a waiting list, therefore, creating a need for boat, RV, and indoor/outdoor storage. The applicant's site plan shows that all identified water features will be protected. Dickens Road may be required to become a commercial drive and NCDOT will review the driveway permit application submittal and determine if any additional road improvements are needed. Currently, water and sewer will not be required as this is proposed to be an unmanned facility. Lighting was not mentioned in the application. **It is planning staff opinion this standard has been met.**

Ms. Phelps stated in closing 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.

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

**The request to rezone Parcel No. 80765, being 15.52 acres, and Parcel No. 5421, being 1.4, a total of 16.92 acres located on Dickens Rd, from R-1, Residential to CD-CB Conditional District Community Business for indoor/outdoor storage facility and complies with the Chatham County comprehensive plan, Plan Chatham. The comprehensive plan includes supporting the expansion of small and medium businesses within Crossroad Community nodes.**

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 (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Watershed Protection Division, Environmental Health Division, Building Inspections, Fire Marshal, etc.) 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.

Board Discussion followed and some items discussed were as follows:

- Mr. Arthur asked how an unmanned storage facility operates. Mr. Paul Brewer stated there will be an electronic gate with a coded keypad entrance. Mr. Brewer spoke of his other boat storage facilities and how there is an office on site and staff will visit frequently, but not always be staffed.
- Chair Lucier asked about some of the neighboring property owners and how they felt about the project. Mr. Brewer stated they had a good community meeting and has satisfied any of their concerns.
- Mr. Spoon asked if the office on site would have bathrooms. Mr. Brewer stated they have a designated septic field area so it might be possible to have restrooms. Mr. Spoon confirmed that the entrance and exit for the site will be off of Dickens Rd. Mr. Brewer stated yes.
- There was some Board discussion with the developer about the amount of impervious surface being used for this site plan.
- Vice-Chair Siverson asked if there will be any lighting on the property. Mr. Brewer stated there will be lighting on the property and all pole lights will be turned off at certain times. Chair Lucier informed the developer to follow the County light ordinance. Mr. Brewer stated they will follow the ordinance. Vice-Chair Siverson also asked about the entrance sign location and approved permits. Mr. Brewer stated the sign location has been determined, but the sign permit is a different process.

Mr. Sullivan asked if the developer has made a decision on what kind of sign they would like to have. Mr. Brewer stated during the Appearance Commission meeting they used a picture of the sign they are using at the Harris Lake facility. He stated the sign they are planning on using is very nice. Mr. Sullivan mentioned the sign and concern of an electronic message center because a new sign has been displayed on Moncure Rd and it's very bright in the evenings. Mr. Sullivan mentioned placing a condition for the sign. Mr. Brewer stated he knows the sign Mr. Sullivan is referring and it is very bright. Mr. Brewer showed the Planning Board their current sign in a handout which is not internally illuminated.

- Ms. Moose had a question about the location of retail sales on the property. Mr. Brewer stated the retail sales would be located in the office and it would include U-Haul and moving supplies sales.

Motion made by Mr. Wilson to approve the consistency statement; second by Mr. Arthur. Motion passed unanimously, 9-0.

**The request to rezone Parcel No. 80765, being 15.52 acres, and Parcel No. 5421, being 1.4, a total of 16.92 acres located on Dickens Rd, from R-1, Residential to CD-CB Conditional District Community Business for indoor/outdoor storage facility and complies with the Chatham County comprehensive plan, Plan Chatham. The comprehensive plan includes supporting the expansion of small and medium businesses within Crossroad Community nodes.**

Motion made by Mr. Wilson to approve this item with the condition to no electronic message center sign; second by Mr. Arthur. Motion passed unanimously, 9-0.



3. A Legislative public hearing request by Paul Brewer for a general use rezoning from R-1 Residential to Light Industrial, Parcel No. 60167 being 48.8 acres, located off Jordan Dam Road, Haw River Township.

Ms. Phelps gave an overview of the staff notes and she stated a legislative public hearing was held on November 18, 2019. Planning staff presented the request to the Board of Commissioners and the applicant was available for questions and comments. One person signed up to speak and requested why the applicant was requesting light industrial zoning. The property is currently zoned R-1, Residential, the property to the south of US 1 is a permitted Non-conforming Mobile Home Park, properties to the west are zoned General Use B-1, Business, and General Use NB, Neighborhood Business, and the property to the north and east is zoned R-1 Residential. Currently, the properties zoned NB are undeveloped, but are proposed to be an ABC store and convenient store. The property zoned B-1 is a RV park. The property is in the WS-IV PA watershed. There are water features on the property and no special flood hazard area.

Ms. Phelps stated 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. **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 states that the traffic count on US 1 is 30,000+ cars per day and 2,700+ on Moncure Pittsboro Rd. and that this does not give the feel of a quiet neighborhood atmosphere. Their storage business is a low traffic business. The influx of residents will require more need for storage facilities. Although the application discusses using the property for a storage business, the Planning Board and Board of Commissioners must consider all uses that are permitted by right or through a conditional use permitting process in the Light Industrial zoning classification. **It is planning staff opinion this standard is not met. The only factor mentioned is traffic. No supporting evidence was given about the influx of residents.**

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. The property is located within both a Village Center and Compact Residential designation and is also adjacent to non-residentially zoned properties along the western property boundary. Strategy 2.3 on page 63 of the Plan Chatham states, "allow areas designated as Village Centers and Crossroad Communities, as shown on the Future Land Use Map, to be developed for residential, commercial, and some light industrial purposes if appropriately designed to be in keeping with historic development patterns". The applicant states that there is a need for boat storage in close proximity to the Jordan Lake Poe's Ridge boat ramp due to the high traffic volume of boats pulled long distances to the ramp. However, the boards must consider all of the potential uses allowed within the Light Industrial zoning classification and determine whether they would be compatible in the proposed area. **It is planning staff opinion this standard is not met. Additional review of the Plan Chatham is needed to determine whether this location is suitable for a general use Light Industrial rezoning or if conditional district would be a better fit.**

Standard No. 4: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment. The applicant states that there is a need for large indoor and outdoor storage for boats and RV's. Their current facility, Harris Lake Boat Storage, is at capacity and has a waiting list. Having a storage facility in close proximity to the lake will reduce pulling boat trailers around the county. A nice, clean, secure storage facility that is proposed will be a facility that Chatham County can be proud of per the applicant.

Although this location may be suited for a specific use, the requested general use zoning classification allows for a range of uses that must be considered. Since this property straddles two land use designation on the Future

Land Use and Conservation Plan Map, a conditional district rezoning may be more appropriate. **It is planning staff opinion this standard is not met.**

Ms. Phelps stated in closing based on only three of the four findings being met, it is planning staff opinion the applicant provide more evidence to support their rezoning request and the Planning Board table the request. However, if you decide to move forward, planning staff recommends denial of the rezoning request. 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 Planning Board not table the matter for further support, a proposed consistency statement has been provided below in support of the denial of the rezoning request: **It is the Planning Board recommendation that the rezoning of parcel 60167 is not consistent with Plan Chatham due to lack of supporting evidence from the applicant.**

Board Discussion followed and some items discussed were as follows:

- Mr. Sullivan handed out some additional information to the Board members. Ms. Phelps encouraged the Board members to look at the addition handouts and comment as needed.
- Mr. Spoon stated the previous item was for a conditional use and seems to be the same use for this item, why apply for Light Industrial and not Conditional Use? Mr. Brewer asked to explain his reasoning while presenting the additional handouts the Board members received.
- Mr. Brewer stated when they were in the process of putting these two properties together for applications, they felt the Dickens Rd property would be good for conditional use because it is near residential area and not a place for light industrial uses. There is a lot of upfront cost when applying for a conditional use permit and even though both properties are under contract, if the properties are not rezoned the properties will not be purchased. Mr. Brewer stated there is potential for a lot of lost money if the property is not rezoned and purchased. They decided to apply for General Use for this current item because if you were to look at the commercial properties around it, there is industrial, business, neighborhood business, RV parks, timber land, ABC store, and is located near a village center. Mr. Brewer stated with General Use they do not have to submit a site plan or hold a community meeting. He stated the site plan alone is thousands of dollars and they didn't think there would be a problem applying for general use in this area.

Mr. Brewer stated he understands that the Board needs to look at all uses under light industrial and he also understands the staff requesting more information required for a general use rezoning. Mr. Brewer referred to his handout quoting the County Land Use Plan. He referred to the Industrial Suitability map on page 21 of the Land Use Plan stating this parcel is in the high suitability area for industrial development. Mr. Brewer also mentioned that on page 23 of the Land Use Plan referring to Chatham Park location and the location of this property. Chatham Park will have 22,000 new residences and 22 million sqft of commercial space planned. These people moving into the area will want to use the lake or might be moving into the area just because of the access to the lake and they won't have to pull their boat from the community, they can use this boat storage facility. Mr. Brewer stated they will be serving Chatham County and all the new growth within Pittsboro as well. Mr. Brewer stated Chatham County is the second fastest growing county in the State and that will require more storage.

Mr. Brewer referred to page 16 of the Land Use Plan stating, retail sales "leakage" compares the potential value of sales within the County to actual sales volume. An estimated 58% of potential sales in Chatham "leak" out to other communities. However, they would be increasing revenue in the County because people can store their boats within the County, not other communities. Also, Chatham County will receive the taxes on boat storage from residents not living in Chatham, but storing their boat in Chatham County.

Mr. Brewer referred to page 20-21 of the Land Use Plan, “The relatively low level of non-residential tax base means that the County is more reliant on residential property owners to raise revenue for needed county services. For example, if the County decides to spend more on teachers or law enforcement, or to expand services by providing a new fire station or school, the burden of funding those improvements in Chatham will largely fall on residents rather than the business community. In addition, research studies across the nation have generally shown that while residential properties cost more for governments to serve than tax revenue those properties generate, commercial and industrial properties tend to bring in more tax revenue than the government’s cost to provide services to those properties.”

Mr. Brewer stated this is a great location for a RV and boat storage facility and it is a low impact use. This is also a good location for industrial, not because we think it is, but the Land Use Plan states that is a highly suitable area for industrial. Mr. Brewer said to the Board members he is okay with this item being tabled for the General Use if it will have potential to pass the rezoning. They are under contract and have time restrictions, so he would like to hear feedback from the Planning Board on this item.

- Mr. Spoon stated the Planning Board would like to see what the site will be used for, but under the General Use rezoning, you are telling us it will be used for RV and boat storage, but there is nothing tying to that use and it is a large parcel of land that could be used for any use under light industrial. Chair Lucier explained the property may not always be owned by the applicant and if the land were to be sold, it could be used for many uses in the light industrial category. It is important to give residents an opportunity to speak when the property is near a residential area.
- Mr. Galin asked the staff what the process would be if the Board was to table this item or if the developer were to apply for Conditional Use. Ms. Phelps stated if they provided more information and could meet the findings, then staff could change their recommendation. Mr. Sullivan stated to the Board are you comfortable approving the General Use with the wide range of uses or are you more comfortable with the Conditional Use. There was some Board discussion about the General Use or Conditional Use. The Conditional Use seemed to be the direction the Planning Board would feel more comfortable approving.

Chair Lucier stated as a Board we would prefer a Conditional Use application for this area. Mr. Brewer stated he doesn’t have a problem with the Conditional Use he just thought it was a great location for General Use. Mr. Brewer asked the Board if they would change their mind with the General Use if he provides more information and the staff changes their recommendation, or should they just stop the process for General Use and start the process for Conditional Use. His main concern is the timing and the property being under contract.

Mr. Sullivan explained the process and the time constraints to reapply as a Conditional Use. Mr. Brewer asked if there was any chance of this being approved General Use with the information provided with the Land Use Plan. Mr. Sullivan stated staff mostly refers to the Future Land Use and this area is in a node with half the property in that node as compact residential. Mr. Brewer referred to three commercial rezoning’s in that area. Chair Lucier stated two of those rezoning was before the Future Land Use.

- Mr. Brewer asked if it was possible to rezone some of the property to General Use and another portion of the property to Neighborhood Business and would that satisfy the Planning Board. Mr. Sullivan stated it can be done and has been done in the past.

Chair Lucier stated on his behalf and not speaking for the Board, he would really like to see this as a Conditional Use for all the reasons we have been talking about. Mr. Brewer said he understands and it would be best for them if the item is voted for denial rather than table it for another month and then they will submit an application for Conditional Use.

Motion made by Mr. Galin to not approve, but deny this item; second by Mr. Spoon. Motion passed unanimously, 9-0.

**It is the Planning Board recommendation that the rezoning of parcel 60167 is not consistent with Plan Chatham due to lack of supporting evidence from the applicant.**

Motion made by Mr. Galin to approve this consistency statement; second by Mr. Spoon. Motion passed unanimously, 9-0.

IX. APPROVAL OF 2020 PLANNING BOARD CALENDAR:

Motion made by Mr. Wilson to approve the 2020 Planning Board Calendar; second by Vice-Chair Siverson. Motion passed, 8-0. (Mr. Galin was not present during vote)

X. NEW BUSINESS:

XI. BOARD MEMBERS ITEMS:

1. Update from the Planning Board liaisons.

- Chair Lucier stated the Pittsboro Planning Board discussed an item about a school with inadequate parking in Chatham Park. The revision of the application will remove a recreational field and add more parking. Another item requested was to allow overnight accommodations in an industrial area and the Planning Board approved this item. They also spoke about rezoning some manufacture areas that are now vacant. There also was some discussion on flag poles.
- Vice-Chair Siverson stated she did not attend the Siler City Planning Board meeting. There will not be a meeting in December.
- Ms. Moose stated she was not able to attend the Agriculture Advisory Board. They had the UDO presentation during their meeting. They also discussed their Agriculture Hall of Fame and their Bi-laws. They will also be getting a presentation from the Triangle Land Conservatory in January. They are not having a meeting in December as well.
- Ms. Weakley provided an e-mail for the upcoming Chatham Conservation Partnership meeting. It will take place on Thursday, January 16th, 9am-12noon, at the Chatham Agriculture and Conference Center. Topic is "Unclog our Rivers," focused on dams and invasive species. You may be aware that the Hoosier dam was recently removed on the Rocky River, and Hydrilla (a terribly invasive aquatic plant) has invaded the Deep River.

