



**Chatham County Planning Board  
Minutes  
March 3, 2020**

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

Present:

George Lucier, Chair  
Clyde Frazier  
Bill Arthur  
Cecil Wilson  
Caroline Siverson, Vice-Chair  
Jamie Hager  
Emily Moose  
Franklin Gomez Flores

Absent:

Gene Galin  
Jon Spoon  
Allison Weakley

Planning Department:

Jason Sullivan, Planning Director and Daniel 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. (8 members present, Ms. Weakley, Mr. Spoon, and Mr. Galin 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 February 4, 2020 minutes. There were minor corrections by Board members and the February 4, 2020 minutes were approved. Motion was made by Mr. Wilson to approve; second by Vice-Chair Siverson. Motion passed with a vote of 7-0, Ms. Moose did not vote because she did not attend the February meeting.
- VI. PUBLIC INPUT SESSION:  
No citizens signed up to speak.
- VII. ZONING:
  1. A Legislative public hearing for general use rezoning request by Jeff Wilson dba Wilson Brothers Milling Co., Inc to rezone Parcel No. 63839, from R-1 Residential to IL Light Industrial, located off NC HWY 902, Bear Creek Township.

Mr. Sullivan gave an overview of the staff notes and he stated a legislative public hearing was held on February 17, 2020. The public hearing was held open for an additional month by staff because of a misplacement of a

public hearing sign on the adjacent property and not the property requested to be rezoned. Planning staff presented the request to the Board of Commissioners and Ken Smith, Operations Manager in place of Jeff Wilson, was available to answer questions. No one signed up to speak. Planning staff has received several comments on the proposed rezoning in favor of denial. Concerns include additional noise, traffic, dust, pollution, bicycle route on 902, and how the proposed rezoning relates to the comprehensive land use plan.

The property is currently zoned R-1, Residential, the property to the west is zoned IND-L, Light Industrial, all other adjacent properties are zoned R-1, Residential. The property adjacent to the west is the current Wilson Brothers Trucking operation. The property currently occupied by Wilson Bros. Trucking was initially zoned as residential in 2016. They were then rezoned to Light Industrial in June 2018 as part of the first round of business rezoning cases that were offered at no charge by the Board of Commissioners. When considering a general use zoning classification, the boards must consider all of the uses that are allowed within the district. The company has been in existence in its current location for more than six decades. It operated in a portion of Chatham County that remained unzoned until 2016 at which time it became a legal non-conforming use/situation which allows continued operations. Mr. Wilson had inquired about placing a new building on his business property and wanted to make sure what he had planned would be compliant with regulations. Planning staff discovered at this time that his current operation was in violation of the Watershed Protection Ordinance in that the allowable built upon area for the business had been exceeded. Mr. Wilson was informed and given options, of which he chose to purchase parcel 63839, so that his business can be compliant with Watershed Protection Regulations.

Mr. Sullivan stated in an effort to work with adjacent landowners, a preliminary plat shows parcel 63839 being reduced by 2 acres in order to give a neighboring property a larger buffer from the business. The current built upon area, if parcel 63839 is approved for an IND-L zoning classification, will be at 31% of the maximum allowable 36%. This means that only 0.87 acres is available to be developed, and must also meet the setbacks of 50' from all property lines. The property is in the WS-IV PA Watershed. There are water features on the property and there is no special flood hazard area. In considering a general use rezoning request Section 19 of the Chatham County Zoning Ordinance includes four standards that must be addressed and supported in order for a rezoning application to be approved. The standards are:

**Standard No 1: The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment.** No error in the ordinance is being alleged. 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 their company has expanded and increased its capacity by 45% in the past 12+ months. As a result, 30 new class 8 road tractors were added to the existing rolling stock inventory for a total of 85 trucks now parked onsite. Additionally, an increase in employees has occurred with this growth. Although the character of the area is rural, it is an important economic center that is providing employment for approximately 200 people in total for the 12 small businesses that are operating. The applicant addresses promotion of general welfare, but does not address the public health and safety. However, the purpose of this application is to correct a Watershed Protection Ordinance violation of the applicant exceeding the allowable built upon area currently and also providing a small additional area of less than ½ acre to utilize for some future business need. In essence, by complying with the Watershed regulations, he will be protecting the public health of the area surrounding his property by providing natural areas for stormwater runoff. It is planning staff opinion this finding can be met.

**Standard No 3: The manner in which the proposed amendment will carry out the intent and purpose of the adopted land use plan, or part thereof.** Page 56 ED policy 4 strategy 4.4 states, “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”. The applicant needs more property to offset the current built upon area so that they are compliant with all Chatham County regulations and ordinances. Page 68, Land Use Policy 8 states, “support the viability of agricultural operations through land use

policies and regulations”. Wilson Brothers is a commercial trucking company for hire. 90% of the business that is served is supporting the agriculture industry. Primary hauling includes animal agriculture feed ingredients, finished poultry feed, and live poultry transport. It is planning staff opinion this standard is met.

**Standard No. 4: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.** Wilson Brothers currently serves local/regional freight lanes within 100-mile radius of this location. They have been operating for 80 years. Because of rapid expansion that the company has experienced, this land will be utilized for their current and future growth so as to comply with all Chatham County regulations and ordinances. This company provides a couple hundred jobs, higher property tax revenue, complies with NCDOT driveway requirements, requires no additional services from the county with respect to schools, water, etc. The Planning Department has had no complaints or investigations on this property in at least the last 30 years. It is planning staff opinion this standard is met.

Mr. Sullivan stated in closing, it is planning staff opinion that the Zoning Ordinance standards for granting a rezoning request have been met for this property. The planning staff recommends approval of the general use 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.

A proposed consistency statement has been provided below in support of the rezoning request: It is the opinion of the Planning Board the rezoning request is consistent with the Chatham County Comprehensive Land Use Plan based on the property correcting a Watershed Protection violation to meet water supply protection measures, meeting ED Policy 4 Strategy 4.4 and Land Use Policy 8 of the Comprehensive Land Use Plan, and therefore is recommended for approved.

Board Discussion followed and some items discussed were as follows:

- Mr. Wilson asked if the applicant owns the land to the left of the Wilson Trucking business. Mr. Jeff Wilson stated they own the land to the left and behind the business.
- Mr. Sullivan stated because of some of the public comments that have been received, the applicant had the parcel surveyed and removed 2.0 acres from the parcel to not be rezoned. Chair Lucier asked if that was the largest amount of property the applicant could take off the parcel and still meet the impervious surface requirements. Mr. Wilson stated that is correct and there is still about .3 acres extra, but they did not have any plans for growth at this time and the 2 acres staying as R1 is to increase the buffer. Chair Lucier stated it is his understanding the most of this parcel that could be used is .88 acres. Mr. Wilson stated that is correct unless they acquire more property at some point to add to it.
- Chair Lucier asked about the public comments of Ms. Williamson. Mr. Sullivan stated she owns a 93 acre property directly across the road and she lives in Emerald Isle. Mr. Wilson stated it is her parent’s estate and she hasn’t resided there in 50 years. Chair Lucier asked who owns parcel 4043. Mr. Wilson stated Mr. & Mrs. Hancock own that property and they are the family the applicant is working with to convey the 2 acres.
- Mr. Sullivan stated if the Board is inclined to recommend approval, it could be contingent on the 5.56 acres by removing the 2 acres from the parcel as it is mapped by the draft survey. Chair Lucier stated the parcel couldn’t be used for residential and because of the impervious surface requirements this creates a substantial buffer. Mr. Arthur obtained information that 2 acres of this parcel will be sold to the Hancock’s. Mr. Wilson stated yes and the 2 acres would stay zoned R1.

- Ms. Moose stated the only public comment she is aware of was Ms. Williamson comments and asked if there were others. Mr. Sullivan stated he spoke with a Travis Maid who is related to the Hancock's, but believes staff did not receive any written comments. Ms. Moose requested confirmation that Ms. Williamson was not present in the Board meeting. She was not present. Mr. Sullivan stated staff had received multiple letters from her. Vice-Chair Siverson stated Ms. Williamson's concern was traffic and dust, which is already existing. Mr. Sullivan stated this business has been located here for 80 plus years. Chair Lucier stated what is proposed will not increase traffic as to what is already present.
- Ms. Moose asked the applicant if they had any plans rezoning the land that is owned on the other side of this property to light industrial. Mr. Wilson stated the property behind is a poultry farm and it will stay agriculture.

Motion made by Mr. Wilson to approve the consistency statement; Second by Mr. Frazier. Motion passed, 8-0, unanimously. "It is the opinion of the Planning Board the rezoning request is consistent with the Chatham County Comprehensive Land Use Plan based on the property correcting a Watershed Protection violation to meet water supply protection measures, meeting ED Policy 4 Strategy 4.4 and Land Use Policy 8 of the Comprehensive Land Use Plan, and therefore is recommended for approved."

Motion made by Mr. Wilson to approve this item with the contingency to the removal of 2.0 acres on the parcel; second by Mr. Frazier. Motion passed, 8-0, unanimously.

- Ms. Hager stated when the Board is looking at parcels it is interesting that an applicant can overcome a watershed impervious surface issue by just increasing ownership of the land. Chair Lucier stated in this case the applicant has locked himself out of developing this parcel except .88 acres of it. Even though it is done for the reason of the watershed violation issue, it prevents him from developing the parcel.
  2. A Legislative public hearing for a request by Paul Brewer for a conditional district rezoning from R-1 Residential to CD-CB, Conditional District Community Business, for an indoor/outdoor storage facility, Parcel No. 60167 being 38.4 of 48.8 acres, located off Jordan Dam Rd, Haw River Township.

Mr. Sullivan gave an overview of the staff notes and he stated a legislative public hearing was held on February 17, 2019. Planning staff presented the rezoning request and the applicant Paul Brewer and David Orringer presented to the Board. No one signed up to speak. 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. The applicant was previously before the Planning Board for this same property on December 3, 2019 seeking a general use light industrial rezoning. Based on the discussion held, the applicant decided to withdraw the application and reapply for a conditional district rezoning reasons being to offer a site plan for review, meet with the Chatham County Appearance Commission, hold a community meeting, and incorporate some conditions that would better satisfy concerns that were raised by the Planning Board.

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 convenience store. The property zoned B-1 is a RV park. A community meeting was held on December 29, 2019 and there were no other attendees apart from the applicants.

Mr. Sullivan stated a meeting with the Chatham County Appearance Commission (CCAC) was held on December 18, 2019. The overall plan was accepted with the following modifications being agreed to by the applicant:

- Redbuds to replace Crape Myrtles, Wax Myrtle to replace variegated privet, the buffers will be augmented if needed to comply with buffer requirements. The plan indicates all new plantings. There will be a sign on the Building No 4 facing the road. There will be a pole sign on the Moncure Pittsboro Rd.

Bev Wiggins with the Chatham County Historical Association did not see any areas of concern for this property. At the public hearing, Commissioner Hales inquired about the number of entrances, in which Mr. Brewer stated they could possibly use one entrance. However, Mr. Brewer later stated that crossing the wetlands would be too difficult which would not allow the option of only one entrance. She also asked about the open storage on the northern part of the property and if boats would be stored there. Mr. Brewer stated that the clients will be able to store their items where they pay for storage.

Mr. Sullivan also stated, Commissioner Howard asked about lighting and the applicants replied that it would meet county requirements. Commissioner Dasher questioned if the buffer along Jordan Dam Rd was to remain undisturbed. The applicants stated that per the Army Corps requirements that each tree taken down would need to be monetarily compensated. The applicants plan to take down the least amount of trees as possible. Because of the topography and vegetation, it is proposed that passerby will not see the facility from Jordan Dam Rd. Commissioner Crawford asked where the closest boat ramp is, which is Poe Ramp and is roughly 1 mile from this proposed facility. He then made the comment that anytime boat storage is closer to ramps creates less traffic.

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 they are promoting public health by reducing fuel emissions and public safety with shorter trips to Poe Ridge Boat Ramp, located approximately one mile from this property. Traffic counts per NCDOT on Highway 1 is 30,000+ cars per day and 2,700+ cars on Moncure Pittsboro Rd and growing. The applicants are also keeping their development under the 36% built upon area. Because of Army Corp requirements, the applicant will be required to pay for each tree taken down/removed. The applicant states they will keep the most amount of trees as possible. There are surrounding non-residentially zoned properties adjacent to the project area. Of the 48.8 acres, the applicant has applied to rezone 38.4 acres. The remaining 10.4 acres will remain residential which is the area closet to the residential area to the north. It is planning staff opinion this finding 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 property is partially located in a Village Center node on the comprehensive land use plan. A mix of uses include retail, restaurants, services, and office uses. The remainder of the property

is located within a compact residential area. The applicant pulls multiple references from the comprehensive plan to address justification for development in a village center. These references are Page 55, strategy 2.1, “encourage small-scale retail development, service, office, “flex” space, and other small business development by designating Village Centers and Crossroads Communities at appropriate locations across the county”. Page 61, “...development should occur within and near established and planned centers of activity”. Page 63 strategy 2.3, “allow areas designated as Village Centers...to be developed for residential, commercial, and some light industrial purposes if appropriately designed to be in keeping with historic development patterns”. Page 67, “Commercial and mixed use development should be sited along major highways at key intersections”. It is planning staff opinion this finding is met.

**Item #4: The requested amendment is either essential or desirable for the public convenience or welfare.**

The applicant cites references from the comprehensive plan on pages 32 and 57. The policies combined are to support entrepreneurship and new businesses to diversify the local economy and capitalize on the unique assets of Chatham County; one of the assets being the home to Jordan Lake State Recreation Area and three rivers that provide recreational and tourism opportunities. Providing a storage facility that is located roughly 1 mile from the closest boat ramp will reduce fuel emissions of larger vehicles pulling trailers/boats/RV’s from long distances. With this project also having mini-storage/self-storage, this gives flexibility for other residents and small businesses storing their belongings here. It is planning staff opinion this finding 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 by purchasing and developing this property as proposed will increase the tax value significantly and help produce more property tax for Chatham County through land, building, and personal property value stored on site. Because Chatham County is home to Jordan Lake and three rivers, the new storage facility will complement these recreational opportunities. Currently, the applicant’s storage facility that is operating in Wake County is full and has a waiting list. The facility will be a nice, clean, secure storage facility. Finally, the applicant states they will meet 6 goals located on page 40 of the Comprehensive Land Use Plan as follows:

- 1) Preserve the rural character and lifestyle of Chatham County; through building setbacks, light, and noise sensitivity
- 2) Preserve, protect, and enable agriculture and forestry; keeping the development below the 36% maximum built upon area
- 3) Promote a compact growth pattern by developing in and near existing towns, communities, and in designated, well planned, walkable mixed use centers; the proposed development is within a Village Center node
- 4) Diversify the tax base and generate more quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting; tax benefits to the county
- 5) Conserve natural resources; boat and RV storage reduce emissions by reducing mileage
- 6) Provide recreational opportunities and access to open space; making boating and camping easier.

It is planning staff opinion this finding has been met.

Mr. Sullivan 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. 60167, 38.4 acres of the total 48.8 acres, 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 Village Center nodes.

Board Discussion followed and some items discussed were as follows:

- Mr. Arthur stated to Mr. Brewer the applicant, there is a lot of storage facilities in Chatham County, and is there really a demand for more. Mr. Brewer stated the storage facilities that exist in Chatham County do not have any vacancies and a facility that has just opened recently on Hwy 1 is already filling up. There is a big need for storage because Jordan Lake is a big lake, a lot of surrounding county residents use this lake, plus newer subdivisions will not allow storage of boats, RV's, or old cars anymore. Plus being 1 mile from the boat ramp is very convenient for people. They will also offer indoor storage to fulfill all the required needs. The demand is there.
- Chair Lucier stated 10 acres of the parcel is being cut off from rezoning remaining R1 and will have an entrance off of Moncure School Rd. Mr. Brewer stated, correct. Chair Lucier asked for the site plan to be viewed and according to the site plan there can't be anything developed to the right of the stream. Mr. Brewer stated the topography is way too steep to even try and develop anything, plus they will be restricted to the Conditional Use Permit. Chair Lucier stated this will provide a good buffer for the adjoining parcel. There was some Board discussion about an upcoming community meeting for a proposed subdivision on the adjoining parcel.
- Vice-Chair Siverson stated she is glad the Appearance Commission is recommending to replace Crape Myrtles to Redbuds and variegated privet to Wax Myrtle.
- Chair Lucier thanked the applicant for reacting so quickly to the previous Planning Board meeting request. Mr. Brewer stated they were able to meet the deadline in December and get the site plan submitted.

Motion made by Mr. Frazier to approve the consistency statement; Second by Ms. Moose. Motion passed, 8-0, unanimously. "The request to rezone Parcel No. 60167, 38.4 acres of the total 48.8 acres, 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 Village Center nodes."

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

3. Vote on a request to adopt a consistency statement for the following items that were discussed during the February 4, 2020 Planning Board meeting - Chatham County Zoning Ordinance; Section 7.2 Definitions; Section 8.1 Relationship of Building to Lot; Section 10.12 CD- MU Mixed Use Districts; Section 10.13 Table of Permitted Uses; Section 17.1 Procedure; and Section 17.2 Plans.

Mr. Sullivan gave an overview of the staff notes and he stated during the February 4, 2020 Planning Board meeting there were multiple Zoning Ordinance text amendments discussed and voted on in separate motions. At the conclusion of the discussion the Board did not vote on a consistency statement, which must be included with the recommendation to the Board of Commissioners.

The following consistency statement was included in the February 4, 2020 agenda notes for consideration: **The request for amending the text of the Zoning Ordinance is consistent with the comprehensive plan of Chatham County, Plan Chatham, by supporting the second bullet point of Strategy 5.1 of the Economic**

**Development plan element that reads – “Promote appropriate targeted industries and commercial uses at Megasites and Employment Centers. To increase job opportunities and tax base throughout the County, suitable industry targets should be matched with the most appropriate locations and sites. Industry targets should reflect the priorities of Chatham EDC, Research Triangle Regional Partnership, Piedmont Triad Partnership, and the Economic Development Partnership of North Carolina:”. Additional support is provided in Land Use Policy #5, Strategy 5.1 encouraging “context sensitive development design.”**

Mr. Sullivan stated in closing, vote to approve the consistency statement that will be included with the Zoning Ordinance text amendments that will be considered by the Board of Commissioners.

Motion made by Mr. Frazier to approve the consistency statement; second by Vice-Chair Siverson. Motion passed 7-0, Ms. Moose abstained because she did not attend the February meeting.

- Ms. Moose asked if there was any discussion about making a separate zoning classification just for the Mega sites. Mr. Sullivan stated it was not discussed, but it has been brought up internally with staff if they should come up with a separate district for the Mega site or not. For right now, it is just easier to deal with the more immediate issues than try to tackle what could be a major revision to try and get it incorporated into the Zoning Ordinance.

Chair Lucier stated it had to be connected to Sanford sewer treatment plant for those permitted by right activates on the Mega site. Mr. Sullivan stated it had to part of Chatham County water and Sanford sewer, and verified that language with the County Attorney and he said it was okay. Mr. Glenn has already made that adjustment and will go to the Board of Commissioners in two weeks.

VIII. NEW BUSINESS:

IX. BOARD MEMBERS ITEMS:

1. Update from the Planning Board liaisons.

- Chair Lucier stated he was unable to attend the Pittsboro Planning Board meeting.
- Vice-Chair Siverson stated she was unable to attend the Siler City Planning Board meeting.
- Ms. Moose stated the Agriculture Advisory Board did not meet in February, but reminded everyone that the Agriculture Fest will be held at the end of this month.

XI. PLANNING DIRECTOR’S REPORTS:

Mr. Sullivan reported on the following:

1. *Minor Subdivisions/Exempt Maps* - Information was included in tonight’s agenda packet for your review.
2. *Public Hearing items for the March 16, 2020 Board of Commissioners meeting.*
3. *Chatham County UDO update.*
4. *Goldston UDO update.*
5. *Chatham/Cary Joint Plan Parcels.*

XII. ADJOURNMENT:



There being no further business, the meeting adjourned at 7:34 p.m.

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

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