



Chatham County, NC

Meeting Minutes

Board of Commissioners

Thursday, August 27, 2020

6:00 PM

Agriculture and Conference Center

Regular Session - 6:00 PM - Agriculture and Conference Center

Present: 5 - Chair Karen Howard, Vice Chair Diana Hales, Commissioner Jim Crawford, Commissioner Mike Dasher and Commissioner Andy Wilkie

INVOCATION and PLEDGE OF ALLEGIANCE

Chair Howard asked everyone to pause for a moment of silence after which she invited everyone present to stand and recite the Pledge of Allegiance.

CALL TO ORDER

Chair Howard welcomed those in attendance and called the meeting to order at 6:00 pm.

APPROVAL OF AGENDA and CONSENT AGENDA

A motion was made by Vice Chair Hales, seconded by Commissioner Crawford, that this Agenda and Consent Agenda be approved. The motion carried by the following vote:

Aye: 5 - Chair Howard, Vice Chair Hales, Commissioner Crawford, Commissioner Dasher and Commissioner Wilkie

[20-3596](#)

Vote on a request to approve the re-naming of one private road in Chatham County

Attachments: [Wagon Trace Petition](#)
[Wagon Trace Map](#)
[Wagon Trace Area Map](#)

A motion was made by Vice Chair Hales, seconded by Commissioner Crawford, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 5 - Chair Howard, Vice Chair Hales, Commissioner Crawford, Commissioner Dasher and Commissioner Wilkie

[20-3601](#)

Vote on a request to approve a temporary amendment to the Co-ed adult softball fee.

A motion was made by Vice Chair Hales, seconded by Commissioner Crawford, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 5 - Chair Howard, Vice Chair Hales, Commissioner Crawford, Commissioner Dasher and Commissioner Wilkie

[20-3597](#)

Vote on a request to approve the Musco Sports Lighting contract and authorize the County Manager to execute the agreement

Attachments: [SERVICE AGREEMENT- Musco athletic filed lighting for BC Park 1](#)

A motion was made by Vice Chair Hales, seconded by Commissioner Crawford, that this Contract, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

Aye: 5 - Chair Howard, Vice Chair Hales, Commissioner Crawford, Commissioner Dasher and Commissioner Wilkie

[20-3602](#)

Vote on a request to adopt a Resolution proclaiming September 2020 as Senior Center Month

Attachments: [Senior Center Month 2020](#)

A motion was made by Vice Chair Hales, seconded by Commissioner Crawford, that this Resolution #2020-32 Proclaiming September 2020 as Senior Center Month, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 5 - Chair Howard, Vice Chair Hales, Commissioner Crawford, Commissioner Dasher and Commissioner Wilkie

End of Consent Agenda

PUBLIC HEARINGS

[20-3573](#)

A Legislative public hearing for a request by Vickers Bennett Group, LLC to amend the language in the Zoning Ordinance, Sections 5.2, 7.2, 10.12 to accommodate language for Conditional District Mixed Use Cluster Residential (CD-MU-CR).

Attachments: [More information from the Planning department website](#)

Zoning Official Janie Phelps reviewed the specifics of the three Vickers Bennett Group amendments requests.

Representatives for the Vickers Bennett Group, Antonio McBroom, Andrew Greene, Warren Mitchell, Mark Ashness, and Wade Barber reviewed the specifics of the three amendment requests.

Antonio McBroom spoke about how the project came to be.

Warren Mitchell explained why they decided to pursue Mixed Use Cluster Residential

Zoning and why other types of zoning would not work for their development.

Mark Ashness spoke about the need for Mixed Use Cluster Residential Zoning and what that would look like in their proposed development.

Attorney Wade Barber spoke about the process the Vickers Bennett Group undertook to develop these text amendments.

Commissioner Dasher asked whether the setbacks for the mixed use districts are the same as other districts. Jason Sullivan stated these types of districts have parameter setbacks around the boundaries but the interior setbacks would be set by the developer. Ms. Phelps explained that developments have a 100 foot setback on the exterior boundary when adjacent to residential districts and a 50 foot setback when adjacent to non-residential districts.

The Chair opened the hearing.

No one signed up to speak.

The Chair closed the hearing.

This Agenda Item was referred to the Planning Board.

[20-3574](#)

A Legislative public hearing for a request by Vickers Bennett Group, LLC to amend the language in the Subdivision Regulations, Section 7.7, to add MU-CD-CR.

Attachments: [More information from the Planning department website](#)

The Chair opened the hearing.

Alicia Koblansky submitted the following comments:

Good evening Commissioners

My name is Alicia Koblansky, I am a resident of Chatham County and tonight I am speaking regarding the amendments to the zoning, watershed, and subdivision ordinances proposed by the Vickers Bennet group.

The text amendments for Vickers Bennett are worrisome as they will change the character of the county by increasing densities to be like major urban centers and contribute to far greater problems than any of the impact assessments can possibly account for.

The addition of the new section of a mixed used development to include a single-family Cluster residential component within the Compact residential and Community Center as proposed does not sufficiently define their impact on existing surrounding communities. The increase in residential density applies to all in the county and not just "Centers" and "Villages" as defined in the current Comprehensive Plan. The proposal does not address the varied situations across the county. For example, in the Northeast section of our county, the maximum residential density is governed by the Watershed Ordinance and protecting the Jordon Lake Watershed, which is a massive regional resource that is utilized by 10 counties, 27 municipalities and over 700,000 water customers. Our decisions to increase density in these regions in an uncontrolled way, will affect more than those in our immediate community.

The current Compact Communities Ordinance was implemented to protect Chatham County's character by adequately buffering compact communities from neighboring properties and roadways. In the current proposal, as written, it is not clear how much of a buffer or setbacks will be provided to the current residents that are adjacent to the centers and villages.

The Developers, with these new text amendments, are hoping to force your hands on the new policies to be included in Chatham County's Unified Development Ordinance. In fact, the Vickers Bennet group in their justification statement, state that their overall action item is to "Revise the regulatory framework and create a unified development ordinance". The developers should not have power over this new UDO. This should be solely a discussion between the community and the commissioners.

Over the past year our communities have been dealing with Developers who put their self-interest first over the interest of the community. Like the use of weaker pipes that can not handle the pressure of pumping wastewater allowing thousands of gallons of sewage to be dumped into the watershed of Jordan Lake, to a Developer who would never bother to hear or work with the community in regards to a project that was overscale for the acreage, provided an inadequate Environmental Impact Assessment to the ERAC, and a non-existent wastewater plan. When the community requested simple things, like sidewalks, to improve the walkability of the controversial proposal, the Developer simply said, "it is impossible to accommodate everyone's wants."

I understand not all Developers are like this. For example, Commissioner Dasher you are here as a representative not only of the Community but a Developer who I believe wants to help Chatham County develop in a smart and reasonable way. The community is not waging war on Development, we are fighting against uncontrolled and thoughtless sprawl and against those who don't put Chatham County first.

These are major amendments that will have lasting impacts on the local and surrounding communities. Precedence must be set for these larger developments. These are not simply building a dozen houses. These developers are asking that you change policy, so as I stated before let's do just that, and work towards a solution that will not cripple the established communities and an UDO that will be structured to support those existing here now.

I thank you for your time and consideration.

Thank you

The Chair closed the hearing.

This Agenda Item was referred to the Planning Board.

[20-3575](#)

A Legislative public hearing for a request by Vickers Bennett Group, LLC to amend the language in the Watershed Protection Ordinance, Sections 109, 302 [E] (2), 303 (A), and 303 (C), to accommodate language for Mixed-Use Development and Cluster Development.

Attachments: [More information from the Planning department website](#)

Chair Howard asked whether it was a problem that the previous speaker's comments related to all three of the legislative public hearings. County Attorney Bob Hageman stated that the hearings were so interconnected, it would not be a problem.

The Chair opened the hearing.

Charles Esther stated he was concerned about the proposed changes to residential density and the lack of environmental protections in the proposed watershed ordinance changes. He suggested the developers should seek modifications to the compact communities ordinance, as stated in Plan Chatham.

Traci Fallecker submitted the following comments:

Good Evening and thank you for allowing us to speak on what is considered a life sustaining resource. My name is Traci Fallecker and I live in Chatham County. Water & air quality, sewer management are extremely important to me and my family and probably too many of us here now. After discovering we get our water from Jordan Lake and the terrible condition the water quality is we immediately purchased a whole house water filtration system. Then based off of several new reports and water studies from the NC DEQ reports, articles and finally the University of North Carolina Jordan lake study. We purchased a large Reverse Osmosis system to remove the pfoas & pfos. Water quality effects our health and livelihood.

We are here to discuss amending the wording in the Watershed Protection Ordinance. I am really surprised that this is up to anyone other than those entrusted to monitor Jordan Lake's water quality and its watershed. We are talking about a massive watershed that is a regional resource used by over 700,000 water customers. Water and sewer are have to have oversight. Seems our water might, but our sewer not so much. See, they go hand in hand. If sewer is not managed properly, our drinking water is affected.

I ask you, how good is our sewer being managed? How effective is the Jordan Lake Nutrient reduction program? Is it helping to make our drinking water safer or more dangerous? How are we currently handling our 1 dwelling per acre water and sewer? How well will we manage our 2 dwellings per acre? Twice the water usage and twice the sewer production. Correct?

What studies have been done to assist those who will have to manage this "Amended Language in the Watershed Protection Ordinance"? Where they brought into this discussion? Are developers the right people to request/support these adjustments?

What is the cost-benefit analysis of allowing this change to move forward? What is the cost to our lives to go ahead and double the sewer production and water usage?

In 2009, the Jordan Lake Nutrient Study had 2 rules delayed by our legislature

- 1) Was the New Development Storm Water Rule = which basically sets the standards for how to deal with run-off*
- 2) Phase 2: Existing developments are to manage runoff*

Are we familiar with JLOW? No, not the actress, dancer, rich lady. IT's the Jordan Lake One Water partnership. Was formed to facilitate cooperation and facilitate water resource management of the Jordan Lake Watershed. There's a lot of participation and there continues to be a lot of interest. Durham, Cary, Greensboro (who by the way is upgrading their s system), Alamance, Burlington. TREBIC – the Triangle Real Estate Building Industrial Coalition is also a partner. They actually lobbied against the Jordan Lake Nutrient Reduction Plan but luckily for us, came to their senses and realized if we are to move forward with development and maintain our watershed, they

wanted to be a part of the process.

This organization, JLOW is presenting in the fall the 3 year study of the watershed. Why would we not wait for their findings? Should we not leave such important changes to our resources up to the experts who are currently managing them, watershed included?

I urge this team of Commissioners and everyone in this room to take development and the protection of our water seriously. We have a huge opportunity right now. Let's move forward with our minds in the right place. These developers are local and should commit themselves to partnering with the land, water and residents.

Chair Howard asked who these proposed changes would apply to. Mr. Sullivan stated the zoning ordinance text amendment would apply only within certain designated nodes. The other two ordinance amendments are interrelated to the first and thus would be governed by the zoning ordinance.

Planning Board Chair George Lucier asked why the existing zoning ordinance is not adequate for the proposed development. He also asked about how the setback compares to other zoning ordinance requirements. Warren Mitchell stated the current mixed use ordinance does not allow for single family homes. He also stated the setback in the proposed amendment is larger than existing setback requirements.

Commissioner Dasher asked whether the proposed amendment could include multifamily units in addition to single family units. Mr. Mitchell stated that it could.

The Chair closed the hearing.

This Agenda Item was referred to the Planning Board.

[20-3576](#)

A legislative rezoning public hearing for a request by 919 Storage LLC on Parcel No. 3080, located at 72 Marvin Edwards Lane, from R-2 Residential to Conditional Regional Business District (CD-RB) on approximately 7.93 acres out of the 17.64 acre tract for self-storage mini warehouse facility, William's Township.

Attachments: [More information from the Planning department website](#)

Zoning Official Angela Plummer reviewed the specifics of the 919 Storage rezoning request.

Representatives for 919 Storage, Mark Ashness, Payton Anderson, Ben Burkhart, and Nick Kirkland, reviewed their request.

Mark Ashness spoke about their plan to build a storage facility.

Site Suitability Consultant Ben Burkhart spoke about his role in determining the project's viability.

Commercial Appraiser Nick Kirkland discussed the results of his appraisal study of the project.

Commissioner Dasher asked how the portion of the property that would remain residential is accessed. Mr. Ashness stated that Marvin Edwards Lane runs by the

property and would be used to access that part of the property. He also stated they would pave a portion of that road.

Chair Howard asked if it was only adjoining property owners that would have to have been notified about this request. Mr. Sullivan stated that adjoining property owners and those across the road from the development were notified.

The Chair opened the hearing.

Michael Mansson stated that the conditional use permit requested is not essential or desirable, that only a limited feasibility study was conducted, that the application will impede welfare of local community, and it does not meet the land use plan

Michael Mansson submitted the following comments:

I am writing as a representative and member of Starpoint, LLC, the owners of the former Starpoint Storage facility located at 6000 Ashley Wade Ln (a portion of which is located within Chatham County). Please accept this letter and its enclosures as details pertaining to our opposition associated with the rezoning request by 919 Storage LLC on Parcel No. 3080, located at 72 Marvin Edwards Lane, from R-2 Residential to Conditional Regional Business District (CD-RB) on approximately 7.93 acres out of the 17.64 acre tract for self-storage mini warehouse facility, William's Township. While in-person public comments will also be made during the August 27, 2020 public hearing, the enclosed are the details pertaining to all of the highlighted aspects associated with our opposition of the application and proposed development.

The following information is not a compilation of subjective opinions, it is based on factual information which is all supported via the enclosed documents for your reference. In accordance with the Chatham County Zoning Ordinance, in granting a conditional use permit, the Board of Commissions shall make five affirmative findings

as detailed in 17.1 of the Zoning Ordinance. An affirmative finding associated with the following three 17.1

criteria items cannot be met as an assortment of that do not support this application: #2. The requested conditional use permit is either essential or desirable for the public convenience or welfare.

The proposed development is NOT either essential or desirable. The following provides factual

information affirming this statement.

o The applicants submitted feasibility study is inadequate at best and should not be deemed

acceptable for such a substantial development. The professional fom that established the market

study, BKB Properties/Storage Study, states on their website that the type of study that the

applicant submitted as part of its application the following: "This analysis may be too limited

by scope or data for investors or lenders. This report is not valid in markets with many strong

competitors, or for developers considering sizable projects (more than 30k SF)."

• It is imperative to consider the following as it pertains to the statement by the professional who created the submitted feasibility study:

• This study it too limited by scope or data for investors or lenders.

o Question: If the study is too limited for an investor or lender, shouldn't it also be deemed too limited by a jurisdiction looking to approve a rezoning for the project and

potentially knowingly jeopardizing the welfare of existing community small businesses of the similar type?

- *The report is not valid in markets with many strong competitors.*
- o *Fact: There are 11 existing self storage facilities located within a 5 mile radius of the subject property. It is impossible to say that the market does NOT consist of primarily strong competitors.*
- *5 of the facilities are managed by publicly traded REIT management firms and 3 of the facilities are managed by regional management firms.*
- *Within the 1 mile radius of the subject site there are 3 existing facilities, two of which are managed by publicly traded REIT management firms.*
- *There is a surplus of strong competition within the market area of the proposed development (the national guidelines associated with market studies conduct surveying of properties within a 1 mile, 3 mile and 5 mile radius of any given potential development)*
- *The report is not valid for developers considering sizable projects (more than 30k SF).*
- o *Fact: The application for the proposed development is for 99K + SF (330% greater than the size limit stated by the market analyst).*
- o *Enclosed is a demand analysis prepared by Self Storage 101 providing details to the current supply and demand for the subject site. As you will note, the study concludes that the area is already (not taking into account the proposed development) OVER SUPPLIED by 177,764 SF which is equivalent to the population increase would have to be 23,701 just to meet the existing supply in the market. The proposed facility would bring the local market area to be over supplied by 277,764 SF which would require an additional 37,035 new residents within the market area to fulfill the supply.*
- o *Please note that Chatham County as a whole only saw a population increase of 10,965 between 2010 and 2019. To fulfill the supply of EXISTING storage in the market this specific area would have to increase over 205% from what the entire county saw in the past 10 years in just this specific market area of the county.*
- o *Enclosed are a sample of comments from community members pertaining to the opposition and lack of desirability for the proposed development in addition to the list of 16 names of community members whom have signed a petition voicing their opposition for the proposed development and rezoning.*
- #3 . *The Requested permit will not impair the integrity or character of the surrounding or adjoining areas, and will not be detrimental to the health, safety, welfare or environment of the community.*
- Fact: The owners and operators of the 3 self storage facilities that are all located within approximately 1/2 mile from the subject site have all stated via independent letters that their welfare will be impaired by the development of another storage facility located within the over saturated market.*
- Fact: The existing facilities within the approximate 1/2 mile radius of the subject site have a surplus of vacancy and do not have occupancy levels that are deemed to be stabilized currently or over the past summer months.*
- #4. *The requested permit will be consistent with the objectives of the Land Use Plan.*
- Fact: The Land Use Plan nor the 15-501 Corridor Market Profile and Analysis provide a vision of a mixed-use, well planned, pedestrian friendly/interconnected development. Nowhere in the Land Use Plan or the 15-501 Corridor Market Profile and Analysis does it reference self storage as a "service" and use. Services are referenced as traditional retail center services (ie; financial, insurance and medical services).*
- Fact: None of the goals and objectives of the Land Use Plan for the Neighborhood Commercial area are met via this application*
- o *Does not preserve the rural character of Chatham County*

o Does not provide more quality in-county jobs
• Managed by CubeSmart who will bring in an experienced outside Manager from one of its other store locations to operate the store. There will be the potential for one (1) local job to be created by the proposed 99K + SF development and that will be an hourly paid assistant manager position (provided they do not fill that position with an inside employee which is very common).

o Does not promote a compact growth pattern promoting well planned, walkable mixed-use centers.

As noted earlier, in accordance with the Chatham County Zoning Ordinance, in granting a conditional use permit, the Board of Commissions is required to make five affirmative findings as detailed in 17 .1 of the Zoning Ordinance. An affirmative finding is one made of supported factual evidence. I urge for you to not disregard the facts and to not go against the prescribed policies and procedures of the County and its adopted Ordances when casting your approval or disapproval of this application. The supporting facts are being presented to you that show that this application does not meet the prescribed requirements as adopted by the County to be granted the rezoning and conditional use for the development of the self storage facility.

Robert Midhower stated he is an adjacent homeowner and has no problems with the proposed rezoning.

Marjorie Gates stated she has no objections to the proposed self-storage facility.

The Chair closed the hearing.

Dr. Lucier asked why the developers were seeking a regional business rezoning rather than a community center rezoning. Mr. Ashness stated that the county had accepted a regional business rezoning for the storage facility across the street and they felt it would be easiest to continue with what the county had previously approved.

Dr. Lucier asked whether the homes accessed by Marvin Edwards Lane would be adversely affected by the development. Mr. Ashness stated they will pave the portion of Marvin Edwards Lane that is on the property and homeowners will not be adversely affected.

Commissioner Crawford asked if they could accommodate a right hand turn lane or if they were widening the access to the road. Mr. Ashness stated there was enough width to accommodate a turn lane.

This Agenda Item was referred to the Planning Board.

CLERK'S REPORT

Clerk Lindsay Ray reminded the Board that legislative goals will be due to the NC Association of County Commissioners on September 30th. Ms. Ray will send previous goals to the commissioners and asked that they review those goals and be prepared to discuss those goals at the September 21, 2020 Work Session.

MANAGER'S REPORT

County Manager Dan LaMontagne reminded the commissioners that they were invited to a forum from 12-2 on Monday through UNC Healthcare and the information would be in their weekly update.

COMMISSIONERS' REPORTS

Commissioner Crawford stated the Board of Health has stated that racial inequality has been identified as a social determinant of health. The Board of Health is looking into possible recommendations to remedy this health factor.

Commissioner Wilkie said registered voters can request an absentee ballot from the Chatham County Board of Elections by October 27, 2020.

Commissioner Dasher had no reports but did thank Clerk Lindsay Ray and Deputy Clerk Kaitlyn Warren for their hard work on making sure the virtual/in-person meetings are able to run efficiently.

Chair Howard reminded the Board of its special meeting next Thursday, September 3, 2020.

ADJOURNMENT

A motion was made by Vice Chair Hales, seconded by Commissioner Wilkie, that this meeting be adjourned. The motion carried by the following vote:

Aye: 5 - Chair Howard, Vice Chair Hales, Commissioner Crawford, Commissioner Dasher and Commissioner Wilkie