

**CHATHAM COUNTY PLANNING BOARD**  
**MINUTES**  
**April 1, 2008**

The Chatham County Planning Board met in regular session on the above date in the auditorium of the Cooperative Extension Building in Pittsboro, North Carolina. A quorum was present to begin the meeting. The members present were as follows:

Present:

Sally Kost, Chair  
Warren Glick, Vice-Chair  
B.J. Copeland  
Karl Ernst  
Barbara Ford  
Jim Hinkley  
David Klarmann  
Judy Harrelson  
Peter Theye  
Delcenia Turner

Absent:

Randall Sartwell

Planning Department:

Keith Megginson, Planning Director  
Jason Sullivan, Assistant Planning Director  
Benjamin Howell, Planner  
Angela Birchett, Zoning Administrator  
Kay Everage, Clerk to the Board

- I. CALL TO ORDER: Chair Kost called the meeting to order at 6:30 pm.
  
- II. APPROVAL OF AGENDA: Chair Kost requested modifications to the agenda as follows:
  - Section III. Consent Agenda
    - A. Minutes:  
**Include** - March 29, 2008 Planning Board Minutes
  
  - Section VI
    - B. Parker Springs  
**Move** - to Section IV. B. (for discussion after public input session)

Mr. Glick made a motion; seconded by Mr. Hinkley to approve the agenda as submitted with the two revisions noted above. There was no discussion and the motion passed unanimously.

- III. CONSENT AGENDA:
  - A. Minutes: Consideration of a request for approval of Planning Board minutes as follows:

*a) March 4, 2008 regular Planning Board meeting*

Mr. Ernst made a motion to approve the March 4, 2008 minutes as submitted. Mr. Hinkley seconded the motion (but stated that he would speak with the Clerk following tonight's meeting regarding a typo). There was no discussion and the motion to approve the minutes passed unanimously.

*b) March 29, 2008 special meeting (Briar Chapel site visit).*

Mr. Hinkley made a motion; seconded by Mr. Theye to approve the March 29, 2008 Planning Board minutes as submitted. Discussion followed. It was noted that no pictures were taken during the tour (since it was a bus tour and it was raining). The motion to approve the minutes passed unanimously.

End Consent Agenda

IV.

A. PUBLIC INPUT SESSION: Fifteen-minute time of public input for issues **not on agenda**. Speakers limited to three minutes each.

There were no requests to speak at this time.

B. PRELIMINARY PLAT:

Parker Springs – discussion of developer's response to ERB report

Chair Kost stated that there has been much discussion regarding this issue; that the environmental assessment provided at preliminary plat submittal (3-4-08) was inadequate because it did not answer concerns addressed at sketch design approval; that the Planning Board sent a recommendation to the Commissioners March 17, 2008 for denial; and that additional material was submitted after the March 17 Commissioners Meeting that was found not to be appropriate for further Planning Board discussion.

It was the consensus of the majority of the Board that concerns of Board members had not changed regarding environmental protection (especially Parker's Creek) and specifics noted in Monterrane Homeowner's Association letter; that the Environmental Assessment is incomplete; and that the Environmental Review Board would be discussing this issue during their April 24, 2008 meeting.

The following members of the development team were present but were not called upon by the Board.

Christina Breen, Wetland Service Leader, ECS Carolinas, LLP (author of the Environmental Impact Assessment); and

Karen Kemerait, Attorney, Blanchard, Miller, Lewis & Styers, P.A.

V. ZONING AND ORDINANCE AMENDMENTS - Items from March 17, 2008  
**Public Hearing.**

- A. Request by Christopher M. Fortunes, dba Evergreen Companies, Inc. for a Conditional Use Permit “renewal” for a landscaping business, lawn and garden shop, and florist shop located on Parcel No. 71030, at 11115 US 64 E, New Hope Township.

Ms. Birchett reviewed the agenda notes and the five (5) required findings for this request. She stated that the structure on the property had not been completed nor had a certificate of occupancy been issued by the Building Inspections Department; and that planning staff recommends deferral of the request until next month’s Planning Board meeting to allow additional time for the Appearance Commission’s recommendations to be received and reviewed.

Board discussion

No questions were raised by Board members regarding the five (5) required findings; however, some concerns were noted as follows:

- “good neighbor policy”, i.e. issues raised at the recent public hearing by Thomas L. Bennett
- height of land
- vegetative screening / plantings
- use of property, i.e. dumping
- comments from Appearance Commission essential before Board decision
- lighting / signage (It was noted that these have already been installed.)

Adjacent Landowner

Thomas L. Bennett, 240 Ever After Ln., Apex, NC, was present. Mr. Bennett referenced his letter dated March 7, 2008 (Note: A copy is included in tonight’s agenda packet and also filed in the Planning Department). Some specifics noted were:

- failure by the developer to fulfill conditions in original application as follows:
  - opaque screening
  - maintain natural area on eastern portion of property (where pump to fill septic system to be placed)
  - maintain natural contour of the property (northeast corner of property used as dumpsite and illegal burn site)
  - promises made to obtain the initial conditional use were not fulfilled.

Sue Schwartz, Chair, Chatham County Appearance Commission, was present. Ms. Schwartz stated that the Commission would be reviewing the applicant’s landscape plans during their April 9, 2008 meeting. She noted that dead plants in the rear of the property could be replanted.

Christopher Fortunes, applicant, stated that everything was complete with the building permit except for final inspection; that a soil test was done on the property March 2007; that the original site for the septic area was not sufficient and had to be relocated; and that the non-discharge system has since been approved. Mr. Fortunes addressed some of Mr. Bennett's above concerns.

Motion to defer

Mr. Copeland made a motion; seconded by Mr. Ernst, to defer further review of the request until next month's Planning Board meeting to allow additional time for the Appearance Commission to submit their recommendations as recommended by staff. There was no discussion and the motion passed unanimously.

- B. Request by Sears Design Group, P.A. on behalf of Galloway Ridge, Inc., located off US 15-501 N, Williams Township, for a revision to the existing conditional use permit (CU-PUD for Fearington Village) for an expansion of services and renovations to existing buildings.

Ms. Birchett reviewed the agenda notes and the five (5) required findings for this request. She stated that the Land Conservation and Development Plan is a general policy plan; and that staff opinion is that finding #4 may be met as addressed in tonight's agenda notes. She used the overview map to explain the various uses of surrounding properties.

- Hugh Chapin, Chairman and President of Galloway Ridge, Inc. was present.

Mr. Chapin gave a brief summary of his association with Galloway Ridge. He stated that he moved to Fearington Village in 1993; that in 1999 he attended the first public presentation of plans for Galloway Ridge Continuing Care Retirement Community (CCRC); that he became involved in the formation of the not-for-profit corporation in 2001; and that his involvement included planning, construction, and currently a fully operating CCRC. A copy of Mr. Chapin's comments is filed in the Planning Department. Some specifics regarding Galloway Ridge were:

- 1) A not-for-profit corporation
- 2) Provides a retirement community for persons age 65 and older; benefits include location health care facilities and ongoing recreational / fitness programs
- 3) June 2005 – opened to it first residents
- 4) Currently has created 200 full and part-time jobs in Chatham County
- 5) Paid \$978,000. in property taxes (2005 – 2007) – Phase II would add additional tax revenues in future
- 6) No impact on schools, recreational and medical facilities of Chatham County
- 7) Currently - approximately 340 residents (1/3 from Fearington Village) who bring together a high concentration of experience, time and discretionary income to give back to the community and its economy
- 8) Galloway Ridge Charitable Fund formed in 2007.

- Jason Cronk, Executive Director of Galloway Ridge, was present. Mr. Cronk stated that the facility has been open for three (3) years and is currently 95% occupied. He gave a PowerPoint presentation on the existing and proposed development that was also presented to the Commissioners during the recent public hearing.

Adjacent Landowner

Robert McNeill, 1214 Fearington Post, adjacent landowner was present. Mr. McNeill suggested a concrete sidewalk be installed with curb from Speyside Circle to Galloway Ridge Road creating a circular walkway that would provide exercise and protection for residents.

- Alan Keith, civil engineer for the project, stated that NCDOT does not install or maintain sidewalks; and that the proposal in Jason Cronk's earlier presentation is a good solution (moving the sidewalk away from the travel way) to provide for a nice area as well as protection because there would be no curb to protect pedestrians.

Board discussion

Job growth, property taxes, and services provided residents, were discussed. Mr. Cronk stated that approximately 50 more jobs would be created; and that a large part of the services is health related and dining.

Mr. Theye stated that Fred Royal, Director, Environmental Resources, did not visit the Galloway Ridge site. Some concerns noted were:

- streams and wetlands on the proposed and surrounding properties as well as the park area,
- impervious surface, i.e. use of cisterns to gather rain water, and
- the need to make sure that there are no negative impacts made in the future

- Dan Sears, applicant, stated that the stream is at least 50 feet off this site; that on the Galloway property there is a 50 foot buffer; that there are 1602 approved private units; that since the original approval in 1999 there are more villas (to the west of existing villas); that the demand has been for more service intense areas; and that 33 initial units would be transferred from the 1602 Fearington Village units for this Galloway Ridge request (i.e. no request for additional units for the Fearington property). Mr. Keith explained storm water retention utilized on the site.

Mr. Hinkley encouraged the use of cisterns. He stated that these are needed especially around the high areas.

- Alan Moore, project architect for Galloway Ridge, Inc., stated that from the beginning the possibility of incorporating green principles in the design of the project has been discussed; and that considerations are being reviewed as to what extent these principles could comply within the project, (i.e. rain water

collection). Mr. Cronk stated that green building procedures as well as rain gardens (suggested by Ms. Turner) would be pursued.

*Addition to Condition #1*

Chair Kost asked that Board members consider additional language to staff condition #1 as follows:

“A path or sidewalk will be constructed from Speyside Circle to Galloway Ridge”.

Mr. Ernst made a motion; seconded by Mr. Copeland to grant approval of the request as submitted and as recommended by staff with one revision to condition #1 as noted above; and that all other conditions recommended by staff apply would apply as submitted. There was no discussion and the motion passed unanimously.

Conditions (14) are as follows:

**Site Specific Conditions:**

- 1) Where applicable and appropriate, a path or sidewalk will be constructed from Speyside Circle to Galloway Ridge to encourage a pedestrian friendly environment. A plan detailing these walkable areas shall be submitted to the Planning Department prior to beginning of construction.
- 2) Landscaping and vegetative buffers shall be installed and maintained as defined on the approved site plan. The Planning Department and/or Appearance Commission may conduct yearly inspections to ensure plantings are thriving and meeting the intent of the vegetative screening and buffers as set out in the approval of the site plan.
- 3) All other conditions, not specifically addressed in this request previously approved for Galloway Ridge shall remain valid and in affect at all times unless otherwise changed or deleted through a revision to the conditional use permit.

**Standard Site Conditions:**

- 4) All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, etc.) shall be obtained and copies submitted to the Planning Department prior to the issuance of a certificate of occupancy of the first structure.
- 5) Lighting shall be as regulated, installed and maintained as per the adopted lighting regulations located in Section 11A of the Chatham County Zoning Ordinance. Any lighting or fixtures found to be non-compliant with the regulations shall be replaced at the expense of the landowner/operator and shall hold no liability against Chatham County for the compliance measures.

- 6) Storm water runoff measures shall be installed to meet the 2 year, 24 hour storm event and a plan displaying the location and measures taken shall be supplied to the Planning Department prior to issuance of the first building permit.
- 7) Parking shall meet Section 12 Off-Street Parking and Loading of the Zoning Ordinance and included in an as built site plan before certificate of occupancy will be issued.
- 8) Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
- 9) A building permit shall be obtained within 24 months and remain valid at all times or this permit shall become void.

**Standard Administrative Conditions:**

- 10) Appeal - The County shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the County concerning this resolution, or any action to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the County harmless from all loss, cost or expense, including reasonable attorneys fees, incurred in connection with the defense of or response to any and all known or unknown actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of or resulting from this decision. Nothing in this paragraph shall require the applicant to indemnify and hold the County harmless from any losses or costs associated with defense of the County's actions or procedures in considering and acting upon this application.
- 11) 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 inspection, established from time to time.
- 12) Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
- 13) Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
- 14) 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.

**5 Minute Break**

- C. Request by Winter Custom Yachts, Inc. on behalf of Apex Nurseries, Inc., located off Holland's Chapel Road, New Hope Township, to rezone approximately 11.54 acres from an RA-40 (residential/agricultural) district to a CU-Ind-L (conditional use light industrial) district.

Ms. Birchett reviewed the agenda notes for this request. She stated that no one spoke against the request at the recent public hearing; but that based on the information provided in the applicant's plan staff recommends denial of this rezoning request, (i.e. not in compliance with the Chatham County Land Conservation and Development Plan (Land Use Plan)).

Nick Robinson, Attorney, was present representing the applicant. Mr. Robinson stated that he disagrees with the planning staff opinion as to whether or not this request is an appropriate location for a conditional use district; that there are multiple ways to interpret the Land Use Plan; and that the problem is exacerbated by the fact that there is no map showing where appropriate light industrial uses would be. Mr. Robinson noted some specifics from the Land Use Plan (The Plan) that support a rezoning of this property to light industrial:

- 1) reserves eight (8) square miles or 5,120 acres of land for economic development centers (light industrial uses) somewhere throughout Chatham County
- 2) 600 square miles or 312,000 acres (rural agricultural, lakes, rivers, streams, and natural resource protection areas) of rural character reserved under The Plan
- 3) states that light industrial uses can be in economic development centers
- 4) suggests some locations for economic development centers – one is an area west of Chatham County line near the intersection of U.S. 64 and Highway 751.

Mr. Robinson stated that this property is just off Highway 751 and is approximately 3 miles from the intersection of U.S. 64 and Highway 751; that The Plan states that the economic center should be located in the "general area" of the recommended locations; that this area has been recommended for commercial / office & institutional but not light industrial; that at this proposed location there are existing businesses and the location is in the general area of the recommended economic center; that The Plan states that, "economic activities can occur almost anywhere in the County with the exception of conservation areas (and this is not in a critical watershed area); that different uses would be appropriate in different locations and might be subject to different performance and design standards"; that this is a justifiable location for a light industrial area; that the Land Use Plan should be used as a tool to encourage appropriate uses in the right places and not used as a shield to keep them out. He asked that the Board approve the request for a conditional use light industrial district.



William Copeland, Winter Custom Yachts, Inc., and Carter Crawford, Landscape Architect for the project (and operator of Apex Nurseries), were present.

Discussion followed:

Spot Zoning, conditional zoning, and conditional use zoning

Mr. Megginson stated that, before conditional use or special use zoning, spot zoning was where you had a particular piece of property that had unique characteristics to the surrounding properties; that special privileges were provided to that property such as allowing a one acre business zone when all surrounding properties are residential-agricultural; or that the land could be restricted without some unique characteristic that would warrant it being restricted unnecessarily. He explained that basically conditional use district and conditional use permit is legal spot zoning in North Carolina that began in the 1980's; and that with any present zoning it has to be addressed whether the plan is in conformity with the Land Development Plan. Mr. Ernst stated concern that the major corridors would become nothing but spot zoning if we allow businesses to locate in those areas.

Mr. Theye stated that in 2007 the County Commissioners thought that this area should remain RA-40 (residential-agricultural); and that it would seem that the Commissioners would not want to support this sort of development at this location. Chair Kost stated concern with the request and the guiding principles of the Land Use Plan.

EDC

Mr. Glick asked if there had been input from the EDC [Economic Development Corporation] on this proposal. Jeffrey Starkweather, attorney, stated that he is a member of the EDC and that this request was not addressed to the EDC.

Motion to approve

Mr. Ernst made a motion; seconded by Mr. Klarmann to approve the request as submitted. Discussion followed. Mr. Ernst voiced concern regarding the need and opportunity for additional businesses in Chatham County. Chair Kost stated that she has struggled with this request and wants it to be successful; that there has to be some tool to measure rezoning requests and to manage the growth in Chatham County; and that the tool that we have is the Land Conservation and Development Plan. Ms. Harrelson asked what other permitted uses would be allowed if this is rezoned to light industrial but the yacht business wasn't approved. Mr. Megginson explained that because this request is for a conditional use district with permit for that particular use the requests go together; and that any other use would have to go back through the entire process. Mr. Hinkley stated that he has mixed emotions about the request; that this request is an important industry and is needed economically; that we are the caretakers of the Land Use Plan; but that it would be best to locate this business within Siler City or Pittsboro town limits where light industrial zoning is

currently operating. Ms. Turner agreed with Mr. Hinkley. She asked if light industrial use was considered for the U.S. 64 and Highway 751 corridor.

Paul Black, Triangle J. Council of Governments and facilitator of the Major Corridor Ordinance Task Force, was present. Mr. Black stated that some light industrial flex space was discussed for this area, (i.e. Office and Institutional campus); and that something like this request could possibly be permissible (in terms of the corridor ordinance) with conditions.

Tie Vote

The above motion failed with a 5-5 tie vote with Ernst, Klarmann, Harrelson, Turner and Copeland voting in favor of the motion; and Kost, Glick, Ford, Hinkley and Theye voting against. Chair Kost stated the issue would be forwarded to the Commissioners as a tie vote.

- D. Request by Winter Customer Yachts, Inc. on behalf of Apex Nurseries, Inc., located off Holland's Chapel Road, New Hope Township, for a Conditional Use Permit for light manufacturing or processing with associated retail sales for boat assembly and boating and fishing supplies.

Ms. Birchett reviewed the agenda notes and the required five (5) findings for this request. She stated that this conditional use permit request is the second part of the application; that should the Commissioners approve the rezoning request it is requested that site specific conditions revolving around the activity on the property be reviewed; that after the public hearing a non-adjacent property owner voiced concerns regarding lighting and rural character; that these concerns have been addressed in tonight's agenda notes; and that staff recommends denial of the request based on findings #2 and #4 not being supportive. These findings are:

- #2 "The requested conditional use permit is either essential or desirable for the public convenience or welfare"; and,
- #4 "The requested permit will be consistent with the objectives of the Land Conservation and Development Plan"

Ms. Birchett noted two revisions to staff recommended conditions #3 and #10 as follows:

**Site Specific Conditions:**

- 3) ~~The single family dwelling unit shall be removed from the property prior to the issuance of a certificate of occupancy for the first structure.~~

***The house on this property may no longer be used as a single family dwelling unit but may be used as living quarters for a "care-takers/security" facility prior to the issuance of a certificate of occupancy for the first structure.***

**Standard Site Conditions:**

10) A building permit shall be obtained within 24 months and remain valid at all times or this permit shall become void. ***from the date of this permit's approval, expiration of the appeal period or any court decision, whichever is later, or this permit will automatically expire and become void. Building permits shall remain valid at all times or this permit shall become void. Should an extension request that is reasonable and necessary be desired, a timely filed application for such an extension must be approved by the County (this may be done by Commissioners' action without a public hearing).***

Nick Robinson stated that some grading would be necessary to construct the proposed building; that land disturbance would warrant an erosion control approval permit; that efforts have been taken to make sure that the landscaping plan, storm water control plan, and future erosion control plan would all be working together to protect the environment; and that, depending on the market, smaller boats would be built more appropriate for Jordan Lake.

Discussion followed regarding zoning, conditional use permit process, hazardous materials, manufacturing process, appeal process, and finding #2.

**Motion to approve**

Mr. Ernst made a motion to approve the conditional use permit request based on four (4) of the required five (5) findings; and to also include conditions recommended by staff (as specified below) with revisions to conditions #3 and #10 as noted below in ~~strike through~~ *italicize*:

**Site Specific Conditions:**

1) All landscaping shall be installed as approved by the Chatham County Appearance Commission and as shown on the approved site plan. The Appearance Commission and/or the Planning Department may review the effectiveness of such plantings after the first year of planting to ensure optimal screening and visual impacts are in compliance and as well as other times deemed to be valid from hence forth.

2) For zoning line verification and purposes, a new property map is to be drawn creating one parcel with meets and bounds descriptions and filed with the Register of Deeds Office and a copy supplied to the Planning Department prior to the issuance of a certificate of occupancy for the first structure. This is considered a recombination of lot lines and therefore exempt from subdivision regulations.

3) ~~The single family dwelling unit shall be removed from the property prior to the issuance of a certificate of occupancy for the first structure.~~ *The house on this property may no longer be used as a single family dwelling unit but may be used as living quarters for a "care-takers/security" facility.*

**Standard Site Conditions:**

- 4) All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Wastewater Permits, etc.) shall be obtained and copies submitted to the Planning Department prior to the issuance of a certificate of occupancy of the first structure.
- 5) Lighting shall be as regulated, installed and maintained as per the adopted lighting regulations located in Section 11A of the Chatham County Zoning Ordinance. Any lighting or fixtures found to be non-compliant with the regulations shall be replaced at the expense of the landowner/operator and shall hold no liability against Chatham County for the compliance measures.
- 6) Storm water runoff measures shall be installed to meet the 2 year, 24 hour storm event and a plan displaying the location and measures taken shall be supplied to the Planning Department prior to issuance of the first building permit.
- 7) An "as-built" impervious surface calculation shall be submitted to the Planning Department prior to issuance of a certificate of occupancy for the first structure.
- 8) Parking shall meet Section 12 Off-Street Parking and Loading of the Zoning Ordinance and included in a site plan before certificate of occupancy will be issued.
- 9) Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
- 10) A building permit shall be obtained within 24 months ~~and remain valid at all times or this permit shall become void from the date of this permit's approval, expiration of the appeal period or any court decision, whichever is later, or this permit will automatically expire and become void.~~ *Building permits shall remain valid at all times or this permit shall become void. Should an extension request that is reasonable and necessary be desired, a timely filed application for such an extension must be approved by the County.*

**Standard Administrative Conditions:**

- 11) Appeal - The County shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the County concerning this resolution, or any action to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the County harmless from all loss, cost or expense, including reasonable attorneys fees, incurred in connection with the defense of or response to any and all known or unknown actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of or resulting from this decision. Nothing in this paragraph shall require the applicant to indemnify and hold the County harmless from any

losses or costs associated with defense of the County's actions or procedures in considering and acting upon this application.

12) 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 inspection, established from time to time.

13) Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.

14) Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.

15) 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.

Mr. Copeland seconded the motion. Discussion followed. Mr. Glick stated that he could not agree with the zoning change as proposed; but that if there is such a change he feels that this light industrial request is appropriate. Chair Kost expressed the same opinion as Mr. Glick. For the record, Mr. Copeland stated that there was no relation between him and the applicant, William Copeland.

The motion for approval passed unanimously.

## VI. OLD BUSINESS:

A. Major Corridor Ordinance Task Force- discussion and recommendations on community and committees' input

The following Members of the Major Corridor Ordinance Task Force (MCOTF) were present:

John Graybeal, Chair; Caroline Siverson; Nick Robinson;  
Sally Kost; Karl Ernst; Barbara Ford; and Paul Black, facilitator.

Sue Schwartz, Chair, Chatham County Appearance Commission, was present.

Chair Kost stated that the Planning Board recommendations would be forwarded to the Commissioners after next month's Planning Board meeting.

Mr. Graybeal noted the following specifics regarding the proposed text amendments:

1) need "green building designs" in Building Design Section

- 2) consider zoning Highway 902 RA-40 (1500 ft. setback) as other corridors are zoned
- 3) Task Force recommended countywide zoning – discuss whether to incorporate
- 4) Section 10.9.2 Applicability – add language, “The standards established here and applied to” before “The major corridors as defined by.....” also consider adding Old Graham Road and Old Farrington Road to the list
- 5) corridors should be named
- 6) crossroads activity centers– increase to 5 miles (from 3 miles)
- 7) Section 10.9.9.3.1 Existing vegetative buffers –may not provide enough buffering – add supplementation language
- 8) Section 10.9.9.4.3 Irrigation – reconsider some language, i.e. drought conditions, provide rainwater collection
- 9) consider the concerns of Diane Dodge

Adjacent Landowner

- Diane Dodge, 12330 US Hwy 15-501 N., Chapel Hill, NC 27517

Ms. Dodge distributed copies of her letter to the Planning Board dated April 1, 2008 with maps attached. Ms. Dodge stated that the corridor zoning would have devastating consequences for her property; that the proposed Cole Park Community Node would prohibit her from selling her property for commercial use even though her property is in a commercial node (i.e. current commercial development already exceeds maximum); and that the Chatham Downs node is already maximum capacity. Ms. Dodge suggested a possibility of dividing the node or adding a contingency to cover small lots. A copy of the letter from Ms. Dodge is filed in the Planning Department.

Discussion followed. Chair Kost stated that Ms. Dodge had a very valid point. She suggested that Mr. Black and the Planning Board review this issue for further discussion during next month’s Planning Board meeting. Mr. Sullivan stated that the Board might consider taking the 320,000 sq. ft. cap out of the Zoning Ordinance text amendment and put in the Land Use Plan, i.e. legal requirement to the policy document.

Appearance Standards

Chair Kost stated that Appearance Commission comments are included in tonight’s agenda packet; and that the following revision has been suggested. (Note – delete language beginning with “and shall include the location.....” as noted with strikethrough below.)

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“Through on-site inspections and evaluation, the Planning Department shall determine the appropriate course of action or approach to providing the necessary buffer. The landscape plan shall indicate all vegetation to be saved. ~~and shall include the location and diameter of both the trees and the root zones of all shade trees 10” DBH and larger and all understory trees 6” DBH and larger, within the preserved buffer area. It~~

~~shall also contain an inventory of all trees, shrubs and groundcover within a minimum 20 foot by 20 foot sample area for each unique stand of vegetation proposed to be retained.~~

Two versions of document

It was noted that two (2) different versions (dated February 27, 2008 and dated March 5, 2008) of the proposed text amendments were being used by Board members tonight and causing some confusion. Mr. Black explained that one of the things that could be bringing confusion is when the document shifted out of the Task Force into the Planning Board; and that the new versions are not going to the TJCOG site any longer but to the County site.

Motion / withdrawn

Mr. Glick made a motion that whatever has been agreed to up to this point in this document be reviewed prior to the next meeting and voted on at said meeting; that in addition, anything else that this committee agrees to between now and the next meeting; and that Board members do their homework and simply vote yes or no. Mr. Hinkley seconded the motion. Discussion followed. Chair Kost requested that the committee take all changes to date that have been approved by the Planning Board and incorporate them into one (1) document; that the revised version be circulated to all interested parties; and that any outstanding issues be brought back to next month's Planning Board meeting for review. Mr. Ernst suggested a special Planning Board meeting is scheduled to review and discussion the proposed text amendments. Mr. Glick made a motion to withdraw his motion. Ms. Turner seconded the motion and the motion passed unanimously.

Motion for special meeting

Mr. Ernst made a motion that a special Planning Board meeting be scheduled (with time and date satisfactory to all Board members) to review the revised proposed text amendments (with all changes to date approved by the Planning Board incorporated); and that this issue be the sole principle of said meeting. Mr. Hinkley seconded the Motion. Mr. Hinkley asked Mr. Ernst to consider amending his motion to include limiting discussion (at the special meeting) with the Planning Board itself since others have already contributed over a number of meetings; and that this would allow Board members to get more work done. Chair Kost noted the need for input from the Task Force. Mr. Theye stated that input from the ERB and Appearance Commission is also needed. Mr. Ernst did not amend his motion and his initial motion passed unanimously.

Summary document

Paul Black stated that he would provide a summary document including:  
Comments from Community Forums,  
Appearance Commission comments, and  
Planning Department comments.

Mr. Copeland stated that Board members need a good, concise description of, 1.) what a corridor zoning ordinance could be, 2.) how it would function and 3.) what kind of things would be a plus and/or a minus. He noted that some property owners have a lack of understanding of what is trying to be accomplished.

Special Planning Board meeting

Following discussion, it was the consensus of the majority of the Board that a special meeting be held on Thursday, May 8, 2008 to complete review of the "Proposed Text Amendments to the Chatham County Zoning Ordinance Related to Major Corridors". It was noted that this special meeting could possibly be cancelled if the agenda for the regular Planning Board meeting is light enough to incorporate this issue.

Provide hard copies of revised document; provide packets earlier if possible

Staff is to furnish Planning Board members hard copies of the revised document provided by Mr. Black; and to distribute the May Planning Board packets earlier if possible.

VII. NEW BUSINESS:

A. Planning Director's Report

a) *Major Corridor Ordinance Impact*

Mr. Megginson stated that during their April 7<sup>th</sup> regular meeting, the Commissioners would be considering impacts of the major corridor zoning; that some samples of what this zoning does would be reviewed, i.e. taxes; and that Board members are invited to attend the meeting.

B. Planning Board Members Items

a) *Briar Chapel Site Visit – Update*

Mr. Hinkley stated that he was impressed with what had been done on the site; that his concern is that this is a development larger in size than the towns of Siler City or Pittsboro; that the development it is to be run by a Homeowners Association; and that he would suggest that we encourage the applicant/developer to consider a municipal incorporation, i.e. fire protection, police protection, water, sewer, street maintenance, parks and recreation, and etc.

Mr. Theye stated the importance of getting our new ordinances in place because developers are not going to care about any of the environmental concerns that many of us have. Mr. Theye thanked Ben Howell, new Planning Department Planner, for attending the meeting.

b) *Zoning Subcommittee - Update*

Mr. Glick read the "Interim Report on Status of Sub-Committee on Zoning" dated April 1, 2008 submitted by committee members, Jim Hinkley, Delcenia Turner, and Warren Glick. Copies were distributed to the Board and a copy is filed in the Planning Department. A summation of the report is as follows:



- committee met many times over the past months
- offered Paul Black a relatively complete picture of a zoning plan that would revise the present zoning and extend it to the entire county
- many details remained to be fully developed, i.e. uses within zoning district, glossary of definitions, basic text wordage
- constraints and many other tasks have occupied Mr. Black's efforts and the committee awaits proper form and text (issues and principals have been laid out)
- much detail work remains as well as presentation to the community and any alterations to be derived there from

Mr. Glick made a motion; seconded by Mr. Hinkley to forward the status report to the Board of Commissioners for their information. There was no discussion and the motion passed unanimously.

*c) Benjamin (Ben) Howell, new Planning Department Planner*

Mr. Theye asked what kind of steps Mr. Howell was working on. Mr. Megginson explained that Mr. Howell spent most of today in a meeting in Asheboro, NC with a district engineer with NCDOT and developers reviewing "Williams Corner" and "Polk's Center" driveway issues; that he is involved in computer training for web site entry; and that there is a possibility that he would be assigned to some sub-committees in the future.

*d) Notice of Violations (NOV's)*

Mr. Theye voiced concern regarding the need for "Notice of Violations" (from Jim Willis, Soil Erosion & Sedimentation Control Inspector) to be posted on the county website for public information. He stated that the Planning website would be a good place to post these violations; that he asks for support from the Planning Board regarding this concern; and that he felt that this issue should be discussed during next month's Planning Board meeting.

Mr. Ernst left the meeting at this time.

Mr. Megginson stated that, since Mr. Willis operates under the Board of Health / Health Department, the Planning Board may want to contact Holly Coleman, Health Director, regarding this issue. Mr. Sullivan noted that there would be much confusion if planning staff attempts to track these violations; and that some NOV's are issued after final approval.

VIII. ADJOURNMENT: There being no further business, Ms. Turner made a motion; seconded by Mr. Theye to adjourn the meeting. There was no discussion and the motion passed unanimously. The meeting adjourned at 10:07 p.m.

\_\_\_\_\_  
Sally Kost, Chair

\_\_\_\_\_  
Date

Attest: \_\_\_\_\_  
Kay Everage, Clerk to the Board

\_\_\_\_\_  
Date