

CHATHAM COUNTY PLANNING BOARD
MINUTES
May 7, 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

Absent:

Randall Sartwell
Delcencia Turner

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 p.m.
- II. APPROVAL OF AGENDA: Mr. Glick made a motion; seconded by Ms. Ford to approve the agenda as submitted. There was no discussion and the motion passed unanimously. (9 Board members)
- III. CONSENT AGENDA:
 - A. Minutes: Consideration of a request for approval of Planning Board minutes for April 1, 2008 meeting.

Mr. Theye noted the following correction to the minutes:

- Page 47, under Board discussion - 2nd paragraph that reads, "Mr. Theye stated that Fred Royal, Director, Environmental Resources, visited the Galloway Ridge site on March 7, 2008. Mr. Theye stated that the minutes should read that Mr. Royal ***did not visit*** the Galloway Ridge site.

Mr. Hinkley made a motion; seconded by Ms. Harrelson to approve the minutes as submitted with the one correction above. There was no further discussion and the motion passed unanimously.

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

No one requested to speak at this time.

V. SUBDIVISION REQUESTS:

A. ***Development Schedule Approval:***

Request by Karen M. Kemerait, attorney with Blanchard, Miller, Lewis & Styers, P. A., on behalf of the Dornoch Group for approval of a development schedule for the Lystra Road Subdivision (59 lots on 144 acres, located off SR-1721, Lystra Road

Ms. Richardson reviewed the agenda notes for this request. She stated that the applicant has requested that the Board entertain a request from the developer for a development schedule for the Lystra Road Subdivision; that 59 lots (144 acres) were approved June 2007 for sketch design; that subdivisions having more than 50 lots can request a development schedule and be allowed longer time (than 12 months) for preliminary plat submittal; that the applicant did not initially request a development schedule but would like to do so now; that without requesting a development schedule the applicant would need to submit for preliminary plat approval by June 18, 2008 (not June 13, 2008 as stated in tonight's agenda notes); that during sketch design review the developer agreed to do a voluntary environmental impact assessment (EIA) that was made a condition of the approval; that the time frame to get the necessary procedures done has taken longer than expected, i.e. preparing the EIA, review by Mr. Fred Royal, Chatham County Environmental Resources Director, and the Environmental Review Board (ERB), and incorporating comments into the plan; and that staff recommends approval of the request to allow the sketch design to be valid until March 18, 2009.

Karen Kemerait, attorney with Blanchard, Miller, Lewis & Styers, P.A., was present representing the applicant. Mr. Kemerait reiterated specifics noted above by Ms. Richardson regarding the development. Ms. Kemerait stated that along with the condition to provide an Environmental Impact Assessment (prior to submitting preliminary plat review), a condition was also made by the Commissioners that comments of the Environmental Assessment be put into the preliminary design; that the EIA was submitted to Fred Royal on February 26, 2008; that process for review by the ERB is a much more time consuming process than was anticipated; that she understands that the ERB has from 90 to 120 days to review the EIA before making comments; and that the applicant is asking for additional time to submit the preliminary plat application since the process is taking more time than was anticipated.

Discussion followed.

EIA: Mr. Theye asked if the EIA performed affected any changes on the sketch design, i.e. modifications; and if the developer is planning to use the EIA as a planning tool. Ms. Kemerait stated that the EIA has been submitted to Fred Royal; that she does not know all the changes; that this is a very long document; and that the applicant is committed to working with the ERB and the process is just beginning. Mr. Theye stated concern that the applicant was unwilling to state that the EIA would be used as a planning tool.

Sketch design valid until March 18: Mr. Klarmann inquired about the March 18th date. He stated that he understands the difficulties of doing a project in the winter months; and that the developer might want to move this date out further into summer. Ms. Kemerait stated that this date is for preliminary plat application submittal; that the entire nine (9) months may not be needed; and that after preliminary approval the ordinance allows 18 months thereafter for final plat submittal.

Mr. Klarmann asked if the development schedule was a reflection of the current slow down in the building industry. Ms. Kemerait stated that this is not the reason but is simply for the ERB process and that she is not in any way suggesting that the county is responsible for the process delay.

Motion to approve: Mr. Ernst made a motion; seconded by Ms. Harrelson to grant approval of the request as submitted and as recommended by staff. Discussion followed. Mr. Hinkley asked that the motion be amended to allow for a requested extension if there is a problem with the nine (9) month period not being enough time. It was noted that the applicant could request an additional extension if needed. Mr. Ernst did not amend his motion and the motion passed 8-1-0 with all members present voting in favor of the motion, except Mr. Theye who voted against.

B. Development Schedule Revision:

Request by Karen M. Kemerait, attorney with Blanchard, Miller, Lewis & Styers, P. A., on behalf of Contentnea Creek Development Co. for an approval of a revision to an existing development schedule for Cooper Subdivision.

Ms. Richardson reviewed the agenda notes for this request. She stated that this property was rezoned from RA-5 to RA-90 with a conditional use RA-90 permit for 63 lot single family residential subdivision lots / 130 acres in October, 2006; that there is currently a development schedule; that 10 lots / 23 acres were approved in November, 2007 for preliminary plat approval (Phase I) with revisions to the balance of the existing sketch plan / development schedule as noted in tonight's agenda notes; that the applicant volunteered to do an Environmental Impact Assessment (EIA) but was not made a condition of approval; and that the applicant is working to provide this information with

concern that their current development schedule time frame does not allow adequate time to meet the required deadline.

Karen Kemerait, attorney with Blanchard, Miller, Lewis & Styers, P.A., was present representing the applicant. Ms. Kemerait reiterated some of Ms. Richardson's above comments regarding specifics about the development. Ms. Kemerait stated that the process for preparing the EIA has taken longer than was anticipated; that plans are to reduce the lots from 63 to 60; that the applicant is aware of the environmental significance of the area of the property that falls within the Big Woods Natural Heritage property; and that additional time is needed to change the design plans for Phases II and III (northern parts of the property).

Discussion followed. Mr. Theye stated that he was pleased that an EIA was being prepared. Mr. Klarmann asked if the development would be connecting to Windfall Creek Subdivision and out to Parker Springs subdivision.

John Harris, project engineer, was present. Mr. Harris showed a current map of the project and explained the layout, i.e. not crossing Parkers Creek. He stated lots would average three (3) acres in size.

Jennifer Burdette, Burdette Land Consulting, Inc. was present representing the applicant. Ms. Burdette (who prepared the EIA for Phases II and III) stated that the field work was completed last week and she is waiting on comment from Fred Royal; that part of the delay in completing the EIA was the weather (drought), and DWQ / DOT approvals.

Mr. Theye asked what work had currently been done on the land. Ms. Burdette stated that there has been no major clearing on the land to date.

A gentleman in the audience (who did not state his name) asked if there was a proposed water loop connection. Mr. Harris stated that this would connect from Big Woods Road through Windfall Subdivision; down Hatley Road through Cooper Subdivision; to Parker Springs to Monterrane.

Mr. Copeland made a motion; seconded by Ms. Harrelson to grant approval of the request as submitted and as recommended by staff. There was no further discussion and the motion passed unanimously.

VI. ZONING AND ORDINANCE AMENDMENTS - *Item from March 17, 2008 Public Hearing and April 1, 2008 Planning Board meeting:*

- 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 for this request. She stated that the Appearance Commission reviewed and approved the proposed landscaping plan and referenced staff condition #1 that reads:

“Site Specific Conditions:

1. Landscaping shall be installed as directed by the Appearance Commission at the next optimal planting time and as per the revised site plan. In addition to the revised plan, landscaping shall include but is not limited to an extension of trees and plants as approved by the Appearance Commission around the original natural area and septic area noted on the original site plan from the rear, along the side, and across the front to shield views of mulch and other landscaping materials to be stored in that location. There is to also be a 2nd row of plantings on the rear of the property line extending past the existing nursery area where it adjoins the adjacent property line”.

Ms. Birchett stated that this condition is reflective of the Appearance Commission recommendation, i.e. extending landscaping across the back of the property, i.e. Bennett property; and that staff recommends approval of the request with the 15 proposed conditions listed in tonight’s agenda notes.

Thomas L. Bennett, Chapel Ridge Farms and Managing Partner, Hindes-Bennett Development, was present. Mr. Bennett stated that the storage of debris should not come under the mulch definition; and that his concern is that the conditions are enforced after the request is approved.

Discussion followed.

Enforcement - Ms. Birchett explained that there would be a final site inspection before a certificate of occupancy (CO) could be issued from Building Inspections; and that any materials located on the property not associated with the business would have to be removed.

Next optimal planting time - Ms. Ford asked who was defining “next optimal planting time” and what this is to be defined as. Ms. Richardson stated that she relies on guidance from the Appearance Commission. It was noted that irrigation is one of the main factors.

Christopher Fortunes, applicant, stated that he does not have a problem with putting the plantings in now; that he has not been able to obtain a water meter and has lost many of the plants; and that he is waiting on septic approval (drip system with pre-treatment) from Thomas Boyce, Chatham County Environmental Health. Mr. Fortunes noted that he would contact the Public Works Department tomorrow regarding a water meter.

Motion to approve - Mr. Ernst made a motion to grant approval of the request as submitted and as recommended by staff (with 15 conditions); with special attention to Site Specific Condition #1 (as listed below); that all other conditions listed in tonight's agenda notes to apply; and that the developer is to make every effort to get the necessary work on the property done. Mr. They seconded the motion; and the motion passed unanimously. The 15 conditions are as follows:

Site Specific Conditions:

1. Landscaping shall be installed as directed by the Appearance Commission at the next optimal planting time and as per the revised site plan. In addition to the revised plan, landscaping shall include but is not limited to an extension of trees and plants as approved by the Appearance Commission around the original natural area and septic area noted on the original site plan from the rear, along the side, and across the front to shield views of mulch and other landscaping materials to be stored in that location. There is to also be a 2nd row of plantings on the rear of the property line extending past the existing nursery area where it adjoins the adjacent property line.
2. One 4 x 8 foot monument style sign, as built, shall remain as originally approved. No other signage will be permitted.
3. Fencing shall be installed around the area noted as "plant inventory" as shown on the revised site plan.
4. The construction and certificate of occupancy on the existing structure shall be complete and issued within 12 months from the date of this approval by the Board of Commissioners or a timely filed request for an extension be approved prior to the expiration of this conditional use permit.

Standard Site Conditions:

5. 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.
6. Lighting shall be 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.
7. An "as-built" impervious surface calculation shall be submitted to the Planning Department prior to issuance of a certificate of occupancy.

8. Parking shall meet Section 12 Off-Street Parking and Loading of the Zoning Ordinance which requires one space per 300 square feet of gross floor area.
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 and remain valid at all times or this permit shall become void.

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.

Items for May 19, 2008 Public: Mr. Megginson stated that items B – F listed below are scheduled for May 19, 2008 public hearing. He stated that information material was distributed earlier tonight; that the hearing is to be held in the Superior Courtroom since there are other hearings that night, i.e. budget, and moratorium extension for possibly six (6) months.

- B. Public hearing request by Verticality, Inc. to request search ring approvals for six (6) proposed new cell towers in the county.
- C. Public hearing request by William Jeffrey House for a revision to an existing conditional use permit for a private and public campground located at on the Moncure School Rd., Haw River Township, Parcel No. 11257, on approximately 10.35 acres, to include an area for boat and recreational vehicle on-site storage.
- D. Public hearing request by Jerry Turner & Associates on behalf of HBP Properties, Inc. (Brantley Powell) for a revision to the conditional use permit for Polk Center, located off US 15-501 N, Baldwin Township, approved for a Conditional Use B-1 zoning district for a shopping center on October 16, 2006, to allow an extension of Condition No. 13 to extend a new expiration date of two years (October 16, 2010) to begin construction.
- E. Public hearing request by Chatham Development Corporation for a Conditional Use B-1 District located on Parcel No. 80203, located off US 64 E, New Hope Township, on approximately 15.16 acres.
- F. Public Hearing request by Chatham Development Corporation for a Conditional Use B-1 Permit located on Parcel No. 80203, located off US 64 E, New Hope Township, on approximately 15.16 acres for a boat and recreational vehicle storage facility.

Other Meeting dates of interest: Mr. Megginson noted the following upcoming meetings:

- May 12 - Joint meeting of the County Commissioners and Planning Board at 6:30 p.m. – Cooperative Extension Building, Pittsboro, NC – Re: major corridor properties

Re: NCDOT US 64 Strategic Corridors:

- May 19 - Apex, NC
- May 20 - Northwood High School, Pittsboro, NC

VII. OLD BUSINESS:

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

Paul Black, Triangle J. Council of Governments and Major Corridor Ordinance Task Force facilitator, was present. Mr. Black stated noted the two (2) versions of the document dated as follows:

- 4/29/08 is the ordinance with revisions in its entirety

- 5/2/08 is for discussion tonight that basically pulls out pages that have specific changes (with footnotes).

Members of the Task Force present were: John Graybeal, Chair; Caroline Siverson, Sally Kost, Karl Ernst, and Barbara Ford.

Members of the Appearance Commission present were: Sue Schwartz, Chair; Ginny Gregory; Caroline Siverson; Grimsley Hobbs; and Phil Dark.

Mr. Black began the review. Specifics are noted below and a vote was taken on controversial and/or major issues.

Page 1.

10.9.1 Applicability

#2 Footnotes - to include government facilities were discussed, i.e. staff question about making government exempt.

Motion to include government facilities:

Mr. Glick made a motion; seconded by Mr. Ernst to include government facilities. There was no discussion and the motion passed 8-1-0 with all Board members present voting in favor of the motion; except Mr. Klarmann who voted against.

Bullet #4 - strike the word "rural" – to read, "valid home occupations with a permit"

Other proposed revisions were acceptable.

Page 2.

10.9.2 Procedure

~~Last Paragraph – "A clearing permit from consultation with the Planning Department....."~~

Delete this paragraph as recommended by staff.

Page 3.

10.9.4 Violations

Second Paragraph that states - "An Architectural Design Review Board needs to be created to review renderings for CUP compliance, as well as plans submitted for construction after CUP approval. The role of this board will need to be inserted into the ordinance text similar to the Appearance Commission. If a board is not created the provisions should be deleted from the regulations".

There was considerable discussion on this item regarding a specific Board to review renderings, i.e. Appearance Commission, Planning Board and etc.

Motion to revise language / motion withdrawn:

Ms. Ford made a motion; seconded by Ms. Harrelson to revise the above proposed language to read, "A Design Review Board (which could be members of the Planning Board and/or Appearance Commission) be responsible for reviewing renderings for CUP compliance.....". Discussion followed regarding the basis for approval, i.e. renderings / plans and architectural standards. Ms. Harrelson suggested a slight change in the above language to read "be responsible for reviewing renderings and architectural drawings". Ms. Ford made a motion, seconded by Ms. Harrelson to withdraw her motion; and by unanimous consent the motion was withdrawn. Mr. Hinkley called the question.

Motion – revised language

Mr. Glick made a motion that language state, "The Appearance Commission will review architectural designs from renderings and architectural drawings to see that there is reasonable similarity to the approved design and report same to Planning Board". Mr. Hinkley seconded the motion. There was no further discussion and the motion passed 7-2-0 with all Board members present voting in favor of the motion; except Mr. Ernst and Mr. Klarmann who voted against.

Page 4.

10.9.5.1 Crossroads Activity Centers

Motion to delete this section - failed

Mr. Copeland made a motion; seconded by Mr. Hinkley to delete the "Crossroads Activity Centers" section from the ordinance. Discussion followed. John Graybeal urged the Board to leave this section as is. The motion to delete the Crossroads Activity Centers failed 2-6-1 with Copeland and Klarmann voting in favor of the motion; and Kost, Glick, Ford, Harrelson, Hinkley, and Theye voting against; and Ernst abstaining.

Discussion followed regarding

- mapping the existing centers;
- revise existing map to only show things that would fit the definition of the crossroads activity center, i.e. gas stations, general store; and still have the three (3) mile separation; and,
- understanding the restrictions imposed in these areas, i.e. rural character, and accessibility to the centers.

5-Minute Break

Page 4. – con't

10.9.5.5 Special Node Overlay District

#7 Footnotes - Staff discussion item: "It seems that the special node could be interpreted to allow commercial sites, but there are no square footage or site footprint limitations".

The Board discussed

- allowing retail no more than 25% percent occupancy vs. square footage
- retail center without commercial – project by project basis – as conditional use

No changes noted.

Page 5.

10.9.5.6 Scenic Overlay District

#8 Footnotes

Bullet #2 - consultant recommended change to add language, “except for farm and industrial buildings, which are exempt from this requirement”

Proposed language accepted.

Page 6.

10.9.6.1 Acceleration and Deceleration Lanes

#9 Footnotes - Change in Graphic (recommended by staff) / change wording

“preliminary design stage” to “Conditional Use Permit (which must be approved by the BOCC)”.

Proposed revisions accepted.

Page 7.

10.9.6.3 Internal Circulation

#10 Footnotes – Staff recommended clarification; removed citation of original source due to modification - throat length has to be as deep as the vegetative buffer

Proposed revisions accepted.

Page 8.

10.9.6.6.1 Sidewalks

#11 Footnotes - Change in process recommended by staff

Language revised as follows:

Delete / **Add**– Paths must approximately parallel the course of the sidewalk they are “replacing” and must be approved by the Planning Department as **part of the Conditional Use Permit.**

Proposed revisions approved.

Page 9.

10.9.6.6.2 Paths and Multi-use Greenways

#12 Footnotes – Change recommended by staff – last paragraph, last sentence: “In situations where asphalt paths are proposed to run parallel with roadways they shall be offset a minimum of 12’ from the back of curb, and separated from the roadway with ~~plant materials of at least 30” in height and 72” in planted width~~ public street trees **where deemed safe** and appropriate by the local NCDOT Engineer”.

Board approved these revisions but made a change to the above paragraph as follows:

Delete – ~~“where deemed safe and appropriate”~~ by the local NCDOT Engineer

Add - **“unless deemed unsafe”** by the local NCDOT Engineer

Page 10.

10.9.7.1.1 Off-street parking areas

#13 Footnotes – recommended by Appearance Commission – add language Paragraph #1 – last sentence, **“Adequate space (15’ minimum) should be left for sidewalks, landscaping and plantings between parking areas and structures”**.

Approved.

#14 Footnotes – recommended by staff – no storm water rules are currently in place

Paragraph #2 – strike much of the proposed paragraph to now read: “All paved parking areas shall be subject to storm water management practices required in other ordinances for watershed, flood, and environmental protection”.

Revisions approved.

10.9.7.1.4 Parking Lot Shading

#15 Footnotes

Paragraph #1 – additional language recommended by Appearance Commission: **“Shade in parking areas is highly desirable and strongly encouraged. It provides for cleaner air and cooler surface temperatures, which make for a more comfortable environment for pedestrians while also mitigating energy use required to cool buildings and automobiles”**.

Revisions approved.

10.9.7.2.4 Agreement for Shared Parking

#16 Footnotes

Paragraph #1 – Staff clarification of process

Sentence #2 – add language: “An attested copy of the agreement between the owners of record must be submitted to the **Register of Deeds for recordation**

and a copy provided to the Planning Department for inclusion in the Conditional Use Permit”.

Language revision approved.

Page 11.

10.9.8 BUILDING DESIGN AND LAYOUT STANDARDS

10.9.8.1 Building Placement

10.9.8.1.1 Crossroads Villages Activity Centers

10.9.8.1.2 All Nodes Other Than Crossroads

(Special, Neighborhood, Community and Regional Overlay Districts)

#17 Footnotes – These sections no longer apply

Delete sections as proposed.

10.9.8.2 Building Types

#18 Footnotes – language proposed – staff making all residential exempt

Mr. Black noted that some architectural standards that have been written in the ordinance (dated 4-29-08) maybe don't apply to some of the residential, i.e. mass, scale, and proportion. He suggested to exempt the single-family residential from the architectural standards in section

10.9.8.2.5 Residential Type Units and to make if simply for multi-family. Multi-Family

Vote on entire section 10.9.8, Building Design and Layout Standards – Mr. Glick made a motion that this section (10.9.8) stands as is with the elimination of single-family housing. Chair Kost explained that the motion would be to stay with the Task Force recommendation except that we are exempting single-family from the building architectural guidelines. Mr. Glick agreed with this explanation. Ms. Ford seconded the motion. Discussion followed. Mr. Ernst voiced concern regarding affordability, i.e. apartments and condominiums. The motion passed 7-2-0 with all Board members present voting in favor of the motion except Ernst and Klarmann who voted against.

Page 12.

10.9.9.2 Location of Buffers

#19 Footnotes – staff noted discrepancy with another provision; this is the clarification

Delete language, “as well as along its perimeter”

Delete as proposed.

10.9.9.3.1 Existing vegetative buffers (3rd paragraph)

#20 Footnote – change recommended by staff to be consistent with other changes in document

*Revise language: delete the word - “~~corridor~~”
add language – “public street or in the case of adjacent residential from the property line”*

Accept revisions as proposed.

10.9.9.3.2 Newly planted vegetative buffers

#21 and

22 Footnotes – changes from the Appearance Commission – see proposed text - pages 12 and 13

Motion to approve: Mr. Copeland made a motion; seconded by Mr. Theye to approve the Appearance Commission’s recommendations in section 10.9.9.3.2 as submitted and noted on pages 12 and 13 of document dated 5/2/08. Mr. Klarmann voiced concern regarding possible demands on vegetative plantings. The motion passed unanimously.

10.9.9.4.2 Installation

Pages 14 – 19 (This section identifies matters that should be addressed and describes procedures that should be used in connection with the installation of trees and shrubs in the landscaped buffers and in the parking lot islands) and are recommendations from the Appearance Commission.

Motion to approve: Mr. Copeland made a motion; seconded by Mr. Hinkley, to approve section 10.9.9.4.2 as proposed by the Appearance Commission.

Discussion followed. Ms. Harrelson asked about enforcement. Mr. Megginson explained the enforcement process. There was discussion regarding the possibility of moving the installation guidelines to another document. Mr. Black stated that the Task Force has considered creating guidelines and the ordinance reference said guidelines. Caroline Siverson, Appearance Commission member, stated that the Commission is currently preparing design guidelines but they have not yet been approved; and that these specifics (section 10.9.9.4.2) would be included in those guidelines.

Motion modified: Mr. Copeland modified his motion to move this section (10.9.9.4.2 Installation) to the “Design Guidelines” of the Appearance Commission and to make reference as such in the Major Corridor Ordinance. Mr. Glick seconded the motion. There was no further discussion and the motion passed unanimously.

10.9.2.1.1 Irrigation

Page 19 - 21

Motion to move this section to "Design Guidelines" – Mr. Copeland made a motion; seconded by Mr. Glick to move this section (10.9.2.1.1 Irrigation) to the "Design Guidelines" of the Appearance Commission and to make reference as such in the Major Corridor Ordinance.

Discussion followed. Mr. Ernst voiced concern regarding water supply. Mr. Copeland stated that the language includes appropriate guidelines for conserving water. The motion passed 8-0-1 with all Board members voting in favor of the motion except Mr. Ernst who abstained.

Mr. Hinkley voiced concern regarding the need for staffing for this enforcement.

10.9.9.6 Recommended List of Plant Materials

Page 21

Approved as recommended.

At this time, staff agenda notes (attachment #4) were reviewed and specifics are noted as follows:

May 7, 2008 Chatham County Planning Board Agenda Notes (Attachment #4)
Page 1 Discussion and Analysis. – recommend considering the following overall questions:

#2 *Are the standards proposed located appropriately in the document as zoning rules or should they be in a guidelines document as an appendix to the Zoning Ordinance?* - Mr. Black inquired if the Board might want to move some of the architectural pieces, i.e. structural and massing or have this as an ordinance, guidelines as an appendix to the Ordinance; Re: Sections 10.9.8.3 and possibly 10.9.8.4.

Motion: Ms. Ford made a motion; seconded by Mr. Copeland to make sections 10.9.8.3 and 10.9.8.4 guidelines that would go into an appendix section as part of the standards. There was no further discussion and the motion passed unanimously.

#3 *What is the Planning Board's preference for the process of input from other advisory Boards such as an Architectural Review Board, the Appearance Commission and Environmental Review Board?* - Mr. Black stated that one of the items reviewed earlier tonight was if we did want to have the renderings reviewed who would do the reviews and how would this be put in process wise; that this may not need to be addressed in the Ordinance but

would need to be addressed before things are put into place to make sure we have it.

Mr. Megginson stated that he understands it is the preference of the Task Force to get reports from committees and/ or other Boards so that these are included and forwarded to the Commissioners as an overall package.

Page 2 – Eleven Items

Discussion and Analysis:

1. *Section 10.9.2 exempts “single-family construction on existing lots of record (that existed or was approved in preliminary or final plat form as of the date of this amendment)”. Is the intent of this sentence to have some type of standard apply to a single family dwelling on a lot created after the adoption of these standards? If the intent is to have standards apply to major subdivisions then those situations are covered under the first paragraph in section 10.9.3, which requires a conditional use permit.*

Mr. Black stated that this was answered with the Board saying “no” to exempting single-family. Mr. Sullivan was concerned about what would be done with single family construction on lots created after the amendment. Mr. Black stated that lots already in subdivision process before this ordinance is approved would be exempt; and that lots that follow would adhere to the Ordinance. Following discussion, it was the consensus of the majority of the Board that Mr. Black and Mr. Sullivan review this issue for appropriate language.

2. *What standards apply to major subdivisions? If the board wants major subdivisions to fall under the overlay district requirements, what standards will apply? The board also needs to consider the impact of the proposed buffers on septic system locations, particularly if the suitable soils are within them. This issue arose during the drafting of the riparian buffer rules for the Watershed Ordinance and they were ultimately allowed with the use best management practices.*

Mr. Black stated that this issue has been taken care of; that there was one question about septic system locations in the buffers; that there is no reason a septic system couldn't be installed except that you are not suppose to disturb the root zones and would need to be outside the root zone; and that since most of this area is within the root zone this could be an issue.

Mr. Megginson stated that the applicant would be stopped early on in the septic application process.

3. *The scenic overlay district is less restrictive for building and site footprints than the crossroads activity centers (i.e. a CAC limits the site footprint to two acres and the scenic overlay district allows single use buildings up to 65,000 square feet (1.5 acres) with no limit on the footprint). If business uses are approved in the scenic overlay district they would have more useable area than a CAC, which is an economic node.*

Mr. Black explained that originally there was no scenic overlay; that essentially the node standards were crafted followed by the scenic overlay district; that businesses included a portion of this; that as it progressed the move was to promote these things going to the nodes and not going elsewhere; and that it was an odd balance point to make it happen.

Leave as is – majority consensus of Board.

4. *There is no limit on the number of single use buildings in the scenic overlay district, so you could have requests for multiple 65,000 square foot single use buildings in these areas.*

No issues discussed.

5. *It is not clear what standards have to be met for the expansion of existing businesses. New language has been added to section 10.9.2 that would exempt expansions of non-conforming business uses, but still requires them to obtain a conditional use permit. The board may want to consider some threshold that exempts certain types of expansions below a certain square footage. The board may also want to discuss what applies to businesses that have a business zoning and possibly a conditional use permit and what standards apply to their expansions.*

No issues discussed.

6. *There are several economic nodes that have square footage caps that are already exceeded with existing and approved projects. The three community node overlay districts on 15-501 north of Pittsboro are examples of having exceeded the cap. The board may want to consider removing the square footage caps from the Zoning Ordinance text amendment, which is a regulatory document, and incorporating it into the Land Conservation and Development Plan amendments, which is a policy document.*

Motion to remove economic nodes - failed:

Following discussion, Mr. Klarmann made a motion; seconded by Mr. Ernst to remove the square footage caps from the Zoning Ordinance for all nodes. There was no further discussion and the motion failed 3-6 with Klarmann, Ernst, and Copeland voting in favor of the motion; and Kost, Glick, Theye, Ford, Harrelson and Hinkley voting against.

7. *There are currently no square footage caps for commercial uses in the special node overlay districts. The board may want to consider a square footage cap on individual sites within special nodes to avoid having requests for large shopping centers, when they are described as being primarily non-retail.*

No discussion – issue previously dealt with per Mr. Black.

8. *The board needs to discuss how or if the Appearance Commission fits into the review process, since the proposed amendments do not incorporate them. Is the intent to only have staff and planning board review, with approval by the Board of Commissioners?*

No discussion – Mr. Black stated that this has been talked about in how the different Commission’s fit.

9. *Section 10.9.8.7 provides additional lighting standards above what was recently incorporated into section 11.A of the Zoning Ordinance. The board may want to discuss whether this is necessary at all, is necessary only in overlay districts, or whether section 11.A should be amended.*

Motion to accept recommendation of staff:

Mr. Hinkley made a motion; seconded by Mr. Ernst to take staff recommendation to go with the Lighting Ordinance and strike this Section in the Major Corridor Ordinance. There was no further discussion and the motion passed unanimously.

10. *The third paragraph in section 10.9.9.1 includes standards for utility easements. It is not unusual to encounter situations where utility upgrades are necessary to existing utilities located in easements on the development site. This poses a potential for conflicts and the board may want to discuss whether buffers should be measured from the property boundaries/right-of-ways or easements, whichever is greater.*

Leave as is – majority consensus of Board.

11. *The second paragraph in section 10.9.10.4.3 states that “no other illumination or **changeable copy** will be allowed on the corridor signs or any sign on a side access drive visible from the corridor right-of-way”. This would prohibit gas stations from advertising current prices on the road signs, so the board may want to discuss whether they are exempted from this section.*

Motion to strike language:

Following discussion, Ms. Harrelson made a motion; seconded by Mr. Copeland to strike language, “changeable copy”. There was no further discussion and the motion passed unanimously.

This completed the review of the Major Corridor Ordinance.

Mr. Megginson stated that the Land Use Plan and map need to be discussed. Chair Kost stated that during next month’s meeting (June 3, 2008) the Board should prepare to make a motion to move this on to the Commissioners.

Cancel May 8th Planning Board Meeting:

Ms. Harrelson made a motion; seconded by Ms. Ford, to cancel the May 8, 2008 special Planning Board meeting (tentatively scheduled to continue the major corridor review if needed). There was no discussion and the motion passed unanimously.

Chair Kost thanked Mr. Black for his efforts towards the Major Corridor Ordinance. Mr. Black stated that staff contributed some very useful material.

VIII. **NEW BUSINESS:**

A. Planning Director's Report
No reports were submitted.

B. Planning Board Members Items
• Chair Kost stated that at some point Mr. Theye would like to address possibly bring up the Planning Board Members Items at the front of the meeting as opposed to the back, i.e. tonight's situation.

IX. **ADJOURNMENT:** There being no further business the meeting adjourned at 10:36 p.m.

Sally Kost, Chair

Date

Attest: _____ / Date _____