

**CHATHAM COUNTY PLANNING BOARD**  
**MINUTES**  
**June 3, 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  
Judy Harrelson  
Jim Hinkley  
Peter Theye  
Delcencia Turner

Absent:

David Klarmann

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. She announced that Board member Randall Sartwell resigned from the Planning Board last week; and that the Planning Board is now a ten member Board until his replacement appointment is made.
  
- II. APPROVAL OF AGENDA: Mr. Glick made a motion; seconded by Mr. Theye to approve tonight's agenda as submitted. Discussion followed.

"Planning Board Members Items":

Mr. Hinkley stated that May 7, 2008 Planning Board minutes indicated that Peter Theye suggested that "Planning Board Members Items" be moved up front in the agenda; that this would allow adequate time for Board discussion; and that Board members would not feel rushed to adjourn. Mr. Glick disagreed since discussion of these issues can be extensive at times and be irrelevant to citizens who are present. Mr. Theye stated that after thinking about his suggestion he is in agreement with Mr. Glick that this item should remain at the end of the agenda. It was the consensus of the majority of the Board to not change this item on the agenda. There was no further discussion and the motion to approve the agenda passed unanimously. (7 Board members) Note: Ms. Ford and Mr. Copeland had not yet arrived.

III. CONSENT AGENDA:

- A. Minutes: Consideration of a request for approval of Planning Board minutes for May 7, 2008 meeting.

Mr. Copeland arrived at this time.

Mr. Hinkley made a motion; seconded by Ms. Turner to approve the consent agenda consisting of the May 7, 2008 Planning Board minutes. There was no discussion and the motion passed unanimously. (8 Board members)

End Consent Agenda

- IV. 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.

Ms. Ford arrived at this time.

- V. FINAL PLAT APPROVAL:

- A. Request by Withers & Ravenel on behalf of Village Investment, LLC for subdivision final plat approval of "Lexington", consisting of 11 subdivision lots and one (1) exempt lot, on 47 acres, located off NC Hwy 751, New Hope Township.

Ms. Richardson reviewed the agenda notes for this request [formerly known as "NC 751 Parcels"]. She stated that the plan meets the various requirements and staff recommends approval of the application as submitted. Ms. Richardson noted that the applicant was present.

Discussion followed. Mr. Hinkley inquired if a map with contour lines had been received. Ms. Richardson stated that this map was provided at sketch design. Chair Kost provided Mr. Hinkley a copy of said map for his review. There was no further discussion.

Motion to approve

Mr. Copeland made a motion; seconded by Mr. Hinkley to grant final approval of "Lexington Subdivision" as submitted and as recommended by staff. There was discussion and the motion passed unanimously. (9 Board members)

- VI. ZONING AND ORDINANCE AMENDMENTS - *Items from May 19, 2008 Public Hearing:*

- A. Request by Verticality, Inc. to request search ring approvals for six (6) proposed new cell towers in the county.

Ms. Birchett reviewed the agenda notes for this request. She stated that this is the time of year for our annual review process for new search ring areas for

communication towers in Chatham County; that Verticality, Inc. was the only application received; and that six (6) new tower locations are proposed (180 – 199 feet tall). Ms. Birchett reviewed the proposed ½ mile search ring locations as shown on the map included in tonight’s agenda packet and referenced in the agenda notes. She added a condition to staff recommendation that states:

“All communication towers meet the minimum height requirement of 199 feet as stated in the ordinance”.

Discussion followed.

Existing water towers / proposed cell tower height

Mr. Theye inquired if the water tower on Lystra Road was being considered for the Big Woods location. Mr. Megginson explained that Chatham County contracts with a special company to deal with additional structures on Chatham County water towers; and that often times the cell towers can be located on these towers. Mr. Copeland recalled that this water tower was not in the correct place for adequate coverage. (Note: Ms. Birchett researched last year’s notes and confirmed that the height of the water tower would not offer the necessary coverage.) Mr. Glick asked how many towers were potentials last year. Ms. Birchett stated that there were four (4) potential towers last year; that none of those four were actually constructed; and that their applications have since expired. Ms. Harrelson inquired if the 19 feet difference (between 180 vs. 199 feet tower) was for more coverage allowance. Chair Kost asked if the additional height provided additional coverage. Mr. Megginson explained that the additional height provides for additional antennas on the structure as higher up as possible for coverage and also provides for Chatham County to have various needed antennas. Ms. Ford asked if the new water tower on Manns Chapel Road at the construction entrance of Briar Chapel was a consideration for a location. Ms. Birchett stated that the Board could request that the applicant furnish RF maps as provided last year.

Motion to approve

Mr. Hinkley made a motion to accept staff recommendation to grant approval of the search ring requests for all six (6) towers sited as CH\_H21, CH\_H22, CH\_H24, CH\_H25, Gum Springs, and Brickhaven with the following two (2) conditions:

1. The location of any tower within the CH\_H22 search ring be located outside the identified North Carolina Natural Heritage Program site of Morgan Creek Floodplain Forest, and
2. That all towers be a minimum height requirement of 199 feet.

It was recommended (but was not part of the motion) that:

- the new RF maps reflecting the 199 feet towers be provided, and a review of the possible use of co-locations on two water towers (one on Jack Bennett Rd. and one on Mann’s Chapel Rd.) is supplied as they relate to the respective proposed tower locations.

There was no further discussion and the motion passed unanimously. (9 Board members)

B. 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.

Application Withdrawn

Chair Kost stated that the above request has been withdrawn by the applicant, William Jeffrey House. Ms. Birchett stated that a storage facility is not a permitted usage in the RA-40 zoning district; and that the applicant may submit a different plan at a later date.

C. 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.

Ms. Birchett reviewed the agenda notes for this request. She used the overview map to point out surrounding areas of Polk's Landing Road, U.S. 15-501, Williams Corner development, Lystra Road, and Chatham Downs. Ms. Birchett addressed various project delays explained in tonight's agenda notes, i.e. NCDOT. She stated that staff recommends a permit expiration date extension of two years be approved to allow the developer more time to obtain necessary permits.

Board discussion followed.

Plan changes / traffic analysis figures

Mr. Theye inquired if there had been any plan changes with Polks Centre, i.e. ownership and etc. Ms. Birchett stated that Brantley Powell, HBP Properties, Inc. has always owned the property but that Travis Blake presented the original submittal. Chair Kost stated that the initial traffic analysis (presented Oct., 2006) for this project had a 24 hour trip generation of 2,728; and that the note from Reuben Blakley, District Engineer with NCDOT has that number at 8,716. Chair Kost asked if something in the project caused this traffic generator number to triple. Ms. Birchett noted that a main factor in the numbers is that Briar Chapel was not included in the total.

Richard Adams, Kimley-Horn and Associates, Inc., was present representing the applicant. Mr. Adams stated that he prepared the original traffic study that produced the same figure of 2,728 (in / out trips) as noted above; that there has been no change in the project; that he is unsure where the 8,716 figure came from; and that the plan is consistent in every way.

Mr. Glick voiced concern over the following:

- Congestion Management – are they involved with every project
- wastewater – why not have own system – why the concern to tie to major project across road
- size of project (on both sides of road) – 39.5 acres / approx. 122,000 sq. ft. of retail / restaurant area
- project timeframe
- project done safely
- congestion

Brantley Powell, developer stated the following specifics regarding wastewater:

- assurances that the facility was to be built in Williams Corner has not materialized; and
- as alternative for doing the sewer - plans are to do the system on-site thus no need to cross the road.

Wastewater, congestion, and upcoming regulations

Mr. Glick cited wastewater and congestion as two major concerns with three (3) large developments in one small corner area. He inquired if the developer would be willing to abide by the new regulations (soon to be in effect) if the Board approves the two (2) year extension.

Mr. Powell stated that the applicant has moved forward based on discussion with Planning Department staff; and that he came prepared tonight to address issues related to timing and etc. Mr. Glick suggested that the applicant come back to the Board at a later time with consideration of the issue regarding abiding by the new regulations.

NCDOT commercial driveway permits / traffic lights proposed

Mr. Powell stated that a great deal of work has been put into the congestion issue of NCDOT; that at the initial submittal a letter was received from NCDOT in favor of moving the road; that a commercial driveway cannot be permitted until there is approval; and that NCDOT has now taken a different approach and requested that the issue is forwarded to Congestion Management.

Chair Kost stated a condition at the initial approval was that the center road connecting Polk's Landing be a public thoroughfare; that NCDOT has submitted three (3) scenarios; and that one scenario was that there are three (3) traffic lights between the two projects. Mr. Megginson explained that the residents in Polk's Landing do not want traffic going to the proposed shopping center traveling through their development; and that NCDOT had issues with some proposed entrances. Mr. Adams stated that the proposed signals would be timed throughout the corridor; and that this method is being used in other similar instances.

Loyse Hurley, 16 Matchwood, Pittsboro, NC, spoke representing Chatham Coalition for Effective Communities (CCEC). She stated that CCEC is very

involved with the Polk's Landing Homeowners Association in facilitating meetings regarding this proposal; that homeowners are concerned about entrances into their area; and that she strongly suggests that the applicant hold a meeting with the Polk's Landing homeowners regarding road design.

There was no one present from Polk's Landing development who wished to comment at this time.

Major corridor concept / design guidelines / extension time

Mr. Hinkley was concerned that this request is not in accordance with the Major Corridor concept, i.e. additional congestion and etc. Ms. Ford stated that part of the intention of the Major Corridor Ordinance is to direct this sort of development into the nodes; that this proposed area is a node; that the proposal does not meet some of the design guidelines for the corridor; that additional buffering should be a requirement and that more right in / right out traffic patterns should be considered. She questioned why a two (2) year extension and not one (1) year was requested.

Mr. Powell distributed a hand out titled, "Polk's Centre – Timeline" listing the various events of the project beginning June 2006 and ending April 21, 2008. A copy is on file in the Planning Department.

Jerry Turner, 905 Jones Franklin Road, Raleigh, NC, was present representing the applicant. Mr. Turner stated that the applicant wants to move forward with the project as quickly as possible and that the extension would provide the additional time to allow that happen.

Motion to approve / failed

Mr. Ernst stated that this is a fair request with circumstances that the applicant has no control over, i.e. NCDOT approvals. Mr. Ernst made a motion; seconded by Mr. Copeland to grant approval of the request as submitted (to allow an extension of Condition No. 13 to extend a new expiration date of two years October 16, 2010) to begin construction).

Discussion followed.

Mr. Glick reiterated his suggestion that the developer participate in this process by bringing back their request at another meeting indicating their new plan for the road construction and for adherence to proposals that are on this Major Corridor Ordinance proposal. Some concerns voiced by Mr. Theye were:

- traffic
- safety
- need to consider Briar Chapel, i.e. traffic study and other issues
- buffer rules, i.e. ER triggers

Chair Kost noted that she could support a lesser time period extension but could not support a two (2) year extension.

The motion failed 2-7-0 with Ernst and Copeland voting in favor of the motion; and Kost, Glick, Ford, Harrelson, Hinkley, Theye and Turner voting against.

Motion to postpone

Mr. Glick made a motion that this issue be postponed until the next Planning Board meeting (July 8, 2008) and to ask that the developer come back at that time stipulating their plans in terms of:

1. wastewater disposal,
2. NCDOT findings, and
3. consideration of the Major Corridor Ordinance recommendations.

Mr. Hinkley seconded the motion.

Motion to amend the motion to postpone

Discussion followed regarding a timeline of what is expected. Mr. Hinkley amended the motion to add:

“Ask that the applicant supply the Planning Board a timeline to support the two year extension request”.

Ms. Harrelson seconded the motion to amend the original motion and the motion passed 8-1-0 with all Board members present voting in favor of the motion except Mr. Ernst who voted against.

Vote on motion to postpone

The motion to postpone the issue until next month's Planning Board meeting passed 7-2-0 with all Board members present voting in favor of the motion except Mr. Ernst and Mr. Copeland who voted against.

- D. 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.

Ms. Birchett reviewed the agenda notes for this request. She stated that a similar request was made September 2007 but was withdrawn by the applicant following the public hearing. Ms. Birchett cited that staff recommends denial of the rezoning request based on the information provided by the applicant.

Board discussion followed regarding buffering of wetlands and the use of cisterns.

Patrick and Kevin O'Neal, applicants / developers, were present. Kevin O'Neal used a large plat map to explain usage of surrounding areas. He noted some specifics regarding the request as follows:

- consistent with the character of existing surrounding properties and the Land Development Plan
- water quality – 50 ft. and 100 ft. buffers proposed
- rinse area – protect from no soap / detergent use as much as possible, and

- preserving space – 50% open space with no future use (disturbing only six (6) acres of usable land).

Patrick O'Neal stated that a clear picture of the corridor usage has never been pointed out, i.e. industrial, commercial zoning on both sides of property; that this request is consistent with the existing hub; and that there could not be a more reasonable use factor than the proposed zoning. He referenced permitted uses of the property as stated in the Zoning Ordinance and noted that several uses are not applicable without septic accommodations. Mr. O'Neal requested that the Planning Board approve the rezoning of the property as submitted.

Motion to deny

Following discussion regarding B-1 zoning, Mr. Copeland made a motion; seconded by Ms. Harrelson to deny the rezoning request as submitted and as recommended by staff. Discussion followed. Mr. Ernst reiterated that the request is consistent with the Land Development Plan. Chair Kost disagreed that the request is consistent with the Land Development Plan which she noted is the current tool in place to manage where development occurs. Mr. Hinkley stated that the request is a perpetuation of strip development; that this is what we are trying to avoid as much as possible; and that there are questionable environmental issues. The motion for denial passed 7-0-2 with all Board members present voting in favor of the motion, except Mr. Ernst and Mr. They who abstained.

- E. 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.

Ms. Birchett stated that this conditional use permit application is the second part of the request; and that should the Board of Commissioners decide to approve the rezoning, the Planning Board needs to review this request at this time. It was the consensus of the majority of the Board to conclude discussion of this issue.

Motion to deny

Ms. Harrelson made a motion; seconded by Mr. Hinkley to deny the conditional use permit request because it does not meet the required five (5) findings. Discussion followed regarding some concerns noted above (discussion of Item D), i.e. wastewater, traffic, environmental. The motion passed 8-0-1 with all Board members voting in favor of the motion; except Mr. They who abstained.

8:00 P.M.

Break – 5 Minutes

Ms. Turner left the meeting at this time.

VII. OLD BUSINESS:

- A. Major Corridor Ordinance

Chair Kost stated some outstanding issues for Board review as follows:



- figure out some solution to Ms. Dodge's problem (land can only be used for the purpose of commercial)
- possibility of shifting the 421 regional node down more towards Goldston
- consider language under "Building Standards" to incorporate some recommendations of the Green Building Task Force (after the Board receives their feedback).

Members of the Major Corridor Ordinance Task Force present were: Sally Kost, Karl Ernst, Barbara Ford, and facilitator, Paul Black.

Mr. Megginson stated that Mr. Black's most recent information titled, "Major Corridor Ordinance Task Force: Text and Map Amendments" (7 page document) was distributed to Board members earlier tonight. A copy is filed in the Planning Department.

Community Nodes

Mr. Glick stated that "Community Nodes" does not list Browns Oil, Polk Centre, or Williams Corner.

Note: During the Major Corridor Ordinance review some specifics and motions made on controversial and/or major issues are noted.

Review of Attachment #1, "10.9 Chatham County Corridor Overlay Districts", dated 5/8/2008.

Page 4 - Attachment #4 dated 4/29/2008 (from last month's packet) and /or Page 4 - Attachment #1 dated 5/8/2008

**10.9.5.1**

**1. Crossroads Activity Center (CAC)** – 1<sup>st</sup> paragraph, i.e. vs. e.g.

- adjust uses and decide if to include them at all

Mr. Black stated that it was the intent of the Task Force that those were the only permitted uses; and that a few other things had been considered for addition, i.e. pottery shops, antique stores.

Discussion followed. Mr. Glick was concerned that this section was much like zoning that lists a table of uses and includes "Neighborhood Nodes". Mr. Black stated that he proposes to strike this section; that it is far too confusing; that this was initially set up to be a floating zone which would supersede the underlined zoning; and that we should revisit this issue at a later time to allow for further study.

Motion to delete

Mr. Hinkley made a motion; seconded by Mr. Copeland, to eliminate the "Crossroads Activity Center (CAC) Section 10.9.5.1. There was no further discussion and the motion passed 7-0-1 with all Board members present voting in favor of the motion; except Ms. Ford who abstained.

**6. Deviations**

- remove “Planning Department” (Note: Planning staff does not wish to be in this judgmental role.)

**2. Location of Buffers**

- 5<sup>th</sup> line – after the word “required” – add language (shown bold/italic) ***along property boundaries fronting on the road rights-of-way, unless otherwise specified***”, and between new commercial and existing residential, with the same 20’ Critical Root Zone (CRZ), 60’ Undisturbed, 20’ CRZ layout;

**3. Types of Buffers**

**c. Exceptions**

- 1<sup>st</sup> full paragraph, end of 3<sup>rd</sup> line - strike ~~Planning Department~~ and add **“Board of County Commissioners** may accept a thinning of the peripheral vegetative buffer.....”
- 2<sup>nd</sup> paragraph - strike ~~or in the CAC~~, to read: “In the case of small lots (see 10.9.9.4.1), ~~or in the CAC~~ a newly created planted vegetative buffer shall be configured.....”

**4. Allowable signs**

**c. Freestanding (ground mounted) Signs**

- 3<sup>rd</sup> paragraph, last sentence – delete “in a visually pleasing way”
- 4<sup>th</sup> paragraph, No. i. – delete with approval of ~~Chatham County Appearance Committee~~ and add with approval of **Chatham County Board of Commissioners**

Staff proposed the following revisions:

**D. Violations**

- 3<sup>rd</sup> sentence – delete the word “Community” to read: **The Community Appearance Commission will review architectural designs.....”**

**E. Types of Nodes**

- 1<sup>st</sup> sentence - change “There are five (5) scales” to read, “There are **four (4)** scales
- Strike last sentence: “~~The Crossroads Activity Center is of a much smaller scale and performance standards for the Crossroads Activity Center are spelled out separately.~~”

## **6. Pedestrian Access**

### **b. Paths and Multi-use Greenways**

- Last paragraph – strike “~~and appropriate~~”: “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 public street trees unless deemed unsafe ~~and appropriate~~ by the local NCDOT Engineer.”

## **5. Lighting**

- Change wording as follows: “~~Provisions of the Chatham County Lighting Ordinance shall apply.~~” To read – “***Provisions of the Lighting Section of the Chatham County Zoning Ordinance shall apply.***”

## **2. Building Types** and,

### **1. Permitted Uses within the Buffer Area**

- Refer to using the architectural and landscaping guidelines of the Chatham County Design Guidelines - Note: There may be other sections where the Design Guidelines would apply.

## **F. Access**

- 1<sup>st</sup> sentence - “All developments in the corridor will be inter-connected for both vehicles and pedestrians unless impractical because of physical features”.

Mr. Megginson explained that the issue is if adjacent land is not developed and the design of the development doesn't accommodate easily the extension of sidewalks or roads to the undeveloped tracts. Mr. Black stated that it was the intent of the Task Force to make these stub-outs (especially in the nodes). Ben Howell noted that one option would be to move this into the policy document (the plan) and apply as a condition. Ms. Harrelson suggested leaving the language in for now and the developer could possibly use the variance process. Mr. Megginson stated that a variance request would probably not be appropriate. Mr. Hinkley stated concern regarding residents taking short cuts through residential subdivisions from one shopping center to another facility.

### **Motion to leave language as is**

Following discussion, Mr. Glick made a motion; seconded by Mr. Theye to leave the above language as proposed. There was no further discussion and the motion failed 4-4 with Glick, Theye, Harrelson and Hinkley voting in favor of the motion; and Kost, Copeland, Ernst, and Ford voting against. Mr. Black stated that he would review this relative to how it would possibly fit within the guidelines and report back to the Board.

Mr. Copeland left the meeting at this time. (9:04 P.M.)

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**1.1 Types of Nodes**

- Move Bear Creek node closer to Goldston

Chair Kost referenced letter dated April 18, 2008 from Jamie Nunnally, Chair, Chatham County Economic Development Corporation, fourth paragraph that states:

“The current node placement - in their view- encourages sprawl development rather than the more compact, higher density development suggested by smart growth principles.”

(Note: A copy of the above referenced letter is included in tonight’s agenda packet (Attachment #6) and also filed in the Planning Department.)

Chair Kost stated another issue is that there is a possibility of bringing sewer to Goldston from Sanford.

**Suggestion to move the Bear Creek node**

Ms. Ford made a motion to move the Bear Creek node to Goldston on US 421. Discussion followed. Mr. Black stated that this could possibly be handled through text rather than through the map; that if the Bear Creek node is removed from the map and he follows up with Mr. Ernst’s suggestion that he write a text description for the municipal nodes, he might be able to incorporate some of the thoughts from Bear Creek in the description for Goldston. Ms. Birchett noted that if this node is moved to Goldston it would intersect with the Pittsboro-Goldston Road; and that there is an elementary school at the Goldston overpass area. Mr. Black will explore the concept of moving the Bear Creek node from the map and changing the Goldston node further south and possibly as a municipal node.

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**1.1.2 Neighborhood Node**

- Last paragraph that states, “These nodes are at Governor’s Village on Old Ferrington Road and a location to be determined somewhere between Gum Springs Road and Chicken Bridge Road (the current node shown on the corresponding map is conceptual only)”.

Mr. Black will bring back suggested language for review next month.

Page 2

**1.1.1 Crossroads Activity Center (CAC)**

- Delete entire section

Pages 6 and 7

**1.1.5 Special Node**

- Leave this section as proposed

Page 5

**1.1.4 Regional Node**

- Last sentence that states, “Bear Creek is the only Regional Node, largely because other regional nodes lie within Siler City and Pittsboro or are across the county line”.

Strike this sentence.

Document titled, “Major Corridor Ordinance Task Force: Text and Map Amendments” (hand-out earlier tonight) - revisited.

Page 1

- 2<sup>nd</sup> Paragraph (#2.) that reads, “A “Clearing Permit” Process, requirements, and required text amendments need to be created by staff. This process.....”.

Delete

Page 6

- 4<sup>th</sup> Paragraph (#4.) that reads, “A stormwater process needs to be put in place to support item 10.9.7.1.1.....”.

Delete

Page 7

- #1. Typo’s noted as follows:  
 NC 903 - should read NC 902  
 Old Fearington Road – should read Old Farrington Road

This concluded review of the text and map amendments.

- Diane Dodge, 12330 US Hwy 15-501 N., Chapel Hill, NC 27517  
 Ms. Dodge stated that her residence is now in between a gas station and a park and ride facility that creates excessive noise and lighting.

Ms. Dodge’s situation – Board discussion

Mr. Ernst inquired about the status of the non-conforming issue.

Mr. Megginson stated that the Commissioners asked that Planning staff send another letter to citizens who did not send in the affidavits nor attended the meeting; that staff has received some responses but not from everyone yet; and that this would need to go back to the Commissioners for their decision on these 80 properties. Board members discussed the properties surrounding Ms. Dodge, i.e. Lee Moore Oil, Arbor Lea Subdivision, Park and Ride. It was noted that Ms. Dodge is virtually landlocked and that the rationale behind the cap was to keep strip malls from happening. Chair Kost stated one possible solution would be to break up the nodes and have four (4) nodes instead of three (3) on U.S. 15-501. Mr. Black stated that existing B-1 zonings (depending on how we want to write existing non-conformities) could be included in the non-conformity section. A straight re-zoning of the property and splitting Ms. Dodge’s property from the nodes were discussed. Mr. Megginson stated that Lee Moore Oil has

plans for a bank and a Walgreens Drug Store, i.e. applied for building permit last week.

Following discussion, it was the consensus of the majority of the Board that there should be a workable solution to Ms. Dodge's situation; that the County Attorney reviews the issue; and that findings be discussed at next month's Planning Board meeting. Some members were concerned with possibly not meeting the Commissioner's time schedule. Mr. Megginson explained that if the Planning Board does not act on this item until next month's meeting (July 8<sup>th</sup>); that the Commissioners need to set another meeting regarding what to do about the 80 other properties (as mentioned above) and decide on this before Planning staff does any public hearing advertising; and that the Commissioners have discussed the possibility of changing their July 21<sup>st</sup> meeting. Mr. Black advised that he would be away July 8<sup>th</sup> and would not be attending the Planning Board meeting.

Mr. Ernst left the meeting at this time (9:50 P.M.) leaving a quorum of six (6) Board members.

Chair Kost noted some outstanding issues as follows:

- whether we put stub-outs into the guidelines or Ordinance;
- whether we break out a Neighborhood Node from the Cole Park Community Node; and
- what implications are regarding the Lee Moor Oil site.

#### Attachment #5 – "Land Use Plan Amendment Process, General Overview".

- 1<sup>st</sup> Sentence – "Note: Intake for amendments will be done **twice annually** to coordinate land use plan changes as a whole and to better identify the cumulative impacts of the proposed changes".

Mr. Black stated that this document had been overlooked in tonight's review; and that there was much debate as to how often the intake cycle would be, i.e. twice annually. Following discussion, it was the consensus of the majority of the Board to leave this language as is (twice annually) and to ask the Commissioners to set specific dates.

- Mr. Glick stated that items 1 and 2, Need for Amendment and Amendment Application, seem to be duplicates. Mr. Black explained that item 1. is a staff review.

#### Zoning Map - "Nodes"

Mr. Megginson stated that the map does not include all of the land that is part of the approval for the Fearington commercial area and that the Board may want to have the map revised. Chair Kost asked that the map be adjusted to reflect the Fearington Place area.

Major Corridor Ordinance discussion concluded:

Chair Kost stated that a vote on the above discussion was not necessary tonight since this issue is being brought back for discussion next month.

Mr. Black reiterated that he would not be at the July 8<sup>th</sup> Planning Board meeting but would be available by cell phone if needed.

VIII. NEW BUSINESS:

A. Planning Director's Report

*I. Lee Moore Oil*

Mr. Megginson restated that Lee Moore Oil has applied for a building permit; that a permit has not yet been granted; but that permits would probably be issued soon for a "First Bank" and a "Walgreens".

B. Planning Board Members Items

*I. Notice of Violation (NOV)*

Mr. Theye stated that Jim Willis, Chatham County Soil Erosion & Sedimentation Control Inspector, issued nineteen NOV's since 12-1-07; that two are still under NOV (Westfall and Cole Place); that he is hopeful that the reorganization of County departments would take more care of these; that he would request that builders inform the County Government if the State issues a NOV; and that the work that Jim Willis and his staff are doing becomes easily public knowledge.

Chair Kost asked if the Planning Staff could ask the Board of Health to consider this request; and as a mechanism to possibly make this happen, she suggested that revisions to the Erosion and Control Ordinance might address these concerns.

*II. Surface Water Issues, Stream Delineations, and Wetlands*

Mr. Theye asked what criteria Planning Department staff uses to inform Fred Royal, Director Environmental Resources, about development and issues; and why Mr. Royal is not looking at all surface water issues. Mr. Megginson explained that Mr. Royal performs stream delineations on properties of 5 lots or less; that the applicant is required to hire a certified person to do stream delineations and wetlands on subdivisions greater than 5 lots; and that Mr. Royal then reviews what they provide.

*III. Briar Chapel*

Mr. Hinkley stated that, from his professional prospective, the Briar Chapel community is well planned; that this is no longer a subdivision but rather a community; that there are 2400 residential lots, a community center, and commercial operations planned; and that at build-out this community will be the largest in Chatham County. Mr. Hinkley noted the following specifics:

- a sewer treatment plant is a necessity
- storm sewer will need maintaining
- need for urban type police and fire protection
- street maintenance requirements
- and,
- service for sidewalks and trails.

Mr. Hinkley cited that it was his opinion that Briar Chapel developers need to be directed by the Board of Commissioners (from the Planning Board recommendation) to apply for municipal incorporation. He noted that a development this size handled by a Homeowners Association is beyond his comprehension. Mr. Hinkley proposed that the Planning Board review this issue with possible recommendations for municipal incorporation.

Chair Kost stated that after the Board has resolved current issues now pending a work group of Planning Board members could be appointed to identify the issues and what would be involved to do this.

IV. *Bennett – identified as special node*

Paul Black stated that the Zoning Subcommittee reviewed the “Plan Map” to see if there were any other places appropriate for nodes that were not on the corridors; that Bennett was identified as a “special node”; and that the Board may want to consider this when the Major Corridor Ordinance is revisited next month.

IX. ADJOURNMENT: There being no further business, Ms. Ford made a motion; seconded by Mr. Glick to adjourn tonight’s meeting. There was no discussion and the motion passed unanimously. (6 Board members). The meeting adjourned at 10:15 P.M.

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date