



Chatham County Planning Board Minutes October 4, 2022

The Chatham County Planning Board met in regular session on the above date and the meeting were as follows:

Present

George Lucier, Chair
Caroline Siverson
Clyde Frazier
James Fogleman
Alex West

Jon Spoon, Vice Chair
Bill Arthur
Eric Andrews
Jamie Hager

Absent

Brittany Harrison
Allison Weakley

Planning Department

Jason Sullivan, Director, Angela Plummer, Zoning Administrator, Dan Garrett, Clerk to the Planning Board, and Alice DelVecchio.

I. CALL TO ORDER:

Chair Lucier called the meeting to order at 6:30 p.m.

II. DETERMINATION OF QUORUM:

Chair Lucier stated there is a quorum, 9 members present, Mr. Fogleman joined the meeting at 6:40 p.m.

III. APPROVAL OF AGENDA:

Approval of the Agenda – Chair Lucier asked the board members if there were any issues with the agenda and mentioned with the approval of the agenda, we will approve the consent item. Motion to approve by Vice-Chair Spoon, second by Mr. West. The agenda was approved, 7-0, Mr. Arthur recused himself and Mr. Fogleman was not present yet.

IV. APPROVAL OF THE MINUTES:

Consideration of the August 2, 2022, meeting minutes. There were minor changes to the meeting minutes. Motion by Mr. Arthur and second by Mr. Frazier. The August 2, 2022, minutes were approved 6-0, Chair Lucier and Ms. Hager did not vote, and Mr. Fogleman was not present yet.

V. PUBLIC INPUT SESSION:

There were no residents signed up to speak.

VI. CONSENT ITEMS:

1. Request by Dan Sears on behalf of Fitch Creations, Inc. for subdivision **Final Plat** review and approval of **Fearrington – Section X Area M, Phase 1: North Richmond**, consisting of 5 lots on 3.628 acres, located off Milcroft (SR-1817), parcel 18998. – Approved 7-0

VII. SUBDIVISION ITEMS:

PUBLIC HEARING:

1. Request by Susan Joplin on behalf of Silver Developers, LLC for subdivision **First Plat** review and approval **Hawk Point Road Extension**, on 20.35 acres, located off Hawk Point Road, parcel 92282 and 95254.

Mr. Sullivan stated the request is for First Plat review and recommendation of Hawk Point Road Extension and realignment, located at the end of Hawk Point Road, on parcel 92282 extending to parcel 95254. A vicinity map showing the property location is included in the agenda packet and can be viewed online. Per the Subdivision Regulations, Section 5.2C(4), a Public Hearing shall be held at the first Planning Board meeting to receive comments on the proposed subdivision. Item (b) states that following the Public Hearing, the Planning Board shall review the proposal, staff recommendation, and public comments and indicate their recommendation for approval, disapproval, or approval subject to modifications. As stated above, the Planning Board has two (2) meeting to act on the proposal.

Hawk Point Road is proposed to be built with a 40-foot-wide public right-of-way and is to be state maintained. Historical During the Technical Review Committee meeting on August 17, 2022, Sy Robbins, Chatham County Historical Association (CCHA), commented that should the site have future development to look for Native American activities.

The developer submitted the General Environmental Documentation and a letter dated March 2, 2022, from North Carolina Department of Natural and Cultural Resources Natural Heritage Program to Chatham County Land & Water Resources Division for review. The letter states "A query of the NCNHP database, indicates that there are no records for rare species, important natural communities, natural areas, and/or conservation/managed areas within the proposed project boundary. Please note that although there may be no documentation of natural heritage elements within the project boundary, it does not imply or confirm their absence; the area may not have been surveyed."

Drew Blake, Watershed Protection Assistant Director, reviewed the information submitted. Mr. Blake replied in a letter dated July 12, 2022, that the requirement has been met. Additional comments included any Allowable uses and Allowable with Mitigation uses in the protected riparian buffer will require a Buffer Authorization from Chatham County, all permits for wetland and stream impacts from NC Division of Water Resources and the US Army Corps of Engineers will need to be obtained prior to receiving approval from Chatham County for a Grading Permit and Land Disturbing Permit.

A community meeting was held on January 12, 2022, at 697 Hillsboro Street, Pittsboro. Approximately eight people attended the meeting and items/issues discussed included:

- The proposed sidewalk be moved to the south side of Hawk Point Road or removed completely
- Future development on parcels 2717 and 92282
- What will happen to the portion of the road abandonment directly beside parcel 92347

The TRC met virtually on August 17, 2022, to review the First Plat submittal. The applicant, Susan Joplin, P.E. was present. Items discussed included the following:

- Riparian buffer and floodplain boundaries need to be shown on final plat
- The waiver request for the perimeter buffer was approved in June

- If future development occurs on parcel 92282 to look for signs of Native American habitation
- The utility plan does not show the current fire hydrant at the corner of Cardinal Ridge Rd. and Hawk Point Rd.
- 8" waterline brought to the bottom side of the parcel 95254 for future extension
- Don't like to see waterlines goes under the roadway but rather be in the right-of-way
- Place a fire hydrant placed at the west side of the cul-de-sac
- Waterlines and fire hydrants must be placed in public water easements or public rights-of-way
- If parcel 2717 needs a metered connection it can connect to the 8" waterline extension to the North
- If the water line extension for parcel 2717 is to the east of the fire hydrant before the bulb of the cul-de-sac
- There will need to be a flushing mechanism on the end of the water line on parcel 95254 if the parcels will have sewer from Briar Chapel.

Water will be public and provided by Chatham County Water Dept. for this development. Board of Commissioners approved the buffer reduction request waiver on June 21, 2022. The road is an extension of Hawk Point Road which was approved during Briar Chapel Phase 10. Drew Lucas with Wetlands & Waters, Inc. submitted the Riparian Buffer Review Application with a riparian buffer map to Drew Blake, Watershed Protection Assistant Director, for review. The site visit was completed by Wetlands & Waters, Inc. on March 30, 2022. Mr. Blake completed an on-site riparian buffer review to verify the consultant's findings. Mr. James Lastinger with the U.S. Army Corps of Engineers visited the site on February 28, 2022. Mr. Blake issued a confirmation letter of his findings dated May 13, 2022, confirming two (2) perennial streams, one (1) potential wetland, and one (1) mapped floodplain were identified. The two (2) perennial streams require 100-ft buffers, and the one (1) potential wetland require 50-ft buffers from all sides landward. buffer area. The site visits were scheduled for August 18, 2022, and staff and advisory board members attended.

Mr. Sullivan stated the Planning Department recommends granting approval of the road extension for **Hawk Point Road Extension** with the following conditions:

1. Approval of the First Plat (Recombination Plat) shall be valid for a period of twelve (12) months following the date of approval by the Board of Commissioners and the Construction Plan approval shall be valid for a period of twenty-four (24) months from the date of approval by the Technical Review Committee or Board of Commissioners.
 2. The county attorney shall review and approve the contract and performance guarantee prior to final plat recordation.
- Mr. Frazier asked if the parcel owner is okay with the 30-foot easement. Mr. Sullivan stated he is, and he is the applicant. The 30-foot easement is county standard.
 - Mr. DeFreitas with Silver Developers, LLC stated they are basically straightening out the road with the added cul-de-sac, which is a good solution for parcel 2717, the Lumbar property. Also, this parcel will not be connecting to the Briar Chapel water treatment system, this will have a well and septic.
 - Mr. Sullivan stated there is public comments on-line from the adjoining property owner and he was requesting street lighting.
 - Vice-Chair Spoon asked how many vehicles will be using this cul-de-sac? Mr. DeFreitas stated just the Lumbar family which would be two vehicles. Vice-Chair Spoon stated in the future the Congruus parcel may be developed. Mr. DeFreitas stated we have no idea what the future may hold.

Public Input:

- Mr. Thomas Stankus he is an avid mountain bike rider and has ridden many miles on these trails and is concerned about safety. The proposed cul-de-sac will cut right into the hiking/biking trail which is

accessed by the public. Mr. Stankus gave us some statistics from a popular phone application that tracks trail users and stated in the last 9 years 80,000 people have used this trail and is genuinely concerned there will be an accident with a car. He is suggesting a crosswalk with sensors, or a pedestrian bridge be installed. Vice-Chair Spoon stated this is a valid concern, if there were to be a crosswalk or overpass, who would be responsible for that? Mr. Sullivan stated it will ultimately be maintained by the NCDOT, and the county has never seen or reviewed these trails. Mr. Andrews asked if there are other places on the trail that crosses roads? Mr. Stankus stated there are other road crossings and it is dangerous. Chair Lucier stated maybe the HOA can put up some signage to alert vehicles there is a trail crossing. Mr. Stankus stated that is a promising idea and there could be some flexibility in the HOA budget for signs. There was some Board discussion on the safety concern and what authority they make have for making this a condition. Mr. Sullivan stated they could make it a condition to have Briar Chapel HOA and NCDOT to review the safety concerns.

- Mr. Frazier stated the plat is saying it is a recombination plat and what exactly does that mean? Mr. Sullivan stated that might be an error from the surveyor and they would get it corrected. Vice-Chair Spoon asked if it was okay to approve the way it is. Mr. Sullivan stated it is okay to approve as is. Mr. Frazier asked what the zoning designation is for the Congruus parcel. Mr. Sullivan stated it is R-1 residential.

Motion made by Vice-Chair Spoon to approve this item with the condition that the Briar Chapel HOA and NCDOT review the safety concerns for the trail crossing, second by Mr. West. The item was approved by a vote of 9-0, unanimously.

VIII. ZONING ITEMS:

1. A legislative public hearing for a rezoning request by Jody Leidolf for Edward Holmes, Jr., on Parcels 5151, 5811, 68060, and 5258, totaling 18.2 acres, from R-1 Residential and CD-CB to general use NB Neighborhood Business, located at 1213 Pea Ridge Rd and 0 Pea Ridge Road, Cape Fear Township.

Ms. Plummer stated a legislative public hearing was held September 19, 2022. Planning staff and Mr. Holmes presented the request. No others spoke on the matter. When considering a general use rezoning, all uses listed in Section 10.13 of the Chatham County Zoning Ordinance listed under the proposed zoning classification are permitted. However, due to possible limiting situations such as wastewater capacity, access to public utilities, impervious surface limits, etc., not all uses are feasible. The decision to approve a general use rezoning shall be determined by the following criteria.

1. **Any alleged error in the Ordinance, if any, which would be remedied by the proposed amendment.** The applicant is not claiming any error in the ordinance.
2. **The changed or changing conditions, if any, which make the proposed rezoning reasonably necessary.** Changing conditions in the Moncure area over the last couple of years has sparked multiple interest in rezonings. Projects approved within the last 4-5 years:
Carolina Murugan Temple off First Rd
The Conservancy at Jordan Lake off Old US 1
FedEx Distribution Terminal off Pea Ridge Rd
Parcel for Duke Energy for the TIP East area
VinFast Auto Manufacturer off the Moncure Loop Rd and Old US 1

However, this request is for Neighborhood Business in hope of offering opportunities for goods and services to be available near the industrial zoning. Currently, there is one convenience store with fuel and a community market near this area.

3. The manner in which the proposed rezoning will carry out the intent and purpose of the adopted Land Use Plan or part thereof. You must note specifics from the plan/s giving reference to page number and section.

Per the application materials, Chapter 2 of Plan Chatham includes the following:

- Located within an Employment node of the Plan
- Employment opportunities
- Increase in tax value and raises the tax base
- Pedestrian connectivity to the proposed County Park

Per the application, Chapter 3 of Plan Chatham includes the following:

- Water will be served by the County water system
- Proposing to enter into an agreement with the public sewer from Sanford that will serve the VinFast site
- Stormwater to meet current County requirements

4. List all other circumstances, factors, and reason which the applicant offers in support of the proposed amendment.

The application includes the following information in support of the request:

- May serve as a gateway to the TIP Innovation sites
- Located on a major corridor away from residential use
- Will provide pedestrian connectivity to the proposed county park
- Proposes transit stops for the Chatham Transit system
- All matters of development will be complied with once a concept plan is formulated

5. All other information required on this application or as offered by the applicant in support of the request. Top Chord Way will continue to serve as a service road to the parcels it currently serves and any subsequent development from this rezoning request.

Ms. Plummer stated the Planning Board has up to three meetings in which to make a recommendation to approve or deny the request to the Board of Commissioners. If approval is recommended, the following Consistency statement has been provided for consideration.

“Per Chapter Two of the Plan, these properties are located within an Economic Center node where growth in commercial, office, and industrial use are encouraged and therefore supports the rezoning.”

- Mr. Jody Leidolf who is representing Edward Holmes stated currently there are not any services down in the Moncure area and we would like to provide those services for the development that is being conducted for the VinFast and UPS construction and employees. We have been in conversations with the NCDOT after they released the phase 1 plans and then we submitted our rezoning request. After we submitted the rezoning request the NCDOT released their phase 2 plans which may impact some of our parcels, however that will be many years from now if it even is developed. This rezoning is consistent with the Chatham County Comprehensive Plan, we will be providing economic development, health services, and possible food services. We have also been in conversations with Sanford to utilize

their utilities. Mr. Leidolf provided the Board members a handout from the adjacent property owner in support of this rezoning. That handout can be found on the Chatham County Planning website.

- Chair Lucier stated this is an appropriate rezoning for this intersection, but it was a surprise when the NCDOT released their phase 2 plan which will take three of the parcels. Mr. Leidolf stated on the west side we would be losing some frontage, but we would have plenty of parcel available. Also, phase 2 is not funded right now and it all depends on the success of VinFast, and it will be quite some time before it is approved and funded.
- Vice-Chair Spoon asked if they are relying on NCDOT to change their plans if this project is viable and if not, how will you make this work? Mr. Leidolf stated the west side is still very viable and we would probably place a Refuel store there and on the east side we will have to have some thought on that. Vice-Chair Spoon asked about access for the west side. Mr. Leidolf stated it would be right in and right out.
- Mr. Arthur stated this is what we thought of when we created the Comprehensive Plan. Mr. Frazier stated what will this do for the NCDOT? They would have to pay more for these parcels if it is rezoned to this use and feels it is premature. Chair Lucier stated we do not have a proper timeline and it will be many years before it is constructed. There was some Board discussion about the timeline and the outcome of VinFast growth.

Motion made by Mr. Arthur to approve the consistency statement, “Per Chapter Two of the Plan, these properties are located within an Economic Center node where growth in commercial, office, and industrial use are encouraged and therefore supports the rezoning.” Second by Ms. Hager. The consistency statement was approved by an 8-1 vote, Mr. Frazier opposed.

Motion made by Mr. Arthur to approve this rezoning item, second by Mr. West. This rezoning item passed 7-2, Mr. Frazier and Mr. Andrews opposed.

2. A legislative public hearing for a rezoning request by MAD Pea Ridge, LLC for a general use rezoning on Parcels 5585, 5807, 90707, located at 4247 Old US 1 and off Pea Ridge Road, from R-1 Residential and Industrial Light to Industrial Light, Cape Fear Township, totaling 243.5 acres.

Ms. Plummer stated a legislative public hearing was held September 19, 2022. Planning staff and the property owners presented the information. No one else spoke on the matter. When considering a general use rezoning, all uses listed in Section 10.13 of the Chatham County Zoning Ordinance listed under the proposed zoning classification are permitted. However, due to possible site constraints such as wastewater capacity or availability, access to public utilities, built upon area limits, etc., not all uses are feasible. The decision to approve a general use rezoning shall be determined by the following criteria.

1. **Any alleged error in the Ordinance, if any, which would be remedied by the proposed amendment.** The applicant is not claiming any error in the ordinance.
2. **The changed or changing conditions, if any, which make the proposed rezoning reasonably necessary.** Parcels are projected to tie into the Moncure Mega site along with Parcel 90707 which is also owned by the applicant and will provide a total of 243.50 acres. The Moncure Mega Site, Triangle Innovation Point (TIP) West, and TIP East, are currently in some phase of

development for various industrial uses. The parcels are located within the WSIV-Protected Area watershed, not within the Jordan Lake Buffer areas and is limited to 36% built upon area.

3. The manner in which the proposed rezoning will carry out the intent and purpose of the adopted Land Use Plan or part thereof. You must note specifics from the plan/s giving reference to page number and section.

This area is in the Rural designation of the Comprehensive Land Use Plan, but within close proximity the Moncure Megasite employment center node and an employment center node surrounding the interchanges at Pea Ridge Road and US 1. Additionally, adjoining parcels have been zoned to an industrial zoning designation albeit prior to the adoption of the Comprehensive Plan.

The industrial suitability map, page 21, shows this area as “high” for industrial/commercial uses which can assist in balancing the tax base per page 20 of Plan Chatham (supports Goal 4 of Chapter 3.2). Chapter 4, Land Use Policies, Policy 2 recommends directing development to planned growth areas and economic development of those areas. The Moncure Mega site has started.

Because of all the interest and activity within and around the Moncure Megasite/TIP, the county is currently working with consultants to prepare a small area plan to guide development in and around this area and identify any changes to the Unified Development Ordinance.

4. List all other circumstances, factors, and reason which the applicant offers in support of the proposed amendment. In a general use rezoning, there is no site plan to review, and no use has been identified. If the rezoning is approved, additional administrative review and permitting will be required once a use or uses are targeted for the property. The applicant does state that requirements of the Ordinances will be adhered to and complied with.

5. All other information required on this application or as offered by the applicant in support of the request.

The property to be served by County water and they intend to connect to public sewer being supplied to the County via Sanford. The water and wastewater usage projections are currently unknown and future uses may have to connect to an on-site wastewater solution if Sanford utilities are not available. Current access to the property is Old US 1 with a secondary access on Pea Ridge Rd, although the Pea Ridge Road access requires crossing special flood hazard area which could be cost prohibitive. Stormwater devise will be as designed to the meet county requirements.

Ms. Plummer stated the Planning Board has up to three meetings in which to make a recommendation to approve or deny the request to the Board of Commissioners. If approval is recommended, the following Consistency statement has been provided for consideration

“The properties are in close proximity to the Moncure Megasite/Triangle Innovation Point and can support additional industrial uses in the surrounding area. The industrial suitability map, page 21, shows this area as “high” for industrial/commercial uses which can assist in balancing the tax base per page 20 of Plan Chatham (supports Goal 4 of Chapter 3.2). Chapter 4, Land Use Policies, Policy 2 recommends directing development to planned growth areas and economic development of those areas. The Moncure Mega site has started.”

- Mr. Mark Lyezkoloski stated they are interested in rezoning their parcels which is very near the VinFast site to provide an area for warehouses and suppliers to help support the VinFast operation. Mr. Lyezkoloski stated they have had conversations with Mr. Holmes and what they are planning to do with their rezoned parcels and this rezoning is also consistent with the Comprehensive Plan.

- Chair Lucier stated there are quite a few residential properties to the south of the proposed parcel, has there been any concern or public comments? Mr. Lyezkoloski stated there has not been any concern or comments, even when we had the surveyors out nobody expressed any concerns. Ms. Plummer stated she has five parcels south of the proposed parcel that is interested in being rezoned as well.
- Vice-Chair Spoon stated because this is a general use rezoning and we do not see any plans; how do you see the roads and traffic on this proposal? Mr. Lyezkoloski stated they would have two ways in and two ways out of the project with 60-foot easements. There will also be connectivity to the Holmes property as well.
- Chair Lucier stated there are some streams on the parcel and will they have stream buffer requirements? Ms. Plummer stated yes, they will need to go through Watershed Protection, and they would fall under the pre-2008 stream buffer regulations, which is 50-foot buffers.
- Mr. Arthur stated this rezoning also looks like the right thing to do in this area and is consistent with the Comprehensive Plan. However, what kind of control do we have so this doesn't get too big? Mr. Lyezkoloski stated he is surrounded by light industrial use parcels and really doesn't have any other options but to rezone light industrial. Mr. Andrews stated this will be good for the operations at VinFast.

Motion made by Mr. Andrews to approve the consistency statement, **“The properties are in close proximity to the Moncure Megasite/Triangle Innovation Point and can support additional industrial uses in the surrounding area. The industrial suitability map, page 21, shows this area as “high” for industrial/commercial uses which can assist in balancing the tax base per page 20 of Plan Chatham (supports Goal 4 of Chapter 3.2). Chapter 4, Land Use Policies, Policy 2 recommends directing development to planned growth areas and economic development of those areas. The Moncure Mega site has started.”** Second by Mr. West. The consistency statement was approved by a vote of 9-0, unanimously.

Motion made by Mr. West to approve this rezoning item, second by Mr. Andrews. This rezoning item was approved by a vote of 9-0, unanimously.

3. A quasi-judicial public hearing for a request by 28 Mt Gilead LLC (American Self Storage) for a Special Use Permit (SUP previously CUP) revision, on Parcel 17454, located at 30 Mt Gilead Church Road, New Hope Township, to add an additional 48 pod storage units to the existing site.

Ms. Plummer stated a quasi-judicial public hearing was held September 19, 2022. Planning staff along with Matthew Limoli, attorney for the applicant, and Adam Jarrell, site manager, presented the request. No other persons spoke on the matter. Section 17-17.4 of the Zoning Ordinance provides the requirements for applying for or revising an existing Special Use Permit (SUP). In this case, a revision is being sought and the five findings are required to be satisfied per Ordinance requirements and regulations.

Finding No 1 - The use requested is among those listed as an eligible special use in the district in which the subject property is located or is to be located. The use remains allowable with benefit of a SUP.

Finding No 2- The requested special use permit is either essential or desirable for the public convenience or welfare. The additional storage units are requested in order to fulfill customer demand for additional availability. There will be no expansion of the existing built upon area footprint, no additional driveway location, no new signage, and no new lighting proposed or needed. The Chatham County Appearance Commission reviewed

the revised site plan and recommended approval and to ensure all existing landscaping is being maintained. A community meeting was held, and no adjacent/adjoining landowners attended. The only response received was from a neighbor about any additional lighting, which is not requested as part of this application and will not be added per Mr. Jarrell.

Finding No 3- The requested permit revision will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety, or welfare of the community. No changes to the existing footprint of the storage facility are needed. All 48 units will be located within the existing developed area. No new lighting, signage, access, or other modifications to the site needed for these additional units.

Finding No 4- The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof (i.e., Comprehensive Land Use Plan. Page 20 of the Comprehensive Land Use Plan discusses the need for services that support residential growth. Trends for increased housing development continue. Under Chapter 3, Goals and Objectives, pages 41-42, the applicant contends this project supports three of the stated goals by increasing the non-residential tax base, avoiding further landscape fragmentation, and provides services that support recreation opportunities, access to parks, and community facilities due to the closeness to Jordan Lake and other amenity areas.

Finding No 5- Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies, and regulations. The site currently has one office that operates on a private well and septic system. No changes are needed. No expansion of existing stormwater retention is needed as these units will be located on existing built upon areas already calculated for the retention area. The property is located within the WSIV-PA watershed designation area.

Ms. Plummer stated the Planning Board has up to three meetings in which to make a recommendation to the Board of Commissioners for approval or denial of the SUP revision. Conditions are provided for consideration of this approval.

Site Specific Conditions

1. All previous conditions approved with the original and all subsequent revisions shall remain in effect.
2. The landscaping plans as reviewed by the CCAC shall be maintained. Inspections for compliance can be made by Commission members or Planning staff to ensure landscaping continues to thrive.
3. A building permit/s, if required, shall be obtained, and remain valid at all times within three (3) months of the date of this approval or the SUP revision becomes null, and void and all 48 units must be removed from the property and the site restored to last approved site plan revision from 2019.

Standard Site Conditions

4. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place. These include but are not limited to landscaping, lighting, signage, parking, building construction, etc.
5. All required local, state, or federal permits (i.e., NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, Environmental Health Division, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department to the initiation of the operation/business.

Standard Administrative Conditions:

6. 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 inspections.
 7. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditional listed above.
 8. Non-Severability – If any of the above conditions is held to be invalid, this approval in it's entirety shall be void.
 9. 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.
- Chair Lucier asked about the buffer violation from the past and how that restoration process is going forward. Ms. Plummer stated they do have a buffer restoration program right now and Watershed Protection inspects it as it is moving forward. Mr. Arthur asked if the applicant was fined for the violation of the S.U.P.? Ms. Plummer stated yes, there was an issued notice of violation and there had been a fine which has been paid in full. The Fire Marshal found the violation on an inspection. Vice-Chair Spoon asked if the Fire Marshal was okay with the locations of the new storage pods. Ms. Plummer stated yes, the Fire Marshal is able to maneuver through the site with the storage pods as they are located.
 - Mr. Nil Ghosh with Morning Star Law Group is representing the applicant American Storage. They realized this was a mistake and are working diligently to correct the violation with the county to be back into compliance. Chair Lucier stated a couple years ago there was the buffer violation with the Watershed Protection, and this seems to be a pattern. It is difficult to be comfortable with all these different violations. Ms. Plummer stated there has been a change in ownership since then and the previous owner is no longer part of the partnership.
 - Mr. Adam Jarrell stated he is now one of the owners of the organization and they are learning this process as they go. The Fire Marshal and Scott Walker has no concerns with the current configuration.
 - Chair Lucier asked what the additional plantings the Chatham County Appearance Commission had asked for? Mr. Jarrell stated there were no additional planting, just to keep the existing plan which consists of the type B buffer and 60-foot trees on the north side of the property.
 - Vice-Chair Spoon stated he did not realize there was a change in ownership. This is a clean site and well-maintained property. Bringing this project back into compliance would be beneficial. Mr. Andrews stated when an LLC is purchased you take all responsibilities of the history of that LLC and should know the history of that LLC.

Motion made by Vice-Chair Spoon to approve the S.U.P. revision, second by Mr. Fogleman. This S.U.P. revision was approved by a vote of 9-0, unanimously.

IX. NEW BUSINESS:

No new business

X. BOARD MEMBERS ITEMS:

1. Update from the Planning Board liaisons.

- Chair Lucier stated he was out of town and did not attend the Pittsboro Planning Board meeting.
- Ms. Siverson stated the Siler City Planning Board agenda had discussed some rezoning. Chair Lucier stated they have been working with the Tree Protection Group and will be bringing a recommendation to the BOC in December.
- Ms. Weakly had provided the link to Mr. Garrett for the October 20th Chatham Conservation Partnership meeting.
- Vice-Chair Spoon gave an update on the Planning Board UDO subcommittee. We had reviewed chapters 1 and 2 which were about 50% complete and during the next meeting the chapters should be 100% completed.

2. Amend the Planning Board Rules of Procedure to revise the wording of the remote meeting option.

Mr. Sullivan stated Governor Cooper issued an executive order during the pandemic allowing for remote meetings of locally appointed advisory boards and that order has since expired. There has been considerable discussion regarding whether advisory boards can continue to meet remotely or must return to in-person meetings. The School of Government faculty have evaluated the current legal landscape and provided an analysis in the attached bulletin. It is not completely clear whether advisory boards can continue to meet remotely but may be legally permissible if locally approved policies and procedures include a provision to do so. The Planning Board amended the rules of procedure in 2020 to provide for electronic meetings and the attached redlined draft is provided for consideration to continue to allow this option. If the Planning Board thinks the amendments are beneficial to be able to conduct business requires a 2/3rds majority vote of the board.

Mr. Sullivan also stated if the Board chooses to amend the rules, additional action will be necessary to amend the annual calendar for the remainder of the year to establish a meeting location for each meeting. Staff recommends establishing the meeting location as the Agriculture and Conference Center. This does not require the board to meet in-person at the Ag. Center but does establish a meeting location pursuant to Open Meetings Law Requirements. If this is done, there will be a standing item on each Planning Board agenda to consider moving the location to another location, including a remote meeting option. If the remote meeting option is chosen, then no additional notification is required. Consider amending the rules of procedure, re-adopt the annual calendar, and set the meeting location for the October meeting.

- Ms. Siverson asked if there would be an option for a hybrid meeting. Mr. Sullivan stated no, the BOC voted for a full remote or full in-person, no hybrid meetings. There was some discussion about the legality of the remote meetings. Mr. Sullivan stated the way the School of Government and the County Attorney has identified the legislation was allowing advisory boards who make recommendations can meet remotely, but board who make final actions must meet in person.

Motion made by Vice-Chair Spoon to approve the amendments to the Planning Board Rules of Procedure, second by Mr. West. This item passed 9-0, unanimously.

3. Re-adopt an updated 2022 Planning Board calendar to reflect new meeting locations.

Motion made by Mr. Arthur to approve the updated Planning Board calendar, second by Mr. Fogleman. This item passed 9-0, unanimously.

4. Discuss and decide the October Planning Board meeting location.

- Chair Lucier asked the Board how they felt about remote meetings and in-person meetings. Each Planning Board member spoke on how they felt, and each person is in favor of returning back to in-person meetings. There was some concern about losing board members may not want to meet in-person. The Board discussed holding the November 1st Planning Board meeting in-person.

The Planning Board voted unanimously 9-0 to hold the November 1, 2022, Planning Board meeting in-person.

5. Discuss the meeting location for the UDO Planning Board subcommittee meetings.

- Vice-Chair Spoon stated the UDO subcommittee will hold their next meeting remotely because it opens flexibility for not only staff, members, but also consultants.

XI. PLANNING DIRECTOR'S REPORTS:

Mr. Sullivan reported on the following:

1. Minor Subdivision spreadsheet
 2. Unified Development Ordinance Update
- Mr. Sullivan stated they are meeting with the consultants weekly and we have just had a meeting about the Small Area Plan. There is a Technical Committee which will be discussing the Small Area Plan and it consists of county departments, divisions, and agencies in the county. Vice-Chair Spoon asked when do they plan to release a draft of the Small Area Plan? Mr. Sullivan stated it should be around the summer of 2023.
3. Moncure Site Area Update
- Mr. Sullivan stated Chapters 1-4 will be presented to the BOC in December. We hope to have public reviews of those chapters completed in late November or early December. The project website is always being updated by the consultant team.

XII. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:59 p.m.

Signed: _____ / _____
George Lucier, Chair Date

Attest: _____ / _____
Dan Garrett, Clerk to the Board Date