

**CHATHAM COUNTY PLANNING BOARD**  
**MINUTES**  
**August 5, 2008**

The Chatham County Planning Board met in regular session on the above date in the auditorium of the Agriculture 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  
Karl Ernst  
Barbara Ford  
Judy Harrelson  
Jim Hinkley  
David Klarmann  
Susan Levy  
Peter Theye

Absent:

B. J. Copeland  
Delcenia Turner

Planning Department:

Keith Megginson, Planning Director  
Jason Sullivan, Assistant Planning Director  
Benjamin Howell, Planner  
Lynn Richardson, Subdivision Administrator  
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 introduced new Planning Board member, Susan Levy. Ms. Levy was recently appointed to the Planning Board by Commissioner Mike Cross to replace Randall Sartwell who resigned due to family illness.

Ms. Levy stated that she has lived in Chatham County since 1991; that her home is about 4 miles west of Pittsboro off of Highway 64 W.; that she is a graduate of UNC's Department of City and Regional Planning, where her focus was on housing and community development; that she has been a lifelong advocate for affordable housing, and is the Executive Director of Habitat for Humanity of Orange County; that In that role, she has been involved in the development of a number of affordable housing subdivisions; that she currently serves on the Chatham County Affordable Housing Task Force, and has also served on the Chatham Habitat for Humanity Board of Directors; and that she has a love for Chatham County, and a desire to serve the county and its citizens.

At this time, Chair Kost recognized Mr. Theye who read the following statement:

“On April 1, I made comments about the work done by Soil and Environmental Consultants, PA. After I made those comments, Kevin Martin the co-founder of S and EC questioned whether I could be objective in my review of projects in which they worked on.

Since making those comments, I have abstained from voting on projects in which S and EC did work. However, I have reconsidered my position, and after reviewing other work that this company has performed, I would like to say that I have confidence in their work and that I can be objective in reviewing projects in which they have been a consultant”.

Chair Kost thanked Mr. Theye for his comments and stated that it would be no longer necessary for Mr. Theye to abstain from any votes regarding an issue where S and EC is involved.

II. APPROVAL OF AGENDA:

***Re: Item V. C. “Henderson Place”***

Chair Kost stated that the applicant has asked that the Planning Board defer discussion of this request until next month’s Planning Board meeting (September 2, 2008) but requests that the 60 day time limit begin tonight. She noted that the Board would need to make a decision at the September Planning Board meeting.

Mr. Glick stated that he appreciates the position for what ever reason the applicant wishes to defer the request at this particular time; but that it is inappropriate to place this Board in a more restrictive limit of time to act; and that he cannot accept this decision.

Board discussion followed. Mr. Hinkley asked if the time period could possibly be waved. Chair Kost stated that the applicant would need to agree. For clarification, Chair Kost read the letter from Wade Barber dated August 5, 2008 suggesting that the Planning Board defer consideration of the preliminary plat for Henderson Place until the September Planning Board meeting. A copy of this letter is filed in the Planning Department.

Mr. Megginson explained that since the item is on tonight’s agenda the Board has two (2) options: 1. discuss tonight and postpone (there may be other issues to discuss) - clock starts at the meeting which it is on the agenda, or  
2. simply postpone

He stated that staff did not have accurate property maps when reviewing the property and that the applicant has not had time to address revised maps.

Mr. Klarmann arrived at this time.

Some specifics noted during Board discussion were:

- possible intermittent stream on property
- buffering changes
- impact
- inconvenience for neighbors

Motion to remove Item V. C. "Henderson Place" from agenda

Mr. Hinkley made a motion; seconded by Mr. Glick to remove this item from tonight's agenda; and to allow for the applicant to resubmit in September; and that the time clock would begin ticking at that time. Discussion followed. Mr. Hinkley noted that if the County Attorney rules against this then the motion would become invalid. Discussion followed.

Allison Weakley, Chair, Chatham County Environmental Review Board [ERB], was present to speak regarding this request. Ms. Weakley stated that she would send another representative from the ERB if she cannot attend the September 2, 2008 Planning Board meeting.

The motion passed 7-2 with all members present voting in favor of the motion; except Ms. Ford and Mr. Ernst who voted against.

Approval of Agenda

Mr. Ernst made a motion; seconded by Mr. Theye to approve the agenda as amended. There was no discussion and the motion passed unanimously.

III. CONSENT AGENDA: Mr. Glick made a motion; seconded by Mr. Hinkley to approve the consent agenda as submitted. There was no discussion and the motion passed unanimously. (9 Board members)

A. Minutes: Consideration of a request for approval of Planning Board minutes for July 8, 2008 meeting.

B. Final Plat Approval:

1. Request by John Coffey on behalf of Coffey Grounds of Chapel Hill, Inc. for subdivision final plat approval of "Horizon Subdivision, Phase I", consisting of 38 lots on 59 acres, Baldwin Township.

Mike Shachtman, Coffey Grounds, Inc. was present.

No adjacent landowners requested to speak.

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.

V. PRELIMINARY PLAT APPROVAL:

- A. Request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for subdivision preliminary plat approval of "Millcroft Cluster No. 5", consisting of 6 lots on 5.29 acres, located off Millcroft, S. R. #1817, Williams Township.

Ms. Richardson reviewed the agenda notes for this subdivision request. She stated that staff condition regarding the commercial driveway permit has been met and therefore can be removed. She stated that staff recommends approval of the plat as submitted including the proposed road name "Woodleigh Close".

Dan Sears, applicant, R.B. Fitch, owner, and Alan Keith, Diehl & Phillips, P.A., Consulting Engineer, were present.

Board discussion followed and two (2) specifics noted were:

- 10 ft. buffers added to streams – no disturbance inside buffers (60 ft.);
- cul-de-sac radius – sufficient to accommodate school buses.

Alan Keith, engineer for the project, stated that there are no storm water features within the 10 ft. buffers.

#### Clear-cutting

Chair Kost stated that a letter was received from a Fearington resident concerned about the way the previous clusters were constructed with the clear-cutting. Chair Kost asked if this next phase would be developed in the same way that the previous clusters were done or are there plans for more preservation of vegetation.

R.B. Fitch, Fitch Creations, Inc., stated that Hurricane Fran destroyed the Millcroft area (totally wiped out) several years ago; that he does not clear-cut; and that the mature trees currently on the site would be preserved.

#### Steep slopes / road radius

Mr. Hinkley was concerned about the steep slopes on the property (from Millcroft down to the creek) and that vegetation is maintained to prevent runoff and erosion. Mr. Glick asked why the road was a 50 ft. radius and not 55 ft.

Mr. Keith stated that the reason the road makes such a sharp turn is to try to bring the building area of lots closer to Millcroft and to stay off the bluff; that several large trees were left in the back of the lot; that the Subdivision Regulation requires a 55 foot radius on the right-of-way of the turn-around, but that the Fire Marshall and the North Chatham Fire Chief had reviewed the cul-de-sac radius and stated that it was adequate, and that in a Planned Unit Development the road standards may be waived provided that the intent of the regulations is not negated; that it is a private street; and that the developer was trying to make the footprint of the street smaller.

#### Motion to approve

Mr. Glick made a motion; seconded by Ms. Harrelson to grant approval of Millcroft Cluster, No. 5 per staff recommended as amended (deleting condition #1 concerning the commercial driveway permit) including approval of the road

name "Woodleigh Close". There was no further discussion and the motion passed unanimously. (9)

- B. Request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for subdivision preliminary plat approval of "The Knolls at Fearington", consisting of 29 lots on 19 acres, located off Millcroft, S. R. 1817, Williams Township.

Ms. Richardson reviewed the agenda notes for this subdivision request. She stated that staff condition regarding the commercial driveway permit has been met and therefore can be removed. She stated that staff recommends approval of the plat as submitted including the proposed road name, "The Knolls Close".

Dan Sears, applicant, R.B. Fitch, owner, and Alan Keith, Diehl & Phillips, P.A., Consulting Engineer, were present.

Discussion followed.

Projected population, length of cul-de-sac, second entrance

Mr. Hinkley inquired about,

- 1.) projected population of the development,
- 2.) proposed length of cul-de-sac with possible access primarily for emergency purposes out to South Langdon,
- 3.) why residents objected to the second entrance, and
- 4.) length of the roadway.

Mr. Fitch stated that original plans were to come into the middle and the cul-de-sac would not have been as long; that modifications were made to meet suggestions of residents; that there are enough routes within the cul-de-sac (to go in various directions) should there be a problem; and that the residents objected to a second entrance because of additional traffic.

Ms. Richardson noted that the application states that the length of the roadway is 1370 ft. and includes traffic circles.

Mr. Hinkley suggested that the developer reconsider this issue and at least have an easement to South Langdon for emergency purposes.

Storm water runoff; common area

Mr. Theye inquired if there were plans to use cisterns. Ms. Harrelson inquired about the common area and if there are rules regulating what can be done within this area, i.e. preserved with trees

Mr. Fitch stated that cisterns are being considered and that the developer wants to make the area as "green" as possible; that these areas are turned over to the community as development is finished; and that residents are strict as to what can be done i.e. cannot cut a tree more than 6 inches in diameter.

No landowners requested to speak.

Motion to approve with easement requirement

Mr. Hinkley made a motion to grant approval of the preliminary site plan for "The Knolls at Fearington"; that an easement be required for emergency purposes between units 17 and 18 extending out to south Langdon; with deletion of condition #1 regarding the commercial driveway permit; and with approval of the road name, "The Knolls Close".

The motion died for lack of a second.

Motion to approve as recommended by staff

Mr. Ernst made a motion; seconded by Mr. Klarmann to adopt staff recommendation and grant preliminary plat approval with the deletion of condition #1 regarding a commercial driveway permit; and with approval of the road name, "The Knolls Close". There was no discussion and the motion passed unanimously. (9)

- C. ~~Request by Sears Design Group, P. A. on behalf of Wade Barber, Jr. for subdivision preliminary plat approval of "Henderson Place" (fka Barber Lands), consisting of 45 lots on 60 acres, located off South Langdon, S. R. 1835, Williams Township. This issue was removed from the agenda. See discussion under Item II. Approval of Agenda.~~
- D. Request by The Parks at Meadowview, LLC for subdivision preliminary plat approval of "The Parks at Meadowview, Phase 2", consisting of 182 lots on 173 acres, located off Old Graham Road, S. R. 1520, Center Township.

Chair Kost stated that each Board member was provided an envelope earlier tonight that contains information concerning legal action; that this has nothing to do with tonight's review; and that the county attorney has advised that this not be discussed in consideration of "The Parks at Meadowview, Phase 2".

Ms. Richardson reviewed the agenda notes for this subdivision request. She noted the following modifications:

- Plat map - note #15 incorrectly refers to "public" roads but should state, "private": "All roads to be ~~public~~ **private** and built to NCDOT standards and specifications".
- Agenda notes - add proposed road name, **"Daisy Drive"**
- Comments received from Chatham County Schools - Ms. Richardson referenced letter dated July 30, 2008 to Mr. Nicolas P. Robinson, from Robert L. Logan, Superintendent, Chatham County Schools, regarding this development proposal and the essential support for new school facilities. A copy of this letter is filed in the Planning Department.

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Ms. Richardson stated that staff recommends approval of the plat and proposed road names as submitted with two conditions as listed in tonight's agenda notes regarding, 1.) public drainage easements and, 2.) environmental monitoring report.

Board discussion followed regarding clarification of the topography in reference to steep slopes and the proposed common area.

Nicolas Robinson, attorney, was present representing the applicant. He addressed the question of why Phase 2-A (consisting of 61 lots / 34 acres) is being incorporated into Phase 2. He stated that Phase 2-A was submitted for preliminary and final approval ahead of schedule and that the developer was working with another entity to develop Phase 2-A, but that never occurred; that at that time there were very minor modifications to the lot widths but roadways and total amount of open space stayed the same; and that since this transaction did not happen the entire Phase 2 is being brought back so that the entirety can be done at the same time.

Joe Faulkner, Engineer, CE Group, Inc. was present representing the applicant. Mr. Faulkner stated that the purpose of bringing Phase 2-A back is so that it can be developed under the umbrella of the entire phase; that nothing was ever constructed on Phase 2-A; and that there has been very little land disturbance.

Discussion followed regarding Phase 2-A. Some specifics were noted as follows:

- final plat never recorded
- these 61 lots included in initial sketch approval [total 716 lots] 5-16-05
- storm water discharge and / or pedestrian access to open space provided between lots 360 – 361 and between lots 398 - 399
- this request is possibly providing an extension of Phase 2-A
- cul-de-sac adequate to accommodate school buses a concern
- attorney's letter to school system asking for input is inadequate, i.e. roads, and
- need to be more proactive in providing the school system information for their input regarding developments, i.e. roads, land.

#### *Interacting with school system*

Mr. Robinson stated that the developer met with the school superintendent before this project was ever created and they were not interested in having any land in this subdivision for a school; and that his firm sends a letter to the school system each time they represent a development to receive input regarding adequate roadways for school buses and etc..

Mr. Ernst stated concern regarding the ability of the school system to be proactive within the development process that has been on-going in this county

for some time. He noted that the school system has not participated as a part of the team as they should.

Private vs. public roads

Chair Kost asked why the roads in the subdivision are private (and not public) since they are being built to NCDOT standards? Mr. Robinson stated that when Crescent acquired the subdivision from the original developers they requested at that time to convert some of the roads from public to private; and that a road open to the public goes all the way through from Old 87 to New 87. Chair Kost noted that a gated development requires private roads.

Projected population

Mr. Hinkley inquired about the projected population for this development. It was noted that at 2.5 residents x 715 lots = 1788 residents. He expressed concern that the roads in the development need to be public.

Adjacent landowner

- 1) Mary Lassiter, 198 Major Lee Road

Ms. Lassiter voiced concern regarding runoff. She stated that she inherited the land (i.e. Elizabeth Lee Alston #3 on plat map); that she does not currently live on the land but might at a later time; and that there is a stream on her property that runs into this development.

Runoff / spray irrigation system

The Board used the large overview map to distinguish Ms. Lassiter's land in connection with this development. Mr. Robinson stated that all boundaries that adjoin Ms. Lassiter's land are open space and would not be built upon but would contain a sewage spray area. He explained the spray area to Ms. Lassiter. Joe Faulkner explained the common area section that was originally logged, and the heavily wooded with tall pines and hardwoods. Relative to where the spraying would stop, he stated that a 50 foot buffer is required around the perimeter of this site as part of the PUD approval in addition to State regulations. Mr. Glick was concerned that, if in the future after this subdivision is developed and there were to be runoff onto Ms. Lassiter' land, would there be some means of rectifying this legally. Mr. Megginson stated that the operator or the State (who is responsible for the system) would be contacted about the problem. He noted that the County Commissioners would be her advocate.

Allison Weakley, Chair, Chatham County Environmental Review Board [ERB], pointed out that last time there was only one (1) compliance person at the State level to cover Chatham County for irrigation. She stated that we have a large number of spray irrigation permits in the State and that one person has to cover many impressions a year; that when they do come out to the property (once a year) it is either for an inspection or complaint driven; and that she encourages that the Division of Water Quality be contacted for a review if there is a problem. She noted that this subdivision proposal has not been reviewed by the ERB.



### Building plans

Ms. Harrelson inquired about the building plans. Mr. Robinson stated that plan is to build them and sell them as fast as possible.

2) Lori Johnson, Chapel Ridge homeowner

Ms. Johnson inquired about the following:

- a. Has anyone in the room tonight been into the neighborhood of "The Parks at Meadowview and could comment on their findings?

Chair Kost stated that her assessment was that there was not much maintenance going on; that developed lots needed attention especially grass cutting.

- b. Did anyone ask the developer if there had been any sales in the first section?

- c. Did anyone ask the developer if are they are currently marketing any of the homes that have been constructed there by builders?

Ms. Johnson referenced the document distributed earlier tonight (that the county attorney advised not to be discussed due to legal issues). Ms. Johnson stated the information is public record and speaks of the developer; and that she is limited to her comments because she is involved in a legal situation with the developer.

### Options for the Board

Chair Kost stated that the Board could:

- Postpone / defer to another meeting
- Approve as submitted
- Deny, or
- Make recommendation with additional conditions.

### Motion to deny

Following discussion, Mr. Hinkley made a motion to deny the request.

The motion died for lack of a second.

### Motion to approve

Mr. Klarmann made a motion; seconded by Mr. Ernst to grant approval of the preliminary plat as submitted with two (2) conditions recommended by staff; and with approval of the proposed road names, 'Parkway Drive', 'Adventure Lane', 'Discovery Drive', 'Pine Straw Place', 'Eagles Nest Loop', 'Grassy Knoll Court', 'Misty Glen Lane', and 'Daisy Drive'.

Discussion followed. Mr. Theye inquired as to why we would want to deny the request. Mr. Hinkley noted:

- 1) It doesn't appear that the school board is aware of the consequences of this influx of population
- 2) There are a number of issues regarding spray fields
- 3) Access to N.C. 87 is directly in front of someone's property and increase traffic would be detrimental to the quality of life for the resident living across from the "T" intersection
- 4) Issue of public and private roads
- 5) Preliminary plat is not acceptable and does not meet good planning standards

The motion for approval failed 3-6 with Klarmann, Ernst and Glick voting in favor of the motion; and Kost, Ford, Harrelson, Hinkley, Levy, and Theye voting against.

Chair Kost stated that her opposition deals mainly with Phase 2-A; that she was not comfortable with the changing of the lots and bringing this back from final to preliminary; and that she thinks some other points are valid and have met conditions of our Subdivision Regulations.

Motion to deny

Mr. Hinkley made a motion to deny the request for reasons stated above. Ms. Ford seconded the motion. Discussion followed. Mr. Ernst stated that the request is in compliance with the Subdivision Regulations. The motion failed 2-6-1 with Hinkley and Ford voting in favor of the motion; and Kost, Glick, Ernst, Harrelson, Klarmann and Levy voting against; and Theye abstaining.

Motion to postpone

Mr. Ernst made a motion; seconded by Mr. Theye to postpone consideration of this issue until the September 2, 2008 Planning Board meeting; and that at that meeting a decision will be made on the request. There was no further discussion and the motion passed unanimously. (9)

5 Minute Break.

VI. EXTENSION OF FINAL PLAT SUBMITTAL DATE:

- A. Request by Steve F. Yuhasz, Ent Land Survey, Inc. on behalf of Bruce Curtis, for an extension of final plat submittal for "Arcadia Subdivision" to extend the final plat submittal date from January 17, 2009 to January, 17, 2010.

Ms. Richardson reviewed the agenda notes explained the reason for the request. She stated that staff has not received any documentation regarding DWQ at this time.

Steve Yuhasz, land surveyor and attorney, was present representing Bruce Curtis, owner and developer. Mr. Yuhasz stated that timing has been an issue

with delay of this subdivision; that questions regarding streams and buffers; that the County Commissioners added a condition that work on the road could not take place near the stream crossing until appropriate permits were in place; that at that time there was no appropriate agency for stream crossings for Chatham County; that DWQ had water concerns other than that stream crossing that involved doing additional surveying; and that the engineer involved with the surveying declined to get involved with the DWQ permitting process. Mr. Yuhasz cited that the development is now at a point where submitting all the necessary information to DWQ for all three (3) stream crossing is imminent and it is expected that their approval should be straight forward; that there could be some delays that are not expected; and that this is the basis for the extension request.

Discussion followed.

Deadline requirements

Ms. Ford asked what is required to be in place before the 18 month deadline and why a one (1) year extension and not six (6) months is requested. Ms. Richardson stated that at least 40% infrastructure would need to be built (roads); and that a bond is posted for the balance of the construction. Mr. Yuhasz stated that you cannot work the ground as well during the early part of the year; that late March and early April is a more appropriate time; and that six months would not allow sufficient time.

Buffers

Ms. Richardson stated that this subdivision is under the 1994 Watershed Regulations requiring 50 ft. buffers on either side of the intermittent stream; that the developer was required to provide 30 foot on either side of the ephemeral stream as labeled "C" on the DWQ determination. Mr. Theye inquired if the developer would consider meeting the new buffer guidelines (100 foot - perennials). Mr. Yuhasz explained that Environmental Health has approved each of those lots and some of those septic sites are probably within 100 feet of the creek and buffering 100 feet would potentially impact the approved septic sites. Mr. Klarmann noted that septic fields are allowed inside a buffer if necessary.

Cul-de-sac near lot #3

Chair Kost recalled that there was to be an easement to another property along the cul-de-sac near lot#3. Ms. Richardson stated that this easement was removed.

Motion to approve

Mr. Hinkley made a motion; seconded by Mr. Ernst to grant an extension of final plat submittal for "Arcadia Subdivision" from January 17, 2009 to January, 17, 2010, as requested and as recommended by staff. There was no further 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.

VII. ZONING AND ORDINANCE AMENDMENTS: Items A – H from July 21,, 2008

Public Hearing:

- A. A request by Richard Weston-Jones for a text amendment to the Chatham County Zoning Ordinance, Section 10, Item/s 10.1 RA-5; 10.2 RA-90; 10.3 RA-40 residential/agricultural lists of permitted uses specifically for “bed and breakfast inns” to add additional language to say “an owner occupied and operated home Bed and Breakfast with no more than two rooms (units) for rent with a minimum lot area of one and one half (1.5) acres” be permitted. Also add to Section 14 Neighborhood Home Occupations (A) “owner-occupied and operated home Bed and Breakfasts with no more than two rooms (units) for rent with a minimum lot area of one and one half (1.5) acres.

Motion to approve

Ms. Ford stated that Board members have reviewed this text amendment request; and that she doesn't think there is anything contentious about the request. Ms. Ford made a motion; seconded by Ms. Harrelson to approve the request as submitted and as recommended by staff. Discussion followed.

Mr. Theye stated one way to keep these facilities out of places like Polks Landing or really close residential development would be by the acreage.

Ms. Birchett stated that in most cases a private covenant would take care of this concern. Mr. Glick reiterated Mr. Theye's concern and also voiced concern regarding traffic. There was no further discussion and the motion passed unanimously. (9)

It was noted that the applicant was present.

- B. A request by William Jeffrey House for a text amendment to the Chatham County Zoning Ordinance, Section 10, Item 10.5.A B-1 Business List of Permitted Uses to add “public and private recreation camps and grounds” as a permitted used in the district.

Comment supporting requests by Mr. House

Mr. Ernst stated that there was overwhelming community support for this project at the recent public hearing; and that it is his thought that all three requests could be considered at one time. Mr. Klarmann concurred. Ms. Ford was concerned that this request is asking for a change and an amendment to the Zoning Ordinance and should be reviewed.

Ms. Birchett reviewed the agenda notes for this request. She stated that the request is to add an additional use to the B-1 Business Zoning District for public and private recreational camps and grounds; and that there are many uses in a B-1 Business District that are more intrusive than the proposed use that is limited to a minimum of 10 acres.

Discussion followed

Table of Uses

Chair Kost inquired if this was discussed by the Zoning Ordinance Subcommittee. Mr. Hinkley stated that this issue was not discussed during their subcommittee meetings; but that his personal view is that boat storage and camp grounds do not make too much sense going together as one unit. Chair Kost explained that this request is to add camp grounds as a permitted use in a B-1 Business District. Mr. Hinkley noted that the draft Zoning Ordinance was distributed earlier tonight and is to be discussed during the special meeting scheduled for August 28<sup>th</sup>; and that this might be something that the Board would want to add to the table of uses.

Number of sites

Ms. Harrelson inquired if there would be a limit to the number of sites if the request is approved. Ms. Birchett stated that Environmental Health and Fire Marshall would dictate this determination.

Motion to approve

Mr. Klarmann made a motion; seconded by Mr. Ernst to approve the text amendment as follows:

Add a permitted use to the B-1 Business Zoning District, Section 10, and Item 10.5 List of Permitted Uses to include:

Public and private recreation camps and grounds with a minimum lot area of 10 acres and provided that all buildings, structures, spaces, and high intensity activity areas shall be set back a minimum of fifty (50) feet from all property line/boundary areas.

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

- C. A request by William Jeffrey House to rezone Parcel No. 11257 consisting of approximately 10.35 acres, Haw River Township, located at 284 Moncure School Rd., from RA-40 Residential/Agricultural to CU-B1 Conditional Use Business.

Ms. Birchett stated that this request is for a Conditional Use District change. Chair Kost explained that this request is to change the zoning of Mr. House's land (now that a camp ground is allowed in a B-1 Business District) to a Conditional Use B-1.

Discussion followed regarding clarification of B-1 and CU-B1.

Ms. Ford made a motion; seconded by Mr. Theye to approve the conditional use rezoning request as submitted and as recommended by staff (to rezone from RA-40 Residential / Agricultural to CU-B1 Conditional use Business). There was no further discussion and the motion passed unanimously. (9)

- D. A request by William Jeffrey House for a Conditional Use B-1 Business permit for a public and private recreational camps and grounds and boat, motor home, camper, trailer, and recreational vehicle storage on approximately 10.35 acres, Haw River Township, located at 284 Moncure School Rd.

Ms. Birchett explained that this part of the request is about the Conditional Use Permits and therefore no additional testimony could be entertained.

Stall size

Mr. Glick inquired about the boat size that the facility could accommodate.

Ms. Birchett stated that 15 total spaces are proposed (for an addition of 7 more stalls); and that stalls would be approximately 12 x 24 in size. For the record, Mr. Glick stated that he does not own a boat.

Mr. Ernst made a motion; seconded by Mr. Hinkley to approve the request as submitted and as recommended by staff with 21 conditions as listed below. There was no further discussion and the motion passed unanimously. (9)

Twenty-one (21) Conditions are:

**Site Specific Conditions:**

1. There shall be allowed one (1) sign, non-illuminated, no larger than 32 square feet and no taller than 6 feet at the entrance to the property, outside of the right-of-way. A permit shall be issued for signage.
2. Recommendations from the Appearance Commission on the original campground approval shall also be continued and followed in this approval. Any additional plantings shall be done at the next optimal planting season following the approval date and shall be maintained to thrive and provide the appropriate screening as required. The Appearance Commission with the Planning Department may review the landscaping and screenings after one year of the approval to verify appropriate measures have been taken as directed. Should there be any changes in the landscaping for effectiveness of screening and environmental protections, they shall be given to the applicant at that time and the applicant will be given ample opportunity to take the corrective measures.
3. There is to remain and be maintained at fifty (50) foot vegetated, screening buffer around the perimeter of the campground and storage area/s.
4. Any storm water measures that may be required shall conform to the 2 year, 24 hour storm event and a plan submitted to the Planning Department prior to its construction.
5. There shall be no more than 44 units on this property as stated in the application. The spaces may be completed in phases as stated in the application. A building permit shall not be issued for any phase without the

required permits from the Environmental Health Section of the Chatham County Health Department.

6. Campground use is for temporary use only. "Temporary" is defined in this instance as up to two (2) years per unit. No permanent structures or tents are allowed, only campers, travel trailers, recreational vehicles and motor homes.
7. Units must be spaced a minimum distance of 30 feet apart. An approved plan signed by the Chatham County Fire Marshal shall be provided to the Planning Department prior to the first campground occupant.
8. There shall not be any trash accumulation on the campground property. Trash removal shall be the responsibility of the campground owner.
9. The property owner shall maintain a log of record on the occupants of the campground. This information is to include, the name of the temporary resident, the tag number of the camper, motor home, travel trailer, or recreational vehicle, and the dates they checked into the campground as well as the dates they checked out. A copy of this log shall be available to the Planning Department and a copy filed in the Planning Department office every twelve months.
10. A letter from the Chatham County Public Utilities Department shall be provided to the Planning Department prior to the first occupant to the campground for the requirement to tie into the county public water system.
11. An inspection by Building Inspections, Fire Marshal, and Environmental Health must be made and documentation provided to the Planning Department for any new construction as well as the existing storage bays and the structural integrity of the "refurbished" barn as stated in the application.

**Standard Site Conditions:**

12. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Section, etc.) shall be obtained and copies submitted to the Planning Department prior to the issuance of a certificate of occupancy.
13. 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.
14. An "as-built" impervious surface calculation shall be submitted to the Planning Department prior to issuance of a certificate of occupancy.

15. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
16. A building permit shall be obtained and remain valid at all times or this permit shall become void. The first building permit for the first storage structure shall be approved and submitted within 12 months of this approval or the permit becomes void; or the expiration of the appeal period or any court decision, whichever is later.

**Standard Administrative Conditions:**

17. 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.
18. 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.
19. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
20. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
21. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

Mr. Ernst noted that this application was well crafted.

- E. A request by Doug & Cindy Carroll to rezone Parcel No. 5241 consisting of approximately 22.14 acres, Cape Fear Township, located at 2312 Pea Ridge Rd., from RA-40 Residential/Agricultural to CU-O & I Conditional Use Office & Institutional.



Mr. Howell reviewed the agenda notes for this request. He stated that this proposal appears to comply with the Land Conservation and Development Plan; and that staff recommends approval of the rezoning request as submitted.

Discussion followed. Mr. Glick inquired if this proposed usage would fall under Office & Institutional (O & I) or Business District. Mr. Howell stated that staff explored the various zoning districts and determined that this request best fits under O & I because of the combined use of the Bed and Breakfast / reception, wedding operation. Mr. Theye stated concern that the contractors storage facility would eventually take over the entire tract. Mr. Howell explained that this would be covered under the Conditional Use Permit. Ms. Ford stated that she and Chair Kost visited the land; that the facility is very well screened from the road; and that the facility is very attractive.

Doug and Cindy Carroll, applicants, were present.

Mr. Ernst made a motion; seconded by Ms. Harrelson to approve the rezoning request as submitted and as recommended by staff from RA-40 Residential/Agricultural to CU-O & I Conditional Use Office & Institutional. There was no further discussion and the motion passed unanimously. (9)

F. A request by Doug and Cindy Carroll on behalf of Shady Wagon Farm for a Conditional Use Permit for inns including accessory eating and drinking and personal service, training and conference centers which include various events, and a contractor's storage yard on approximately 22.14 acres located at 2312 Pea Ridge Road, Cape Fear Township.

Mr. Howell stated that this is the second part of the previous request. He reviewed the five (5) required findings and referenced staff notes regarding finding #5 (page 3, last paragraph) that states, "The Building Inspections Department has advised that the North Carolina State Building Code does not require structures to have sprinkler systems that are capable of housing gatherings of less than 299 people". He stated that staff has since found out (today) that there is a second part of this and that the State Fire Building Code requires that if structures are 5,000 sq. ft. or greater that they **do require** to have a sprinkler system; that the Chatham County Building Inspector has spoken with the applicants about placing a fire barrier between the pavilion and barn that would create two different structures and would not need sprinklers; but that if any revisions are requested after January, 2009 sprinklers would need to be installed. Mr. Howell cited that staff recommends approval of the request subject to the sixteen (16) conditions listed in tonight's agenda notes.

Discussion followed.

Contractor's Storage Yard

Mr. Glick asked for clarification of the "contractor's storage yard". Mr. Howell explained that there is currently a fenced area near the rear of the property; that Mr. Carroll ran dump trucks in the past and a still has a few of the trucks stored

on this property; that the dump truck business is no longer in operation and Mr. Carroll is currently trying to sell the trucks; that since the trucks are on the proposed property the storage yard was added to the request. Mr. Glick suggested (and Mr. Hinkley concurred) giving the “contractor’s storage yard” a timeline (for temporary use). Ms. Birchett stated that Mr. Carroll continues to run a dump truck for his personal use hauling loads of gravel and doing miscellaneous jobs; and that Mr. Carroll also needs to maintain this part of the business. Mr. Howell used the large plat map to show the various sections of the property. It was noted that the contractor’s storage yard could not be expanded and does not have a separate access.

Doug Carroll, applicant, stated that he sold five (5) of the dump trucks this week and that two (2) trucks needs extensive repair.

Potential sale of property

Mr. Klarmann inquired if the property is sold could the new owners use the land for another type facility. Ms. Birchett stated that the new owner would be required to go through the Conditional Use process for a revision.

Mr. Ernst made a motion; seconded by Mr. Klarmann that the application be approved as submitted and as recommended by staff with 16 conditions as listed below. There was no further discussion and the motion passed unanimously. (9)

Sixteen (16) Conditions are:

**Site Specific Conditions:**

1. A preliminary field reconnaissance archaeological survey to determine the existence or absence of any site of likely archaeological significance will be performed by a professional archaeologist (as listed on the NC Dept. of Cultural Resources website). The reconnaissance survey shall be performed with consultation from the Office of State Archaeology. Areas determined by the NC Dept. of Cultural Resources, Archaeology/Historic Preservation Section as a low probability of likely significant sites are not required to be surveyed. Any site identified with likely archaeological significance shall have an intensive survey to determine significance, and that survey shall be sent to the Office of State Archaeology for review and recommendations. If a site is determined as a candidate for nomination to the “National Register of Historic Places”, it shall be preserved or documented prior to being disturbed. The field reconnaissance survey shall be performed prior to land disturbing activity or before a certificate of occupancy approval is issued for the business. Any recommended intensive survey shall be performed prior to ground disturbing activity in the area of concern. The surveys shall be performed at the landowner's expense.
2. A Stockade Fence constructed of Cedar posts shall be erected along the property line running parallel to the Barn, Pavilion, and Picnic Shelter, as recommended by the Chatham County Appearance Commission. All other recommendations by the Appearance Commission regarding plantings and

buffering shall be met. The Planning Department, with the Appearance Commission, reserves the right for periodic inspections to ensure vegetation is adequate.

3. A letter or certification from the Chatham County Fire Marshal, Building Inspections and Environmental Health Section of the Chatham County Health Department that all structures and access meet the necessary Building, Fire, and County/State Codes for the proposed use shall be obtained and provided to the Planning Department prior to issuance of a Certificate of Occupancy. A Certificate of Occupancy shall be obtained within 90 days from date of this approval or the Conditional Use Permit approval shall be invalid and void.
4. Signage is limited to the existing monument style sign as located on the property. Any additional signage or change in signage must be approved by the Planning Department.
5. An as-built survey, showing the following structures meet all dimensional requirements of the Zoning Ordinance: Contractor's Storage Yard (and all associated structures), Pavilion, Barn and Picnic Shelter, shall be provided to the Planning Department prior to issuance of Certificate of Occupancy.
6. A building permit shall be obtained on any additional structures and remain valid at all times or this permit shall become void. The barn, pavilion, picnic shelter, and structures located within the Contractor's Storage Yard shall receive either an Engineer's Certification, submitted to Building Inspections, or a Certificate of Compliance from the Building Inspections Department on their construction and provided to the Planning Department.
7. The applicants shall submit an engineer's certification that the existing pond on the property will support a two-year, 24-hour storm event to the Planning Department prior to issuance of a Certificate of Occupancy.

**Standard Site Conditions:**

8. 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.
9. 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.
10. An "as-built" impervious surface calculation shall be submitted to the Planning Department prior to issuance of a certificate of occupancy.

11. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.

**Standard Administrative Conditions:**

12. 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.
  13. 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.
  14. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
  15. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
  16. 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.
- G. Request by Jack Michenfelder for an amendment to the existing Conditional Use B-1 Permit for a nursery, garden center, retail shop, and landscaping business to allow the sale of Parcel No. 17707, New Hope Township, located at 10544 US 64 E, Apex, N.C.

Ms. Birchett reviewed the agenda notes for this request. She stated that Commissioner Lucier asked that staff research why condition (#2) was placed on the original approval that states:

"The tracts of land, parcel #62092 consisting of 3 acres and parcel #17707, consisting of 2.14 acres may not be sold as separate tracts

without revision to this permit since the tracts are considered as one for zoning purposes and notice of such condition shall be recorded as a restrictive covenant on the two parcels in the office of Register of Deeds”.

Ms. Birchett cited that after reviewing minutes of the Planning Board and County Commissioners staff could not determine why the condition was made; that it appears to be that it was made simply to have uniformity with the zoning areas and not so much a legal separation of property; that the applicant wants to leave the split zoning as is; that this 1.147 acre tract would be pulled out of the original Conditional Use Permit to allow sale of the property; and that the two different zoning classifications (B-1 Business and CU-B1) would remain on this one acre parcel unless the owner requests a change in zoning.

Following discussion, Ms. Ford made a motion; seconded by Mr. Ernst to approve the request as submitted and as staff recommendations. There was no further discussion and the motion passed unanimously. (9)

H. Request by Scott and Diana Schultz for a Conditional Use Permit in an RA-40 Residential/Agricultural District on approximately 5.45 acres of a 16 acre tract, Hadley Township, on Parcel No. 84022, located at 6545 NC 87 N, Pittsboro, NC, for a boarding kennel

Mr. Howell reviewed the agenda notes for this request. He stated that staff finds that all five (5) required findings can be made; that one issue discussed at the recent public hearing was a question of impervious surface; that recalculations on the 5.45 acres for the project is 29% (36% impervious surface allowed); and that staff recommends approval of the request subject to the fourteen (14) conditions as listed in tonight’s agenda notes with one change in condition #4 as follows - the word “minor” should read “major:

4. The site plan shall serve as the “sketch” design when the applicant applies for the ~~minor~~ **[major]** subdivision of the property as stated in the application.

Discussion followed.

#### Revised site plan

Mr. Howell noted that the revised site plan (distributed to Board members earlier tonight) is due to Appearance Commission comments and that the lighter shaded buildings on said map are still proposed to be included in the Conditional Use Permit. Ms. Birchett explained the changes based on the Appearance Commission recommendations.

#### Signage / Buffering

The Board discussed staff condition #2 that reads:

2. "Signage is limited to one monument style sign as drawn on the site plan. The sign area itself shall not exceed 32 square feet as described in Section 13.5 of the Zoning Ordinance". ***"The sign shall not have any lighting other than exterior downcast lighting, directed on the sign face"***.

Following discussion, it was the consensus of the majority of the Board to add language as noted above in ***bold italic*** regarding exterior downcast lighting.

Ms. Birchett referenced last sentence in staff condition #1 that states,

"The Planning Department, with the Appearance Commission, reserves the right for periodic inspections to ensure vegetation is adequate".

#### Noise

Mr. Howell stated that some concern regarding noise was voiced by neighbors at the recent public hearing; and that the applicant submitted a noise analysis that showed it should not exceed the Chatham County Noise Ordinance. It was noted that the Noise Ordinance is regulated by the Sheriff's Department.

#### Motion to approve

Mr. Ernst made a motion to approve the application as submitted; that the five (5) findings have been met; and that "Site Specific Conditions" #2 and #4 be amended as noted above.

John Harris, consulting engineer for the project, stated concern regarding revisions discussed above. Mr. Ernst withdrew the motion.

#### Motion restated

Mr. Ernst restated his motion to approve the application as submitted with the conditions amended as discussed above. Ms. Harrelson seconded the motion. Mr. Howell stated that the site plan that the Board is now approving also includes the proposed locations for future agility building and office. There was no further discussion and the motion passed unanimously. (9)

The fourteen (14) conditions are as follows:

#### **Site Specific Conditions:**

1. A buffer composed of evergreen plantings, with a different choice for landscape plantings, as specified on the list of recommended plant material provided by the Appearance Commission, shall be planted during the next optimal growing season after approval, as recommended by the Chatham County Appearance Commission. All other recommendations by the Appearance Commission regarding plantings and buffering shall be met. The Planning Department, with the Appearance Commission, reserves the right for periodic inspections to ensure vegetation is adequate.

2. Signage is limited to one monument style sign as drawn on the site plan. The sign area itself shall not exceed 32 square feet as described in Section 13.5 of the Zoning Ordinance. ***The sign shall not have any lighting other than exterior downcast lighting, directed on the sign face.***
3. The applicants shall submit an engineer's certification that the existing roadway drainage ditches and streams on the property will support a two-year, 24-hour storm event to the Planning Department prior to issuance of a Certificate of Occupancy if allowed to be used as such. Otherwise a storm water detention pond may be required to be installed to meet the requirement.
4. The site plan shall serve as the "sketch" design when the applicant applies for the ~~minor~~ **major** subdivision of the property as stated in the application.

**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. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
9. A building permit shall be obtained and remain valid at all times or this permit shall become void. The first building permit for the first structure shall be approved and submitted within 24 months of this approval or the permit becomes void; or the expiration of the appeal period or any court decision, whichever is later.

**Standard Administrative Conditions:**

10. Appeal - The County shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the County concerning this resolution, or any action to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the County harmless from all loss, cost or expense,

including reasonable attorneys fees, incurred in connection with the defense of or response to any and all known or unknown actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of or resulting from this decision. Nothing in this paragraph shall require the applicant to indemnify and hold the County harmless from any losses or costs associated with defense of the County's actions or procedures in considering and acting upon this application.

11. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspection, established from time to time.
12. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
13. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
14. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

VIII. OLD BUSINESS:

No reports were submitted.

IX. NEW BUSINESS:

A. Planning Director's Report

**1. Special Planning Board meeting – August 28, 2008  
Zoning and Subdivision Subcommittee - proposed revisions**

Mr. Megginson reminded the Board of this scheduled meeting to be held at:

Central Carolina Community College [CCCC], Pittsboro, NC

Building #2, Multi-Purpose Room

at 6:30 p.m.

He noted that the meeting would need to adjourn at 9:00 p.m. because the building is closed and locked at that time. Following discussion Chair Kost stated that if the Board does not conclude at this meeting discussion could continue at the regularly scheduled Planning Board meeting in September.



B. Planning Board Members Items:

**1. Discussion of Planning Board voting rules**

Chair Kost referenced her E-mail sent Board members earlier today regarding options on how to handle the issue of not voting. She stated that she spoke with Commissioner Lucier and a concern of the Commissioners is that the Planning Board is an "Advisory Board" and when a member abstains it doesn't help the Commissioners understand the opinion of the Board; that there are various reasons to not require everyone to vote on a particular issue; that rules in both the Planning Board "Code of Ethics" and "Rules of Procedures" deal with issues of conflict of interest; that the Board may want to amend the Planning Board rules to include some language encouraging (but not requiring) Board members to vote; that if a Board member abstains, to explain the reasons; and that the Planning Board rules do not follow "Robert's Rules of Order".

Mr. Ernst referenced "Robert's Rules of Order" (10<sup>th</sup> Edition, dated October 2000, para. 45, pg 394) regarding a member's right to abstain from voting. He stated that due to the Planning Board rules, a majority of members present is required for an affirmative vote to occur.

Board discussion followed regarding taking a position, i.e. recuse vs. abstention and minority reports. Chair Kost proposed the following language:

"All members are expected to vote on all motions brought before the Board unless the member has been excused from voting by the chair due to a conflict of interest. If insufficient information is presented for a member to form an opinion on the matter, then, if the calendar of the matter allows (as set in our ordinances and regulations), the member should request that the decision on the matter be postponed until the following regular meeting. The member would then explain what it is he/she needs from the applicant in order to make a recommendation".

She stated that the first part of this paragraph basically states that Board members are expected to vote; and that some specifics to consider that would meet the Board of Commissioners expectation are:

- 1) 1<sup>st</sup> half of the above paragraph states the expectancy to vote
- 2) A motion passes or fails based on the majority of those present and voting
- 3) Abstention is not counted (before or after voting a member explains reason for his/her abstention)

Chair Kost cited that any amendments to our rules requires a voting of a 2/3 majority.

Motion to approve proposed language

Mr. Hinkley made a motion to:

- 1) approve the paragraph as stated above that begins, "All members are expected to vote on all motions brought before the Board unless the member.....";
- 2) that the voting is based on the majority of those members present and voting; and
- 3) if a member abstains from voting there would be no record of a vote and after that vote he or she would explain the reason for abstaining.

Ms. Ford seconded the motion. Discussion followed regarding freedom of expression for Board members. Mr. Megginson was concerned if staff would be expected to report and explain various votes to the Commissioners. Chair Kost stated that she would report votes to the Commissioners.

The motion passed unanimously.

Proposed language is as follows:

**E.** All members are expected to vote on all motions brought before the Board unless the member has been excused from voting by the chair due to a conflict of interest. If insufficient information is presented for a member to form an opinion on the matter, then, if the calendar of the matter allows (as set in our ordinances and regulations), the member should request that the decision on the matter be postponed until the following regular meeting. The member would then explain what it is he/she needs from the applicant in order to make a recommendation.

**F.** A motion will be considered carried if a majority of members present and voting voted in favor of the motion. After the chair announces the result of the final vote on a motion before the board, any member who did not vote either for or against the motion, will explain to the board and for the record, why they did not vote.

***1A. Concern regarding enormous amount of paper work***

Ms. Harrelson voiced concern regarding the massive amount of paper work that Board members are receiving. She stated that much of this material is provided by the applicant and that these documents need to be submitted two-sided. Ms. Harrelson inquired if a provision could be included in regulations of the Planning Board as they are currently being amended. Mr. Megginson stated that Chatham County has policies regarding recycling and reuse; that staff follows these rules; but that he is unsure about applying this requirement in our regulations. Chair Kost suggested including in the guidelines to developers and/or applicants that all material submitted is encouraged to be two-sided.

***1B. Get-Well Cards***

Chair Kost passed around get-well cards for Board members and staff to sign for Ms. Turner and Mr. Copeland.

## **2. Discussion of request for extensions with additional conditions**

Mr. Glick made a motion; seconded by Mr. Ernst to postpone this issue until next month's Planning Board meeting [September 2, 2008]. There was no discussion and the motion passed unanimously. (9)

## **3. Distribution of draft Zoning Ordinance**

Mr. Hinkley stated that the Zoning Committee has met approximately 22 times over the past year and a half; that the draft Zoning Ordinance (107 pages) was provided Board members tonight for review; that one major change was renaming districts and some specifics are noted as follows:

- "Agriculture District" - added;
- "B-1 District" being maintained as a legacy district - but will be phased out and a "Community, Neighborhood and Regional Commercial" to be created;
- this is all in line with the Major Corridor studies that have been done and the recommendations that are being proposed;
- creation of a "Board of Adjustment" – a quasi-judicial body that deals with issues from the zoning officer;
- Non-Conforming section – will not have non-conforming stipulations for each zoning districts;
- created of an "Index" – to make the ordinance more useable user friendly;
- "Table of Uses" – will decrease amount of text in the ordinance;
- "Industrial Districts – maintained;
- followed the sixteen (16) principles that were approved and presented to the Planning Board approximately one (1) year ago;
- added section on "Landscaping";
- considering the incorporation of the "Corridor Ordinance" when adopted;
- incorporated the "Lighting Ordinance" where applicable (zoning portions of Chatham County); and
- are recommending that the entire county be zoned.

Mr. Hinkley cited that the committee has had a good experience with the consultant from the Triangle J Council of Governments and is satisfied with his recommendations. He noted that this document is in some cases new and that some things have obviously remained the same; and that part of the special meeting scheduled for August 28<sup>th</sup> (6:30 p.m. at CCCC) would be dedicated to discussing this ordinance.

### **Section 8.1**

Mr. Glick stated that the sentence at the bottom of Section 8.1 that references screening should have included "buffering and landscaping".

Chair Kost stated that it has been an incredible effort of the Zoning Ordinance Subcommittee and that she looks forward to reviewing the proposed document.

**Appearance Commission Design Guidelines**

Ms. Birchett stated that today she received updates and revisions to the existing "Design Guidelines"; and that she would be working on putting this material into format for the September Planning Board meeting.

**3A. Subdivision Regulations Subcommittee**

Chair Kost stated that the Subdivision Subcommittee's final meeting is later this week (Friday); that after that meeting Board members would be receiving final regulations for review; that the subcommittee is not sure where the "performance standards"(that apply to Subdivision Regulations) will reside within the document and therefore will not be included in the material distributed next week; and that these regulations are scheduled for discussion during the special Board meeting August 28<sup>th</sup>.

X. **ADJOURNMENT:** There being no further business, the meeting adjourned at 10:15 p.m.

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date