

CHATHAM COUNTY PLANNING BOARD
MINUTES
Special Meeting
September 17, 2008

The Chatham County Planning Board met in special session on the above date in the classroom of the Henry H. Dunlap Building in Pittsboro, North Carolina. A quorum was present to begin the meeting. The members present were as follows:

Present:

Sally Kost, Chair
Warren Glick, Vice-Chair
B. J. Copeland
Barbara Ford
Judy Harrelson
Jim Hinkley
David Klarmann
Susan Levy
Peter Theye
Delcencia Turner

Absent:

Karl Ernst

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

Other

Fred Royal, Director, Chatham County Environmental Resources
Paul Black, Triangle J. Council of Governments
Chris Hopper, Robert J. Goldstein and Associates
Sue Schwartz, Chatham County Appearance Commission

- I. CALL TO ORDER: Chair Kost called the meeting to order at 6:31 p.m.
- II. APPROVAL OF AGENDA: Mr. Glick made a motion; seconded by Mr. Hinkley to approve the agenda as submitted. There was no discussion and the motion passed unanimously.
- III. PUBLIC INPUT SESSION: Fifteen-minute time of public input for issues **not on agenda**. Speakers limited to three minutes each.

There were no requests to speak at this time.

Ms Ford arrived at this time.

IV. PROPOSED REVISIONS – Subdivision Regulations and Zoning Ordinance:

A. *Review of Subdivision Regulations Revisions*

Subdivision Regulations Subcommittee members present:

Barbara Ford, Judy Harrelson, Delcenia Turner, Sally Kost,
and Paul Black, facilitator

Chair Kost noted some outstanding issues from previous discussion were:

- conservation subdivisions, i.e. where we are and the differences with the version we had two weeks ago and today
- public hearings, i.e. when to hold them
- connectivity
- when does the clock start ticking

Board discussion followed.

Specifics noted:

- issue regarding sidewalks was previously resolved (i.e. sidewalks from the Chatham County line to Mt. Gilead Road).
- number of lots considered for a Minor Subdivision, conservation subdivision
- performance bond and liabilities, i.e. completed performance (Mr. Megginson noted that currently the amount over is 140% and that the amount of work to be done on the ground is increasing from 40% to 75 %.)
- agreeable with Board members to work from the new version of the proposed revisions dated 9-17-08 distributed tonight

Chris Hopper introduced himself. He stated that he is with Robert J. Goldstein and Associates, an environmental consultant firm hired by Chatham County.

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7.7 Conservation Subdivision – Alternative Standards for Development

Paul Black stated that some of the ERB (Environmental Review Board) proposals were different than what was previously presented to the Board.

Chair Kost stated that what is being presented is that the developer has an option – conventional subdivision or conservation; and that and that the Board needs to decide whether to make conservation subdivisions optional or the default.

Discussion followed. Mr. Copeland stated that he liked the concept of the conservation subdivision; that the conservation subdivision protects natural areas; and that if the developer prefers to do a conventional subdivision then he would need to go through the process.

Issues for review:

- whether to have conservation subdivisions the default,
- triggers to be presented regarding primary or secondary conservation, i.e. currently voluntary
- areas in county that should not be subdivided

Mr. Royal stated that a conservation subdivision could be made attractive enough and be done on a voluntary basis, i.e. soils, land cover, features that constitute open space and natural space.

Discussion continued.

Specifics noted:

- we cannot dictate an area of property
- open space
- “The Parks at Meadowview” as example with 60% open space, i.e. houses clustered together and away from everything - not always favorable
- technical review – formalize the process

Mr. Black reviewed the chart included in tonight’s material titled,

*“Comparison of two Conservation Subdivision Design Options:
Triangle J Council of Governments (TJCOG),
and Robert J Goldstein and Associates (RJG&A)”*, with headings:

<u>Primary Areas</u>	<u>Secondary Areas</u>	<u>Allowable uses of Set-aside may include:</u>	<u>Plan Required</u>
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He noted that both options require:

- set-aside 50% of sites in exchange for 10% density bonus
- preservation of Primary first, Secondary second, and Other if need third
- 50% of Set-aside in a contiguous tract or easement, which should adjoin adjacent set-asides
- establishment of responsible individual/ownership

Chair Kost noted a major decision is the subcommittee’s recommendation that the Conservation Subdivision be an option and not mandated; to encourage developers there would be a 10% density bonus; that if a developer does not do the Conservation Subdivision the 10% density bonus would not apply; and that the developer could explain why this type of subdivision cannot be done. Some additional bonuses were noted as follows:

- credit for watershed buffers
- credit for steep slopes
- includes 500 year flood plain (very few areas – these are mapped)

Use more stringent option

➤ It was the general consensus of the Planning Board to go with the more stringent option and not allow the flood plain to be calculated into the open space and that the 500 year flood plain is used.

Negative to the developer

Mr. Megginson stated that a possible negative to the developer is the market; that some residents do not want neighbors in close proximity but prefer a distance of 250 – 500 feet; and that the type of subdivision is market driven.

Motion

Mr. Copeland made a motion; seconded by Mr. Klarmann, to leave as recommended that the Conservation Subdivision be an incentive program (10% density bonus). Discussion followed. Mr. Glick asked that the Board consider (along with the above motion to open it up to choice) that this policy be reviewed by the Planning Board no later than three (3) years from adoption.

Mr. Copeland amended his motion to add Mr. Glick's recommendation. There was no further discussion and the motion passed unanimously.

Using the comparison chart referenced above, Mr. Hopper explained the ERB version and the version the Board has considered.

Some specifics noted were:

- strike 3) potential home sites - under "Secondary Areas"
- flexibility of septic - in 10% open space
- provide list of certified Environmental Professionals
- more extensive data required since the occurrence data (specifically western portion of the county) may not be accurate
- control quality of information provided, i.e. subdivision proposals, i.e. slopes, Corp of Engineers input

Mr. Black stated that what is being proposed is to take a blended version of the ERB version and the original version; that the Board needs to decide if this is to be put into the actual ordinance or have a set of guidelines and reference in the ordinance.

Ephemeral streams:

Fred Royal stated that the Watershed Protection Ordinance requires ephemeral streams to be buffered; and that how an ephemeral stream is determined is explained in the policy document guidelines.

Motion to incorporate Section 7.7 into guidelines

Mr. Copeland made a motion; seconded by Ms. Ford that Section 7.7," Conservation Subdivision – Alternative Standards for Development" be incorporated into the guidelines and reference it as "shall" in the Subdivision Regulations. Discussion followed. It was noted that the Subdivision Regulations would have a section dealing with the specifics. The motion passed unanimously.

Mr. Hopper clarified particulars of the above vote as follows:

- 1st column - primary conservation areas - focus on Goldstein recommendations – no changes
- 2nd column - secondary
 - focus on Goldstein recommendations
 - add existing agriculture to "Prime Farmland Soils"
 - move "Viewsheds Natural Cultural features" from scenic road corridors and "lakes or rivers" to others
 - strike 3) potential home sites
- 3rd column – focus on Goldstein recommendations – no changes
- 4th column - focus on Goldstein recommendations – no changes

Some other specifics noted:

- No flood plain is counted in the 50% open space or natural space nor is it calculated in the determining a subdivision's density
- County to establish a pre-qualified list of contractors
- Two maps (fragmentation and environmental inventory)- part of the concept submittal
- Watershed buffers – 100 or 500 year flood plain would not be counted in the open space

Frank Thomas was present representing the Chatham County Home Builders Association. Chair Kost stated that Mr. Thomas attended many of the subcommittee meetings and provided valuable input.

Motion

Mr. Copeland made a motion; seconded by Mr. Theye to adopt a blended version of the consultants' recommendations [Triangle J. Council of Governments (TJCOG) and Robert J. Goldstein and Associates (RJG&A)] with changes as discussed. The motion passed unanimously.

Upcoming Public Forum

Ms. Harrelson stated that while the Board was familiar with this issue that some details were still difficult to understand; that the Board would be presenting this to the general public in two weeks; that assuming citizens are unaware of any of this it would be helpful if things were presented in a more understanding way; and that to explain the two concepts in a visual way would be most helpful. Mr. Hopper stated that he would send a representative to the meeting if he is not available. Chair Kost stated that she is scheduled to make the presentation.

Mr. Hopper and Mr. Royal left the meeting at this time.

Issues remaining:

Chair Kost noted the following:

- when does the time clock begin for meeting required deadlines in the process - to be forwarded to the county attorney
- public hearing
- connectivity
- road buffers

Public Hearing

Page 24 - chart

- on the chart, move the public hearing from being a Commissioner's hearing to a Planning Board public hearing the public hearing

Motion

Mr. Copeland made a motion; seconded by Mr. Theye to move the "Public Hearing" block up and include in the "Planning Board" block. Discussion followed. Mr. Theye inquired if additional information could be received after the public hearing. Chair Kost stated that this is not sworn testimony and that additional information could be considered after the public hearing. It was clarified that this is a Planning Board public hearing (not a joint meeting with the Commissioners) that is held during a regular Planning Board meeting or a special called meeting if necessary; and that the Commissioners are invited to attend. The motion passed unanimously.

Road Buffers

Page 47; Section 7.2 Rural Roads; E. Landscaped or Vegetated Buffers of Existing Street Frontage, (1) that reads:

"New subdivisions of 25 lots or greater in the zoned portions of the county shall have the appropriate landscape buffer **a minimum of 20 feet of type B buffer or greater** for the land use across the street (See Table 6-A of the Chatham County Design Guidelines) along the major road frontages of the new subdivision. [added by Zoning subcommittee 9/11/2008]"

- add language, “a minimum of 20 feet type B buffer or greater”

Sue Schwartz stated that the Appearance Commission would need to agree on a certain width but that generally they are not reviewing road buffering.

Mr. Black distributed illustrations of three (3) types of buffering: Type A Opaque, Type B Semi-opaque, and Type C Aesthetic.

Type B Semi-Opaque

Board discussion followed regarding semi-opaque buffering.

Motion

Ms. Ford made a motion; seconded by Mr. Glick that the revised letter **E. “Landscaped or Vegetated Buffers of Existing Street Frontage”** (as referenced above) read:

- “(1) New subdivisions of 25 lots or greater in the zoned portions of the county shall have the appropriate landscape buffer **Type B Semi-opaque with a minimum 20 foot height** for the land use across the street.....”

There was no further discussion and the motion passed 9-0-1 with all Board members present voting in favor of the motion. There was one (1) abstention since Ms. Harrelson had left the room at the time the vote was taken.

Ms. Turner left the meeting at this time. (8:20 p.m.)

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7.3 Blocks; A. Length

The Board discussed connectivity, environmental conditions, and existing subdivisions that were never stubbed out. Mr. Klarmann stated that Chatham County currently has several large lot subdivisions where the idea of having a block in an intersection doesn’t make sense for the developer or topography. Various subdivisions were reviewed as examples, i.e. Monterrane.

Mr. Megginson stated that with our current density you cannot have 8 units per acre or 3 dwelling units per acre; and that the table incorrectly lists: AG, R-5 8+ units/acre; and R2, R1 3+ units/acre. Mr. Black stated that he would add language that states:

- only the developed area is counted towards the density
- provisions for these so that the number of units are based on linear foot
- Mr. Copeland suggested adding a category to the table to read:

<u>District</u>	<u>Maximum Block Length</u>
1 unit or less/ acre	½ Mile
- Mr. Hinkley noted the following sentence structure:
 - Two or more cul-de-sacs should read culs-de-sac
 - 2 or less units/acre should read 2 or fewer units/acre

Motion

Mr. Copeland made a motion; seconded by Ms. Ford to approve the above revisions as noted. There was no further discussion and the motion passed unanimously.

Page 48 – 1st paragraph - that begins, “Cul-de-sacs are discouraged except where made necessary.....”

- Leave in provision regarding stream crossings; the connecting subdivision would be required to build the stream crossing structures. This was by consensus of the majority of the Board.

Motion to send revisions to Commissioners

Mr. Copeland made a motion; seconded by Mr. Hinkley, to forward the revised version of the Subdivision Regulations to the County Commissioners for public hearing. Discussion followed: Additional revisions noted:

Mr. Black stated that he would:

- insert graphics as reviewed.

Mr. Megginson noted revisions to:

- **Page 33, 5.3** Minor Subdivisions –change language to reference the definition of Minor Subdivisions (and not Major Subdivision as stated).

The motion to forward the revised version of the Subdivision Regulations on to the Commissioners passed unanimously. Chair Kost thanked the committee for their eighteen (18) months of hard work and dedication.

B. Review of Zoning Ordinance Revisions

Zoning Ordinance Subcommittee members present:

Warren Glick, Jim Hinkley, Delcenia Turner, and Paul Black, facilitator

Earlier tonight, Chair Kost noted two issues to be addressed:

- 1.) road buffers, and
- 2.) standards of the Chatham County Appearance Commission.

Mr. Black noted changes as follows:

- Revisions to table of permitted uses
- Landscaping and Buffering, i.e. Appearance Commission Design Guidelines
- Parking and signs
- Reverted the Board of Adjustment section back to the wording in the current ordinance

Page 54; Table 2: Landscape Buffer Requirements - the table was reviewed

Page 25; 10.1 AG – Agricultural District

- Hear public comments at the public hearing

Mr. Klarmann was concerned that we are dictating what can be done with property that a landowner has owned for generations. Mr. Black stated that the intent of the district is not to keep people in agriculture(although it is great if it helps agriculture); that what is intended is to be able to have a zoning classification that allows other uses other than just farming on a portion of the land. It was noted that a zoning classification is only being created and that there is no proposal to rezone or zone any land. Chair Kost suggested leaving the revisions as submitted for now and take the proposed language to public hearing to ; and that there may be

some things that could be taken out for now and revisit at a later date (Ms. Ford was concerned that citizens be explained the concept at the public hearing.

Table of Uses –open up to more Conditional Uses

Page 51; Section 12 LANDSCAPING AND BUFFERING STANDARDS

Second paragraph, 1st bullet that states:

“A landscaping plan must be submitted to the County with every ~~conditional use permit~~ application.

Mr. Sullivan was unsure where the applicability should be applied, i.e. conditional use permit requests or all non-residential sites. Ms Birchett stated that currently there are properties zoned straight businesses that do not come before the Appearance Commission in all cases for pre-approval because we did not have landscaping requirements in the Zoning Ordinance at the time the zoning district was approve. Mr. Sullivan asked who reviews and approves since it would change the actual role of the Appearance Commission from advisory to a more formal authority.

- add – needs to be reviewed by the Appearance Commission for conditional use
- straight zoning (i.e. B-1) – staff level of approval to make sure meeting guidelines

Mr. Howell stated that language was unclear if applicability refers to residential or non-residential; and that current language only addresses existing uses and expansions.

- Add to Section 12.1 Additional Requirements and Section 12.6 Applicability: “This shall apply to all non-residential applications”.

Planned Residential Development [PRD]

Ms. Birchett stated that, in dealing with PRD’s, if there is no commercial within the planned development it generally would not go before the Appearance Commission. She asked if the Board now wishes that these be reviewed by the Commission. It was the general consensus of the Board that these do not need to be reviewed by the Appearance Commission.

Table of Uses

It was the general consensus of the Board that these are forwarded for public hearing and then changes would be made accordingly.

Staff Comments

Page 80 – 81; Section 16 HOME OCCUPATIONS

16.1 Neighborhood Home Occupations

Recommended changes:

- Re-word summary paragraph
- 5. Accessory buildings may be used for home occupations provided the building area is not larger than ~~4,500~~ 750 square feet. If multiple building are used, the total combined square footage shall not exceed ~~4,500~~ **750** square feet. – reduce square footage by ½.

16.2 Rural Home Occupations

Recommended changes:

- 6. Accessory buildings may be used for home occupations provided the building is not larger than ~~5,000~~ **2500** square feet. If multiple buildings are used, the total combined square footage shall not exceed ~~5,000~~ **2500** square feet. – reduce square footage by ½.

Ms. Birchett stated that there are two different home occupation classifications – neighborhood and rural; that generally adjacent landowners are unaware that a neighborhood occupation exists in their neighborhood; that rural home occupation allows for more active types of small businesses to be in rural areas on larger lots; but that if these become larger than 2500 square feet they need to go through the rezoning process for various allowed uses.

Neighborhood Home Occupations:

- 3. Change to read: “No outdoor display of goods or materials shall be allowed on the property”.
- 4. Add – “One (1) non-illuminated sign not to exceed 4 sq. ft. is allowed”.

Rural Home Occupations:

- 4. Change to read: “One (1) non-illuminated sign not to exceed 4 sq. ft. is allowed”.
- 1. Change minimum acreage from two (2) acres to **three (3) acres**.

Chair Kost noted two major changes above as follows:

1. Reducing accessory building by ½ in both categories
2. Increasing the rural home occupations minimum acreage from 2 to 3 acres

Ms. Birchett added:

3. Change wording to the introductory paragraph - Section 16.1 Neighborhood Home Occupations

Motion to approve major changes

Mr. Glick made a motion; seconded by Mr. Theye to approve the above three (3) changes. There was no further discussion and the motion passed 7-2-0 with all Board members present voting in favor of the motion; except Mr. Copeland and Mr. Klarmann who voted against.

Motion to forward to Commissioners

Mr. Copeland made a motion; seconded by Ms Ford, to forward the Zoning Ordinance revisions to the County Commissioners for public hearing. The motion passed unanimously.

Chair Kost thanked the Zoning Ordinance Subcommittee for their dedication and accomplishments of approximately twenty (20) meetings of discussion and review.

V. ADJOURNMENT: There being no further business, the meeting adjourned at 9:32 p.m.

Sally Kost, Chair

Date

Attest: _____
Kay Everage, Clerk to the Board

Date