

CHATHAM COUNTY PLANNING BOARD

Minutes

January 6, 2009

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:

Warren Glick, Vice-Chair
B. J. Copeland
James Elza
Barbara Ford
Judy Harrelson
Jim Hinkley
Timothy Keim
David Klarmann
Susan Levy
Delcenia Turner

Absent

Karl Ernst

Planning Department:

Keith Megginson, Planning Director
Jason Sullivan, Assistant Planning Director
Lynn Richardson, Subdivision Administrator
Angela Birchett, Zoning Administrator
Kay Everage, Clerk to the Board

- I. CALL TO ORDER: Mr. Glick called the meeting to order at 6:30 p.m. and stated that Peter Theye was no longer on the Planning Board. He introduced two new Planning Board members recently appointed to the Board by Commissioner Kost as follows:
 - Jim Elza
 - Tim Keim
- II. APPROVAL OF AGENDA: Mr. Copeland made a motion; seconded by Mr. Klarmann to approve tonight's agenda as submitted. There was no discussion and the motion passed unanimously.
- III. CONSENT AGENDA:
 - A. Minutes: Consideration of a request for approval of the December 2, 2008 Planning Board minutes.

Mr. Klarmann requested the following revision:

Page 199 Chatham County Historical Association – sentence that reads, “That a cemetery shown on the county’s GIS was ~~moved several years ago~~” – be revised to read, “That a cemetery shown on the county’s GIS was never on this property”.

Mr. Klarmann submitted a recent map of cemeteries in the surrounding area of the proposed property. A copy of this map (Map 5) is filed in the Planning Department.

Approve minutes with revision

Mr. Hinkley made a motion; seconded by Ms. Levy to approve the consent agenda (December 2, 2008 Planning Board minutes) as submitted with the one revision noted above. There was no further discussion and the motion passed 7-0-1 with all Board members present voting in favor of the motion except Mr. Elza who abstained. Mr. Elza stated that he abstained because he was not present last month.

End Consent Agenda

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

There were no requests to speak at this time.

Ms. Harrelson arrived.

V. SKETCH, PRELIMINARY and FINAL PLAT APPROVAL:

A. Request by Joe Grady, Jr., PLS on behalf of Five Star Group & Cameron Properties, LTD, for sketch, preliminary, and final plat approval of "Briar Chapel - Map 24", consisting of one (1) non-residential on 2.94 acres, located off S. R. 1532, Mann's Chapel Road and Great Ridge Parkway, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this request. She stated that tonight's agenda notes incorrectly states that the county attorney is reviewing the easement; that there is no easement document on record; that language would be added on the plat map specifying that the easement would allow Chatham County access to operate the existing water tank until such time the county owns the property; and that language would also be added noting access to the existing gravesite.

Jeff Scouten of NNP Briar Chapel, LLC was present. Mr. Scouten stated that the landowners (Cameron's of Wilmington, NC) have allowed Briar Chapel to do a "staged purchase" that permits them to purchase portions of the ground as they move forward through the development process which is not unusual; that the easement around the water tank was created to allow access for Chatham County during the interim in order for the county to begin using the tank; that the portion of land where the water tank exists needs to be subdivided before the land can be conveyed from one party to the next; that Briar Chapel has already paid for this portion of land; and as soon as the plat is recorded a deed of conveyance would be prepared to give the land to the county.

Discussion followed.

Sufficient size parcel

Mr. Hinkley inquired if this parcel (tract B4) meets Chatham County standards for a water tower, i.e., any facility created to serve the public. Ms. Richardson stated that there is sufficient room for parking, turn-a-rounds for maintenance trucks, and buffers; and that there are no specific parcel size requirements for a water tank.

Mr. Scouten stated that this site was identified during the rezoning; that the site is the highest point in the community and was deemed to be the best site; that plans were submitted to the county for review and approval; and that there was no previous concern about the size of the parcel.

Gravesite

Mr. Hinkley asked if the existing gravesites were family or church gravesites. He asked whether it is not a procedure with NCDOT to move gravesites within future rights-of-way; and should these be moved by the county? Mr. Scouten stated that a historical / archeological survey was done during the rezoning process; that five (5) cemeteries were located on the site; that none of the cemeteries were deemed to be worthy of restoration by Jim and Beverly Wiggins of the Chatham County Historical Society; that the cemeteries are being preserved as requested by the Historical Society; and that gravesites would be delineated and buffering along the cemeteries would be considered, i.e., perimeter fencing. Mr. Scouten stated that NCDOT does not move graves when land is deeded over to the public.

Motion to approve - passed

Mr. Hinkley made a motion; seconded by Ms. Harrelson to grant sketch, preliminary, and final approval of "Briar Chapel – Map 24", consisting of one non-residential subdivision lot on 2.94 acres, as requested and as recommended by staff, with three (3) additional conditions (conditions 2 - 4 stated below) as follows:

1. The 100 foot wide perimeter buffer along the northern (Mann's Chapel Road) and western property (Robert H. and Shirley Lindley) boundaries shall be shown on the recorded plat.
2. Language shall be provided on the recorded plat to assure that Chatham County has legal rights for ingress and egress to the lot and legal rights to operate and maintain the water tank prior to transfer of ownership
3. Language shall be provided on the recorded plat regarding access to the gravesite.
4. The gravesite shall be delineated with landscaping and shown as such on the recorded plat.

There was no further discussion and the motion passed unanimously.

VI. EXTENSION OF PRELIMINARY PLAT EXPIRATION:

- A. Request by Nicolas P. Robinson, Attorney-at-Law on behalf of Polk-Sullivan, LLC, for a three year (3) extension of the development schedule for "The Glens" (f/k/a McBane Property Subdivision) to extend the final plat deadlines for Phase 2 to August 2012, for Phase 3 to August 2013 and for Phase 4 to 2014.

Mr. Glick stated that the Planning Board continued this item during last month's Planning Board meeting to allow additional time for review.

Ms. Richardson stated that a synopsis of Board concerns was added to last month's agenda notes. Some specifics noted were:

- length of requested extension

- previous stream delineation(s)
- buffering of the ephemeral stream
- density of the development to meet current regulations, and
- lot size.

Ms. Richardson reviewed the agenda notes addressing the above concerns. She stated that staff recommendations remain the same as stated last month with one addition as follows:

“If the Board wants the development to proceed more slowly under the existing regulations with changes proposed by the developer, i.e., buffering of the ephemeral stream, and elimination of two lots, then the request may be approved with the following condition”:

1. The developer shall contact the Chatham County Historical Association about any possible historical structures that may be present on the site. The developer shall provide documentation from the Historical Association, including any possible recommendations, prior to final plat approval.

Discussion followed.

Changes to meet concerns not specified

Ms. Ford referenced minutes from last month’s Planning Board meeting. She stated that the motion was to postpone the request until this meeting with the requirement that the applicant indicate changes made to meet all concerns; and that it doesn’t appear that any new information has been submitted.

Nicolas P. Robinson, attorney, was present representing the developer. Mr. Robinson stated that the cul-de-sac was reoriented somewhat resulting in the loss of two (2) lots; that there were concerns regarding, 1.) buffers, 2.) density, and 3.) infrastructure; that additional information was submitted after last month’s meeting, i.e., attachment #4 included in tonight’s agenda packet regarding proposed buffering of 50 foot each side (that meets current standards not applicable to this application); that a large amount of money has been spent on infrastructure, utilities, engineering, design and roads; and that additional buffering sacrifices two (2) lots but reduces density.

Contractual arrangement – “The Parks”

Relative to the neighboring development, “The Parks”, Mr. Glick inquired about the contractual arrangement regarding two different issues: amenity, and spray field.

Mr. Glick asked how this development would proceed if “The Parks” were **not** to be in existence. Mr. Robinson noted the uncertainty that surrounds the obligation of a third party to install and certify certain spray fields that would be used for wastewater treatment for the subdivision; and that he is confident that the issue would be resolved.

Extension – time

Ms. Harrelson asked if a two (2) year extension would be doable. Mr. Robinson stated that if the idea is that there would be a two (2) year extension of the development schedule and the buffering is agreeable then he thinks the two (2) year extension would be attainable.

No changes submitted

Mr. Hinkley cited that the application is back before the Board with the same proposal submitted last month; that Mr. Robinson’s letter (dated November 7, 2008 included in tonight’s agenda packet, attachment #1) states,

“A supplementary benefit of the requested extension would be that the developer is interested in exploring the possibility of a redesign of The Glens subdivision under the new clustering provisions that are under consideration at this time by the county”.

Mr. Hinkley stated that the initial design was very poor with some lots being very small; that there were numerous drainage problems; that this design change concentrated on one small area in the northern section of the property; that making the buffers wider doesn’t make any change in concerns voiced last month; that a number of issues discussed last month have not been addressed; and that he encourages the Board to reconsider the motion for denial made by Ms. Ford last month relative to legal issues of concern to the Board. Some specifics noted were:

- opportunity to come to a workable conclusion rather than deny, i.e., redesigns
- the developer needs to withdraw the application and work with new rules and regulations
- August 2009 would be ample time for an alternative plan.

Mr. Hinkley noted that the applicant has stated willingness to go for a redesign as this one needs.

Motion - fails

Mr. Copeland made a motion to grant a two (2) year extension of the development schedule and to include the new proposed designs as presented tonight, i.e., new buffering in chart (along the streams), cul-de-sac. Mr. Klarmann seconded the motion but recommended a change in staff recommendation as follows:

Page 3, last sentence – delete the wording, “~~There may be opportunity to address the recently adopted Storm water Ordinance,.....~~”, and begin the sentence with the word “Address the recently adopted.....”

Discussion followed. Mr. Hinkley reiterated and Ms. Ford concurred that no redesign was submitted. Mr. Glick asked those Board members concerned with redesign to specify what it is about the design that they would like to see changed. Mr. Copeland stated that buffering was a main concern last month and the developer has submitted the necessary buffer revisions. Storm water (how applicant would address) and erosion control were discussed.

Mr. Robinson stated that because there is a specific exemption in the new Storm Water Ordinance (for this project and others that received prior approval) he does not have an exact answer regarding addressing storm water; that there would be a significant change; and that the likelihood that this could economically be done in this subdivision is remote.

The motion failed 3-5-1 with Copeland, Klarmann and Glick voting in favor of the motion; and Elza, Ford, Harrelson, Hinkley, and Levy voting against; and Keim abstaining. Mr. Keim stated that he is new to the Board; that he read the material available but doesn't feel that he has an understanding of the application; and that he does not want to make a careless vote based on lack of understanding. Mr. Elza voiced concern that it cannot be enforced for the applicant/developer to address the recently adopted Storm Water Ordinance.

Motion – no second

Mr. Klarmann made a motion to accept the proposal as requested (for a three (3) year extension) with recommendations from the Planning Board as written. The motion died for lack of a second.

Discussion followed. Ms. Harrelson stated that the main issue appears to be addressing the Storm Water Ordinance; and that she is hopeful that the applicant / developer have had an opportunity to review the new regulations and comply accordingly. Mr. Glick speculated that the Board would have one (1) more meeting to present a recommendation. After checking, Mr. Megginson stated that the time has expired unless the Board wishes to schedule a special meeting.

Motion to grant two (2) year extension - passed

Mr. Elza made a motion; seconded by Mr. Copeland, to grant a two (2) year extension of the development schedule for The Glens (f/k/a McBane Property Subdivision) to extend the final plat deadlines for Phase 2 to August 2011, for Phase 3 to August 2012, and for Phase 4 to 2013, **with changes proposed by the developer (i.e. buffering of the ephemeral stream, elimination of two lots, and redesign of the cul-de-sac)**, with the following condition:

1. The developer shall contact the Chatham County Historical Association about any possible historical structures that may be present on the site. The developer shall provide documentation from the Historical Association, including any possible recommendations, prior to final plat approval.

The motion passed 6-3 with Elza, Copeland, Glick, Harrelson, Keim, and Klarmann voting in favor of the motion; and Ford, Hinkley, and Levy voting against.

Synopsis

Mr. Hinkley stated that at one time Allison Weakley (environmental expert at the time for the Board) was not allowed on the property; that there were numerous complaints from landowners downstream; that Dry Creek was a main concern; that now in the northwestern extreme portion of the property some stream buffers have been extended; and that there are 75 other lots that do not have stream buffers.

Ms. Turner arrived at this time.

VII. ZONING AND ORDINANCE AMENDMENTS: - *Items from 11-17-08 Public Hearing*:

A. Request by Belmeade Farms, LLC to rezone approximately 194 acres, consisting of multiple parcel numbers located within the zoned portions of the subdivision plat for Belmeade Farms from RA-40 (residential/agricultural) to Conditional Use O & I (office and institutional) for a cemetery and memorial gardens, Center Township.

Ms. Birchett reviewed the agenda notes for this request. She stated that staff recommendation was changed **from denial to approval** after agenda notes were distributed (based on county attorney council).

Board discussion followed.

Old regulations vs. new regulations

Mr. Megginson stated that if this request is approved for the district change and then approved for the cemetery and the cemetery permit expires (for whatever reason) there would be a conditional use district with no permitted uses on the property; and that the applicant would have to apply for a particular use of the property under the new regulations. Some specifics discussed were:

- protection of surface and ground water
- use of fertilizers
- slope of land
- water quality
- storm water
- need
- other future developments
- NCDOT regulations, i.e., rights- of-way, 4F Project
- Local Thoroughfare Planning
- need reason for denial
- Planning staff original recommendation - not require rezoning

Mr. Robinson stated that the applicant considered staff comments under tonight's recommendation regarding not requiring a rezoning of the land; that this is an appropriate place for a rezoning; that which ordinance applies is a technical procedural question; that the original application was submitted under the old ordinance when an O & I zoning was required for a cemetery approval; that this portion of the ordinance has now been changed; that he feels this request should proceed under the ordinance that applied at the time the application was initially submitted; and that at this time no other uses other than a cemetery are being considered. Mr. Robinson stated that specific uses should not be discussed when considering a rezoning request but only whether the land is an appropriate location under the Land Use Plan for O & I (Office and Institutional).

Clarification

For clarification, Mr. Hinkley noted the following:

- The new R-1 District – cemeteries are allowed as a conditional use
- O & I conditional use would not be required

Mr. Elza reiterated Mr. Robinson's comment regarding the Board's consideration at this time of only the rezoning request (from RA-40 to Conditional Use O & I for a cemetery).

Motion to approve – passed

Mr. Klarmann made a motion; seconded by Ms. Harrelson, to approve the rezoning request as submitted. Discussion followed. Mr. Elza stated concern regarding the use of fertilizer / chemicals. The motion passed 8-2 with Klarmann, Harrelson, Glick, Copeland, Hinkley, Ford, Turner, and Levy voting in favor of the motion; and Elza and Keim voting against.

B. Request by Belmeade Farms, LLC for a conditional use permit for a cemetery and memorial gardens area as well as associated and ancillary structures and uses located on approximately 194 acres, Center Township.

Ms. Birchett stated that, at the recommendation of the county attorney, revisions were made to staff agenda notes as follows:

Strike language

- Page 2 - last paragraph that states, "~~Planning staff has contacted two other public cemeteries.....~~" - and continues on Page 3. – Delete entire paragraph.

She explained that, according to Mr. Robinson, this information was not available at the public hearing for cross-examination and, therefore, should not have been included in staff notes. Ms. Birchett reviewed the agenda notes for this request and the five (5) required findings. She stated that it is staff opinion that the conditional use permit be denied based on finding #2 not being met.

Nicolas P. Robinson, attorney, was present representing the developer. Mr. Robinson referenced finding #2 that states:

"The requested conditional use permit is either essential or desirable for the public convenience or welfare".

He stated that the Board is addressing tonight (in the recommendation since other findings have been met) whether or not the evidence presented at the recent public hearing was sufficient to satisfy a standard of whether or not this project is desirable for the public convenience or welfare; that this finding was not disputed by any opposition at the public hearing; and that an economic impact analysis was included in the application, i.e., jobs, significant positive impact, tax revenue. Mr. Robinson noted that phasing of the project would depend on the market.

Lucy Gallo briefly reviewed the "Economic Impact Analysis, dated September 26, 2008" prepared by her company, Mile Gallo & Associates, LLC. A copy of this report is included in tonight's agenda packets and filed in the Planning Department. Mr. Klarmann voiced concern that some estimates included Wake, Orange, and Durham Counties.

Video [DVD] presentation

Mr. Megginson stated that an issue was presented to the county attorney regarding this quasi-judicial request; that our ordinance states that a recommendation is given

following the public hearing; that the Board can clarify information heard at the public hearing (but should not receive new information); that the county attorney has stated that the DVD the developer wishes to present tonight would be best done at a public hearing; but that it is at the discretion of the Board whether or not to view this new information. Following discussion, it was the consensus of the Board that the six-minute DVD presentation be presented tonight, i.e., financial concept clarification.

5 Minute Break

Patrick O'Neal, developer, was present. Mr. O'Neal stated that questions have been asked relative to understanding the concept plan and the difference with this project and other cemeteries; and that his video presentation should clarify some of these questions, i.e. economic value to Chatham County.

At this time, the video presentation was viewed. Commissioner Kost (who was in the audience) left the room during this presentation.

Following the video, Mr. O'Neal stated that this area has a number of major colleges with some very influential people, i.e., business, educators, and medical field; that historically some of those people bring their roots back to North Carolina; that a development such as proposed would have this kind of draw; that one of his previous developments (Hills of Rosemont) has drawn people from all over the United States because of the marketing and presentation to the community; that our area would continue to grow at a pace of its own; and that their study shows that three and one-half of people who die would be buried in the proposed cemetery.

Board discussion followed:

Financial situation – not explained

Mr. Glick voiced disappointed with the video presentation; that the presentation was offered to the Board as a means of explaining the developer's financial situation and what it would do financially for Chatham County; but that the presentation did not address the issue. Mr. Hinkley stated that the presentation was misleading.

Landscaping

Ms. Ford voiced concern regarding:

- turf, landscaping
- water needed for upkeep
- existing creeks and streams
- fertilizer usage;
- need regularly scheduled testing of creeks / streams on property - **add as a condition**
- possibly use rain catchments

Mr. O'Neal addressed the above concerns. He stated that there would be a well thought out prepared management plan with monitoring of water.

Non-potable water

Mr. Elza referenced staff notes, Page 4, third paragraph, regarding plans for the property to utilize non-potable water for irrigation purposes. He inquired what would be the sources of the non-potable water. Mr. O'Neal stated that because of the existing environmental uses natural water supply would be used (capturing runoff) versus treated drinking water.

Old regulations

Ms. Turner was concerned that this proposal falls under the old regulations and that there needs to be a well thought out management plan for the project. Mr. O'Neal stated that a plan is in place and those setbacks and buffers exceed Chatham County requirements.

Jason Payne, Soil and Environmental Consultants, was present representing the applicant. Mr. Payne stated that he conducted the buffer evaluation for Belmeade Farms; that he met recently with Fred Royal, Director, Chatham County Environmental Resources at the site to review findings approved by Mr. Royal; that he also met with Peter Theye on the site when Mr. Theye was then a Planning Board member; that Mr. Theye also agreed with findings; that most of the existing streams are perennial; that there are a few intermittent streams and one ephemeral stream on the northeast section of the property; and that wetlands were delineated prior to new buffer regulations.

Mr. Robinson stated that an important thing to remember (in summary) is that the only old regulation that this project would fall under is the Zoning Ordinance with respect to the zoning district regarding storm water, erosion control, and watershed.

Finding #2: *"The requested conditional use permit is either essential or desirable for the public convenience or welfare".*

Mr. Klarmann questioned the proposed memorial gardens as an appropriate use of the property. Mr. Robinson stated that this finding requires someone to conclude that there is more evidence that it **was not desirable** than there was evidence that **it is desirable**.

Financial advantage to Chatham County

Mr. O'Neal stated that the economic study shows the financial benefit to Chatham County; that the study addresses job opportunities, benefits, hotel nights and etc. Ms. Gallo reviewed various sections from the eleven-page document titled, "Economic Impact Analysis pointing out yearly site development impacts as noted in Table 2, Page 4 of said document. A copy of the economic study is, 1.) included in tonight's agenda packet, and 2.) filed in the Planning Department.

2 Main concerns

Mr. Copeland noted two main concerns:

- turf and landscape management plan - this is critical and is needed before approval, i.e., fertilizer, storm water management (runoff control)
- finding #2 – proposal is not essential; possibly desirable

He inquired if it would be possible for the developer to have an overall turf and landscape management plan in place by the time the Commissioners review the proposal. Mr. O'Neal stated that timing would be an issue.

Conditions – additional requests

- Ms. Ford reiterated her request that strong language regarding the turf and landscape management plan issue be included as a condition of approval. She stated that this language should include some kind of scheduled testing or monitoring of water on the property.
- Site Specific Conditions #1) - add the following language: “Recommendations as stated by the Appearance Commission **and Environmental Resources Director** [*see change below] shall remain in effect at all times”.

Following discussion, it was the consensus of the majority of the Board that additional language to “Site Specific Conditions #1) should read, ***“and Environmental Review Board [ERB]”**, and not Environmental Resources Director as mentioned above.

Motion – no second

Mr. Copeland made a motion to recommend to the Board of Commissioners that they consider a conditional use permit contingent upon the development of the four conditions discussed by the Board tonight – one of which is extremely important regarding turf and landscape management to read as follows:

Turf and Landscape Management Plan including measurement and monitoring of surface water on the property to be reviewed by the Environmental Review Board.

Discussion followed regarding best management practices. Mr. Hinkley reminded the Board that staff has recommended denial due to finding #2 not being met. Mr. Megginson explained that a ground water and/or surface water monitoring program totally different from turf and landscape management is included on some projects.

The motion died for lack of a second.

Motion – no second

Ms. Ford made a motion to approve the request with all conditions recommended by staff including one (1) additional condition as follows:

- under “Site Specific Conditions” that calls for an addition to the management plan in #1 - to add testing and monitoring of the surface waters on the site on regular intervals by Chatham County staff and/or the ERB.

The motion died for lack of a second.

Motion - approved

Mr. Glick made a motion to grant approval of the request as submitted with the 14 conditions recommended by staff (as stated in tonight's agenda notes); with the addition of a #5 condition under "Site Specific Conditions" that states:

Condition 5) - Regular monitoring of surface water to be reviewed by the Chatham County Environmental Review Board [ERB].

Ms. Ford seconded the motion.

Discussion followed. Mr. Hinkley asked if it could be required or to find a way that storm water runoff be contained exclusively on the property. It was the consensus of the majority of the Board that this could not be done. Mr. Megginson stated that previously the level of standard for conditions were 2 yr. /24 hr. storm (maintaining level). Regarding the added condition as noted above, Mr. Megginson explained that this typically would be done as required by the State and provided to the Health Department. He stated that the State has certain things required to be tested; that testing varies, i.e., monthly, yearly; and that testing is not required forever.

The motion passed 7-2-1 with Glick, Ford, Copeland, Harrelson; Hinkley, Keim, and Levy voting in favor of the motion; and Turner and Klarmann voting against; and Elza abstaining. Mr. Elsa stated that he abstained because he was not here last month.

Conditions are as follows:

Site Specific Conditions:

- 1) Recommendations as stated by the Appearance Commission shall remain in effect at all times. A "Turf and Landscape Management Plan" shall be provided to the CCAC for chemical applications to include a schedule for application and best management practices for maintenance prior to actual application on vegetation, landscape, or turf grasses. The applicant shall follow the recommendations of the CCAC.
- 2) This project shall comply with the newly adopted Storm water Management Ordinance that became effective December 2, 2008.
- 3) This project shall comply with the revised Erosion and Sedimentation Control Ordinance that became effective December 2, 2008.
- 4) The "through" access drives off US 64 used for the ingress/egress of the cemetery shall be built to the structural integrity required for NCDOT subdivision roads.
- 5) Regular monitoring of surface waters shall be reviewed by the Chatham County Environmental Review Board.

Standard Site Conditions:

- 6) All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Section, Storm water Management, etc.) shall be obtained and copies submitted to the Planning Department prior to the issuance of a Certificate of Occupancy.
- 7) Lighting shall be installed and maintained as per the adopted lighting regulations located in Section 13 of the revised Chatham County Zoning Ordinance. Any lighting or fixtures found to be non-compliant, existing or new, 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.
- 8) An "as-built" impervious surface calculation shall be submitted to the Planning Department prior to issuance of a certificate of occupancy.
- 9) Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
- 10) A building permit shall be obtained and remain valid at all times or this permit shall become void. The first building permit shall be approved within 24 months of this approval or the permit becomes void; or from the time of the expiration of an appeal period or any court decision, whichever is later.

Standard Administrative Conditions:

- 11) Appeal - The County shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the County concerning this resolution, or any action to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the County harmless from all loss, cost or expense, including reasonable attorneys fees, incurred in connection with the defense of or response to any and all known or unknown actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of or resulting from this decision. Nothing in this paragraph shall require the applicant to indemnify and hold the County harmless from any losses or costs associated with defense of the County's actions or procedures in considering and acting upon this application.
- 12) Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspection, established from time to time.
- 13) Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
- 14) Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.

- 15) Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

Mr. Megginson stated that items listed below (C – I) are scheduled for public hearing on January 20, 2009 at 6:00 p.m. in the District Courtroom in Pittsboro, NC.

- C. Public Hearing request by Redd Dog LLC to rezone Parcels #2684 and #2683 (to be recombined) consisting of approximately 1.83 acres collectively, located at the corner of US 15-501 N and Woodbridge Dr., Baldwin Township, from RA-90 to Conditional Use Community Business District.
- D. Public Hearing request by Redd Dog LLC for a conditional use permit on Parcels #2684 and #2683 (to be recombined) consisting of 1.83 acres collectively, located at the corner of US 15-501 N and Woodbridge Dr., for a "Veterinary clinics and hospitals with dog runs or equivalent facilities" business.
- E. Public hearing request by R. L. Matthews to rezone Parcel #19386 consisting of approximately 1.197 acres, located at 545 Old Farrington Rd., Williams Township, from RA-40 to Conditional Use Neighborhood Business District.
- F. Public Hearing request by R.L. Matthews for a conditional use permit on Parcel #19386 consisting of approximately 1.197 acres, located at 545 Old Farrington Rd., for a "heating, plumbing, electrical, cabinet, and similar shop" business.
- G. Public Hearing request by CRCED Treatment Inc. on Parcel #73288 for a revision to the conditional use permit for a 90 day extension to the one year time frame, specifically for the approval in wastewater capacity and a certificate of occupancy as stated in Condition #10.
- H. Public Hearing request for a text amendment to the Chatham County Watershed Protection Ordinance to Section 303, Cluster Development, to delete provisions within the Pokeberry Creek drainage area, also referred to as hydrologic unit #03030002060010, allowing for lot densities to be located anywhere within a project area on parcels spanning multiple watershed districts.
- I. Public Hearing request for a text amendment to the Chatham County Watershed Protection Ordinances to Section 505, Establishment of the Watershed Review Board, to designate the Environmental Review Board as the Watershed Review Board.

VIII. OLD BUSINESS:

- A. *Approval of Planning Board / Planning Department Calendar*
There were no issues noted regarding the 2009 calendar as submitted.

IX. NEW BUSINESS:

- A. Planning Director's Report
No items were presented.

B. Planning Board Members Items

1. *Election of Officers*

Mr. Glick called for nominations as follows:

Planning Board Chair:

- Mr. Copeland nominated Warren Glick. Mr. Glick declined the nomination.
- Ms. Ford nominated Jim Hinkley. There were no other nominations.
Mr. Hinkley was elected Planning Board Chair by a vote of 8-2 with all members present voting in favor; except Copeland and Klarmann who were against.

Planning Board Vice-Chair:

- Ms. Ford nominated Warren Glick. There were no other nominations.
Mr. Glick was elected Planning Board Vice-Chair by unanimous vote.

Planning Board Parliamentarian:

Mr. Hinkley stated that the Planning Board Chair should select the Parliamentarian (as done in the past). No objections were noted.

- X. ADJOURMENT: There being no further business, Mr. Copeland made a motion; seconded by Ms. Ford to adjourn the meeting. There was no discussion and the motion passed unanimously. The meeting adjourned at 9:46 p.m.

Jim Hinkley, Chair

Date

Attest: _____
Kay Everage, Clerk to the Board

Date