

CHATHAM COUNTY PLANNING BOARD
MINUTES
February 3, 2009

The Chatham County Planning Board met in regular 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:

Jim Hinkley, Chair
Warren Glick, Vice-Chair
B. J. Copeland
James Elza
Karl Ernst
Barbara Ford
David Klarmann
Delcenia Turner

Absent

Judy Harrelson
Timothy Keim
Susan Levy

Planning Department:

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

Other

Commissioner Sally Kost
BOC Liaison to the Board

- I. CALL TO ORDER: Chair Hinkley called the meeting to order at 6:30 p.m.
- II. APPROVAL OF AGENDA: Mr. Glick made a motion; seconded by Mr. Copeland to approve the 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 January 6, 2009 Planning Board minutes.

Mr. Copeland made a motion; seconded by Ms. Turner to approve the consent agenda item as submitted (1-6-09 minutes). There was no discussion and the motion passed unanimously.

End Consent Agenda

- IV. A. 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.

- B. MEETING PROCEDURE: Mr. Megginson stated that, "Discussion by Board" (Section IV.) has been added to the Planning Board meeting format as noted below; and that copies of the revision were provided Board members earlier tonight.

Meeting Procedure

1. Chair Announces Item for Discussion and Decision
2. Staff Presents its Findings and Report
3. Presentation by Applicant (limited to five minutes)
 - a. Applicants come to the lectern
 - b. Applicants identify themselves
 - c. Comments of applicants are limited to five minutes
4. Comments from the Public (at Chair's discretion)
 - a. Speakers come to lectern
 - b. Speakers give names and addresses
 - c. Comments by speakers are limited to three minutes
5. **Discussion by Board**
6. Board Action
 - a. Motion and second for action
 - b. Discussion by Board Members
 - c. Restatement of motion by Chair
 - d. Vote on motion

V. EXTENSION OF FINAL PLAT EXPIRATION:

- A. Request by Karen M. Kemerait, Attorney-at-Law on behalf of Contentnea Creek Development Co. for an extension of time for an additional eighteen (18) months to complete the necessary improvements and to submit the final plat for the Pennington South Subdivision and to change the subdivision name to "The Gentry" and the road names to "Gentry Drive", "Antebellum Way", "Julep Court", and "Cotillion Drive".

Mr. Megginson reviewed the agenda notes for this request. He noted one change in tonight's notes as follows: Requested road name, "~~Cotillion Drive~~" has been changed to "Pennington Lane".

Karen M. Kemerait with the law firm of Blanchard, Miller, Lewis & Styers, P.A., in Raleigh, NC was present representing Contentnea Creek Development Company.

Jonna Birtcher, Vice President of Development, Contentnea Creek Development Company, was present.

John Harris, project engineer for the development, was present.

Ms. Kemerait noted the three (3) application requests as follows:

- 1) Change the subdivision name from "Pennington South" to "The Gentry"
- 2) change in the street names, and
- 3) Request a development extension of eighteen (18) months (pursuant to Section 4.2 C (5) of the Subdivision Regulations) to complete road improvements and submit final plat.

She stated that the 18 month extension would move the time period from April 15, 2009 to October 15, 2010; that the developer continues to work diligently to complete the infrastructure and to meet the deadline; and that due to delays partly

to make the project more environmentally sensitive and partly because of reasons outside the developer's control an extension is needed. Ms. Kemerait used the large survey map to explain the project's new layout and some of the obstacles affecting the timing of the development, i.e., large rocks.

Board discussion followed and some specifics reviewed were:

- stream crossings
- proposed subdivision and/or road names – no duplications and approved by Emergency Operations
- NCDOT delays – close to resolving
- traffic light at intersection of Seaforth and Big Woods Road – no mention of this per Mr. Harris
- close to the 40% development requirement on a portion but not entire project
- issue resolved with Sallie Pennington-Owenby regarding using the name "Pennington" somewhere in the development project
- culs-de-sac and stub-outs

Motion to approve

Mr. Elza made a motion; seconded by Mr. Copeland to grant an extension of time for an additional eighteen (18) months to complete the necessary improvements and to submit the final plat(s) for Phase One and Phase Two prior to October 15, 2010; and approval to change the subdivision name to "The Gentry" and the road names to "Gentry Drive", "Antebellum Way", "Julep Court", and "Pennington Drive". Mr. Elza explained his motion was three-part: 1.) to approve the proposed time extension, 2.) to approve the proposed subdivision name, "The Gentry", and 3.) to approve the proposed road names (with "Cotillion Drive" changed to "Pennington Drive"). There was no discussion and the motion passed unanimously.

Chair Hinkley asked that staff contact Ms. Sallie Pennington-Owenby and advise her of tonight's action. Ms. Richardson stated that she would do this.

Note inconsistency – change proposed road name, "Cotillion Drive"

These minutes reflect discussion as noted by the clerk and the recording processor: Mr. Megginson referenced, "Pennington Lane" and Mr. Elza's motion referenced, "Pennington Drive". Recommendation was forwarded to the Commissioners referencing, "Pennington Court" as requested by the developer.

- B. Request by John W. Coffey, President, Coffey Grounds, Inc. for a revision to the existing development schedule for "Horizon Subdivision" to change the phasing schedule and to allow a one (1) year extension of final plat submittal dates for Phase Two and Phase Three.

Mr. Megginson reviewed the agenda notes for this request. He referenced condition #2 of preliminary plat approval received October 15, 2007 that states:

"A determination shall be made in regard to a joint entrance between Horizon Subdivision and Buck Branch property owners and shown on the final plat

with legal documentation provided regarding the abandonment of that specific portion of the easement”.

He stated that the applicant’s attorney is working to get legal agreement so that there would be only one entrance off the State road; that this has taken longer than anticipated; and that staff recommends approval of the request as noted in staff recommendations.

Lunday Riggsbee, attorney, was present representing the applicant. Ms. Riggsbee addressed the proposed road change. She stated that a unanimous agreement is needed by all landowners using the Buck Branch Road; and that the agreement has not yet been finalized.

Mike Shachtman, Coffey Grounds, Inc. was present. Mr. Shachtman stated that the developer has been busy working on Phase 1; and that lots 1-7 were moved out of Phase 1 so that deadlines would not be held up.

Board discussion followed. Some specifics noted were:

- two subdivisions close together accessing one road – no issue per Ms. Riggsbee
- mailboxes obstructing sight are being moved - per Mr. Shachtman
- road maintenance responsibility – Ms. Riggsbee used overview map to explain responsibilities of the roads
- change from four (4) to three (3) Phases – proposed by the applicant/developer
- lots and road configurations
- neighbors overall favorable of easement agreement – one property is an estate situation and various owners are currently being contacted
- status if subdivision expires May, 2009 – Mr. Megginson explained that the developer would probably take steps before expiration to get partial approval and if not would possibly have to come back before the Board under new regulations.

Motion to approve

Mr. Copeland made a motion; seconded by Mr. Ernst to approve the request for a revision to the existing development schedule for Horizon Subdivision to reduce the number of phases from four (4) to three (3); to change the development schedule to allow a one (1) year extension of final plat submittal dates for Phase Two and Phase Three; and that Phase Two be extended to May, 2010 and Phase Three be extended to May 2011 (as recommended by Planning Staff). Discussion followed regarding timeframe and approved driveway permit. **Mr. Glick asked that the record show that the applicant feels that the proposal can be accomplished within the extended time requested.** The motion passed unanimously.

Phase 1

Mr. Shachtman stated that 38 lots were approved for Phase 1 (August 18, 2008.)

VI. ZONING AND ORDINANCE AMENDMENTS: *Items from January 26, 2009*
Public Hearing.

- A. 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.

Mr. Megginson reviewed the agenda notes for this request. He stated that the applicant has requested a 90-day extension to ensure that there is sufficient time for all requirements to be completed, i.e., inspections; and that staff recommends that the revision to the conditional use permit be approved.

There were no questions from the Board.

Motion to approve

Ms. Ford made a motion; seconded by Mr. Glick that this revision to the conditional use permit for a 90 day extension until May 20, 2009 be approved. There was no discussion and the motion passed unanimously.

Recess as Planning Board / Convene as Watershed Review Board

Chair Hinkley declared a recess of the Planning Board. Mr. Glick made a motion; seconded by Ms. Turner to convene as the Watershed Review Board. There was no discussion and the motion passed unanimously.

- B. 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.

Mr. Megginson reviewed the agenda notes for this request and used the large overview map to explain the area of concern.

Board discussion followed. Some specifics noted regarding the proposed text amendment were:

- an administrative issue
- if approved, density allowed in area would not change: 1 dwelling unit/1ac.; 1 dwelling unit/5 acres.
- doesn't change map and has no impact on land
- amendment requested by Commissioner Lucier
- without this text amendment averaging of lots could not be done
- both Watershed and Zoning Ordinance address density, i.e., River Corridor and WSIV-protected area (watershed); and R-90 and R-5 (zoning)
- Pokeberry Creek – wetlands (between Bynum Ridge and lake/river, and up Bynum Road)

Commissioner Kost

Ms. Ford asked Commissioner Kost to comment. Commissioner Kost, who is the liaison to the Planning Board, stated that developers employed this as a way to get

around the river corridor zoning; and that the issue of changing it back is that it may only apply to this particular area and river corridor.

Motion to approve

Mr. Ernst made a motion; seconded by Ms. Ford, that the proposed revisions to the Watershed Ordinance, Section 303 be adopted. There was no discussion and the motion passed unanimously.

C. 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.

Mr. Megginson reviewed the agenda notes for this request. He stated that the Board of Commissioners has requested that the Environmental Review Board (ERB) be designated as the Watershed Review Board. He noted some issues reviewed by said Board would be:

- ✓ ordinance amendments
- ✓ map changes to the Ordinance
- ✓ appeals from decisions of Planning staff or decisions of Fred Royal, Director, Environmental Resources, and
- ✓ variances

Board discussion followed regarding:

- concern that the ERB would need more review time, i.e., development schedule
- ERB is only an advisory board
- who would review the application first, i.e. ERB or Planning Board
- this would not be creating a new board - only shifting responsibilities

Motion to approve

Mr. Copeland made a motion; seconded by Mr. Klarmann, that if the Board of Commissioners want to make this policy change the Planning Board has no objections. Discussion followed regarding the wording of Mr. Copeland's motion, i.e., not giving a recommendation. Mr. Copeland restated his motion to recommend approval of the proposed text amendment to the Chatham County Watershed Protection Ordinance, Section 505, Establishment of the Watershed Review Board, to designate the Environmental Review Board as the Watershed Review Board.

Mr. Klarmann seconded the motion. There was no further discussion and the motion passed 6-1 with all Board members present voting in favor of the motion; except Ms. Turner who voted against.

Adjourn as Watershed Review Board

Since there was no more business, Chair Hinkley requested a motion to adjourn the meeting of the Watershed Review Board. Ms. Ford moved and Mr. Glick seconded a motion to adjourn the meeting of the Watershed Review Board. There was no discussion and the motion passed unanimously.

Chair Hinkley then reconvened the Planning Board.

VII. OLD BUSINESS

A. Planning Board Parliamentarian

Mr. Copeland asked if a parliamentarian had been appointed. Chair Hinkley stated that he would appoint a parliamentarian before the March meeting.

B. Regulations

Mr. Klarmann voiced concern regarding subdivisions currently in process approved under old regulations.

VIII. NEW BUSINESS:

A. Planning Director's Report

a) *March 3, 2009 Planning Board Meeting will be held Dunlap Building Classroom*

b) *Corridor Zoning*

Mr. Megginson stated that the Board of Commissioners continues to deal with the corridor zoning (zoned residential/agricultural); that the Commissioners have now readdressed existing businesses and industries along the highways; that the Commissioners have set April 27, 2009 as a public hearing date for this issue, i.e., 61 cases; that some landowners wanted to be left non-conforming; that some wanted to do the entire property; that some landowners are doing part of their property; and that this issue would come before the Planning Board after the April public hearing.

B. Planning Board Members Items

a) *Annual Report*

Chair Hinkley stated that Commissioner Kost would prepare the Planning Board Annual Report and present it during the Board's March 3, 2009 meeting.

b) *Meeting Format*

Chair Hinkley stated that he would begin using the successful meeting format of former Planning Board Chair, Chris Walker. Hinkley stated member comments and questions as prescribed in **IV. B. Meeting Procedure, 5. Discussion by Board** would provide each member to participate in turn and to talk again after hearing from all. Some members thought that rotating members' turns to comment with each issue might be a good idea.

IX. ADJOURNMENT: There being no further business, Mr. Ernst made a motion; seconded by Mr. Klarmann, to adjourn the meeting. There was no discussion and the motion passed unanimously. The meeting adjourned at 7:50 p.m.

James R. Hinkley, Chair

Date

Attest: _____
Kay Everage, Clerk to the Board

Date