

CHATHAM COUNTY PLANNING BOARD
MINUTES
May 5, 2009

The Chatham County Planning Board met in regular session on the above date in the Dunlap Building Classroom 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
Barbara Ford
Timothy Keim
David Klarmann
Susan Levy
Delcenia Turner

Absent

Karl Ernst
Judy Harrelson

Planning Department:

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

Chatham County Appearance Commission

Grimsley T. Hobbs
Caroline Siverson
Ginny Gregory
Al Cook

Other

Commissioner Sally Kost, BOC Liaison to the Board
Tom Glendinning, Parliamentarian to the Board

- I. CALL TO ORDER: Chair Hinkley called the meeting to order at 6:30 p.m. The clerk cited that a quorum was present. She stated that Ms. Harrelson was in England visiting family; and that Mr. Ernst called the Planning Department at 5:15 p.m. this afternoon to say that he would be working late at his office to finish some important work.
- II. APPROVAL OF AGENDA: Mr. Copeland made a motion; seconded by Mr. Keim 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 April 7, 2009 Planning Board minutes.

- Absent:

Mr. Glick asked that the minutes show that he did not attend the April 7, 2009 Planning Board meeting because he was out of town, i.e., Section I. Call to Order.

- Typos

Chair Hinkley stated that he would point out some typos to the clerk following tonight's meeting.

Mr. Copeland made a motion; seconded by Ms. Ford, to approve the consent agenda (consisting of the April 7, 2009 Planning Board minutes) as submitted with the revisions noted above. There was no further discussion and the motion passed unanimously.

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 Keith Hurand, Sr., Vice President, on behalf of NNP Briar Chapel, LLC, for subdivision preliminary plat approval of "Briar Chapel, Phase 5, South A", consisting of 28 lots on 9.86 acres, located off U.S. 15-501 N/ Briar Chapel Parkway, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this subdivision request. She stated that staff recommends granting approval of the proposed road names, 'Serenity Hill Circle' and 'Hill Creek Boulevard' and approval of the preliminary plat as submitted with a condition that, "The final plat shall state whether or not any affordable lots are located within Phase 5, South A."

Board discussion followed:

Percentage of affordable housing units

Ms. Ford referenced tonight's agenda notes (attachment #2) that states, 'The current affordable housing unit percentage rate equals 3.11%, which exceeds the 2.5% required by the approval conditions'. Ms. Richardson explained that this 2.5% represents the overall project that is currently on track with all submittals to date.

Impact Assessment Peer Review

Mr. Megginson stated that just before tonight's meeting began he was notified that Fred Royal, Director, Environmental Resources requests an opportunity to review the Environmental Impact Assessment Peer Review (EIA) before any action by the Planning Board is taken on this request.

Member Dave Klarmann arrived at this time [6:40 P.M.].

Motion to Postpone

Mr. Glick made a motion; seconded by Ms. Turner to postpone this item until next month's Planning Board meeting to allow additional time for Mr. Royal to review the EIA and submit his findings to the Planning Board. Discussion followed. Ms. Turner asked if the developer might consider increasing stream buffering (2 intermittent streams on the property) from 50 feet to 100 feet. The motion to postpone the request until next month's Planning Board meeting (June 2, 2009) passed 8-1-0 with all Board members present voting in favor of the motion except Mr. Klarmann who voted against.

Bill Munford, Project Manager, Newland Mid-Atlantic was present.

Mr. Munford inquired about: 1.) the concerns of Mr. Royal, and 2.) if it would be possible to get a contingency of approval based on Mr. Royal's review (rather than delay this request an entire month).

Mr. Megginson stated that the Environmental Assessment had issues about some of the streams not being mapped; and that Mr. Royal wants to be sure that these were updated in the assessment later on.

Motion - failed

Ms. Turner made a motion that the developer be asked to extend 50 foot wide buffers to 100 foot wide buffers **on all streams, on all of the development**. The motion failed for lack of a second.

Motion - withdrawn

Ms. Ford made a motion; seconded by Ms. Turner that the developer be asked to extend the buffers **in this Phase** (from 50 feet to 100 feet) on the intermittent streams identified to the current standards as addressed in the Watershed Ordinance. Discussion followed. It was noted that the Watershed Ordinance states that intermittent streams are to be buffered 50 feet. (and perennial streams 100 feet). Ms. Ford withdrew her motion.

There was no further discussion.

VI. ZONING AND ORDINANCE AMENDMENTS:

Item for May 18, 2009 Public Hearing:

A. Public Hearing request from New City Design on behalf of CRCED Treatment, Inc. for an additional extension of the conditional use permit, specifically Condition No. 10 addressing the time period for installation of the waste water disposal system, latest revision dated February 17, 2009.

Ms. Birchett stated that this item was on tonight's agenda to remind Board members of the upcoming public hearing. Chair Hinkley asked that members mark their calendars for this public hearing to be heard on May 18, 2009. (Note: Application information was included in tonight's agenda packets.)

Items from County Commissioners/Planning Board Zoning Public Hearing April 27, 2009:

B. Discussion of properties proposed for business and industrial zoning along the major corridors of the County.

Chair Hinkley stated that seven (7) Planning Board members attended the recent public hearing for this issue; that there was much information provided at the hearing; that staff provided some excellent information; and that there are seven (7) issues that the Board needs to review individually and six (6) issues that are overall sections of the corridors, i.e., US 15-501 North/US 15-501 South, and US 421 North /US 421 South.

Ms. Birchett stated that the Commissioners reviewed several parcels as a group because there were either no issues involved or no additional information given; and that tonight's agenda notes reference highlights from the recent public hearing as well as comments of staff.

The Board reviewed corridor zoning items A - M as follows:

A. Public hearing request to rezone all or a portion of parcel #60115, owned by KAPP, ROBERT J & MCGINNIS BRIAN, from Residential 1 to Light Industrial (page 33 in the packet). – Staff recommends denial of the rezoning request as shown and require the landowner's request (for the entire parcel to be rezoned) to go back through public hearing.

Mr. Sullivan explained that if the Planning Board recommendation is consistent with staff recommendation, i.e., entire tract needs to be rezoned, and since only approximately two-thirds of the property was advertised for public hearing, the property would have to go back through the public hearing process to cover the entire tract; but that if the Board is in agreement with what went to public hearing, action could be taken tonight and forwarded on to the Commissioners.

Some specifics discussed were:

- the merits of split zoning the property (as shown at the public hearing) versus zoning the entire tract;
- sufficient unused land available in the area considered for rezoning for expansion;
- additional screening could be required if owners submitted a conditional use rezoning request; and
- existing dwelling on property would become non-conforming if rezoning approved.

Motion

Mr. Glick made a motion; seconded by Ms. Levy, to **deny the rezoning** as shown (that would allow the landowner to request that the entire parcel be rezoned - requiring another public hearing). Following discussion, the motion passed 5-4 with Glick, Levy, Hinkley, Keim, and Turner voting in favor of the motion; and Copeland, Elza, Ford, and Klarmann voting against. Mr. Glick clarified that his motion supports staff's recommendation to deny the request and have the county hold another public hearing to rezone the entire property.

B. Request to rezone all or a portion of parcel #8924, owned by MOORES MACHINE CO INC, from Residential 1 to Light Industrial (page 8 in the packet).

Staff recommends approval of the rezoning as shown.

Ms. Birchett stated that this property is located off US 421 South [intersection of US 421 S. and Hwy 902]; that no one spoke on this request at the recent public hearing; that the Board of Commissioners discussed zoning this property up to the creek [14.81 acres] and to leave the balance of the property R1 zoning classification. She noted that the existing building on the property is currently unoccupied.

Some specifics discussed were:

- good location for business, and
- leaving northern portion of property (stream area and non-use area) out of the request for business purposes was reasonable.

Motion

Ms. Ford made a motion; seconded by Mr. Copeland, to approve the rezoning of the property to **Light Industrial** as shown [14.81 acres] and as recommended by staff. There was no further discussion and the motion passed unanimously.

C. Request to rezone all or a portion of parcels #63897 and #60964, owned by HORNER, CHARLES LEONARD & CHUNG, from Residential 1 to General Business (pages 37 and 44 in the packet) – Staff recommends approval of the rezoning as shown.

Ms. Birchett stated that this property is located off US 421 South in Goldston, NC; that the reason for rezoning only a portion of the adjoining tract [owned by Charles L. Horner] is because there are above-ground fuel storage tanks on the property that service the existing gas station; and that there is also a septic area on the property. She noted that Mr. Horner was present at the public hearing but declined to speak.

Some specifics discussed were:

- water/sewer from Lee County – are there plans to connect from Lee County, i.e., property value increased for commercial use, and
- other proposed rezoning in the area.

Motion

Mr. Copeland made a motion; seconded by Mr. Klarmann to approve the rezoning as shown and as recommended by staff. There was no further discussion and the motion passed unanimously.

D. Request to rezone all or a portion of parcel #5971, owned by FOUSHEE, FRANK T & EMILY & CARM, from Residential 1 to Heavy Industrial (page 3 in the packet). – Staff recommendation is to deny the rezoning as shown and reduce the amount of area for the Heavy Industrial use to three (3) acres to be located in the front portion of the property. Planning staff's opinion is an access can be provided through this property to the back portion of the lot or the remainder of the parcel can be recombined with the existing rear lot, Parcel No. 70612, that has been deemed unbuildable due to lack of appropriate soils and therefore would have access from the existing easement road off Cobblestone Lane.

Ms. Birchett stated that this property in part of the Hwy 87/Old Graham Road corridor section of the proposed corridor rezoning; that a portion of the property has been used for storage of gas tanks (Ferrell Gas since 1995); and that Mr. John Wright, adjacent landowner spoke against the rezoning request at the recent public hearing.

Some specifics discussed were:

- concerns about smell from the gas tanks, possible violations
- the number of potential Heavy Industrial uses that could possibly locate on the property
- impact to existing residential neighborhoods, and
- proximity of existing gas tanks to property lines and the adjoining residence.

Patrick Bradshaw, Attorney, was present representing the landowners.

Mr. Bradshaw addressed the Board regarding:

- potential difficulties of utilizing the rear portion of the property for residential use through a Heavy Industrial use
- the current lease on the property with Ferrell Gas (for propane storage) for the entire parcel, and
- the legality of rezoning a portion of the property when numerous other parcels were being considered for rezoning in their entirety as part of this process.

Mr. Bradshaw stated that the complaints about smell were probably associated with recent gas releases from old tanks that were going to be crushed that is done in compliance with regulatory requirements; that the Foushee's request to continue using their property as they have been doing since 1995, i.e., Ferrell Gas currently utilizes one (1) acre but wishes to reserve the opportunity to expand its use of the property; and that the entire tract is currently leased until 2013.

Frank Foushee, landowner, was present. Mr. Foushee stated that Ferrell Gas is regulated by the Department of Agriculture.

Board members discussed concerns about legal issues and impervious surface limits, i.e., Watershed Protection Ordinance.

Motion

Mr. Elza made a motion; seconded by Mr. Glick to deny the rezoning request and leave the current use as non-conforming. Following discussion the motion passed 6-3 with Elza, Glick, Keim, Turner, Levy and Hinkley voting in favor of the motion; and Copeland, Klarmann, and Ford voting against.

E. Request to rezone all or a portion of parcel #75440, owned by B G GAINES & SONS OIL CO INC, from Residential 1 to Heavy Industrial (page 53 in the packet). – Staff recommends approving the rezoning as shown.

Ms. Birchett stated that this company is currently in operation and utilizes most of the available capacity of the property (fuel storage on approx. 3.2 acres); and that no one spoke at the recent public hearing regarding this request.

Some specifics discussed were:

- the differences in the location of this property in comparison to Ferrell Gas, including the proximity to US 421, a major 4-lane highway, and
- the absence of residential dwellings in close proximity

Motion

Mr. Keim made a motion; seconded by Ms. Levy to approve the rezoning as shown. There was no further discussion and the motion passed unanimously.

F. Request to rezone all or a portion of parcel #78285, owned by FAIR, DENNIS M & STARR H, from Residential 1 to General Business (page 59 in the packet).

Staff recommends approval of the rezoning as shown.

Ms. Birchett reviewed the agenda notes for this request. She stated that there are currently no structures on this parcel; that at the recent public hearing, Mr. Fair voiced concern regarding his initial site plan (developed prior to the initial RA-40 zoning) for a proposed RV park; and that Mr. Fair stated that the General Business District zoning would be the classification he needed.

Some specifics discussed were:

- vested rights established for the property, i.e., site plan developed prior to initial RA-40 zoning
- uses on the surrounding properties

Ms. Ford made a motion; seconded by Mr. Keim to approve the rezoning as shown and as recommended by staff. There was no further discussion and the motion passed unanimously.

G. Request to rezone all or a portion of parcel #8931, owned by GAINES, MARY LISA & GAINES, BEN PHILIP JR, from Residential 1 to General Business (page 10 in the packet).

Ms. Birchett stated that this property is located at the corner of US 421 South and Barker Road [Elois Restaurant]; that this request came in late due to some confusion between the landowners about the request; that the landowners are requesting the corner area (building and parking area) to be rezoned to B-1 Business for a restaurant; that no adjacent landowners spoke at the public hearing; and that staff recommends approval of the rezoning as shown.

There were no concerns expressed by the Planning Board regarding the rezoning request.

Motion

Ms. Ford made a motion; seconded by Mr. Copeland to grant approval of the rezoning as shown and as recommended by staff. There was no discussion and the motion passed unanimously.

H. Request to rezone the properties or portions of properties located within 1500 feet of Moncure-Pittsboro Road from the Town of Pittsboro extraterritorial planning jurisdiction to US 1 is Parcel 65007 owned by ORANGE-CHATHAM

COMPREHENSIVE to Office & Institutional. Staff recommends rezoning the property as listed above and as shown.

Ms. Birchett stated that there is not a separate (map) page on the Moncure Health Center; that this is a non-issue; and that this item is listed for action by the Board.

Member Del Turner left the meeting at this time [8:25 p.m.].

Mr. Sullivan explained that items that had no discussion at the recent public hearing were left under the main heading, i.e., H.; and that items on these particular corridors are broken out for further discussion, i.e., 1., 2.

The Planning Board expressed no concerns about this rezoning request.

Motion

Ms. Levy made a motion; seconded by Mr. Klarmann to approve the rezoning as requested. There was no discussion and the motion passed unanimously.

1. Parcel 70760 owned by FOUSHEE, WILLIAM RALPH to Heavy Industrial (page 51 in the packet). Staff recommends denying the rejoining as shown, leaving the property in a non-conforming situation.

Ms. Birchett stated that there are steep slopes and possible wetlands on this property; that adjacent landowner, Ms. Kinte, spoke against the rezoning request at the recent public hearing; that Ms. Kinte and her family own several parcels of land beginning at her parcel extending down to Mt. View Church Road; that Ms. Kinte understood that the current activities on the property had been “grandfathered” in and that uses could continue; and that it is staff’s opinion that this area is not considered appropriate for Heavy Industrial zoning classification.

The Planning Board discussed:

- the existing land clearing and inert debris operation occurring on the property
- amount of land used for the existing operation
- potential incompatibility of other industrial uses on the property in relation to the surrounding residential uses, and
- amount of land that could be rezoned for industrial.

Motion

Mr. Glick made a motion; seconded by Ms. Ford to deny the rezoning as shown and as recommended by staff, leaving the property in a non-conforming situation. There was no further discussion and the motion passed unanimously.

2. Parcel 11131 owned by FOUSHEE, ALICE N to Light Industrial (page 25 in the packet). Staff recommends approval of the rezoning as shown.

Ms. Birchett stated that Ms. Kinte (adjacent landowner referenced above) also spoke against this rezoning request at the public hearing; and that since the cabinet making, woodworking shop had been in existence for several years, Ms. Kinte thought that it was “grandfathered” in. Some concerns of Ms. Kinte were:

- buffering
- water supply contamination
- noise
- air pollution, and
- traffic.

The Board discussed the rezoning and did not find any substantial concerns because of the small area under consideration for rezoning.

Motion

Mr. Glick made a motion; seconded by Ms. Levy to approve the rezoning as shown and as recommended by staff. There was no further discussion and the motion passed unanimously.

- I. **The properties or portions of properties located in area bounded by the Chatham County/Alamance County line, Town of Pittsboro extraterritorial planning jurisdiction, Old Graham Road, Mt. Olive Church Road, and 1500 feet west of NC 87 North, are Parcel 10781 owned by VAUGHN GLENETTE M & RONALD E to Light Industrial; Parcel 10810 owned by VAUGHN GLENETTE M ETUX RONALD E to Light Industrial; Parcel 76313 owned by PATTERSON ROBERT H & MARY LOU & RAINEY MARY to Light Industrial; Parcel 5938 owned by KIDD WILLIAM ROY to Light Industrial; Parcel 5942 owned by KIDD WILLIAM ROY to Light Industrial; Parcel 67698 owned by BRIGHT DEBRA ETUX DAVID to Office & Institutional; Parcel 84651 owned by CHATHAM LAND INVESTMENTS LLC to General Business.** – Staff recommends approval of the rezoning listed above as shown.

Ms. Birchett explained the various parcels pertaining to this proposed zoning (as listed above).

The Planning Board did not express any objections to the rezoning.

Motion

Mr. Copeland made a motion; seconded by Mr. Klarmann to approve the zonings listed above as shown. There was no discussion and the motion passed unanimously.

1. **Parcel 67174 owned by L & J CERAMICS LLC to Light Industrial.** – Staff recommends denying the rezoning as shown and leaving property as non-conforming. These structures were originally permitted as personal use, residential structures not to be open to the public; not a business. One structure was for the making of pottery to be sold off site and one for material storage. These two structures were inspected as non-commercial structures.

Ms. Birchett stated that staff forwarded two (2) letters to the Commissioners (one from an adjacent landowner, Britta Hansen and one from a distant adjacent landowner, Grimsley Hobbs who lives in the Terrell’s Creek subdivision); that both letters are in opposition of the rezoning; that concerns included:

- Damage to residential character
- Possible negative impacts on property values

- Compromising two new small subdivisions that are committed to green development
- Increase in traffic, and
- Increase in storm water runoff if the business use changes to something else, i.e. closeness to Haw River where nearby streams could be affected.

Grimsley Hobbs, 200 Terrells Tract, was present. Mr. Hobbs stated that his property is just east of this parcel; that he recently completed a small [green] subdivision adjacent to this property with two houses being built; that he does not object to the existing use of the property but is concerned about the possible future uses under a light industrial zoning; that he does not think that light industrial uses would be appropriate for the area; and that he is concerned about potential runoff to Terrells Creek and noise from other uses.

The Board discussed the background information on the current use of the property.

Motion

Mr. Elza made a motion; seconded by Ms. Levy to deny the rezoning request as shown and as recommended by staff, leaving the property as a non-conforming situation. There was no further discussion and the motion passed unanimously.

J. The properties or portions of properties located within 1500 feet of NC 87 South/US 15-501 South from the Town of Pittsboro extraterritorial planning jurisdiction to the Chatham County/Lee County line are Parcel 11005 owned by MINNESOTA MINING & MFG CO to Heavy Industrial; Parcel 60537 owned by CIECIORKA KEVIN S & DOROTHY H to Heavy Industrial; Parcel 7068 owned by DEAN SIDNEY L ETUX SHIRLEY J LIFE ESTATE to General Business; Parcel 18540 owned by PAVLIK RAY to General Business. – Staff recommends approval of the rezonings listed above as shown.

Ms. Birchett stated that staff received a letter from Mr. Wade Barber regarding 3M's agreement with the zoning request; that two representatives for 3M spoke at the public hearing in support of the rezoning of the areas noted; and that staff recommends approval of the rezoning.

Planning Board members did not express any objections to the rezoning.

Ms. Ford made a motion; seconded by Mr. Elza to approve the rezoning as submitted and as recommended by staff. There was no discussion and the motion passed unanimously.

1. Parcel 18402 owned by BRIGHT, JOANNE L TRUSTEE & WALTER ANTHONY TRUSTEE to Light Industrial (page 31 in the packet). – Staff recommends approval of the rezoning as shown.

Ms. Birchett reviewed the agenda notes for this parcel. She stated that the request is to rezone only one (1) acre, i.e., portion of land with an existing telecommunication tower, of the total 42.5 acres; that 30 acres is zoned R-1 (formerly RA-40); that the balance is

unzoned; and that the landowner, Mr. Anthony Bright, requests that the entire tract be rezoned to Light Industrial.

Mr. Sullivan explained that if the Planning Board and Board of Commissioners want to rezone the balance of the tract it would need to go through the public hearing process since this request is to rezone only one (1) acre of the 42.5 acre tract.

Some specifics discussed by the Board were:

- Mr. Bright's request to rezone the existing zoned area to Light Industrial, and
- Only the area currently used for the telecommunication tower sent to public hearing

Anthony Bright, landowner, was present. Mr. Bright reiterated details noted at the recent public hearing. Some specifics were:

- NCDOT took approximately 12 acres of their lands along US 15-501 S/NC 87 S for roadway widening back in the 70's
- At that time, he was advised that the remaining lands were prime, commercial, road front property, and
- Mr. Bright wants entire tract to be considered for rezoning to Light Industrial.

Mr. Bright added that NCDOT would only allow one access onto US 15-501, but that the property also has road frontage on Walter Bright Road.

Motion to approve rezoning

Mr. Copeland made a motion; seconded by Mr. Keim, to approve the rezoning as shown (1.11 acres with existing cell tower); and that Mr. Bright come back for an additional request for rezoning the balance of the property, if he is interested in doing so. There was no further discussion and the motion passed unanimously.

The Board discussed holding another public hearing for the balance of Mr. Bright's land. Mr. Bright stated that he should not have to initiate the public hearing since he initially submitted his application requesting that the entire tract be rezoned.

Motion to request a public hearing

Mr. Copeland made a motion; seconded by Mr. Keim, to request that the Board of Commissioners schedule a public hearing for the balance of the zoned area of Mr. Anthony Bright's land. There was no further discussion and the motion passed unanimously.

5-Minute Break [9:00 P.M.]

Following the break, it was the consensus of the Board to discuss "Design Guidelines" at this time since some members of the Appearance Committee were present for this item. - **See Item VIII. B. 1. Adopt Design Guidelines.**

K. The properties or portions of properties located within 1500 feet of US 421 South from the Town of Siler City extraterritorial planning jurisdiction to the Chatham County/Lee County line are Parcel 9723 owned by BROWN DAVID to Heavy Industrial; Parcel 8508 owned by MOORE LEWIS DANIELS & ANN DIXO to Light Industrial; Parcel 8509 owned by MOORE LEWIS DANIELS & ANN DIXO to Light Industrial; Parcel 8891 owned by GOLDCO LLC to Office & Institutional; Parcel 8925 owned by TUCKER GARY LYNN to Light Industrial; Parcel 9032 owned by MAYA CIRO MAYA & GUILLERMINA VALDEZ to Light Industrial; Parcel 9503 owned by CAMPBELL PAINT & BODY LLC to General Business; Parcel 11635 owned by ELSENBEC BRANDON W to Light Industrial; Parcel 62615 owned by KELLY PROPERTIES OF GOLDSTON LLC to Heavy Industrial; Parcel 80189 owned by MURCHISON ROBERT to General Business; Parcel 80145 owned by MOORE BERTIS E & BERTIS E & LUANNE MOORE JOHNSON TRUSTEES to General Business; Parcel 76187 owned by CHEROKEE LAND CO LLC to Heavy Industrial; Parcel 75559 owned by HUNNEWELL RICHARD L & DEBRA A to General Business; Parcel 72029 owned by CHEROKEE SANFORD GROUP LLC to Heavy Industrial; Parcel 66177 owned by REAVIS ALBERT G to Heavy Industrial; Parcel 63303 owned by BOREN CLAY PRODUCTS CO to Heavy Industrial; Parcel 9504 owned by CAMPBELL PAINT & BODY LLC to General Business; Parcel 62623 owned by BOREN CLAY PRODUCTS CO to Heavy Industrial; Parcel 9711 owned by MURCHISON ROBERT to General Business; Parcel 61435 owned by TOWNSEND FARMS INC to Heavy Industrial; Parcel 9831 owned by BOREN CLAY PRODUCTS CO to Heavy Industrial; Parcel 62669 owned by RETAIL PROPANE CO LLC to Heavy Industrial; Parcel 9827 owned by BOREN CLAY PRODUCTS CO to Heavy Industrial; Parcel 9843 owned by VAN THOMAS CONT INC to General Business; Parcel 9895 owned by KING ALTON RAYVON & BERTA FAYE J to General Business; Parcel 9895 owned by KING ALTON RAYVON & BERTA FAYE J to General Business; Parcel 9914 owned by RUSSELL MANUFACTURING & SALES to Light Industrial; Parcel 11643 owned by PALLETONE OF NC INC to Heavy Industrial; Parcel 11665 owned by COX KATHY MOODY to General Business; Parcel 60144 owned by GRIGG J MICHAEL to Heavy Industrial; Parcel 9826 owned by BOREN CLAY PRODUCTS CO to Heavy Industrial. – Staff recommends approval of the rezonings listed above as shown.

Ms. Birchett stated that this is the remainder of the corridor of US 421 South for discussion. She noted that no one spoke on these requests at the recent public hearing.

The Planning Board did not express any objections to the rezoning.

Motion

Mr. Copeland made a motion; seconded by Ms. Ford to approve the rezoning listed above as shown and as recommended by staff. There was no discussion and the motion passed unanimously.

L. The properties or portions of properties located within 1500 feet of US 421 North from the Town of Siler City extraterritorial planning jurisdiction to the Chatham County/Randolph County line are Parcel 61599 owned by BROWER, STEPHEN LEE to Heavy Industrial; Parcel 76196 owned by BROWER, STEPHEN LEE & ELLEN S to Heavy Industrial (pages 39 and 56 in the packet). Staff recommends denying the rezoning as shown and leaving the property as non-conforming.

Ms. Birchett stated that this property is on the other side of US 421 North; that there was only one property brought before the Board; that this is a property known as “Salvage King”; and that the business tried to begin approximately seven (7) years ago.

Board discussion followed. Some specifics noted were:

- current condition of the property
- rural nature of the surrounding area
- only non-residential zoning along the corridor on US 421 north of Siler City
- no other industrial uses or approvals along US 421 North, and
- access to the property cannot be made directly from US 421 N but by way of local two lane roads some of which are gravel.

Motion

Mr. Elza made a motion; seconded by Mr. Keim to deny the rezoning as shown leaving the property as non-conforming. There was no discussion and the motion passed unanimously.

M. The properties or portions of properties located within 1500 feet of US 64 between the Town of Pittsboro extraterritorial planning jurisdiction and the Town of Siler City extraterritorial planning jurisdiction are Parcel 76151 owned by PAYNE, FREDERICK JOHN & CATHERINE to General Business; Parcel 12228 owned by JOHNSON, MYRTLE WOMBLE to Heavy Industrial; Parcel 60119 owned by JASPER, MATTHEW & PLUMMER, SHANNON to General Business. Staff recommends approving the rezonings listed above as shown.

Ms. Birchett stated that these businesses, “Payne Glass & Antiques”, the propane gas storage facility, and North Carolina Sign, are recommended for rezoning as listed.

Board members did not express any objections to the rezonings.

Motion

Mr. Copeland made a motion; seconded by Mr. Klarmann to approve the rezonings listed above as shown. There was no discussion and the motion passed unanimously.

1. Parcel 11929 owned by HEARD, CLAUDE J & DOROTHY E TRUSTEES to Light Industrial (Page 29 in the packet). Staff recommends approval of the rezoning but with a modification that would reduce the area to the smallest size necessary for a non-residential subdivision lot for the cell tower.

Ms. Birchett stated that staff received an E-mail letter from a family member expressing concerns regarding the access drive to their residential property being shared with the access to the cell tower site; that the landowners are in the process of subdividing their land for family and does not want this to hinder that process or create a violation of the Subdivision Ordinance as it relates to access.

Board members discussed the request to reduce the area to be rezoned and did not express any objection to the reduction.

Motion

Mr. Copeland made a motion; seconded by Mr. Elza, to approve the rezoning as shown but with a modification that would reduce the area to 40,000 sq. ft. for a non-residential subdivision lot for the cell tower. There was no discussion and the motion passed unanimously.

VII. OLD BUSINESS:

1. *R.L. Matthews Property*

Chair Hinkley stated that this property located at 545 Old Farrington Road (that the Board rezoned from RA-40 to Conditional Use Neighborhood Business) has been listed for sale by a commercial / industrial realtor; and that this happened shortly after the property was rezoned (approximately two weeks).

Ms. Birchett stated that the heating and air-conditioning business approved on the Conditional Use Permit is the only use allowed on this property; and that any other usage would have to go back through the conditional use process.

Board members discussed 1.) advising prospective buyers should be advised about a particular condition on properties, and 2.) the possibility of [legally] rescinding a zoning classification.

Commissioner Kost was asked to comment on this issue. She stated that there was nothing else to add; that we learn from these experiences; and that it is important to consider the various uses permitted for a particular zoning district.

VIII. NEW BUSINESS:

A. Planning Director's Report

1. *Green Building Check List*

Mr. Megginson stated that the revised information is on our website.

2. *Sign Ordinance*

Mr. Sullivan gave an update from May 4, 2009 Commissioner's meeting. He stated that one issue discussed was signage on Hwy. 15-501 south of Pittsboro; that the Board had received letters regarding various issues; that the Commissioners asked the county attorney to review this issue; that there are a number of existing signs that were placed prior to zoning; that the majority are in compliance, i.e., in right-of-way; but that we have no regulatory mechanism in the Planning Department for enforcement; and that two (2) signs may be in violation, i.e., off-premise sign for commercial sales for a mobile home sales business and a heating and air-conditioning business.

3. *Lighting Ordinance*

Mr. Sullivan stated that the Commissioner's requested earlier this year that staff work on drafting a countywide Lighting Ordinance that would apply outside the zoned areas of the county; that Mr. Megginson had been in discussion with Mr. Bob Henderson with Progress Energy about changes that would be occurring in the lighting industry as it relates to how lighting is classified; that these changes would have impacts on the lighting section of the Zoning Ordinance; that these changes would also apply to the future county-wide Lighting Ordinance; and that staff would be working with the county attorney to finalize the county-wide Lighting Ordinance for review by the Planning Board for submittal to the Board of Commissioners for public hearing.

4. *64 Corridor Study*

Mr. Sullivan stated that Chatham County is participating in a corridor study of US 64 (Phase 2A Section – Pittsboro 64 business bypass intersection east of Town to Cary); and that the study would show short term and long term improvements.

5. *Zoning Board of Adjustment*

Ms. Birchett stated that the county has sited Bluegreen Golf Clubs, Inc. for failure to remove a temporary structure on their property; that the issue was reviewed yesterday by the Zoning Board of Adjustment; that by allowing the structure to remain, it is being used for a non-residential purpose not permitted in the Conditional Use Permit; that if the structure is allowed to remain then there could be a setback violation; that the law firm of Bradshaw and Robinson has been hired by Bluegreen Golf Clubs, Inc. to appeal the enforcement action; and that the case has been continued.

B. Planning Board Members Items

1. *Adopt Design Guidelines* - final document of the updated Chatham County Design Guidelines by the Appearance Commission.

Chair Hinkley commended staff and members of the Appearance Commission for a job well done on the revisions and felt that the Board should deal with this item in a positive manner.

Motion

Following discussion, Mr. Copeland made a motion; seconded by Mr. Glick to accept the report as submitted. Discussion followed and the following revisions were noted:

- Page 4
top of page: "Satellite dish antennas that are 25" in diameter or greater"
Change to read 40"
- Page 2
A. Preliminary Site Plan
"At a preliminary design stage all projects must be submitted to the Appearance Commission for review and comments". Ms. Birchett stated that applicants are initially provided a listing of the rezoning process; that the packet contains a list of various people that the applicant needs to contact; and that within this list it states that seven (7) days prior to their meeting the plans would need to be submitted.

- Pages 6 and 7 - Section 7 Parking Lot Guidelines
 3. “reflective paving materials”, i.e., concrete, asphalt
 4. and 7. “~~between bays of parking~~” - delete

- insert, “in between 10-space portions of the parking lot”
- Page 6
 1. “Parking lots, whenever possible, shall be located to the side and rear of structures and away from streets and highways”.....Mr. Klarmann asked that the developer be provided some latitude.

Motion

Mr. Copeland made a motion; seconded by Mr. Keim, to adopt the “Design Guidelines” as submitted with the addition of the above revisions as noted. There was no further discussion and the motion passed unanimously.

Ms. Birchett stated that revisions to the Design Guidelines have been made to be in uniformity with the newly approved Zoning Ordinance, i.e., landscape guidelines, parking lot guidelines; that these are guidelines and not a policy.

The Chatham County Appearance Commission members introduced themselves as follows:

- Grimsley T. Hobbs, Architect
- Ginny Gregory, Landscape Designer and Installer
- Al Cook, Chatham County Extension Agent
- Caroline Siverson, Landscape Designer

Chair Hinkley again thanked everyone for all their hard work.

2. *Special Planning Board Meeting* – consideration of a special meeting on Tuesday, May 19, 2009 at 6:30 P.M. in the auditorium of the Agriculture Extension Building in Pittsboro, NC for finalization of properties for business/industrial zoning along corridors – Item from April 27 public hearing.

The Planning Board completed review of this item earlier tonight and, therefore, a special meeting would not be needed.

3. *Sustainable Communities Presentation, Thursday, May 28, 7 p.m. – 9 p.m., Chatham Mills, Pittsboro, NC*

Chair Hinkley stated that he has four (4) available tickets for this event if anyone is interested; that it would be very appropriate for the Board to attend. Ms. Ford stated that she could not attend but would like for someone to report back to the Planning Board with information about the presentation.

4. *Fieldstone*

Ms. Ford stated that Rachael Thorn, Chatham County Soil Erosion & Sedimentation Control Officer, informed her about violations on this property; that Ms. Thorn is following up on the violations and would be back in touch with her; and that Ms. Thorn has asked that neighbors continue taking pictures.

5. *West Fall*

Mr. Klarmann stated that BB&T still owns this property.

6. *Lystra Gardens*

There was no news to discuss regarding this development. Chair Hinkley inquired if there had been any reparation for the extensive clearing done on the property. Mr. Megginson stated that he was unsure if the developers had been cited for a violation from erosion control.

IX. ADJOURNMENT: There being no further business the meeting adjourned at 9:50 p.m.

James R. Hinkley, AICP, CZO, Chair

Date

Attest:

Kay Everage, Clerk to the Board

Date