



Chatham County, NC

Meeting Minutes Board of Commissioners

Monday, September 15, 2014

6:00 PM

Historic Courthouse Courtroom

Work Session - 3:00 PM - Historic Courthouse Courtroom

Present: 4 - Vice Chair Brian Bock, Commissioner Mike Cross, Commissioner Pam Stewart and Commissioner Jim Elza

Absent: 1 - Chairman Walter Petty

PUBLIC INPUT SESSION

Esta Cohen, 688 Van Thomas Road, Pittsboro, I am the present Chair of Agriculture Advisory Board. I am here to address the issue of zoning. Looking at the four options recommended by the Planning Board, there is nothing contained within them that addresses the protection of agriculture. After I mentioned this during the public speaking portion of the August Planning Board hearing one of the zoning subcommittee members remarked that "We never even thought about agriculture, how we address that now." Both Hillary and Jason were present at the time and they did address that and as an agriculture board, we hope to be able to work with the county staff going forward. At this work session, I'm really here just to remind everyone else that Agriculture is here. Please do not forget us as we move forward. We already know how important agriculture is to Chatham County. That recognition has already become part of the long range vision that was adopted some time ago by this Board of Commissioners. As the County goes forward and looks more closely at zoning options we are hopeful that the protection of agriculture is part of the thought process. In the most general of terms, this means at this point looking at our underground water supplies. I was present at one of the Planning Board hearings where someone made a nice presentation and her plans were accepted about putting in a farm animal refuge, actually fairly close to me. But the one question that was never asked, which I would like to see start becoming asked, is anticipated water use. Especially for anyone who is going to be on wells. Just because you are farm related does not mean you won't deplete water sources. What we want is to be part of the consciousness of everything. Thank you. The Environmental Review Advisory Committee has adopted as part of their annual plan consideration of water sources when someone comes in front of them with a presentation.

BOARD PRIORITIES

[14-0912](#)

Vote on a request to approve Wake County Public School System Purchase of Property in Chatham County and authorize the County Manager to execute such approvals or consents as are required to approve the purchase

Attachments: [Wake County Purchase of Real Property Request](#)

Betty Parker, Sr. Director of Real Estate Services with Wake County Public Schools. Stated she is here today to talk about a piece of property in Cary being acquired by Wake County Public Schools. On May 6th the Board of Education approved the acquisition of the property. The site is located in Amberly and there is a small sliver of the site located in Chatham County, approximately 0.115 acres. Our expectation is it will fall in the buffer or setback areas. There is a preliminary concept plan for an elementary school and there is no programming on the Chatham County portion of the site. It does lie in Chatham County and according to North Carolina Statute, before the Board of Education can acquire property outside of Wake County it has to get the permission of the other county. They have run into the same thing in Durham County. She is here today to ask permission in Chatham County.

Vice Chairman Bock stated for years we have been trying to get a conversation going between the two school boards because that area of Chatham County is a long way from any of the Chatham County schools. We end up with the citizens in that area asking if they can temporarily go to a school in that area. I am concerned about us providing Chatham County land, even if it is a small sliver, right next to one of our neighborhoods without having one of those conversations. He asked if she could help us with that.

Ms. Parker stated she could certainly help with that conversation. I am not sure that conversation has been had. Vice Chairman Bock stated that would be very helpful to us. Ms. Parker stated she was not an expert on the subject but she would pass it along.

Commissioner Elza stated he agreed. I live in Carolina Preserve across the street from that area and there is a concern about the traffic and the kids in Amberly. They are just down the road from there and they won't be able to go.

Ms. Parker stated she thinks the concern is there is a fair portion of Amberly on the Wake County side and a fair portion on the Chatham County side. Vice Chairman Bock asked if this is going to be a high school. Ms. Parker stated no it is an elementary school.

Ms. Parker stated she is not aware that without approval from both Boards of Commissioners and both Boards of Commissioners cross attendance would be possible.

Vice Chairman Bock stated it is his understanding both Boards of Education have to approve it. I have had trouble getting the boards to talk about it. What I would request is that the Wake County Board officially says yes or no or officially requests to talk to Chatham County Board to discuss it. I would rather make sure they have discussed it instead of a bunch of individuals saying it probably won't happen.

Ms. Parker stated my experience from working with the student assignment team has been that we don't have any students outside of the county attending Wake County schools but this is a unique situation because the Cary jurisdiction straddles the county line.

Vice Chairman Bock stated I don't think we are talking about very many students and I know it would be temporary. I know it can be done and I know it is not currently being done in Wake County. We have done it in Chatham County in the past.

Commissioner Elza stated you have to rezone this site with Cary right? So we aren't in a hurry.

Commissioner Stewart asked when the school is due to open. Ms. Parker stated 2017, presuming the rezoning is approved. Our school fits the current zoning but there is a condition about square footage that we are working on with Cary now.

Vice Chairman Bock stated we don't want to hold up the process but if we can act pretty quickly. I hate to put it on you.

Commissioner Cross stated that the school is going to get built whether you get that sliver or not. I want a motion to approve this today. I don't want them to think that we are not going to approve this unless our kids are going to get to go to this school.

Vice Chairman Bock stated we don't want to hold it up I just want to figure out a way to get people to talk to each other. If we could just get your commitment to get people to talk with each other about it.

Vice Chairman Bock thanked Ms. Parker for her help.

Ms. Parker stated I will begin conversations with the superintendent. I believe the appropriate starting point would be between the two superintendents.

A motion was made by Commissioner Cross, seconded by Commissioner Stewart, to approve Wake County Public School System's purchase of property in Chatham County and authorize the County Manager to execute such approvals or consents as are required to approve the purchase. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0957](#)

Discussion of the Agriculture and Conference Center Bid Package

Attachments: [Copy of Ag Center Budget POST BID Budget Summary WITH IMPACT FEES](#)

Taylor Hobbs of Hobbs Architects presented the Bid Package for the Ag Conference Center.

The bid was held on August 27, 2014 and the low bidder was Miles McClellan Construction out of Greensboro and Charlotte, North Carolina. Their base bid was \$9,864,000. He stated he would like to go through what is in that base bid and familiarize the Board with the project. The site is 97 acres off of Hwy 64 West by Central Carolina Community College in Pittsboro. Mr. Hobbs reviewed color coded maps of the site. There are three site alternates that the plan depicts.

Commissioner Cross asked if there is going to be a left turn lane coming in from the left. Mr. Hobbs stated there would be.

Mr. Hobbs reviewed a schematic of the base bid of the building design. Commissioner Cross asked what the original estimate was for the project. Mr. Hobbs stated the total was twelve million dollars. He stated assuming the base bid only, the total project budget comes in at \$11.86 million dollars and that is without any alternates accepted. That figure also includes a projected owner cost, commercial kitchen, surveying work, design consultants, printing cost, town impact fees, gas main extension, furniture, and soil testing. Commissioner Elza asked if all the grading was included in that estimate. Mr. Hobbs stated it was. Commissioner Elza asked what the capacity of each breakout room was going to be. Mr. Hobbs stated 70 people.

Commissioner Cross wanted to clarify that with everything upfitted and with all the alternates, what the estimate for the total would be. Mr. Hobbs stated with everything the total is around thirteen million dollars. Commissioner Cross asked with the base bid at nine million dollars, and if we add all of these things we need anyway, then where will we be? Mr. Hobbs stated around thirteen million dollars. Commissioner Cross stated it will be the same either way. Mr. Hobbs stated yes.

Mr. Hobbs stated they did not expect to get all of the add alternates. They really were where they thought they would be with the base bid and they came to the Board when the construction costs are up and the Board graciously allocated another \$500,000. That is what they told the Board they thought the base bid would be. It came in about where they thought. The building is designed to be the building they want, but the alternates do take it over the 12 million dollars by one million dollars.

Mr. Hobbs stated the Board does have a base bid and they do recommend awarding the bid to Miles McClellan today. That would allow them to go in and look at some potential cost saving measures if the Board so directs their office. They can award the base bid today and that is what they were hoping to do.

Commissioner Cross, motioned that the Board award the base bid and maybe Mr. Hobbs can work on some of the alternates. Commissioner Bock stated they need to figure out how to get some of these other items accomplished.

The County Manager stated staff would like the Board to approve the base bid but would also like it to approve what it already has in the CIP, which is twelve million dollars. It will allow the County to work a negotiation with the contractors to see how much it can get for what is already available. He stated they may be able to use the skills of Mr. Hobbs and his firm to squeeze a little bit more out of it than they think right now.

Commissioner Cross stated that is what his motion will be. Commissioner Bock stated that is exactly what they want to do, to approve up to the twelve million.

A motion was made by Commissioner Cross, seconded by Commissioner Stewart, to award the base bid to Miles McClellan and allow staff to negotiate alternates up to the amount borrowed of \$12 million. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0961](#)

Presentation on Chatham Park by Phil Culpepper

Phil Culpepper gave an update on Chatham Park.

Early last month they met with the Manager and senior staff to talk about some of the details about how Chatham Park will impact Chatham County. For example, you will need more building inspectors due to more buildings.

We have a couple of ongoing projects right now after our approval on June 9, 2014. The first of which is a medical office building. It will be 25,000 square feet which will be leased from us by UNC. It is currently being cleared southeast of the BoJangles. We anticipate a ground breaking in the near future. Access to that property will be on Suttles Road until we build the next road system in there. There will be sixteen medical professionals and other medical clinics will be in there as well. To the north of that project we have a proposed site plan for the first phase of the Hospice project. It will have 10 beds and will be the first phase of a 20 bed project.

One of the other recent major approvals is the activity center located halfway between Eubanks Road and Highway 15 501 and that activity center is where the UNC Hospital has decided they would like to be. We have just received approval from NCDOT to build a bridge over the US 64 Bypass. It is not an interchange at this time and is just a bridge to go from one side of our property to the other side. It will be stone face and lighted. It is our entryway in the future and it will be the location of an interchange someday, but we are not able to connect to the bypass at this time.

Phasing wise, as far as what we are working on in the next few years, we are focusing on everything north of US 64 Business. The areas below US Highway 64, we don't anticipate moving into for quite some time. The medical office building area is where we have a lot of demand. The day after we got approval, we had people calling and asking when they could buy a house. We do have many national builders looking to acquire property and get us started out there.

Those are the basic things that I can tell you right now that are going on.

Vice Chairman Bock asked if they have approval on the bridge, when they would be going to build. Mr. Culpepper stated they are putting together bid packages now. It will say on the bridge "Chatham Park Way".

Commissioner Cross asked if our Board of Education is having any meetings with Chatham Park. Mr. Culpepper stated they actually are meeting with them this week. They have been sharing with them population estimates so they can look at timing as to when schools would be coming on.

The County Manager stated that the senior staff from the school system also met with the county staff when they met with people from Chatham Park.

Commissioner Elza asked where the first subdivisions are going to go. Mr. Culpepper stated they will be north of US 64 Business and between US 64 Business and the US 64 Bypass. That is the easiest place for us to get utilities to. Commissioner Elza asked if they were going to do the subdivisions and then have builders come and do packages. Mr. Culpepper stated in most cases we will not be the vertical builders, we will be directing others. In the case of the medical office building, we will not only build it, but we will own it and lease it out as well.

Commissioner Cross asked what size hospital they are talking about. Mr. Culpepper stated it is similar to what is in Hillsboro. It will probably have around 100 beds, but he cannot say for sure. Things change very rapidly in their field. We are preparing for plenty of expansion; they are looking for over 100 acres. Commissioner Elza asked if there is a population threshold. Mr. Culpepper stated he is not close to UNC. Their instructions were to get sewer, get utilities, get an interchange, get it approved and then they will come.

This Agenda Item was received and filed.

[14-0972](#)

Presentation on the Draft US 15-501 Corridor Study Traffic Analysis Report

Attachments: [Draft US 15-501 Traffic Analysis Report](#)

Hillary Pace, Planner, introduced Darius Sturdivant who gave a presentation on the 15-501 Corridor Study Traffic Analysis Report.

Mr. Sturdivant stated they are coming to the conclusion of the study and he wanted to come back and give an update to the group.

He stated today they would be looking at the project background, project data, conventional intersections versus superstreets, the next steps, and then comments and questions. The study area is a fifteen mile stretch of Highway 15-501 between Pittsboro and Chapel Hill.

Mr. Sturdivant stated this is NOT a Multi Modal Study.

The study presents three things:

- traffic analysis*
- scenarios that were studied*
- scenario results*

Mr. Sturdivant reviewed the superstreet scenario.

Mr. Sturdivant stated there is no preferred scenario from the NCDOT.

Hillary stated the TAC reviewed the study and they wanted bike and pedestrian accommodations on this plan and Mr. Sturdivant mentioned that was not within the scope of this study. Ms. Pace stated the first two scenarios included traditional intersection improvements and one of the scenarios (not the superstreet scenario) included widening three lanes north of Mann's Chapel Road to the Highway 54 intersection. The superstreet concept did not include widening to six lanes.

Commissioner Elza asked if they are proposing a superstreet at US Highway 64 and US Highway 15-501. Mr. Sturdivant stated no, north of that. Commissioner Elza stated it seems it works or may work where there is a little distance. Mr. Sturdivant stated that it does. Commissioner Elza asked what distance the superstreet would take up at Briar Chapel. Would it be a half mile past the intersection? Mr. Sturdivant stated he didn't have those distances with him, but those distances are available in the report.

Vice Chairman Bock stated he knew Briar Chapel and the NCDOT have had those discussions. Nick Robinson, attorney on behalf of NNP Briar Chapel, LLC stated Richard Adams, traffic consultant with Briar Chapel, has talked to NCDOT. Mr. Robinson stated Mr. Adams wanted him to convey to the Board that Briar Chapel is in support of the report and the superstreet concept and they are already working on some of the superstreet concepts with the intersections that impact Briar Chapel. Briar Chapel does not anticipate any kind of problems working that out with the NCDOT.

Commissioner Elza stated when we go up the line and we have an existing shopping center and side streets coming in and possibly have a lighted intersection, are those proposed to be changed. Mr. Sturdivant stated yes, they have accounted for that and adjusting signal timing and signal phasing.

Mr. Sturdivant stated Stantec along with the NCDOT's Congestion Management Unit will make several technical presentations of this study. Commissioner Elza stated he didn't realize at the MPO that the bike and pedestrian issues weren't in the study. Mr. Sturdivant stated the consultant will do two presentations for the MPO and they will also do a presentation for the TARPO.

Commissioner Elza asked when you make a right turn on the superstreet and you have to make a lane change, does the speed have to do with the highway at that

point. Mr. Sturdivant stated it has to do with traffic volumes as well. Commissioner Elza asked if you can do it with the right of way. Mr. Sturdivant stated yes, that makes it a low cost option.

Ms. Pace reminded the Board that the comment period is open until this Friday.

Commissioner Elza stated it had been helpful to get the questions answered.

This Agenda Item was received and filed.

This Agenda Item was received and filed.

[14-0964](#)

Chatham Trades to update the BOC on the status with building space, programs, finances and contract work.

Shawn Poe, Executive Director of Chatham Trades and Patrick Barnes, President of the Board of Directors, spoke to the Board.

Ms. Poe wanted to give an update. We are currently serving thirty-six adults that have disabilities. Fourteen are being served under the Cardinal Innovations which has been referred to as the waiver. Twenty-two serve under state funded ADVP funds. We currently have a waitlist of twenty-three people. We have been approved to be a respite program through Cardinal Innovations. This is a day program of leisure activity only. There will be no vocational component. That will require a separate space. In preparation for that we have moved everyone under one roof. We have three work units working under one roof of about 8,000 square feet. We have a 2,000 square foot building which is now used for the snack program that we just completed. We also did this to integrate all the consumers together. We don't segregate the severely disabled from the less severely disabled. By having all the consumers under one roof it helps us stay within state and federal guidelines. We are at maximum capacity. We need to be able to expand to be able to serve more people.

Mr. Barnes stated just to give you an idea of how much space we don't have, our present building used to have a conference room but we tore out the wall. We have utilized every square inch of space in that building we possibly can. It is over 40 years old and it needs renovating. We have twenty-three people on the waiting list which would give us a total of fifty-nine people. Hobbs Architects would be our architects. We only lack funding. Our estimate on our building is \$1.2 million dollars, that is just the building itself. The site work, grading, paving would be another \$300,000. The existing \$300,000 we have would be used to renovate the existing building.

We want to thank you for a brand new shiny truck. It cranks up every morning and comes back in the evening. We appreciate that greatly.

Our finances have taken a great turn in the past couple of years. FY 2012 we were \$85,000 in the red. So far FY 2015 we are in the black. The existing executive director and our staff have done a fantastic job. We have swept everything out of that place we possibly can. We have nothing but work sitting there. Our production and sales has gone up 86% from \$68,000 to \$126,000 in 2014. We are very proud of that. Thank you for your interest in Chatham Trades. Anytime you are ready, we are ready to have a building.

Ms. Poe stated they have a new customer in Siler City, Expert Hosiery. They relocated to Siler City in July from Randolph County. We are bringing in socks and

repackaging and re-pricing them. We want to do it for Acme McCrary, but we don't have the space to do it for them. We just finished with the Snack Program and we averaged 1056 meals per week for a 10 week period. CORA was the financial piece and we were the delivery piece. I am hesitant to procure any new work because of the space issues.

Thank you again and I want to impress upon you that with us working together we do affect the lives of thirty-six people every day and it is a very rewarding position.

This Agenda Item was received and filed.

[14-0965](#)

Discuss Triangle J Council of Government Regional Public Safety Training Center

Attachments: [Chatham County Inv 10486](#)
 [Regional Public Safety Training Center](#)

Tom Bender, Fire Marshal, gave a presentation on the Triangle J Council of Governments Regional Public Safety Training Center.

Mr. Bender stated Chief Dan Jones from Chapel Hill Fire Department would have liked to have been here today, but he could not make it so Mr. Bender is standing in for him today.

This has been an ongoing process and thought for several years for many different reasons. He stated there might be one main location with several satellite areas depending on the type of facilities needed. One example would be the training burn facility. It would probably not be the right thing to put in a heavy residential area. In the case of the indoor firing ranges, they may need another location, maybe, because of the noise. A new joint facility removes the cost being absorbed by one singular organization and everyone can help share the burden.

The exact location has not been identified but it will take between 75 and 100 acres for this project and the cost of the first phase of this project will be somewhere between 40 and 50 million dollars.

Some of the reasons this facility is needed is that many of the existing facilities in the area are aging and the equipment is out of date. There will be an Emergency Operations Center at this facility where telecommunicators can be trained. There will be rescue training facilities, ponds for diving, canine training, meth lab simulators, and mock jails.

A lot of the training will be advanced rescue training. One of the things the State Highway Patrol is interested in is their track in Raleigh is deteriorating rather quickly and they want that added to this facility.

This facility will have a national draw to it. There will be a seven story fire rescue training building.

Vice Chairman Bock asked what Chatham County's portion of the project would be. Commissioner Cross stated Chatham County's portion is \$6,000.

A motion was made by Commissioner Cross, seconded by Commissioner Stewart, to approve Chatham County's prorated portion of \$6,000 for the project. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0969](#)

Discuss Animal Shelter Architectural Plans and Cost Presentation

Layton Long introduced the design architect, Rick Bacon, and said the ultimate desire would be to have this plan in the Capital Improvements Plan.

Mr. Bacon gave a PowerPoint Presentation

Mr. Bacon: I recommend you build a whole new adoption building and a new receiving building, which are two new free standing buildings. We would like you to build the infrastructure now to support all the buildings. We would like you to renovate the existing facility so that it is upgraded to meet the needs of the transition space between the two facilities. The community room is the third priority and the spay/neuter clinic is last. I recommend that you do all four of these.

Phase 1 Resource center, adoption facility and receiving facility

Phase 2 – Renovate existing building

Phase 3 – Community center

Phase 4 – Clinic

Mr. Bacon reviewed the cost estimates and showed examples of other projects they have completed.

Commissioner Cross stated most of the new buildings they had completed were \$3 million dollars and below and the estimate for Chatham County to renovate the existing building and build new buildings is about \$4 million dollars.

Commissioner Elza asked how they isolate a diseased animal from another animal.

Mr. Bacon: They will come in from the sally port. They will do an evaluation and immediately put it in the temporary holding and then put it in the area where they won't spread disease.

This Agenda Item was received and filed.

[14-0970](#)

Discussion of 2015-2016 Legislative Goals Proposal for the North Carolina Association of County Commissioners Association

The County Manager stated this item was to discuss the proposed goal for potential legislation about agriculture zoning.

Jason Sullivan, Planning Director, stated there is a recent example in Harnett County about a gun range and whether or not it was a bonafide farm use. The definition of agriculture in the general statute is very broad. The documentation that can be provided to substantiate the claim that it is a bonafide farm use is very broad as well. From the planning prospective some clarification from the legislature would help.

Commissioner Elza stated that definition has been on the books a long time, it will be hard to change.

Commissioner Stewart stated counties receive funding from the state in tiers based on the wealth. We are the third richest county in the state and that is how we receive funding for education.

The County Manager stated one of the things you have discussed historically on the tier system is the northeast part of the county has a dramatic impact on the three quarters of the geography of the county. That affects the ability of what would otherwise be grant eligible projects were it a more rural, less economically successful county. One of the discussions was is there a way you can more carefully define within a county, the different tiers.

Commissioner Cross asked if they can at least ask about the tier levels because Chatham County is the best example of this problem. He would imagine it hurts Goldston or Siler City from getting a loan from USDA as well. The County Manager agreed.

By consensus the Board agreed to make the two items proposed legislative goals from Chatham County.

End of Work Session

This meeting was adjourned

Regular Session - 6:00 PM - Historic Courthouse Courtroom

INVOCATION and PLEDGE OF ALLEGIANCE

CALL TO ORDER

The Vice Chairman welcomed everyone in attendance.

APPROVAL OF AGENDA and CONSENT AGENDA

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that this be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0785](#)

Vote on a request to approve corrections to Nonprofit Grant Policy

Attachments: [Chatham County Nonprofit Agency Funding Policy 9-15-14](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0868](#)

Vote on a request to approve HIV/STD Prevention Funds

Attachments: [Agreement Addendum \\$50.00 STD Prevention.pdf](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0872](#)

Vote on a request to approve \$666.66 from Rural Cancer Prevention Center Research Project Funds

Attachments: [Rural Cancer Prevention - Funds - Vendor Appl.pdf](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0913](#)

Vote on a Request from citizens to approve the naming of private road in Chatham County

Attachments: [APPLESEED WAY PETITION](#)
[APPLESEED WAY](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0915](#)

Vote on a Request to Approve the Reappointments to the Agriculture Advisory Committee

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that these Appointments be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0916](#)

Vote on a request to approve \$222.00 awarded to the Health Department Summer Food Service Program Inspection Funds

Attachments: [767 Chatham FY15.pdf](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0935](#)

Vote to approve appointments to the Region J Advisory Council on Aging

Attachments: [Matt Alexander Advisory Council Nomination Form 7-24 \(3\)](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that these Appointments be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0937](#)

Vote on a request to accept bids offered on foreclosed properties.

Attachments: [ForeclosePropertyBidTab](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0939](#)

Vote to approve tax releases and refunds

Attachments: [August 2014 Releases.pdf](#)
[Refunds to other counties.pdf](#)
[August VTS Refund Report for Sept 15, 2014.pdf](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that the tax releases and refunds, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0958](#)

Vote on a request to approve NC Firefighter's Relief Fund Board of Trustee appointment; Bennett Volunteer Fire Department, Bennett Fire District.

Attachments: [Attachment #1-Fireman's Relief Fund Description.pdf](#)
[Attachment #2-Fireman's Relief Fund-G.S. 58.pdf](#)
[Attachment 3; Bennett VFD Fireman's Relief Fund Request.pdf](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that this appointment be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0960](#)

Vote on a Request to Adopt Resolution Proclaiming October, 2014 as Domestic Violence Awareness Month in Chatham County.

Attachments: [DVAM Proclamation 2014](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that the Resolution #2014-28 Proclaiming October 2014 as Domestic Violence Awareness Month in Chatham County, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0962](#)

Vote on a request to approve the naming of one state maintained road

in Chatham County

Attachments: [TURN KEY WAY PETITION](#)
[TURN KEY WAY MAP](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0963](#)

Vote on a Request to Approve NC Firefighter's Relief Fund Board of Trustees appointments; Bonlee Volunteer Fire Department, South Chatham Fire District.

Attachments: [Attachment #1-Fireman's Relief Fund Description.pdf](#)
[Attachment #2-Fireman's Relief Fund-G.S. 58.pdf](#)
[Attachment 3: Bonlee VFD Fireman's Relief Fund Request.pdf](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that these appointments be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0914](#)

Vote on a Request to Approve Submission of Juvenile Crime Prevention Council (JCPC) Annual Plan

Attachments: [Chatham County Annual Plan FY 2015](#)

A motion was made by Commissioner Cross, seconded by Commissioner Elza, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

PUBLIC INPUT SESSION

Dan Hirschman gave the following comments:

Mr. Hirschman: My name is Dan Hirschman. I live at 13001 Droughton Court, Chapel Hill in the Governor's Lake Community and I am here to speak on agenda item number 14-0802, which is the Cell Tower Permit request by AT&T and American Towers at the Farrington Road Site. I spoke at the quasi judicial hearing for this item and voiced my opposition to the permit along with my reasons for the opposition so I am not going to speak on those now. My purpose in addressing you tonight is to ask that the quasi judicial hearing be re-opened to allow for a meaningful opportunity for the community and the residents to present more evidence on this matter. According to Rule Seven of the Conditional Use Hearing Rules of Procedure for this county, the commission may continue a hearing to a later meeting to accommodate additional witnesses for presentation of additional testimony or evidence. I believe that is warranted in this case. On behalf of my community, after the hearing I made a public records request to obtain information the community and I did not have prior to the quasi-judicial hearing. Only after completing a thorough review of that record are we now able to see evidence of some deficiencies in AT&T and American Tower's application that I think warrant exploration. For example, and I will just give you one

brief example since I am limited on time, I do not believe based on review of the record that AT&T and American Towers has adequately met its burden to show that the proposed site is not in a major wildlife area, as is prohibited by Chatham County's ordinance. AT&T's only evidence to that affect is a statement from their attorney that it isn't in a wildlife area and then they have a tax map in tab 16 of their application which doesn't have any key or any demarcation where any wildlife areas are. On the other hand, my community at a re-opened evidentiary hearing could show that the site might be in the Morgan Creek Bottom Land forest site, which is one of the North Jordan Lake major wildlife areas described in the 1992 Inventory of Natural Areas and Wildlife Habitats of Chatham County, which I won't read to you now. Hopefully you will consider reopening this and postponing your vote. Again this is just one issue that is an example I have found. At the quasi-judicial hearing we asked that the hearing be continued to give us additional opportunity and Commissioner Elza made a motion to that affect, however, there was no second. I am here tonight and I am hopeful that you all understand how important this issue is to our neighborhood and you will reopen the hearing to allow for meaningful comments so that you, our commission, can make a decision based on all the facts, not an arbitrary one, based on one side of the story. Thank you for your service to our county and for your consideration of postponing the vote on the Farrington Cell Tower Site and reopening the evidentiary hearing at a later time. Thank you.

Willie Fleming gave the following comments:

Mr. Fleming: My name is Willie Fleming, I am the president of the African American Caucus of the North Carolina Democratic Party. I am sure you are all aware of the events that happened in Ferguson, MS. What may now be so clear is the underlying structure that led to the tragic outcome and community out rest that was witnessed by our nation. Some may point to the grinding poverty and lack of opportunity in the community, while others may comment on the challenges of single parent households and the difficulties of such a situation. What is clearer, however, is that we will not make progress with our diverse population in America, North Carolina or right here in Chatham County unless we make a commitment for progress, justice and equal opportunity. Years ago a county commissioner passed a resolution condemning the race based malice after one of its members, Rev. Carl Thompson, was apparently a target of racist graffiti. Subsequently the County set up a Human Relations Commission and hired a director to address such issues so the community could amicable relationships and mutual respect among all groups within Chatham County and to facilitate the prevention and resolution of problems in the areas affecting human relations of all citizens residing, working or trading in Chatham County. These were reachable goals. Unfortunately, the leadership of this board chose to eliminate the staff position in 2011. The members of the Chatham County Human Relations Commission resigned as a form of protest. I would like to pass this on now to Dr. Rev. Paul McAllister,

Dr. McAllister: I am Rev. Dr. Paul McAllister, I am Pastor of Pittsboro Church of God here in Pittsboro, NC. I am reading this statement and I believe I agree with the spirit of it. Before I read it, however, I want to say that scripture often tells us to remember the least of these and the policies that are made at the local, district, city and national levels, whatever is done, we need to be mindful of the fact that lives are at stake. The very lives that we want to represent and serve are the very lives who interest we need to prayerfully and respectfully consider. Given that statement, Mr. Fleming has said that the leadership of this board chose to eliminate the staff position in 2011 and the members of the Chatham County Human Relations Commission resigned as a form of protest. That should speak volumes to this committee as a reflection of the views of many others who felt the same way. From the outside it appeared that Chatham County was making progress. Can this community however afford to be penny wise and pound foolish regarding its human relations? One Ferguson type

event will economically undo much of the progress and goodwill that has occurred over the past decade amongst many of you. Certainly the board resolution recognized in February as African American History Month is well received by the community, but beyond that lofty goal there is a need for the leadership of the county to not only talk the talk, but walk the walk. And that statement is applicable to each and every one of us. Other communities are also struggling with this thorny issue and we have witnessed such insults as Buncombe County GOP's executive committee member Don Yelton referring to my community as "lazy blacks". And recently the disrespect that GOP county commissioner Hood Richardson hurled at Beaufort County's African American Chairman Jerry Langley when he was gaveled out of order and replied "yes master". You may believe that these comments have no bearing on your community, but they are indeed indicative of a way of thinking that unfortunately, if left unchecked or unchallenged can lead to bigger problems. The question that we ask is not merely a rhetorical question, but it is a question of conscience and a question of economics. Can Chatham County afford this? I can only hope that with the growth of the community the Human Relations Commission will be funded and we will be on a better course than we have been. Thank you.

Randy Voller gave the following comments:

Mr. Voller: I am Randy Voller and I am addressing you regarding a situation that has occurred with the Chairwoman of the County Board of Education. Perhaps there was an oversight or personality conflict, but it is clear from emails last summer that the Chairwoman of the County's Board of Education was kept out of the loop regarding communications from this Board and the Board of Education and its staff. Now given the reaction of the majority of the women of our state to speaker Tillis' failure to address Senator Hagan by her title, one can only hope that the failure to bring Chairwoman Karen Howard into the dialogue was not a gender slight. However, given the unfortunate and hostile environment we have witnessed around our country regarding President Barak Obama over the past six years, one could reasonably conclude that race perhaps played a role in the disrespect to Chairwoman Karen Howard. Of course I will admit sometimes the facts don't tell the whole story. Which is why Abraham Lincoln so brilliantly illustrated in a rather ribald tale in his defense of a client in Illinois. Lincoln was defending a man and it seemed to all present that the prosecutor had a conviction nailed down, strongly supported with a list of undisputed facts. Lincoln rose and said to the jury, "my esteemed opponent's statement remind me of the little boy who ran to his father. The lad told his father that Susie has raised her skirt and the hired man has lowered his trousers while they are up in the barn. Pa, explained the youngster, they are getting ready to pee on the hay. Well son, replied the father, you have the facts all right but you have reached the wrong conclusion." To quote Lincoln I hope I have reached the wrong conclusion here, however, I respectfully request that since Ms. Karen Howard is going to be serving on this board after the election that she is treated fairly and with respect while she still serves as the chairwoman of the school board as well as a future member of this board. Thank you for your time this evening.

BOARD PRIORITIES

[14-0802](#)

Vote on a Wireless Telecommunication Permit request by American Tower Corporation and AT&T Mobility for a portion of Parcel No. 20032, known as the Farrington Site, located off 464 Old Farrington Rd. for a 150' monopole telecommunications tower on a lease area of approximately 0.73 acres of the 11 acre tract, zoned R-1, within the

Williams Township.

Attachments: [Hyperlink](#)

Ms. Hillary Pace, Planner, stated the applicant wanted to address the Board.

Mr. Gray Styers stated all of the evidence is in and the hearing has been closed, the planning board has voted and voted unanimously the approval of this site. There is no reason to reopen the hearing. All of the evidence was submitted well in advance publically available and the application was available on the website. However we think it is appropriate for all five of the board members to be available to vote on this. Given the fact that chairman petty is not here we would respectfully request that this item be held over until the next month's meeting so that all five board members can vote on it, even though there is no reason to re-open the hearing.

The Board agreed that it was not necessary to wait until the next month's meeting.

Ms. Pace reviewed the specifics of the request. She reviewed the specific site conditions:

- 1. The tower shall be gray in color, constructed of galvanized steel.*
- 2. The fenced tower compound shall include brown, opaque slats.*
- 3. Approval from NCDOT on the commercial driveway must be obtained and a copy presented to the Planning Department before the issuance of the first building permit.*
- 4. At least one wireless tenant that intends to locate on the proposed tower must be identified at the time of building application. If a wireless tenant is not identified, then the building permit shall not be issued.*
- 5. If requested by the County, American Towers, LLC will provide a co-location site to the County for the placement of antennas in support of the County's emergency communication needs at no charge to the County, so long as the co-location by the County does not interfere with the co-location of then current or future commercial communication antennas on the tower.*
- 6. Prior to completion of construction, applicants shall plant twenty pine trees (at least 2" caliper), spaced 6- to 10' feet apart, parallel to, and within 20 feet of the right-of-way of, Old Farrington Road. These trees shall be planted north and south of the driveway to the facility in order to provide screening of the site from the public right-of-way in the long-term.*

Commissioner Elza stated both sides have asked for a continuance. Commissioner Elza moved to postpone the vote to the October 20, 2014 Board of Commissioners Meeting. The motion failed due to lack of a second.

Vice Chairman Bock stated I do think we heard and read all of the evidence. The planning board has approved unanimously to approve the tower. I do have one concern. There have been several residents of the community that recognized the need for the tower but they don't want to see the tower as it is but we have in the past approved to have these towers disguised to look like trees, it can be less obtrusive and offensive to those that live nearby. Several have asked me to request of the applicant to go with whatever camouflaging that can be used. I would like to request that.

Mr. Styers stated American Tower has constructed a number of those trees around North Carolina. They are considerably more expensive to construct and maintain. We know what works and what looks good. We know if you stick the antennas right at the top of the tree sticking out beyond the limbs it does not achieve the purpose. If we were to go with a monopine stealth design, we need to go 15 feet above your highest antenna array. From a distance it does blend in to the tree line when it is surrounded by trees. It is important that we try to provide coverage in the area. Even

though it would be more expensive and with some reluctance, if the motion was for it to be a monopine which had limbs and were brown and the antennas were within those limbs and the height were at 165 feet, we would be willing to accept that condition, reluctantly. If that is what it takes to get it approved we would do it. I think the way I would word it would be that it would be a monopine, consistent with industry standards, with brown trunk and limbs, at a height of 165 feet; we would go on record saying we would support that condition. No other changes would need to be made to the site plan or the other conditions.

Vice Chairman Bock stated I understand no matter what we do here there are still going to be some people who are going to be unhappy. There is not going to be a perfect answer.

Commissioner Stewart stated I agree. One of the things I heard out of the first hearing we had was more people were offended by the look. I went out there to see for myself what the service was like. They definitely need it but if we can make it less obtrusive, I say we do it.

Mr. Styers stated despite the additional expense we would be willing to do it.

Ms Pace stated the staff needs the applicant to acknowledge that due to the ordinance there would have to be a revised written description of the facility. That can simply be added to the revised condition.

Mr. Styers stated we would be happy to supplement the specifics as required by staff prior to the application for building permit.

Commissioner Bock asked for a motion to approve the applicant's request modified to say it will be a monopine stealth design consistent with industry standards at a height of 165 feet.

A motion was made by Commissioner Stewart, seconded by Commissioner Cross, that the applicant's modified request for a monopine stealth design consistent with industry standards at a height of 165 feet be approved. The motion carried by the following vote:

Aye: 3 - Vice Chair Bock, Commissioner Cross and Commissioner Stewart

No: 1 - Commissioner Elza

PUBLIC HEARINGS

[14-0968](#)

A Public Hearing to receive public comments on the proposed financing of the Agriculture Center, the School Bus Garage, and the refinancing of the 2009 project (Margaret Pollard School) and a portion of the 2006 Certificates of Participation.

Vicki McConnell, Finance Director, stated the specifics of the request. This is on the refinancing and it is new money for the Agriculture Civic Center and the School Bus Garage. We are going to refinance the Margaret Pollard School and a portion of the 2006 COPS. As of last week, it looks like we are going to save around one million dollars on the refinancing. It will be a public offering so if the market doesn't look like it is going to be that good at the time we sell we won't do the refinancing but we will borrow the new money.

Vice Chairman Bock asked if there was anyone here from the school administration.

I just want to thank the school administration for working with county staff on the school bus garage project. It is a joint project with the county and the schools. We are the only county in the state who has been able to cooperate enough to make that happen. Several others have tried but have not quite been able to make it happen. I really appreciate the savings of one million dollars as well.

The Vice Chairman opened the public hearing.

No one was signed up to speak.

The Vice Chairman closed the hearing.

This Agenda Item was referred to the Finance Department.

14-0925

Third Public Hearing to receive public comments on the Chatham County Utilities Department's application for a CDBG Grant in the amount of \$750,000.00.

Attachments: [2014 Chatham County PH Statement](#)

Dan LaMontagne, Director of Public Works and Environmental Quality, reviewed the specifics of the request.

This public hearing presents the intentions of the County to apply for FY2014/15 Community Development Block Grant (CDBG) funding under Title I of the Housing and Community Development Act. The purpose of the public hearing is to obtain the views and proposals of the citizens of Chatham County with regard to the determination of priorities for the community development and housing needs of the County.

The CDBG program is a federally funded program administered by the State of North Carolina Department of Commerce (NCDOC) and Department of Environment and Natural Resources (NCDENR). The NCDOC administers funds directed toward Economic Development projects. Funds in the support of the public infrastructure necessary for new industry or expansions that create or retain jobs are granted to eligible applicants. The NCDENR administers funds directed toward water and sewer infrastructure that serves low to moderate income areas with failing or deteriorated water and sewer facilities.

Chatham County intends to submit an application for a grant of \$700,135 in CDBG Infrastructure funds to replace small and deteriorated 40 year old 1.5, 2 and 4-inch water lines in the Nature Trail Mobile Home Park with new 6-inch lines to decrease water loss, improve maintenance, water quality and fire protection. The County will contribute \$37,500 in county funds to the proposed project.

The following is a tentative list of proposed activities and an estimated budget. A copy of the final application is available for review at the public hearing or at the Public Utilities office following the public hearing.

1. CDBG Water Line Improvements	\$565,135
2. County Water Line Improvements	\$ 37,500
3. Administration	\$135,000
TOTAL	\$737,635

The County adheres to the federal guidelines and procedures to minimize adverse

impacts from residential displacement and relocation required as a result of programmed activities in the CDBG program. No displacement is anticipated in the current application for CDBG funding. The application contains the Town Residential Antidisplacement and Relocation Assistance Plan.

The Vice Chairman asked if the Board had any questions.

Commissioner Elza asked if the residents would not be assessed because of the block grant. Mr. LaMontagne stated he was correct.

The Vice Chairman opened the public hearing for comments.

No one was signed up to speak.

The Vice Chairman closed the hearing.

This Agenda Item was referred to the Public Works Department.

[14-0891](#)

A legislative public hearing request by Raleigh Industrial Partners, LLC to rezone Parcel No. 17890 and 17891 from R-1 Residential to Conditional District Regional Business, located off US 64 E, being approximately 45.69 acres total for a three-story self-storage facility, boat and RV storage area, and boat, trailer and other utility vehicle sales and service facility, New Hope Township.

Attachments: [Hyperlink](#)

Hillary reviewed the specifics of the request. With the last public hearing there were three items that were outstanding that the applicant needed to clarify. Two of them are transportation related and one is related to buffer widths. The applicant provided an overly buffered site required by ordinance. He has provided a revised site plan that complies with our ordinance to date and actually pulled back some of the buffers that were again overly buffered. The other item regarding transportation is twofold. There is the US 64 long range plan for the corridor. You will see the applicant site is split by an interchange road. It is a two parcel site. The applicant got in touch with the Long Range Planning Division of the NCDOT. They received written comment that the service road can be moved to either side of the property. The Long Range NCDOT Division asked solely only for 25 to 50 extra feet in the frontage of the property to accommodate the front parallel surface road. Staff would ask applicant to consider pushing back these buildings on the site an additional 25 feet at a minimum to accommodate NCDOT's comment. The other comment was regarding some input at the public hearing last month where there was concern raised about u-turns at the 751 intersection and the Bob Horton Road intersection. The applicant provided exhibits of u-turns of boat and RV vehicles and we then routed to NCDOT for comment. NCDOT said that they are acceptable and in line with the current superstreet design. Staff feels that the comments at the public hearing have been satisfied and are happy to turn it over to the applicant for further information.

The Applicant, Warren Mitchell, approached to speak.

Mr. Mitchell: My name is Warren Mitchell and I live at 253 Tobacco Farm Way, Chapel Hill. To add to the three items Hillary mentioned, the buffers were originally done to the subdivision standards which are different from a property. That is why when the consultant met with the staff, he was able to provide the buffers that you see here which are smaller than what were in the original app. We would agree to adding 25 feet to the setbacks on US 64 to address this long range service road that

might go parallel to 64 in the future. The buildings are currently at 50 feet and we would add 25 feet to the existing 50 foot buffer, we would agree to that. The third issue brought up at the public hearing last month was the u-turns on 64. Josh Ranke, our traffic engineer, is here and I will get him to come up after I sit down to go over the u-turns at 751 and at the cut over further west. Staff sent his report to the NCDOT and agrees that both large RV's and vehicles such as an SUV pulling a boat would not have trouble at those intersections making u-turns. I will turn it over to Josh Ranke.

Mr. Ranke: I am Josh Ranke. I live at 1113 Bittersweet Court, Raleigh, NC. I work for Ramey Kemp and I am a registered Professional Engineer in the State of North Carolina. We ran some u-turn models on the two intersections that we were concerned about at US 64 and 751 and US 64 and Bob Horton. What we did, this would be a vehicle with a boat in tow. We checked when a vehicle is heading eastbound making that u-turn movement there, how that would work. It sort of slightly comes out of the inside lane but it is definitely not an issue to make that u-turn.

Vice Chairman Bock: You ran models to come up with that?

Mr. Ranke: Yes, they are NCDOT standards, turning templates. We used that at both intersections.

Vice Chairman Bock: There are lots of RV and Boat storage places around there. Did you try to ask a person to try real rv or vehicle with a boat at those intersections.

Mr. Ranke: No, we did not, we use NCDOT models. Our roadway guys do that quite often. (He showed two models, one at each intersection. Neither had an issue with the u-turn.)

Vice Chairman Bock: What is the size of that vehicle.

Mr. Ranke: The NCDOT model is thirty a foot long vehicle. (Showed RV at intersection of 751.) (Showed Vehicle with Boat in tow at the Bob Horton intersection). I would like to point out with this movement here that most of the traffic with a boat in tow would not be coming from this direction it would be coming back from the lake and be taking a right. Vehicles heading out of the site east would have that option. They could make that u-turn and there are also ways they can access the lake if they take a right on 751. Both vehicles we analyzed and presented to the NCDOT are capable of making that u-turn. We ran trip generation just to see approximately how many vehicles we are looking at for the site. We had relatively low rates, nothing that we would be concerned about or that would trigger a traffic impact analysis. The highest peak rate entering the site was about forty vehicles during peak hours, which is during the evening hours. Less than one car a minute accessing the site either direction, east or west. Not all would be making that u-turn.

The Vice Chairman opened the hearing.

The Clerk called Cynthia Gigandet.

Ms. Gigandet: My name is Cynthia Gigandet, 453 Heritage Drive, Apex, NC. We would like to stress to you our strong opposition to the re-zoning request presented by Raleigh Industrial Partners, LLC (RIP) to rezone Parcel No. 17890 and 17891 from R-1 Residential to Conditional District Regional Business (to develop a Boat, RV, Self-Storage facility and Boat Sales and Service Center). Our opposition to this request is founded by 3 driving factors: traffic safety concerns, lack of need for this

type of business establishment, and a need for strategic property development in Chatham County, specifically on the east side of Jordan Lake. First, in RIP's Revised Standards and Goals.pdf they state this facility will have "...little demand on transportation infrastructure. All highways will reach their capacity during morning and afternoon rush hour. The peak traffic times for this business will be on weekends, not during regular peak rush hours." In reality, the mornings and evenings are more busy with "work" traffic but the times that the boat traffic is heaviest is usually on holiday weekends and afternoons when there is nice weather. Traffic is continuous on the Chatham County side of Hwy 64 between Hwy 751 and Jordan Lake. The location for this property would not only increase congestion at Hwy 751 but also at the open median in front of Builder's First Source. Both of these areas in light traffic are not conducive to trucks pulling trailers trying to make a U-turn, which is what would be required when going to Jordan Lake from this facility. We see the big trucks coming from the concrete plant and Builder's First Source everyday cutting across Hwy. 64 and adding boats and trailers to this mix as well as additional traffic coming to the boat sales and service center would pose serious safety risk. Secondly, when we first saw this request our first thought was "Is there a need for more boat storage in the area as the developers ascertain in their proposal?" We conducted several internet searches, from these searches we received anywhere from 10 to 15 different facilities within a 3 mile range of the east side of the Lake. In addition, we also noticed that there have been 4 other requests that have been presented to the Chatham County Board of Commissioners in 2014 (with several of these already approved). After, doing a little more research, we have learned that there is at least an estimated 600 additional storage spaces that have been approved but not yet built. All of this equates to, NO we do not need more storage of any kind on the east side corridor of Hwy 64. Lastly, we were involved in the opposition to rezone a 16-acre partial owned by Chatham Development right across from our Heritage Pointe Subdivision back in 2008. This request was denied on the basis that "it did not meet the Land Use and Development Plan". We do not see where this rezoning request is any different. We believe that the Commission has an opportunity to manage the development on the east side of the lake. Both Wake County and Durham County are booming with residential and retail development, one can see it every way you go to cross over the Chatham County line. We would like to see a strategic development plan to help drive growth and development in our area, not this rezoning of every lot that comes open into a commercial hodge-podge. We live in Chatham County but all of our disposable income goes to other counties-we would love to see development here to keep our money here in Chatham County (retail, grocery, restaurants, entertainment, etc.) We are appreciative of the opportunity to share our concerns, as we are ~1/2 mile away from the property in question and were not aware of this rezoning request until after the last board meeting occurred. We saw the rezoning sign after the roadsides were mowed and looked into this. The developer had noted that there was no opposition to this request, but this must be taken in context as the folks that received the notice were either Builder's First Source or vacant lots (where the property owners lived out of state). As a suggestion to the Commissioners, I would propose that you review the notification requirements and expand the "notification" area to include adjacent properties and any other properties within a 2 mile radius. As development of the rural land continues, I believe that giving all stake-holders a say is imperative and an awareness of the requests being made is necessary.

The Clerk called Burton Carnegie.

Mr. Carnegie: I am Burton Carnegie, 2 American Court, Apex, NC. We are residents of Heritage Pointe in Chatham County and want to voice our strong objection to the rezoning proposal presented by Raleigh Industrial Partners, LLC to change Parcel# 17890 and Parcel# 17891 from residential to commercial for the purpose of boat and

RV storage with a sales and service center. Heritage Pointe is one of the prime residential communities in Chatham County. It is about a half-mile from these land parcels. The community has 64 lots, all sold with the majority of the homes completed or in the process of completion. The value of these properties all approach close to a million dollars with many well over that amount. Why take these prime parcels of land and approve another storage facility? Several surround Heritage Pointe now. What is needed is residential or a combination with commercial composed of a grocery store, pharmacy and other service facilities for the many residents in this area of Chatham. We pay extra taxation in New Hope and yet the County has provided no such services. Instead Heritage Pointe residents travel to Wake and Durham Counties for services and give them all of our business and taxes, as is true for all residents of this area. These parcels considered for rezoning would allow another not needed or wanted storage facility. The facility would be located almost immediately after crossing from Wake County into Chatham County. We need to keep Chatham County as a beautiful and desirable place to live and not a storage facility for non-residents. We urge you to look at your previous denial of rezoning in 2008 of sixteen acres on Route 64 across from the entrance to Heritage Pointe. This was based on your decision that it did not meet the Land Use and Development Plan. There is a very strong need to keep these parcels residential or in combination with a services location for residents. Please look closely at this situation and you will realize that the future of this space should be reserved for resident services. Let's get a grocery, pharmacy, and other services as this not only provides enticement for County living, but keeps the location for use of its present and future residents.

The Clerk called Andrew Petesch.

Mr. Petesch: My name is Andrew Petesch of Petesch Law, 127 West Hargett Street, Raleigh, North Carolina. I am here on behalf of Walt Lewis who is a business owner here in Chatham County. He owns the Extra Garage One and Two and is working on number Three now. I do want to state at the outs that his concern is about the safety and welfare of his customers and the community members. It does not have to do with competition. That is an easy leap to make because it is a similar industry. He is pro growth but he believes that growth needs to be smart and beneficial to the community where it is being done. In this case it is not so much the use itself but the location itself without the direct access to that property that is going to require several u-turns. This has been discussed and you have those images now that have been presented. I have respect for Ramey Kemp but these are not sealed plans and the engineer was not giving sworn testimony to you. I think that the conflicts that this presents and that is really in traffic, the issue is are you creating more conflicts. In this case you are talking about taking u-turns, especially at this particular intersection at Bob Horton Road, you've got on the southern portion the John Deere Landscaping Builders, First Source, and ST Wooten Concrete trucks going in and out of that access to the south. You are having vehicles with trailers making u-turns in to that conflict area on a high speed interstate or highway. Again down at 751 you have a concrete median that they have to negotiate. I know that those turns show that they can be managed but I would say one, it is modeling but not practical real examples. Two, in the case of the RV that was thirty feet and it just barely made it. The RV in the left turn lane is pushed as far to the right of that lane as possible to be able to show that it can just barely make it. Anything over thirty feet, there is no way it will be able to negotiate that u-turn. This does not take into account dual axle trailers and RV's because you cannot make that sharp of a turn without causing severe damage to tires potentially causing blowouts which is going to be another issue. I don't think this is just appropriate to go forward and say this is enough for us. There needs to be a TIA ordered in this project so we can look at what the trips are currently. The last trip count was noted in 2012. There has been enormous growth in this area so we would ask the commissioners, the staff require that a TIA be done and look

specifically at these issues. Thank you.

Commissioner Elza I think the traffic is a problem here. I would like to see more. Making a u-turn at 751 is very problematic. That is a 30 foot vehicle shown and most RV's are longer than that, a pickup truck and a trailer can be longer. I don't know how the stock building supply trucks are doing it. Maybe they don't have to do to many. They have trucks with trusses on them. Those are the standard we should be looking at, 18 wheelers not these. There is an RV lot and RV storage across the way and people are coming out of there all the time.

The Vice Chairman closed the hearing.

This Agenda Item was referred to the Planning Board.

[14-0941](#)

A legislative public hearing request to amend the Chatham County Impact Fee Ordinance, Section II, Definitions, to modify the definition of accessory dwelling unit for ordinance consistency.

Attachments: [Hyperlink](#)

Ms. Hillary Pace, Planner, reviewed the specifics of the request.

The Vice Chairman opened the public hearing.

No one signed up to speak.

The Vice Chairman closed the hearing.

[14-0942](#)

A legislative request to amend the Chatham County Subdivision regulations to add a definition for utility lots and accessory dwelling units to Section 2. The request also includes clarification to Section 3, Security for Completion and Maintenance of Improvements; Section 5, Procedure for Subdivisions; Section 6.2 Additional First Plat Information; Sections 7.4, Lots, and addition of plat notes to Section 11, Appendix A: Certification Forms for Initial and Final Approvals.

Attachments: [Hyperlink](#)

Ms. Hillary Pace, Planner, reviewed the specifics of the request.

The Vice Chairman opened the public hearing.

No one signed up to speak.

The Vice Chairman closed the hearing.

[14-0943](#)

A legislative public hearing request to amend the Chatham County Watershed Ordinance to include Sections 302 Watershed Areas Described to exempt minor utilities from minimum lot size requirements; Section 109, General Definitions, adding a definition for accessory dwelling unit.

Attachments: [Hyperlink](#)

Ms. Hillary Pace, Planner, reviewed the specifics of the request.

The Vice Chairman opened the public hearing.

No one signed up to speak.

The Vice Chairman closed the hearing.

[14-0944](#)

A legislative public hearing request to amend the Chatham County Zoning Ordinance Section 7, Definitions, to include a definition for minor utility and major utility, to modify the accessory dwelling unit definition; Section 10 Schedule of District Regulations, to exempt minor utilities from minimum lot size requirements and to remove existing public utility language and add minor and major utilities to the Zoning Table of Uses; Section 5 Conditional Zoning Districts, to include an additional required finding.

Attachments: [Hyperlink](#)

Ms. Hillary Pace, Planner, reviewed the specifics of the request.

The Vice Chairman opened the public hearing.

No one signed up to speak.

The Vice Chairman closed the hearing.

[14-0945](#)

A legislative public hearing request by John E Booth Farms, LLC, Kathryn Butler, for an amendment to the Chatham County Zoning Ordinance Section 10.13 Table of Permitted Uses. The request is to add the use of Event center and associated retail, including weddings, receptions, parties, gatherings, tastings including service of food and drink, both outdoor and indoor, arts and craft shows, stage shows, music events, business meetings, exhibition shows, trade shows and outdoor movies (no drive ins); provided however, said uses limited to events involving fewer than 300 simultaneous attendees. Uses requested to be allowed in the O&I, B1, NB, CB, RB and as conditional use permits in the R-5, R-2, and R-1 Districts.

Attachments: [Hyperlink](#)

Jason Sullivan: This is a public hearing request from Kathryn Butler for a text amendment to the zoning board to add a use to the Table of Permitted Uses. The description was included in your application materials. The applicant is here and can better address the request.

Clerk calls Nick Robinson:

Mr. Robinson: My name is Nick Robinson and I am with the law firm of Bradshaw Robinson, LLP in Pittsboro. Our office is located at 128 Hillsboro Street. I am happy to be here on behalf of John E. Booth Farms, LLC. In particular, I'd like to introduce the Board to Kathryn Butler who is here as a representative of that entity, and proposing the text amendment. Just by way of background, this property has been in their family for over 100 years. It is located fairly close to Southpoint on Highway 751, where the vineyard is located. You may remember having seen that at other

times. This is a two-step process that we're asking you to go through tonight. The first step is to make a text amendment to the zoning ordinance to allow for particular uses in this district. The second step to request a generalize rezoning of this piece of property to a Neighborhood Business ("NB") District. By way of background to that, the approach to this was formulated by meeting with planning staff and discussion with Ms. Birchett for a way that seems like a tenable way to move forward and accomplish the objectives of the zoning request of the landowner. Let's begin now, and this area we are talking about the requested amendment of the zoning ordinance. What we are proposing is that there be an addition to the Table of Uses. Over the years in Chatham County there has been a sort of a hole in the Table of Uses, and you all have probably sat through some of the hearings on some of these matters where somebody wants to do an event center in Chatham County and there hasn't really been a good use set out in the zoning ordinance for that purpose. Table of Uses doesn't clearly address this type of use and so over the years other applicants and the planning department has really done well to address those kinds of uses within the Conditional Use category that is reserved for circuses and carnivals and other related items, is basically where that falls under. Let me pull that up for you. This is your current Table of Uses as it presently worded. There really hasn't ever been a good slot for an event center and where it has fallen into this category of "Circuses, carnivals, exhibition shows, sideshows, races, trade shows, flea markets, banquets, ... and other similar events...", it is basically is where that has had to fall. As you know, the current use of that property is as a vineyard and often time there are tasting events, etc. The landowner wants to expand that and be able to have weddings and various kinds of uses there, but in order to do that they would first have to say that the proposed use falls into other similarly events category which is not really very helpful or specific. So the request that is being made in lieu of that is that a specific new use be placed into the Table of Uses. In addition to this one which is already there, and I'll get you the language for that. This is the propose language we ask that be added to the Table of Uses in Chatham County Zoning Ordinance: A new district events center and associated retail including weddings, receptions, parties, gatherings, tastings, including service of food and drink, both outdoor and indoor; arts and crafts shows, stage shows, music events, exhibition shows, trade shows, outdoor movies, (no drive-ins), provided, however, said uses are limited to 300 events simultaneous attendees. If you look across the row here the basic idea of the proposal is that an event center would be an allowed use, in other words the "P" stands for permitted. It would be an allowable use in an office and institutional or a business, or neighborhood business. There are other business categories, but if you wanted to put in the events center in R-Residential property you would still have to come before the Board of Commissioners to get a Conditional Use Permit, and you will still have to meet the five findings. So that is the idea behind the proposal, is to create an avenue within the zoning ordinance to allow somebody to propose an event center in an appropriate area. Basically, to eliminate the ambiguity that presently exists in our ordinance and really this ambiguity should be clarified increasingly in Chatham County because of its natural beauty and its location in the growing triangle area there is a need for Chatham County Zoning Ordinance to directly address the locations within and the rules as to which such events centers and similar activities will be allow so that landowners have some clarity on that before they spend a lot of time and energy requesting the Conditional Use Permit. That is in the best interest of the safety and general welfare in that it clarifies the land upon which common use centers for gathering such as weddings, receptions or other similar uses can be held. Permitting them within business districts is sensible since the use is most akin to a business type use and allowing it as a conditional use within residential districts is also sensible since the Conditional Use Permitting process will allow the Board of Commissioners to have input as to whether under the circumstances of each particular application the requirement is appropriate or unduly burdensome to surrounding districts. I will say, finally, that this clarification carries

out the intent and purpose of the land conservation and development plan. One of the explicate policy objectives of the plan is to reflect balance growth by in part ensuring it is guided to appropriate location and designed appropriate for the setting. That is in the plan Page 10, Policy Objective 2. The plan further recommends and supports promoting recreation, tourism and historic resources on the plans, that all and all if you look at this, this is a sensible, moderate proposal to amend the zoning ordinance that would benefit the county and give clarity to the landowners that want to seek the opportunity to bring that kind of a business to Chatham County. I will say that we have proposed this language as a citizen of the county. Planning staff has not made comment yet on the particulars that we suggested. Planning staff may come back and say no, you shouldn't limit it to 300 simultaneous attendees, or they may say something different. The process, I'm sure will carry itself out going through the planning board and come back to you. We would request you give due consideration to this because we think we think it would be beneficial to the county. That is all the remarks I have at this time.

Commissioner Bock: Do we have anyone else who would like to speak?

Clerk: (calls several names, no one comes forward)

Commissioner Elza: I have a question on part one. What is the difference between this and a restaurant or a bar? I see most everything here can be down in .. (inaudible)

Mr. Robinson: There is a separate category for food and zoning ordinance. What the intent of this is, to say if you want to have an event center, these are the kinds of activities you can have in an event center in this business district.

Commissioner Elza: An event center is in name only as I see it. It looks like a big restaurant/bar to me. I have no further comments at this time.

Commissioner Bock: We will close that public hearing and refer it to the Planning Board and move on to Part 2.

End of Hearing.

This Agenda Item was referred to the Planning Board.

[14-0946](#)

A legislative public hearing request by John E Booth Farms, LLC, Kathryn Butler, for a General Neighborhood Business (NB) Rezoning on a portion of Parcel No. 19681, being approximately 6.50 acres out of the 14.02 acre tract, located at 8913 NC 751, Durham, NC, Chatham County, Williams Township, and as part of the Chatham/Cary Joint Land Use Area.

Attachments: [Hyperlink](#)

Jason Sullivan: This is a general use rezoning request. We do not see a lot of these come through our process, most of them more are for what are called conditional district rezoning. The area that is outlined here is what is under consideration for rezoning. This is a portion of the property located at Highway NC 751 close to Kelly Chapel Road near the Chatham County/Durham County line. The Property is currently zoned R1. If you look within these boundaries, there is lighter color gray area, and this is the boundary where there is an existing Conditional Use Permit that was approved several decades ago for a lawn and garden center.

As of several months ago, there was a vineyard and a winery that were operating in a building that was on the property and that has since closed. Now you have before

you a request to rezone as Neighborhood Business ("NB") zoned district. This is also located in our joint plan area with Cary so the joint plan does identify the area that was under the Conditional Use Permit as an existing business use on the property, and also has a provision that will allow for a rezoning request to be submitted with an additional 100 foot buffer, and that is all in the Interlocal agreement. As far as the rezoning is concerned, no community meeting is required as part of the application process because it is a general use rezoning and also no environmental impact assessment is required for this submittal.

Clerk calls Nick Robinson.

Mr. Robinson: Thank you, Jason. Once again my name is Nick Robinson. I am here on behalf of the applicant which is the same applicant as the prior matter. Jason did a good job of introducing the subject matter. Just to get you acclimated here to where we are talking about physically. This is Highway 751 heading towards Southpoint Mall. The property we are talking about is a 14 acre parcel. The parent property is a 14 acre parcel that is this size –and to give you an idea of its surrounding, on the backside here is Army Corps of Engineer land, on this side the land is owned by the applicant, on this parcel here, also owned by the applicant. This parcel here is also owned by the applicant. So as far as adjoinder there are essentially these three. Here across the street across from Highway 751, and then these two and this one adjoins it basically at that point. And so this adjoinder has a fairly long boundary with the property. Now, I think it is important to note that we are not talking about a general rezoning of the entire 14 acre parcel. We are talking about a general rezoning of the portion that was already zoned for Conditional Use and is already zoned for Conditional Use, plus 100 feet around the outside of that. So let me show you what that looks like. Here we are at Highway 751 once again, and as Jason pointed this out before, this property, this line you see right here is essentially 2.1 acres. That is what has a Conditional Use for Business and this is really interesting case and Jason –

Commissioner Elza: What kind of business was that?

Mr. Robinson: It was landscaping and gardening. But its present use as a vineyard has always been allowed because it is a farm use. What is interesting about this case is that you don't really see many general rezoning's coming through. Part of the reasons why this is a very appropriate case for general rezoning is this idea about the 100 feet. The 100 feet being added to it converts it from a 2.1 acre parcel to a 6.5 acre parcel, still less than half of the overall parcel that is owned. We didn't just snatch that 100 feet out of thin air, that came to us by something pointed out to us planning staff that is part of the Interlocal agreement which you signed with the Town of Cary, and what that agreement points out is that if you have a parcel of land already zoned for business then you can essentially, as a citizen, request to add 100 feet to that, without making it a non-conforming use under the Interlocal agreement. That actually was suggested to us as something to look into by Jason, so that is what we've done. Essentially what we would be allowed to do, and the thing you need to think about, is that this piece of land as far as the joint Chatham and Cary land use plan is concerned, is viewed by Cary as a business parcel. So adding 100 feet to it is adding 100 feet in accordance with the terms and provisions of Interlocal with you as Chatham County and the Town of Cary. I want to point out one other thing. All of that which I just described happens in this area right here. It is important to note that this parcel is already zoned for business. That is a large nursery operation with frontage on 751. As you get further up this road you find yourself at 751, and all the business interests that are located in that area. Interestingly, one of the big concerns that you have when you have a general rezoning, is if you are going to ask for land to be rezoned to business, what about the adjoining properties? What is interesting

here is that because of that 100 feet aspect there is this property on this side that is still completely adjoined and surrounded by property owned by the applicant so that part which will not be rezoned for business, is going to continue to be residential, and will continue to be always be a buffer between this property and this site, unless something changes on that. My point is that you are not asking for a general business rezoning that goes up to the property line and so the impact on this adjoining parcel is minimal. If you've ever been out to the property and seen it is being used as a vineyard, (showing photographs), so that is the driveway that comes into the property that comes in from 751, that is the vineyard as it is currently situated, right by 751. This shows you where the driveway enters into the parking lot for the house. Then there is this pond and this area is within the area that would be rezoned to business, and then this is the landing area where the events could take place with the pond nearby and the wooded area is what I was showing you before, between this parcel and next adjoining parcel. I won't take much longer in discussing this, but would be happy to answer any questions. But there are some particular things that have to be shown in order for there to be a general zoning amendment under our ordinance. One is that any alleged error by the ordinance that would be remedied by the proposed amendment and I won't read the entire application but we've put this all out in the application, but the central idea there is that since the land use plan was adopted with Cary in 2012, that was a significant change and it is the document that allows for the 100 feet to be added and this proposal will also clarify and codify the allowed commercial uses that will be allowed on this parcel that is currently designated by Cary as just commercial. This will give it structure and definition. That is an existing condition of the ordinance that ought to be modified. You are also asked under the amended provision of our ordinance to show the change or changing conditions that make the proposed rezoning reasonable necessary, and this property is located very close to the Chatham County/Durham County line on 751 near Southpoint Mall. It adjoins the 19+ acre parcel that is already zoned Conditional Use Business-1 for the nursery, so it is naturally suited for reasonable Neighborhood Business Uses. Your zoning ordinance creates a Neighborhood Business Use which is basically custom-made for something like this. It is not a regional shopping area but a much smaller scale of regional business use. There is a large nearby population and a possibility of business destination that is located inside Chatham County and is a resource for Chatham County and for nearby residents and having a site like this available foster the mission of the Chatham County Convention and Visitors Bureau which assists in its marketing. Then the next to the last thing to show is conformity with the intent and purpose of the land use plan. One of the explicit policy object of the plan is to balanced growth by insuring that thegrowth is guided to appropriate location and is design for setting, it also recommends and supports promoting tourism and historic resources and recreation which this rezoning would do. The plan supports small crossroad commercial business in a form that supports rural character which this site does. It also supports agriculture and home based businesses in rural areas in communities compatible with business enterprises. Our land use plan is replete with other references to creating small neighborhood economic type centers, and since this property is already commercial and adjoins another already commercial site, it is a naturally conforming space designation. Essentially, this request will give us zoning designation to match its existing function in conformity with the existing plan; it is not just conforming to the land use plan but also the Interlocal agreement and is conforming to the joint Chatham County and Cary land use plan. Adding the 100 feet of commercial area to the existing facility will not alter the street scape, appearance or the view shed vineyards and pastoral appearance you are familiar with. The primary space be expanded by 100 is behind an existing natural rise in the land and is particularly attractive to users of the venue because it shield users from the view of NC 751, and so I would say that in summary all of the requirements that need to be met in order to justify a general rezoning have been met by the application. We

welcome any question you may have about that, but we think this is the ideal functional way to allow this property to be able to be used for the purposes that are allowed under the ordinance and that would conform to what everybody imagines is appropriate for it under all of the existing plans. Thank you.

Clerk calls Kathryn Butler.

Ms. Butler: My name is Kathryn Butler. I live at 404 Wooded Lake Drive in Apex, but that is a Chatham County address I will point out. This property has been in my family as Nick said for 100 years. Actually 105 years. It was the original residence of my Uncle Jim and Aunt Emma, in my childhood and we are happy that it stayed in the family. One of the things I think that is important as we develop this county into more growth that is coming into this county is to preserve some of the things that make the county beautiful and unique. As I looked at this property which belonged to my brother until his death in 1986, to me the highest and best use was to develop its natural beauty into something that people and the family and also outside of the family could enjoy, and that is how we turned my brother's home/shop, in fact, it was his home and shop and office and for any man the ideal man's home. It was one-fourth house and three-fourth's shop. So, everybody who saw it thought it was an excellent house for the typical guy. But at any rate we've now turn to that sometime ago, five years ago, into a tasting room, and basically an agricultural, agri-tourism use, for the vineyard and because of the popularity of the activities that have gone on there, we have been asked to do more in terms of the kinds of events that we do there, and so as I said I see this as the highest, best use for the property. On the objective of the lessors, I'm just a landlord, its being leased by other people; it is to create events in the spirit of the place. We reject events that are late at night or have loud music, as Mr. Elza was referring to, because it is not in keeping with the nature of the property. So, it's our objective to reject the kind of things that would be objectionable to our neighbors. In conclusion, the proprietors who will be leasing the property are out of town but they are excited about the opportunity, and they think it will bring a lot of revenue into the county, and tourism because of the proximity to Southpoint and RTP. Thank you.

Commissioner Bock: Has anyone signed up to speak?

Clerk: I believe Sally and James submitted their comments, is that correct?

Clerk calls: Kari Liptock

Ms. Liptock: Good evening. My name Kari Liptock and I live at 8847 NC Highway 751. I lease the home next to the vineyard and I'm their neighbor to the left. There is a generous wooded buffer between us, and a property fence that is coming down the entire length of the two properties. It is a very private and quiet setting. That being said, it is a wonderful idea to introduce a local event activity center into the county. It is a gorgeous piece of property and it is meticulously maintained. Just to live to next to it is an honor every day to have the ability to share this 100 year old property with others and bring a positive active tourism to the county, it's ideal. I am also in favor of the rezoning and I look forward to its future success and also becoming a huge destination location of the county. There are not many places like this farm, and it is certainly something to see. Thank you for your consideration, and I hope you zone it.

Clerk: That is all.

Commissioner Bock: Questions?

Commissioner Elza: Mr. Robinson, how are you going to handle the traffic on 751?

Mr. Robinson: The same way it's being handled along 751. The driveway gets turned into and to the extent there is any specific change, they will do whatever is required to do of them by the DOT.

Commissioner Elza: For up to 300 car event, or a 300 person event?

Mr. Robinson: Right.

Commissioner Elza: You're saying general business, general neighborhood business? No conditions?

Mr. Robinson: Yes, because this is a general rezoning.

Commissioner Elza: So far we have Garden Sake zoning which is a landscaping business and your zoning currently is landscaping businesses, which are very quiet businesses compared to what you are talking about. And you don't have to do an event center if you are general business zoning. You can do a gas station there. Anything that is on the list. Is that correct?

Mr. Robinson: Yes, anything that would be allowed under Neighborhood Business category.

Commissioner Elza: This is, to the rest of the board, this is very serious, very serious business here because right now we have two quiet businesses and up the road not far is Durham and the Southpoint shopping center. We do not need to strip mall this place. Thank you.

Mr. Robinson: I would say in further response to that, it would be pretty tough to get a strip mall on a 40 foot wide driveway that goes back about 600 feet to where the property opens up.

Commissioner Elza: I worry about what we are starting here.

Mr. Robinson: I'm just responding here. Any other concern that there might be about there being some kind of gas station or whatever, I'm just not familiar with any gas station proprietors that want that long of a driveway to where they would put their gas stations. I think there are built in safeguards to keep the uses that will be placed on the property in a sensible direction. Thank you.

Mr. Bock. Thank you. Are there any other comments? We will close this hearing and refer it back to the planning board, as well.

End of hearing.

This Agenda Item was referred to the Planning Board.

[14-0952](#)

A quasi-judicial public hearing request by Strata Solar for a Conditional Use Permit on Parcel No. 12233, located off US 64 W, Hickory Mountain Township, for a solar farm on approximately 42 acres. The parcel is split between R-1 zoning and unzoned. The R-1 zoning is the portion subject to this CUP request which is approximately 23.3 acres.

Attachments: [Hyperlink](#)

Jason Sullivan reviewed the specifics of the request. The purpose is to consider a Conditional Use Permit. The applicant held a community meeting. They submitted this to the appearance commission in July and the appearance commission recommended approval. They have also submitted an environmental impact assessment.

Henry C. Campen, attorney for Strata Solar stated we have three witnesses this evening here to testify. You have before you tonight affidavits signed by the three witnesses and attached to those affidavits are several exhibits. The witnesses are Sam Judd, Brent Neiman, and Richard Kirckland.

The Clerk called Sam Judd.

Mr. Judd: I am a Development Associate with Strata Solar, stated I am a development associate for Strata Solar. In this capacity I identify sites for solar facilities and support land use permitting for Strata's solar farms across North Carolina.

Strata Solar is the largest solar developer in North Carolina and the sixth largest solar developer in the United States. Strata Solar is headquartered in Chatham County. Strata Solar operates fifty-five megawatt farms in North Carolina and expects to complete construction of 40 new farms by the end of 2015. I am familiar with the proposed solar farm use, including the conditional use permit request. I assisted in preparation of the application and related documents for the permit.

Strata Solar proposes to construct a solar farm on approximately 48 acres on the south side of Hillside Dairy Road and north side of US Highway 64 in Siler City owned by Swannie Ann Clark and Richard Clark. Photographs of a typical 5 megawatt solar farm are attached as Hearing Exhibit 1. The solar farm will be interconnected to Duke Energy Progress for delivery of the power generated to the electric grid.

The proposed use is among those listed as an eligible conditional use in the R 1 district where a 23.3 acre portion of the property is located. The remainder of the property is unzoned. Under North Carolina Senate Bill 3 (G.S. 62 133.8), it is the public policy of the State to promote renewable energy. Under State law electric utilities are required to purchase an increasing amount of renewable energy. Under the law solar energy is defined as a renewable energy resource. The proposed solar farm is being developed under this policy. In December 2012, under rules promulgated by the North Carolina Utilities Commission ("Commission"), Strata Solar filed a Report of Proposed Construction for the proposed solar farm at Vickers Road. This filing is required under State law before construction of an electric generating facility of this size can begin. On August 13, 2014, the Commission issued an Order accepting the registration of the proposed solar farm as a new renewable energy facility. A copy of the Order is attached as Hearing Exhibit 2.

There are other instances of solar farms in Chatham and surrounding counties. Strata has another operating solar farm in Chatham County and surrounding county locations including Governors Village, Moncure, Vickers and White Cross. The proposed project will produce approximately \$10,000 in annual property tax payments to the County. The proposed solar electric power plan, will generate electricity to meet consumer needs in the local area with safe, clean, renewable energy with no fuel consumption or emissions. The proposed plant requires no public improvements or services.

Construction of the solar farm will create approximately 110 temporary construction

jobs over a two month period. Also, Strata Solar maintains an average of 1,000 jobs across North Carolina including approximately 100 professional engineering, project management, and legal and accounting staff in Chatham County and 1400 construction jobs across the state. For the reasons stated above, granting this conditional use permit application is desirable for the public convenience and welfare. The proposed solar farm complies with the Chatham Land Use Plan in form and spirit. Specifically, the land use plan calls for "benefits and burdens" of growth to be shared. As I have already noted the tax receipts from this solar farm to the county will be in the neighborhood of \$10,000. Also, the use has been identified as appropriate for "agriculturally" zoned lands by means of the specific solar text change approved in 2012.

The use "ensures the long term quality" of surface water resources. This particular use likely will provide less nitrogen and other run off effects than the adjoining farms, which frequently need fertilizer, tilling, etc. Finally, the solar farm can be removed at completion and returned to farming which "preserves opportunities to farm". The proposed solar farm is consistent with the residential and agricultural land uses that exist in the area. The area surrounding the site is rural and sparsely developed. There is a significant tree buffer surrounding almost all of the site. Hearing Exhibit 3 is a copy of the site plan overlaid on an aerial photograph of the site. This exhibit illustrates the extensive buffer around this site. The visual impact of the site is expected to be minimal. The proposed solar farm meets several of the defined policies of the Land Conservation and Development Plan:

- The surrounding area is rural and sparsely populated.
- The project ensures long term quality and availability of groundwater and surface water resources due to a small impervious surface percentage and replanted ground cover.
- The surrounding area is rural and sparsely populated. The project establishes electrical infrastructure that supports economic development.

The proposed solar farm meets the requirements of the Watershed Protection Ordinance by providing all required buffers and by having and built upon area below the strictest threshold. The project meets the requirements of the Flood Damage Prevention Ordinance by being located out of a flood hazard area and by being designed to prevent water damage to electrical and structural components.

For these reasons, it is my professional opinion that the proposed solar farm will be consistent with the objectives of the Land Conservation and Development Plan.

The Clerk called Brent Neiman:

Mr. Neiman: I am a licensed North Carolina professional engineer employed by Strata Solar. Strata Solar proposes to construct a solar farm on approximately 48 acres owned by Swannie Ann Clark and Richard Clark. The property is located on the south side of Hillside Dairy Road and north side of US Highway 64 in Siler City. I am familiar with the proposed solar farm, including the conditional use permit request. I have personally toured the property and specifically inspected the location of the proposed project. I assisted in preparation of the application and related documentation for submittal to the county, and it is my professional opinion that the application package is complete.

The solar farm will contain rows of photovoltaic cell solar panels mounted to steel and aluminum racking that is mechanically driven in the ground. The site will be constructed in one phase. The solar cell configuration contains no moving parts. The electric components will have an Underwriters Laboratories (UL) listing and the facility will comply with the edition of the National Electrical Code adopted at the time of

construction. The only sound generated by the solar farm is the quiet hum of the inverter and transformer during daylight hours. This equipment is centrally located within the solar array. This hum dissipates as you move away from the equipment and will not exceed the ambient background noise level of a typical rural area at the property line.

Similar facilities are already located in residential neighborhoods to deliver power to homes. Solar panels are designed to absorb rather than reflect light. The solar farm will not have any lighting and no chemicals or hazardous substances will be utilized on the site. The solar panels will be less than ten feet (10') in height as measured from the grade to their highest point, much lower than the typical house. The site is appropriately located to be served by fire, police and emergency services, if needed. The area beneath the solar panels will be planted with grass or other vegetation to stabilize the soil. The active area of the solar farm will be enclosed by a six foot (6') high chain link fence with 3 strands of barbed wire along the top of the fence to prevent unauthorized access to the site.

The solar farm will not be staffed daily. Employees will visit the site weekly, or less frequently, to maintain the equipment and for vegetation management. Therefore, traffic will be minimal and will not negatively impact the surrounding area. For these reasons stated above, it is my professional opinion that the proposed solar farm will not impair the integrity or character of the surrounding or adjoining districts or materially endanger the public health or safety.

The site will not require water or sewer. Primary access to the site for construction traffic and routine maintenance will be from a new driveway on Hillside Dairy Road. A secondary entrance is proposed on U.S. Highway 64, only for use by the utility to maintain their interconnection equipment. Driveway Permit applications will be submitted to the North Carolina Department of Transportation for the driveways shown on the submitted site plan. I do not anticipate that any changes to the speed limit or any modifications to the road system will be required to serve the solar farm.

The proposed solar farm will generate almost no traffic. I am familiar with the principles of traffic engineering. The Institute of Transportation Engineers Trip Generation Manual 8th Edition reports that the average single family housing unit will produce an average of 9.57 trips on a weekday. The proposed solar farm will generate far fewer daily trips than one average single family detached home. For these reasons, it is my professional opinion that the proposed solar farm has adequate utilities, access roads and other necessary facilities consistent with the county's plans and policies.

The site plan reflects the setbacks required by the County Zoning Ordinance. A Modified Type 'B' Landscape Buffer, as indicated on the submitted site plan, will be provided around the perimeter of the solar farm where existing landscaping does not provide adequate screening from adjacent properties. Existing landscaping may be augmented using the same Modified Type 'B' Landscaping Buffer design included on the Conditional Use Site Plan. Strata Solar will obtain an erosion control permit from Chatham County before starting construction on the proposed solar farm.

The Clerk called Richard Kirkland.

Mr. Kirckland: I am a state certified general appraiser out of Raleigh North Carolina. I have been working in this area for nineteen years. I regularly appraise property in the area, I appraise agricultural land, timbered land, commercial properties, a little bit of everything. I was asked to look at this by Strata Solar to talk about whether or not there was going to be an impact on the adjoining property values from this proposed

solar farm. To that end I have visited over 50 solar farms across North Carolina. I have done online research and have done my own research study doing what they call pair sales analysis. That is the textbook way of addressing whether there is any impact from an adjoining use like that. You try to find two properties that are identical in every way but the only difference is what you are testing for. So in this example I am looking for property sold adjoining to a solar farm and a property as near or as identical as possible and then test for a difference. I've looked at several sets of matched pairs and have included in the report but the best for me to talk about was one in Goldsboro and it was a strata solar facility. It actually has a new phase of a subdivision that was being developed at the same time the solar farm was being developed. New homes were being constructed prior to the solar farm even being announced. They had homes being built and developed ongoing after the announcement and after construction. There are homes that are essentially exact same floor plan, minor changes due to someone upgrading a kitchen or a deck, but same floor plan and same price adjoining the solar farm. Down the road there is no difference being shown. The same floor plan regardless of where it is in the subdivision it is selling for the same prices. I've talked with the developer who put in the infrastructure and was selling whether they felt there was impact and they found there was nothing and they had no concerns. In fact they have at this point sold out all the lots and homes in that development. The homes are selling through 2013 and right on through 2014. I talked to the builders I have talked to the brokers selling the homes and I even one Saturday knocked on the doors of the folks who were backing up to the solar farm and talked to them as to whether or not they had any concerns and no one expressed any concerns about property values. It was very strong information there. The data shows that there is no impact from the solar farm. The developer, the builders, the brokers, and the property owners themselves were saying there was no impact. I consider that to be strong information and it is a very rare case where I have essentially a textbook set of comps of matched pairs to look at.

It is my professional opinion that the proposed solar farm is going to have no impact on adjoining residential agriculture properties. In my report you can see where I have also looked at adjoining ag properties that are sold next to existing solar farms and they had no impact as well. I have gone through and looked at the various solar farms across the state and looked to see what was around them so I could quantify what these neighborhoods looked like. The majority of adjoining uses to these solar farms are residential and agricultural. These are where they are being located which really makes sense because you need the open space to put the solar farm in and you need the nearby homes to use the electricity.

So it is also my professional opinion that this is going to be a harmonious use and again have no impact on adjoining property values.

The Vice Chairman opened the public hearing.

The Clerk called Susan Sigmon.

Ms. Sigmon: I am Susan Sigmon and I am 1525 Hillside Dairy Road. My home is across from the construction entrance. First of all I am in total favor of the solar farm. I have three questions that I would love to be addressed if possible. First, Hillside Dairy Road is in alligatored condition as it is. So my concern is that after the heavy vehicles going over that road for construction and for the employees coming in and out, that the company would work with NCDOT to assure that road is corrected because it will be a mess. Secondly, having moved to the beauty of Chatham County countryside a long time ago I did not understand the significance of the interference from things like electric fences for cattle. I just wanted to know if there is indeed any

reception interference. The third thing because of a statement made by one of the gentleman, what does a Type B planted buffer look like? Thank you.

The Vice Chairman asked the applicant to respond.

Mr. Neiman: In regards to the pavement situation on the road, our delivery trucks will not exceed those that are allowed by the NCDOT. Certainly there are inspections made, preconstruction and post construction with the department to address pavement issues so that will be coordinated appropriately with NCDOT. With regard to the planting buffer. There is a detail on the plan sheet (pointed out on the map). This consists of large ever green material staggered at ten foot on center. There were a couple of other plants that the Appearance Commission took issue with and we removed them from the buffer. We would anticipate that within three to five years the plants will be as tall as the fence. We do not want to get any tall trees to avoid shading. This is the same planting we have at two other Chatham County locations. There is no interference created from our facility.

The Clerk called Norm Praet.

Mr. Praet: I represent an adjacent property owner. He is located directly to the west of the property and above the stained glass property. Our biggest initial concern was that the property owner never received a notice of a community meeting. They never had any of their concerns addressed. The first they heard about this was getting a notice of this meeting. They might have been able to have addressed some of these concerns initially. The second issue we have is that the Type B buffer ends here (pointed out on the map) and it says it is going to rely on existing vegetation and trees. When the tornado came by last year it took down the majority of that tree line. It cost my client many thousands of dollars in fences on their property which is an alpaca farm next door. They would like the existing buffer, if this is granted, to continue throughout the property. They are concerned about the safety and the effect on their livestock. They would like the types of trees used to be safe for alpacas essentially. The trees are going to lose leaves on to the property so they would like to review that with them and these are all issues that would have been covered in a community meeting, had they had notice. The president of that company is here also to talk about it as well.

The Clerk called Marty Rainer.

Mr. Rainer: I am Marty Rainer and I am the owner of M&M Alpacas. My business is adjacent to the proposed solar farm. I have some concerns about the trees they are putting in. As I put trees in on my farm one of the things I have to look at are the leaves. Certain tree's leaves are toxic and they will kill the animals. I need to make sure they don't blow over to my side. They had mentioned they don't have any hazardous materials but they don't say what those materials are. He did mention that they transfer from DC to AC. Are they using what they call photo...(inaudible) So you using PV. I am assuming that is what it is. If it is, there are some negative to this. It is still a form of a battery within the panels. I'm not an expert on that, but I have done some reading on that. If it is and something were to happen to these panels, the way that it is laid out and the way the property is laid out with the settlement beds would actually drop down into where the creek bed is and of course my animals are fed off of a well. I would like to know more about how the panels are made. I did not receive any community meeting notices. I believe the gentleman said he actually went to Goldsboro and knocked on people's doors. No one has been by to say anything to me. I am not against it, I would just like to hear more about it.

Vice Chairman Bock stated I would like to request that someone from Strata Solar go

by and talk to Mr. Rainer before this item comes back to this Board.

Mr. Campen stated we will talk to him.

The Vice Chairman closed the hearing.

This Agenda Item was referred to the Planning Board.

[14-0951](#)

A quasi-judicial public hearing request by F-L Legacy Owner, LLC for a Conditional Use Permit revision on the existing Planned Residential Development called The Legacy, located at Parcels 17378 and 89437, off Big Woods Rd., New Hope Township, to revise the site plan/sketch design to relocate the primary amenity area, relocate some residential lots, and to reconfigure some roads rights-of-way. This request will not be adding additional residential lots or new land areas.

Attachments: [Hyperlink](#)

Jason Sullivan, Planning Director, reviewed the specifics of the request.

Mr. Sullivan: This is a planned unit development that was originally approved and zoned under the name of The Homestead in 2004. In 2005 additional property was added to the project so there was a revision to the conditional use permit. What is before you tonight is a revision to the layout for the development so this is not a request to increase the number of units. It is, however, a request to modify to configuration of some of the lots as well as the relocation of the amenities center.

Patrick Bradshaw, attorney for the applicant, reviewed the specifics of the request.

Mr. Bradshaw: My name is Patrick Bradshaw. I practice law at 128 Hillsboro Street in Pittsboro. I am here to represent FL Legacy Owner, LLC which is the subsidiary of Freehold Communities on their request to revise the site plan and sketch design for the Legacy at Jordan Lake. To relocate the primary amenity area to a more central location and to relocate about 23 lots to the south side of Parkers Creek, back into the main portion of the community. The application for amendment of the existing Conditional Use Permit has been signed on behalf of the owner of the undeveloped portion of the community and a duly authorized representative of the owner is present and has been sworn in to this hearing. We would request that the written application submitted to the County on August 1, 2014 be included in the record of this hearing. Legacy at Jordan Lake is an existing planned unit development located in the R1 Zoning District. The PUD was originally approved in March 2014. The existing PUD includes 463 residential units on approximately 628 acres. The requested amendment as Jason said does not add any land to the PUD or increase the number of lots. Mark Ashness is a professional engineer who has designed the proposed revisions to the PUD and at this point I would like to call him forward to testify and describe the revisions that we are requesting in this application.

Mr. Ashness: I am Mark Ashness and I am with the CE Group. I am a registered Professional Engineer in North Carolina and have over 25 years of experience as a land planner and civil engineer. I have worked on numerous projects here in Chatham County since 1990. Much of my work is involved in master planned communities like the Legacy. I have been involved with the Legacy since the inception of the project. (He showed the requested changes on a site map). The new plan does not seek to increase the project area or project density. The area that is provided for the new amenity location is similar in size to the previous location. These changes have resulted in no increase in future roadways it has also allowed

us to eliminate some channel crossings that were originally approved on the current project south of Parkers Creek. The net effect is we are able to bring the developed area closer together and effectively reduce the overall development impact. (He pointed out changes on second map). There are approximately three hundred properties located to the right side of that roundabout. Those three hundred and eleven lots at full build out now would be able to access the amenities without having to go back to the rotary. (Went back to the map to show changes). With the new location, many of the residential lots will be able to locate the amenities in an easier fashion. (He referenced a third "walkability" map). This is important in terms of the relocation of the amenities as well. (Pointed out features on the map). There are ultimately 43 additional homes that will be able to walk to this in that sphere of the half mile that would not be able to right now. The client has met with the community on two occasions and has received input from the homeowners. They are now evaluating and incorporating some of that information. Tonight is about the process of relocating the amenity. The details of the amenity itself will be dealt with during the construction drawing submission to the county. We would meet all the applicable land development regulations at that time. In conclusion, with no increase in density and maintenance of existing project perimeter buffer we have no impact on the surrounding property owners. There are no additional public improvements as required as a result of these changes. Trip generation does not increase from the project so there is no impact from the existing turn lane on Big Woods Road. The proposed changes will not require additional waste water or water capacity. The overall land disturbance and development impact will be reduced as a result of the reduction in road length and clustering of lots within the community. It's my professional opinion that the proposed changes are a positive enhancement and protect the health and safety and welfare of the community, the adjoining neighbors and the environment.

Mr. Bradshaw: Andrew Smith is a representative of the applicant, which I said is a subsidiary of Freehold Communities, and I would like for him to come forward and speak to you about their plans for completing the development of the Legacy and these revisions we are requesting.

Mr. Smith: I am Andrew Smith, I work for Freehold Communities. We purchased the remaining acreage in the Legacy in the second quarter of this year. Obviously, we believe there is a strong demand and market for homes in Chatham County. We intend to bring this project to market with three different product types. When we bought the project, we were concerned about what the existing homeowners wanted and needed in the community. So we reached out and had a first session requesting their input on what problems they saw in the community and how we could address them as we move forward. Then we went back and we listened to those comments and we addressed them. We came back and presented our vision for the project to the community at the second meeting, which was held about thirty days after the first meeting. At the second meeting, we heard some additional comments that we are implementing now. One of the comments was regarding additional parking on the back side of the project on Village Walk Drive and we are implementing that. Another comment was regarding moving the amenity facility further back off the roundabout, we are incorporating that. Another comment was making the playground or Tot Lot as we call it, more centrally located to the Amenity Center. But as Mark said, we are in the process of design and we will come to you with construction plans that meet all applicable regulations, setbacks, and parking requirements. There have been a lot of concerns in the community about the failing roads. They are private roads within the development. They are having some issues and haven't been maintained since 2008. We have hired a third party who has done a report and stated resolution and remediation to the roads and we are in the process of bidding out that work to get them repaired later in the year. That is our position on the project and we look forward to

extending this community to the citizens of Chatham County.

Mr. Bradshaw: On behalf of the applicant, I would submit to you that the evidence provided in the application and this hearing is sufficient to support the five findings necessary under the Chatham County Zoning Ordinance for the amendment of the existing Conditional Use Permit. Basically because the revisions do not add any land to the PUD and do not increase the number of residential units to be allowed in the PUD it does not change the analysis of the five findings when the PUD was originally approved. The revisions will enhance the safety and welfare of the citizens of Chatham County and the citizens of the Legacy at Jordan Lake by making the developed portion of the community more compact and better designed and eliminating two stream crossings and promoting the development of homes and neighborhoods that are in demand in the community. For the same reasons, the revisions will have no negative impacts on adjoining property owners or adjoining zoning districts. As it already does, Legacy at Jordan Lake will continue to promote the Chatham County Land Conservation and Development Plan by promoting balanced growth, by providing desirable homes in an area where they are in demand, by preserving already approved wooded buffers along Big Woods Road and providing expansive open spaces, and recreational opportunities within the community. The high quality water, waste water, and storm water control systems in the community reduce its environmental impacts. The requested revisions will cause no change in water or waste water capacity requirements, access configurations or traffic impacts on Big Woods Road or storm water runoff. For all those reasons, we respectfully request that the proposed Conditional Use Permit amendment be granted.

In the event there are witnesses in this hearing who are opposed to the request I would like to object for the record any testimony by witnesses who lack standing, to any statements or opinions by persons who are not present to be cross examined and to any opinions offered without any adequate foundation. I would also like to reserve the right to cross examine witnesses and to call or recall witnesses to respond to testimony that may be offered by others in this hearing. Thank you.

The Vice Chairman opened the public hearing.

The Clerk called Eilene McKenna.

Ms. McKenna: Good evening. My name is Eileen McKenna; I live at 40 Rolling Meadows Ln in The Legacy. As a Legacy property owner for the last three years, I disagree with the Applicant's assertions that their proposal will not be detrimental to the health, safety, or welfare of the community, and that the revision will have no adverse traffic, visual or screening impacts. I refer you to my online comments for the details, but draw your attention to the following:

1. Unauthorized Taking of Community Property: Purchasers at the Legacy relied upon the approved CUP, the existing CCR's, and the current ARB Guidelines. The original Clubhouse site was selected to be the dramatic focal point from the center of the community frequented by many. That site, arguably the best in The Legacy, was carefully selected by the original developer for its dramatic distant views and set aside for the common enjoyment of all. The Applicant proposes to lop off this choice piece of the common property and in effect "privatize" it, selling it to the builder/developer of the Phase 4 villa homes, only a select few of which will have the grand view intended for all. And in return, everyone at the center of the community will have their eyes drawn not to the well-designed, well-sited focal point (the clubhouse), but to the rear elevations of a soldier line of houses of unspecified design. I strenuously object to this proposed use of that land, which would definitely be to the detriment of the community. I ask the Board to require Applicant to reserve

that choice piece of property at the top of the golf course for the continued use and enjoyment by the community at large.

2. *Applicant's Failure to Enforce or Amend The Legacy CCR's:* Applicant has stated to the homeowners that the recorded covenants and restrictions are still in effect, but that they don't apply to the Applicant (Phases 4-7) nor to the previous declarant, Meritage Homes (building in Phases 1-3). If this is the case, then the CCR's should be changed and recorded for all to see. Without any notice, there have been many significant deviations from the ARB Guidelines, to the detriment of the community. (These include, but are not limited to, failure to install the correct, carefully specified street (shade) trees and to conform to architectural specifications (e.g., window spec. (no grill -between-glass), eight-foot minimum front porch depth; arch. Details used on front elevation required on all other sides, such as full-width shutters, exterior trim, brick or stone.).

3. *Lack of Shade Trees:* A CCR requirement of particular note is for the installation every 50 feet of carefully specified street trees, or shade trees. Since 2012, this requirement has been largely ignored, with serious long-term visual and environmental implications. I ask the Board to make any approval of this CUP modification expressly contingent upon the Applicant's current and future enforcement of this Legacy CCR shade tree requirement in all Phases, including 1, 2 and 3. (Visual impact; screening; environmental impact: air temp, quality)

4. *Unsafe location of the proposed amenities' parking lot; (busy traffic circle and Covered Bridge Trail)*

5. *Inadequate size of that parking lot; (Sec. 14 of zoning ordinance requires 49 vs. 24 proposed.)*

6. *Unsafe location of playground; (busy traffic circle and Covered Bridge Trail)*

7. *Lack of designated cluster mailbox locations with off-street parking in Phases 2 -7; (unsafe one just installed on Covered Bridge at Stoney Creek)*

8. *Need for road repairs of existing hazards before more construction is approved or started; (Deep potholes, depressions, cave-ins)*

I invite and encourage you all to visit The Legacy to better understand our objections to the proposal, and also to read my online comments for more details on what I've said. Thank you for the opportunity to speak.

The Clerk called Angela Glover.

Ms. Glover: I am Angela Glover and I reside at 396 Rolling Meadows Lane in the Legacy. I was under the impression they were going to subdivide existing lots. Is that true or false? They are not subdividing. That was my only concern. That is fine. They changed the configuration which I don't approve of. I approve and agree with everything Eilene said.

The Clerk called Rick Gist.

Mr. Gist: I live at 445 Legacy Falls Drive in the Legacy. I believe that most of my concerns for the proposed modifications for the conditional use permit would be eliminated if the current amenities were located in their original locations. However, if they must be moved to heavy traffic circle, I think that there are a couple of safety issues that should be addressed. Eileen mentioned a couple of them. One is I think the playground should be moved away further from the traffic circle. As mentioned earlier there are about 300 plus homes that have to use that traffic circle to leave and enter the complex. They have no other way to get out. That is a heavily traveled traffic circle. Second, I think the parking spaces should be increased to at least 40 in that section to meet the current zoning ordinance. I believe I counted 18 in the current proposal. If you go by 2 per residence you will need close to 40 spaces at least in that section. In addition, I believe the plan should indicate the location of new US Postal Service cluster boxes. I didn't see any place in the plan for those. In

phase two I know they did put some cluster boxes there, but it is right at a major intersection with no off street parking. The letter that my wife and I submitted has more detail in terms of our concerns and some possible remedies and they go into a lot more detail. In closing, I would just like to thank you for the opportunity to speak today.

The Clerk called Val Gist.

Ms. Gist: I live at 445 Legacy Falls Drive in the Legacy. I am going to provide the emotional comment that my husband did not. We moved to the Legacy from Maryland because it was an upscale, gated community with wide open spaces. They reused rainwater to protect the environment. What I see happening now is almost opposite of that. The application that Freehold submitted contends that there is no change in density across the whole community but in the Legacy Village area, they are adding 23 homes, they are taking out green space, and they reducing the size of the homes there. If that is not increasing density, I don't know what is. Personally, I am not sure that I care that much about the configuration of the amenities but I do believe the open space that was presented when we saw the plan for where the amenities complex was going to be originally located, as Eileen said, so that everybody in the community could go to the clubhouse and look at that view and not 23 small villa homes on small lots that are 7500 square feet. I feel very strongly even though I understand they talk about the new entrance way into the new amenities building, being from Covered Bridge Trail around Rolling Meadows, that is an intersection and they will be going into the amenities while people on Rolling Meadows will be turning onto Covered Bridge. That is an accident waiting to happen. I think it is relatively unsafe. Whereas, if it had been relocated in the condition place it was supposed to be that was at the end of the street, at a dead end where there would be 23 less homes there too, so the people going to the complex would be people who were going to the complex only, not driving all around the neighborhood. I am opposed to it and I would hope you would at least reconsider this, especially, not only are the lot sizes in legacy village, but they reduced the lot sizes throughout the community. And upscale, I mean you can only put an upscale house on a certain size lot.

The Clerk called Morrie Ross:

Mr. Ross: I live at 493 Legacy Falls Drive North in the Legacy. Our neighborhood was designed to be unique, and was approved originally after many years of approval processes. And is an important part of the original plan is the small lots but all owning the common beautifully planned acreage. The land is jointly owned so there is an expansive feeling in the neighborhood. The previous amenity site is the jewel of the neighborhood that gives it its essential character. It is essential, dramatic unique core area with a spectacular view. The current view of the clubhouse is one of its strong selling points. I understand that it would be more expensive to build the pool up at current location. It certainly has never been an issue with any of us that the amenity site needs to be easier to get to. At the community meeting on July 30, 2014, they said they hadn't decided yet what they were going to do with the land that was at the present amenity site. They also said that there were minimal changes to the streets. But two days later they filed an application with you that has houses at that amenity site and with major street changes. The street changes change the whole character of the neighborhood. I think more people would be here tonight if they had realized that it is not what we thought it was going to be. I sincerely hope you won't allow these changes to our neighborhood. Thank you.

The Clerk called Alan Ross

Mr. Ross: I would like to know why they have to put twenty-three houses at the amenities site? I have two other questions also. Why do they have to straighten the roads? Primarily if you look at the site originally, it was designed as several neighborhoods and each one with different characters. By clustering and straightening the roads they have destroyed that.

The Vice Chairman said they would respond to the questions at the end.

The Clerk called Pamela Moran.

Ms. Moran: First of all, I moved to the legacy five years ago from Connecticut. One of the things we loved about the Legacy was the location in Chatham County. We liked the fact it was off Big Woods Road, it had excellent schools, it was between The Preserve and The Windfall. The first day we came to the Legacy with our realtor and we met with the developer, he drove us up to the site where the amenities were going to be. One of the things that we loved about the site was that it was absolutely beautiful. It was set back from the rotary, which I am very concerned about because I have two children and we walk our dogs with them there every Saturday morning. The safety of the children when you want to use the amenities you don't have to worry about the rotary and that tight intersection. It is a very narrow street. We already have major construction and traffic issues. On my street alone cars fly down the road. A construction truck has taken out my mailbox, it has taken out the mailbox on the first lot. We have roads everywhere. We've had construction trucks that have almost hit our neighbors. We've had issues with people running over curbs. My worry is my children going to that location that is right there on the corner and walking past the rotary and perhaps getting hit by a car because it is so tight there. You also have an intersection where the parking lot is proposed. I am asking to please keep the amenities where they were originally proposed. When they talked about a centralized area, it is not that much farther. It is just walking from the corner up the street a little ways. I feel the only reason they want to move it is to of course add the additional homes to add the additional revenue. My house I bought was in a million dollar community now all the rates of the homes values have been reduced. I would hate for home values to be reduced due to the additional smaller homes being added. I thank you for your time and hope you will definitely consider the safety issues and our concerns pertaining to the amenities. We all do want the amenities, we are just asking to please keep them in the original location.

The Clerk called Dr. Brian Glover.

Dr. Glover: I am Brian Glover and I reside at 396 Rolling Meadows Lne in the Legacy. My wife and I have the distinction of being the first family that moved into the Legacy. We have really seen the progression of what has happened over the last few years. The original developers had good vision and knew what the place could be. The original plan was well done, but they were victims of the economy. The current developer has left us feeling that they don't have our best interest at heart. The original price points of these homes were \$800,000 to \$1Million dollars and then came in and started building houses a lot less. Those smaller homes were put in haphazardly in between the larger homes and you would normally expect them to be in sections. It shows us that they do not have our best interest at heart and everything is money driven. Now that they want to replace where they are building the amenities center, the one thing this development has lacked for so long that could make such a difference. I can't help but feel that they are doing it for one reason and that is to generate revenue at that location. I just want to say we are all in agreement, that we would like to see the amenities come as planned at the original location.

The Clerk called Nicole Milne.

Ms. Milne: 397 Stoney Creek Way I am a part of the Meritage Development. My major concern is the current condition of the development. There are significant construction traffic and hazards that could be to dangerous to young children. Especially, special needs child like my own. I just want to ensure that as we continue construction and have the traffic that is going on that we are mindful that people do live there and drive through that intersection every day. With the additional 300 homes behind us we are going to have even more traffic and larger trucks than normal. In addition the architectural values what was originally stated in the home designs are not being followed now. There are continued issues with water and mud from the construction sites and we want it to be safe.

Vice Chairman Bock: When you say mud do you mean soil runoff from construction area.

Ms. Milne: Yes sir. There is a considerable amount in our area.

Vice Chairman Bock: That is probably not something for this discussion but it is something we can look into.

Ms. Milne: It is something we wanted to bring attention to. We will have to deal with it through construction.

The Clerk called Diana Haywood.

Ms. Haywood: I live at 1541 Big Woods Road. I just wanted to remind the board and the Planning Board that all of this land is either within the critical watershed or protected watershed. The section on the south side that they are planning on redesigning is putting more houses within the critical watershed, it might be a net net on the number of houses being built, but the combination of how many houses are being built on the critical watershed vs. protected watershed is very different. What you see across the road is basically, Parkers Creek Campground and it is right on the Lake, so I just want the Commission to be aware of that when they do think about this and think about any redesign. The original map all along Big Woods Road there is green space and open space and the point of that open space along Big Woods Road is to protect Jordan Lake. Jordan Lake is an impaired stream. This development and where I live is on the New Hope end of the Lake. We are trying solar bees now to try and get the circulation, the whole reasons we have solar bees which may or may not work, is because the north end of the lake doesn't circulate. So any pollution that goes into the north end of the lake ,it takes 444 days before it leaves the lake out the dam down at the Haw River. This part of the lake has more algae blooms associated with it. Please be careful and please be aware of that.

Mr. Bradshaw: We would just like to try to briefly respond to the specific questions that were asked. First, I will ask Mark Ashness to speak to the road alignment issue.

Mr. Ashness: There have been some changes in the road alignment. (Showed on the map where the changes are.) Basically we are reacting to better information. This community was internalized. You came in through a single access point and everything was in and unto itself. What we have done here, this is similar to what you see if you have been to the amenity at The Preserve, is now instead having the backs of lots facing amenities you have the fronts of lots facing amenities. If you go into Briar Chapel you will see homes that face parks, that is what we are doing here. This creates more of a community feel. (Reviewed more items on the map) Now what you have is a community that is not internalized, but is tied into the amenity

specifically. The amenity is an area of intensity for the community and having homes that face toward these features we felt like was a more positive approach.

Commissioner Elza: Are you moving the amenity area to the west?

Mr. Ashness: (Pointed out on the map where the amenity will go).

Commissioner Elza: So you didn't build anything at the current amenity site.

Mr. Ashness: No. We are talking about bringing it down to where the roundabout is. We are reacting to the marketing conditions on the ground. Briar Chapel has come back to you and made changes to their plan because they are reacting to marketing conditions on the ground and also what appeals to people who will be coming into a community like this. What we are trying to do in this village area, where we have changed the roads, the lot sizes we have tried to make it tie into the amenity directly facing it. You can see there are roads that go completely around the amenity and those lots now face it. You have front porches facing the amenity area.

Vice Chairman Bock: The part above the par 3 amenity, what property is that?

Mr. Ashness: That is part of the golf amenity.

In-audible conversation.....

Vice Chairman Bock: One of the points that I heard is where the amenity was supposed to be was then in fact shared green space and with a good view from what I've heard. Now it is not. I think that is a major point of contention. That does sound like more than a minor change.

Mr. Ashness: There were homes located where the proposed amenity is now. So what we are doing, it sounds like we have added home sites. It basically is a decision from the developer's perspective to bring the actual active area more central because that roundabout is really the hub.

Vice Chairman Bock: I get that, but I can see why moving that is more than a minor change. I can see how taking that green space away from that area even though the it is the same number of houses is different than building the same number of houses where you are proposing the amenity. We keep using Briar Chapel as an example. I live there and I do know that they have made changes regularly to meet the market, however, if they were to say we are going to take away your trails or we are going to make it so you couldn't get to the trail system which is a major selling point of Briar Chapel, that would be a big deal. I think what you are doing here is proposing to take away that shared green space and in these types of communities that is a major deal.

Mr. Ashness: This particular community has a tremendous amount of green space.

Mr. Bradshaw: Andy Smith would like to address the question that was asked about why this developer would like to move the twenty three lots.

Mr. Smith: The same amount of green space that was up north of the par three amenity center is being given at the roundabout. We didn't take anything away, we relocated it.

Vice Chairman Bock: All green space is not equal, you would have to admit that.

Mr. Smith: The area of green space where that amenity site is now is a cleared flat

piece of rock. There is no trees there now. Today it is not a green space it is a cleared flat piece.

Vice Chairman Bock: I am truly not trying to argue with you. I am just trying to understand. When you say there are some trees there that is why there is a nice view. That is what they are worried about.

Mr. Smith: The reason we decided to move it was three fold. One is to build the amenity center early. These residents hadn't had an amenity center since they moved in. We've committed to build the amenity center at no additional cost to the existing residents and to build it earlier. We thought it would make sense to move it closer to the roundabout for walkability reasons and to build earlier in the timeline. We have not replaced the green space, we've just switched it. The roads were there long before we were. They were put in over five or six years ago. We have committed to repair them and replace them this year. The other thing about construction is that is not us. That is Meritage that built lots in their neighborhood.

The Vice Chairman asked the Board if they had any questions.

Hearing none, the Vice Chairman closed the hearing.

This Agenda Item was referred to the Planning Board.

MANAGER' S REPORTS

No reports at this time

COMMISSIONERS' REPORTS

There were no reports at this time.

ADJOURNMENT

A motion was made by Commissioner Cross, seconded by Commissioner Stewart, that this meeting be adjourned. The motion carried by the following vote:

Aye: 4 - Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza