

to what is being put in all of the water districts; that is what was agreed to in Chapel Ridge; and that they are certainly willing to meet that standard. He stated that when they do water systems in the County's jurisdictions, they use DIP, everywhere, ductile iron pipe; that in this particular instance they are using C900 Class 200, which is the thickest PVC pipe for lines 4", 6", and 8" in size; that once they get above that line size, they use DIP which is the same thing that the County is using for its big transmission mains; that he knows that the PVC the County is using is what is being used in the County's water districts; that they are holding the same criteria that was approved for Chapel Ridge when they had at least three phases of that project approved; and that it would be that same criteria.

The County Manager stated that Mr. Ashness said that the County policy permits use of C900 plastic in some instances, which is true, but only in the approved County water districts. He further stated for financial reasons, that was required as part of USDA funding.

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Cross, to approve the request for a revision to the existing sketch design for the Meadowview Planned Unit Development to reduce the number of lots from 715 to 600, to have all roadways be private, to redesign the lot layout, and to change the name to "The Parks at Meadowview" and that the conditions as required previously be met as follows:

1. Prior to submittal of the preliminary plat for review, the feasibility of access to the properties of Alston, Harris, Holt and Lutterloh shall be evaluated.
2. due to the possibility that Chatham County may add this subdivision to its distribution system, the development must exceed Heater Utilities specifications and meet Chatham County's specifications as required in Chapel Ridge regarding the materials used in water main materials and installation.
3. Detailed storm water plans shall be provided and approved by the County prior to preliminary approval.
4. Any required environmental monitoring reports shall be provided to the local County offices of the Health Department.

The motion carried five (5) to zero (0).

Public Hearings:

(The following is a legislative hearing and any person can present information or opinions.)

Conditional Use B-1 Business District: Public hearing to receive public comments on a request by John W. Blair for a Conditional Use B-1 Business District on 10.613 acres, located at the southeast intersection of SR #1700, Mt. Gilead Road, and SR #1714, Hatley Road, New Hope Township

Vance Reece, 10C Twin Lakes Drive, Jordan Woods, Pittsboro, NC, stated that he represents the area residents for the change in zoning status from residential R-40 to B-1 Conditional Use District for property located at the intersection of Mt. Gilead Church Road and Hatley Road; that while they don't believe it is necessary for them to deal with all of the applicant's findings statements in order to demonstrate the weakness of the application or the soundness of their opposition, they do consider it necessary to highlight statements by the applicant that they believe do not satisfy the requirements and in some instances are at variance with the facts; that in Finding #1, the use requests is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located; that the use proposed by the applicant is not on a list of appropriate uses for Residential-Agricultural areas; that it would be on an approved list if and only if approval is first granted for the zoning change from R-40 Residential - Agricultural district to a B-1 Conditional Use Business district; that the applicant's response to this requirement is then nothing more than a statement that says "if the rezoning is approved, then it's an eligible use"; that in Finding #2, the requested Conditional Use permit is either essential or desirable for the public convenience or welfare; that to establish need under this category, statements

applicant's statement, as the entire data base for drawing the conclusion, "...that there is a large, unmet demand for storage space for boats, recreational vehicles and self-storage near Jordan Lake..."; that two of these owners' businesses are located east of Jordan Lake, several miles from the area that would be affected by the proposed facility; that to suggest that this kind of information warrants the conclusion put forward in the application seem far-fetched and certainly not within the acceptable bounds of fact-based decision making; that the applicant also cites "...an ongoing Department of Transportation study..." concerning the US #64 corridor as a factor in the County's "discouraging commercial...development directly on US Highway #64..." and "...encouraging development at existing crossroads..."; that there's no hard data given, not even a name or a stated purpose of the study; that they would assume that since it is an ongoing study, no final conclusions have been drawn and its relevance to the application presented would be highly problematic; that in short, this statement in the application presents no evidence whatsoever that would support the appropriateness of the proposal; that while the plan calls for encouragement of cross-roads commercial centers to serve surrounding rural areas, it goes on to say they should be designed, built, and operated primarily to accommodate the needs of the residents of the surrounding area; that building a facility where visitors can park their boats and other recreational vehicles hardly seems to be directed toward achieving this desired outcome; that the project is neither essential nor desirable and is not consistent with the objectives of the land Use Plan; that in Finding #3, the requested permit will not impair the integrity or character of the surrounding or adjoining districts and will not be detrimental to the health, safety, or welfare of the community; that when Chatham County's land use Plan discusses development in rural areas, it is consistently noted that commercial development should occur in "designated cross-road commercial center locations to serve the needs of the surrounding rural areas; that it is also the case that in the listings of allowable uses in the various defined districts in the Chatham County Zoning Ordinance this type of facility if not listed as appropriate for Agricultural/Rural area, not even under a conditional use provision; and that in Finding #4, the requested permit will be consistent with the objectives of the Land Use Plan.

Daniel Jenkins, 124 Country Rock Road, Pittsboro, NC, stated that this will create a danger with people that are not familiar with the roadways; and that he would like them to consider these points as well.

Lindsay Hodges, 3 Jordan Drive, Pittsboro, NC, stated that he is representing a number of friends and neighbors; that it would be totally inconsistent with the Land Use Plan; and that he has signatures to discourage this proposal. He read the petition from citizens opposed to rezoning the property, and stated that he is opposed to it because it does not fit the Land Use Plan. The petitions are attached hereto and by reference made a part hereof.

Patrick Bradshaw, 128 Hillsboro Street, PO Box 602, Pittsboro, NC, stated that he was present to represent John Blair in his application for rezoning of the property; that the request is consistent with the policies and goals of the Chatham County Land Use Plan; that it is located at the intersection of existing public roads near Jordan Lake and near Mr. Blair's existing similar facility; that the project will promote recreation and tourism by providing users of the areas lakes and rivers, a convenient location to store their equipment, and a high quality, tastefully designed facility; that during the second portion of the hearing, the Board will hear from several residents of the area who will testify that this is a desirable and needed service that they make use of and will continue to make use of in the future; that the project promotes the goal of designing small cross-road commercial businesses and forms its support for rural character and will have low impact on the surrounding properties; and that Mr. Clyde Ward, who is a long-term resident of the immediately adjoining property to the east, could not attend the night's meeting but submitted a letter stating that he was not in opposition to the requested zoning change. A copy of Mr. Ward's letter is attached hereto and by reference made a part hereof.

Jerry Barnes, 1 Jordan Drive, Pittsboro, NC, stated that they are talking about traffic problems, about mixing businesses with residential properties; and that he opposes the request.

Ray Greenlaw, 2 Jordan Drive, Pittsboro, NC, stated that the existing configuration of Mt. Gilead Church Road is tough enough to traverse in a passenger vehicle; that it is even more difficult to maneuver those same twists and turns with fully loaded, monster dump trucks traveling to and from the S.R. Wooten asphalt plant, i.e. moving in both directions from US Highway #15-501 and US Highway #64, as they enter the intersection of SR #1700 and Sugar Lake Road, SR #1714; that the extensive potential elements of the "Conditional use Permit for Self Storage Facility" could easily evoke an additional request to change the adjacent residential tract; that converting one or both of these residential tracts to accommodate such business entities surely would impede access to existing and potential residential properties along both sides of Hatley Road, both sides of Sugar Lake Road, and the west side of Mt. Gilead Church Road, and south of its intersection with SR #1714.

Laura Lauffer, 330 Hatley Road, Pittsboro, NC, stated that she lives on Hatley Road; that one of the reasons she is in Chatham is to enjoy the environment; that she was prepared for residential not business development, and that this does not meet the conditional use permit criteria.

Pierre Lauffer 330 Hatley Road, NC, stated that he has seventeen years of environmental assessment experience; that it is very low-lying land; that the southwest corner has been underwater about three times in the last ten years; that the Ward's pond has overflowed; that this should be on US Highway #64; and that it is poor planning and outside of the Land Use Plan. He thanked the Board for their time.

The Chairman closed the public hearing.

BREAK

The Chairman called for a ten-minute break.

Quasi-Judicial Hearings:

(Items #17, #18, and #19 below are quasi-judicial hearings and factual evidence is required to be provided under oath by persons who qualify as interested parties i.e. normally nearby and adjacent property owners and their experts).

The Chairman administered the oath to those in attendance who wished to make public comments.

Conditional Use Permit for Self-Storage Facility: Public hearing to receive public comments on a request by John W. Blair for a Conditional Use Permit for - Self-storage facility/mini-warehouse storage facility with related retail and services (i.e. moving truck rental) and - Uses and structures customarily accessory to any permitted use - specifically for boat, recreational vehicle and other self-storage and an associated residential use, on 10.613 acres, located at the southeast intersection of SR #1700, Mt. Gilead Road and SR #1714, Hatley Road, New Hope Township

Patrick Bradshaw, Attorney for the applicant, stated that he was happy to hear the support for building more houses and more commercial development on Highway #64. He introduced Mr. John Blair and stated that Mr. Blair had lived in Chatham County all of his life; that his ancestors had lived in the County since the 1700's; that he is not getting ready to move; that all of the members of Mr. Blair's development team who prepared the application that was submitted and have been sworn; that he requests that the written application, including the supplemental submissions made on February 20th, be included in the record; that there is a growing need and desirability in this area of Chatham County for the project that Mr. Blair proposes; that Mr. Blair constructed his existing facility, off Highway #64 in five phases from 2000-2004; that each time he opened a new phase, the units leased to capacity in a very short period of time causing him to begin construction on the next phase so that the facility was nearly continuously being expanded during that five year period based solely on demand for the services that he was offering; that the existing facility is currently leased to capacity and has been for over a year; that Mr. Blair had no additional room at his existing location to expand his business; that for some time, Chatham County officials have been discouraging additional development directly on Highway #64 due, in part, to the NCDOT's concerns regarding the safety of the road.

general practice encouraged commercial development at existing cross-roads; that this project is located at a cross-roads of existing public roads that is just one intersection removed from Highway #64; that with the population growth occurring in this part of North Carolina and the increased recreational use of Jordan Lake, there will undoubtedly be a continuing growth for self-storage facilities; that Mr. Blair's facility design, screens the storage content from passers-by, muffles noise, and requires no high-power or extensive lighting; that traffic to and from the site is minimal; that the enclosed design promotes security; that Mr. Blair has five year's of experience operating at his current site; and that he is very proud of the relations he has had with adjoining property owners and occupants; that the written application includes six letters signed by owners and occupants of residential properties adjoining Mr. Blair's existing facility who state that they have not experienced any negative effects from noise, lighting, traffic, or other business-related activity on this property; that, to the best of Mr. Blair's knowledge, there are no other storage facilities in the area that provide the same amenities that Mr. Blair offers, including electrical hook-ups, optional surfaces and heights in the storage units, overhead lighting, and generator backup on the gates; that Mr. Blair's facilities are especially aimed at large and valuable boats, recreational vehicles, and other similar items; that Mr. Blair projects that his property, at completion of construction, will be approximately over 1.1 million dollars; that at the 2005 tax rate, that valuation will generate ad valorem tax revenue of \$7,227.00 per year compared to the incoming \$825.00 produced by the property last year; that the project will also contribute to overall economic activity including recreational and tourism activity which are promoted throughout the Land Use Plan; that there will be limited demands on services; that the project will have no significant impact on traffic; that on peak holidays usage is about 15%; that the noise will be minimal and not affect adjacent landowners; and that any signage will comply with zoning ordinance and design guidelines.

Tim Barber, 6814 Mimosa Drive, Chapel Hill, NC, stated that he is a licensed architect in the State of North Carolina and that he had worked with John Blair on site plan; that the building is an irregular configuration; that from the road you will not see much; that the main entrance is on Mt. Gilead Church Road; that there will be a residential unit on top of two of the bays; that this is for security; that there will be a 4' x 8' sign at the main entrance; that the landscaping along both roads meet the criteria; that natural vegetation is used on the south and east sides; that the lighting will be a minimum; and that it will be to the inside and not reach the limits of the site.

Phillip Koch, 4222 Ellisfield Drive, Durham, NC, stated that he has been a professional engineer for ten years and that the low-lying area drainage has been addressed.

David Johnson, 240 Running Deer Road, Pittsboro, NC, stated that he lives one mile west of this project; that this area is very low impact; that he sees no reason why the project could not go on as planned; and that with the buffers in place, they will hardly know that it exists.

Theda Sawyer, 528 North Pea Ridge Road, Pittsboro, NC, stated that she owns TOPS Lake and Sport Shop; that she has people in her business a couple of times a week asking for boat storage; and that she has no trouble at all with this project.

John Arthurs, 230 Dogwood Lane, Pittsboro, NC, stated that he owns Wilsonville General Store; that they have people asking on a regular basis for boat storage; and that the current business is clean and there are no traffic problems.

David Harris, 1180 Jones Ferry Road, Pittsboro, NC, stated that he has helped Mr. Blair oversee his current facility; that there has never been any trouble at the facility; that there have never been over two people there at one time; that Mr. Blair takes pride in running a first-class boat storage; and that there have been no noise complaints or problems.

Diane Stokes, 445 Bill Thomas Road, Moncure, NC, stated that she is a real estate appraiser in Chatham County since 1986; that she was asked to see if the proposed site would have any negative impact on property values on adjoining landowners; that she does not think that it will have a negative impact on property values; that she thinks it is a good use in a good spot; and that it is a benign business.

Tom Stumpf, 532 Chatham Drive, Pittsboro, NC, stated that there is a lot of misconception about the property; that he is a tenant of Mr. Blair's; that he was out at the existing facility quite a bit in the last year; that the existing site was very quiet; that most folks towing a large asset will not be traveling at a high rate of speed; that he has been on a waiting list at Crosswinds for two to three years for a boat slip; that there are a lot of people waiting to get into Mr. Blair's current facility; that without the existing facility of Mr. Blair's, he would not be able to spend his money enjoying Jordan Lake.

Sam Corey, 1221 Dalgaven, Apex, NC, stated that he is a boat owner and a tenant of Mr. Blair's; that he did extensive searching for a facility near his home in Apex; that there is rarely anyone else there; that it is about as low an impact as anything else you may put on the property.

E.J. Secola, 261 Hogan's Valley Way, Cary, NC, stated that when he first moved to the area, he researched many places to store his boat; that he was looking for security; that Mr. Blair's facility provided everything he was looking for; that he has never had to wait to gain access to the gate; that if there are two to three other boaters there, it is crowded; that it is a neat and clean facility.

Patrick Bradshaw, stated that on behalf of Mr. Blair, he would respectfully submit that the evidence submitted in the application and at the hearing is sufficient to support the five findings required under the Chatham County Zoning Ordinance and that he requests that the Board approve the application at the appropriate time. He stated that as other speakers who come forward may have a different opinion, he would like to lodge a general objection to the testimony of any witnesses who do not have standing to testify under North Carolina law and any opinion testimony that is offered without natural examination.

Dave Klarmann, 380 Hatley Road, Pittsboro, NC, stated that he is a real estate broker and manager of Blue Hill Territories, LLC; that he has done two subdivisions in the County; that his house is 2/10 of a mile from the property in question; that the application informs that improvements will generate approximately \$1.1 million in tax value when fully built out; that the purchase price was \$145,000 which sounds good; that if the property on Highway #64 is examined with established storage facilities on 11.5 acres, the combined tax value is \$918,604.00; that these businesses belong to Mr. Raymond May (American Storage with four acres) and Mr. Brian McGinnis and Robert Kapp (with board and recreational vehicle storage on 7.4 acres); that it should be noted that McGinnis and Kapp purchased their property in 2001 for \$462,000.00; that it is now valued at \$482,418.00 which is a paltry increase for commercial property; that in 2002, he purchased a 10.7 tract of land on Mt. Gilead Church Road; that the purchase price was \$123,600.00; that there are now three houses and one vacant lot on this property located in the Shade subdivision with a tax value of the combined properties at \$863,220.00; that should a fourth home of 1,600 square footage be constructed on the remaining vacant lot, this being the minimum permitted by restrictive covenants, the tax value on this property would certainly exceed one million dollars; that the corner lot in question at Hatley road and Mt. Gilead Church Road has perk sites available as indicated in the soil report of Mr. Schaffer; that should three home sites be surveyed out, it appears an equal or greater tax value could be gained by residential development; that he wonders if it is worth destroying the existing corridor of neighborhoods along Mt. Gilead Church Road to appease one man; that he wonders if home sites should be traded for spotlights, razor wire, barbwire, gated fences and locked storage sheds; that this is not his idea of minimizing crime; that he strongly recommends that the Board maintain the status quo with regard to the RA-40 zoning along Mt. Gilead Church Road stating that if a change is permitted on the corner of Hatley Road, one can be certain that a wave of conditional use permits will follow.

The Chairman closed the public hearing.

Revision to Existing "Booth Mountain Planned Unit Development": Public hearing to receive public comments on a request by Nick Robinson, Attorney, on behalf of MacGregor Development Company for a revision to the existing "Booth Mountain Planned Unit Development" to relocate the amenity area. The project area consists of 180 lots on approximately 294 acres located off SR #1717, Jack Bennett Road, and SR #1721, Lystra Road, Williams Township