

7:02
7:30 = 8:32
7:32

Public Hearing
5/15/06
Item #21

Conditional Use B-1 Business District
LEGISLATIVE HEARING

on a request by Jesse Fearington, c/o Nicolas P. Robinson

3 minutes

Check One		Name	Complete Address with zip code	Phone Number
For	Against			
		William Sommeras	1017 Fearington Post Pittsboro, NC 27312	545-2597
	✓	E. Casper	300 Morris Rd	967-4010
	✓	Paul Ferguson	317 Kentview Dr	542-6477
	✓	Walter R. Robertson	94 Donald Dr	542-1354
	✓	DAVID RODRIGUEZ	P.O. Box 2204, Ch	968-4441
	✓	Tom VANDERBECK	8180 Old (Camm?)	545-2160
	✓	Robert Eby	19 East Madison, P. Hsburo 27312	542-5485
	✓	Nicolas Robinson	P.O. Box 607, Pittsboro	542-2400
	✓	William Powell	6015 Fearington	
	✓	Richard W. Whitfield	6015 6015 Fearington Rd. Chapel Hill NC 27517	929-3770
		Rita K. Griffin	12 ^{Batchwood} Fearington Post P. Hsburo NC 27312	932-3132
	✓	Gretchen Smith	548 Jones Branch Rd	967-9057
	✓	Michael Mitchell		467-2100

02
07
11
15
19
25
29
30
31


Public Hearing

5/15/06

Item #18

Chatham County Fiscal Year 2006-2007 Budget

5 minutes

Name	Complete Address with zip code	Phone Number
Nick Robinson	P.O. Box 607 Pittsboro, NC 27312	912-2400
SALLY KOST	1101 New Hope Church Rd Apt. NC 27520	367-0727
Joseph Starkweather	P.O. Box 217 Pittsboro, N.C. 27316	417-0969
	/	
Vivian Randolph Valler	21 Randolph Ct Pittsboro NC 27312	949 1174

May 15, 2006

TO: Chatham County Board of Commissioners
FROM: William Sommers, 1067 Fearington Post, Pittsboro, NC 27312
29 East Madison, Fearington Village
Subject: Submission of Written Statement Re Agenda Item # 21

1. My name is William Sommers. I am a resident of Chatham County at 29 East Madison, Fearington Village. As such I have a direct interest in the application of Jesse Fearington for a Conditional Use B-1 Business District on approximately 40 acres across from the Fearington Village entry/exit on Rt 15-501. My comments are as follows.

2. My initial comments focus on certain illustrative details of the application that I have been able to download from the Planning Board's informative website. The second set of comments will focus on the longer term planning problems highlighted by the Fearington Place proposal.

a. Proposed Buffer Zone: Although the developer has provided a minimum 50 foot buffer along Rt. 15/501 with a single row of large canopy trees to be planted in the buffer, in the view of at least one very experienced urban/regional planner this "... is not sufficiently large to accommodate any type of reasonable screening regardless of the tree type planted." This same urban/regional planner suggests that a 150' buffer, similar to the one proposed on the north boundary line, "would be far more appropriate" since it is much more desirable to have "... a wider buffer in that area and a more dense tree planting scheme that provides screening throughout the year." I have attached the background and credentials of the urban/regional planner who reviewed this submission and who will soon be a resident of Chatham County.

b. Traffic Counts: While the traffic analysis made for the proposed project concludes that "with certain intersection improvements, the intersections and approaches will all function within acceptable levels of service, even taking into account significant residential growth in the area," the studies presented do not support that claim. For example no detailed analysis nor estimates have been made of the potential traffic problems that will arise when Briar Chapel's 60 acres Town Center comes into operation, the 40 acres of shopping area at Taylor Road and the additional, though smaller, "town market" area opposite Jack Bennet Road. **All of this is within one mile of the entry to Fearington Place.** The developers have, however, submitted the two year old traffic study done for Briar Chapel – also prepared by Kimly-Horn & Associates – without comment and which adds little in the way of detailed application of the facts and evaluation.

c. Waste Water Disposal: The Report is reticent, if not vague, on the detail of its disposal system. The submission notes that waste water will be disposed of by sub-surface drip irrigation septic methods and states that "adequate soils exist to serve the property," although no estimated gpd disposal is indicated and no detail is provided regarding the septic system's operation. Apparently, as an alternate

arrangement, Fearrington Place may be able to dispose of an additional 10,000 gpd (?) via Fearrington Utilities. There is no indication how that connection will be made and presumably Fearrington Utilities may need to amend its NPDES permit to allow this inflow. All in all the very crucial question of waste water disposal/treatment – at least in this submission – receives only scant attention. Incidentally, the letter from Fitch Creations, referred to in the Report, was not included in the website material.

Regarding the statement on “adequate soils,” we should take heed of the warnings given by two distinguished environmental professionals whose statements were read into the record at the December DWQ Public Hearing on Briar Chapel – Dr. Daniel A. Okun, UNC Kenan Professor of Environmental Engineering, Emeritus and Dr. Francis A. DiGiano, NC Department of Environmental Sciences and Engineering. Dr. Okun pointed out that the threats to the water supplies of urbanized areas, especially through improper waste water treatment, “are compromised in quality to the extent that public health is seriously threatened.” Dr. DiGiano noted that waste water “treatment by natural systems cannot be relied upon when population densities increase and there is too little land to serve as a buffer.”

3. In a more general consideration one must recognize that these kinds of “vertical planning” currently applied in Chatham County, do not bode well for the long term. Fearrington Place is a good, current example. By itself and without any other context the project may be of value. But when a forty acre parcel of land is to be conditionally zoned for business and retail purposes and is situated within a mile or so of nearly 100 acres which has already been approved for business, retail, office and related commercial activity, can we rightfully call this effective long range planning? Each of these projects has been viewed “vertically” in that basic consideration for approval are limited to the site itself and not to the context in which it will operate; it is not related in a planning sense to its immediate surroundings. What are the long range affects of traffic flow and cross traffic congestion in a mile long strip of similarly zoned acreage? What affect does the cumulative addition of a variety of waste water treatment systems have on subsurface water quality? How might this affect drinking water for generations yet to come?

Are we destined to wake up one sunny morning under the wondrous blue of a North Carolina sky to find that we are locked into an over developed landscape, fuming by what we have done and making even the blue sky shed acidic tears over our failures?

PLEASE NOTE: The urban regional planner referred to in 2A above is Mr. Michael Gapin who holds a Masters Degree in Urban Planning and for the last 25 years was program director for Herkimer-Oneida Count Comprehensive Planning Program, Commissioner of the Oneida County Planning Department and the regional Metropolitan Planning Organization.

Public Hearing

5/15/06

Item #22

Conditional Use Permit for Restricted B-1

QUASI-JUDICIAL EVIDENTIARY

on a request by Jesse Fearington, c/o Nicolas P. Robinson

Check One		Name	Complete Address with zip code	Phone Number
For	Against			
	✓	^{Charlie} G. Casper	300 Morris Rd.	967-9010
	✓	Jeff Scheuring	101 Kentview S.	919 5450276
	✓	MYRA HALPIN	270 SPIDER WEB Ln	919 929-9616
	✓	RICK LESSARD	420 KENTVIEW ^{view} 27712	908 545 8940
	✓	^{William} W R SUTTON	21 KENTVIEW SW	919 542-6464
	✓	WALTER R. ROBERTSON	94 Donald Dr	919-542-1354
	✓	^{9:17} ANNA-RHESA VERSOLA KALLAM	163 KENTVIEW DR.	919-259-2109
	✓	Mary S. MURRAY	287 Morris Rd.	919-545-0838
	✓	Andrea Ferguson	317 Kentview Dr.	(919)542-6477
	✓	BILL MURRAY	287 Morris Rd	(919)545-0838
	✓	DAVID PROOKS	P.O. B 2204 Ch, NC 27515	968-4441

(OVER)

Good Evening.

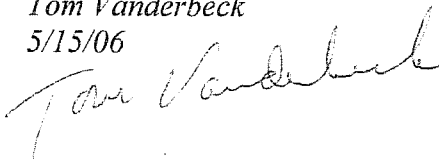
I'm Tom Vanderbeck and for the record I live at 8180 Old Graham Road in Pittsboro. Tonight you are considering adding another commercial development along Rt 15/501. This corridor is rapidly turning into one long series of strip malls from the Orange County line to the Rt 64 by-pass. By any other name that's what it is and looks like.

The citizens of Chatham want comprehensive planning. A Commercial Corridor Ordinance for the major 4 lane roads of 421, 64, 1 and 15/501 was requested in September 2003. A commitment by the Board of Commissioners on February 2004, indicated that this work was supposed to be initiated after completion of the work on the Compact Community Ordinance. Still nothing has been done and the appearance of 15/501 has steadily deteriorated.

Such an ordinance covering the commercial corridors is totally consistent with our Land Use Plan. It's time to implement what the citizens have repeatedly requested. In the interim, Chatham County should not approve any zoning changes or conditional use permits for these areas until such a Commercial Corridor Ordinance is crafted in accordance with the guidelines of the Land Conservation and Development Plan.

This will not restrict growth, since existing uses under the current zoning ordinances are acceptable. The Land Conservation and Development Plan is very clear about not wanting these corridors to become a series of strip malls and it's beyond time for this ordinance to be developed and implemented.

*Thank you
Tom Vanderbeck
5/15/06*

A handwritten signature in cursive script that reads "Tom Vanderbeck". The signature is written in dark ink and is positioned below the typed name and date.

Ferrington Place
Rezoning Property from RA-40 to B-1

My name is Robert Eby. I live at 19 East Madison, Pittsboro. I am a member of the board of CCEC.

The applicant is asking you to rezone land bordering on US 15-501 from RA-40 to Business B-1. Does the County need another commercial strip on 15-501? I think not.

Taking a wide view of 15-501 from the Orange County line to the Haw River, one can see that it is rapidly being rezoned into an almost continuous commercial / retail strip. Each new project is justified from its own perspective, never in the context of overall planning for this corridor. Several years ago, you on the BoC, when considering Chatham Downs, admitted that you had not done your homework in designating the commercial centers called for in the Land Use Plan, but said, "The developer should not be penalized, because we have not done our homework."

Well, because you still have not done your homework, you have in front of you yet another proposal to add a retail center on 15-501. Is it really the intention to have this entire corridor be devoted to commercial and retail projects?

Looking locally, you have already approved a large retail development just a few hundred yards away as part of Briar Chapel. It too would like to have all the businesses that Ferrington Place would like to have. Do we need two similar projects so close together? Approve Ferrington Place and then the next landowner will justify rezoning his land by referring to the retail properties that are adjacent. Won't the intersection of Mt. Gilead Road and 15-501 be next? Just like dominos, the RA-40 districts will topple, one after the other.

As in all the previous cases, the applicant makes his case that this is a perfect location for his project. It will be at a traffic lighted intersection that cries out for an economic development center. He says that it will be consistent with the country casual atmosphere existing with Ferrington Village, but then cites Ferrington Village as being a commercial / retail site. When I look at Ferrington Village from 15-501 I see tennis and bocci courts, the famous belted cows, meadows, and a silo. The retail center is well screened from the roadway. I don't think the intersection has to be an economic development center.

The applicant speaks of providing 50 feet of screening from the 15-501 right-of way, yet his proposal calls for only a 50 foot set back, not a buffer. There is a key difference between a buffer and a setback; that's a lesson I learned with Chatham Downs. Because he proposes a set back, he states that he will have parking lots on his out-parcels within 10 feet of the highway's right-of-way. Not much screening is possible in 10 feet!

As of now the developer has no tenants signed up, only hopes. He plans to sell off the 4 out-parcels that abut 15-501, but none of them are yet sold. He asks for any of 48 businesses to be permitted. Who can tell what might eventually appear, if the project is approved.

Mr. Morgan, during the election campaign you were quoted as saying, "It's time to put some teeth in the Land Use Plan." It's never too late. Don't rezone this property to B-1.

Thank you.

Bob Eby, CCEC Board Member

5/16/06

**Public Hearing for Conditional Use B-1 Business District
and Conditional Use Permit for Restricted B-1 Uses
Request by Jesse Fearrington
May 15, 2006**

I live in Chatham County and my husband and I often ride bicycles in the Fearrington Village area. I would like to suggest to the Board of Commissioners that if any proposed business development is approved across from Fearrington Village, that a pedestrian tunnel be placed under Highway 15-501 to provide a safer crossing for pedestrians and bicyclists between any proposed business development and Fearrington Village. Examples of similar pedestrian/bike path tunnels are located under Highway 54 in Chapel Hill near the Meadowmont development, and under Highway 64 in Wake County for the American Tobacco Trail. I ask that the Board consider the use of pedestrian tunnels along the Highway 15-501 corridor to help make pedestrian/bicyclist crossings safer.

Gretchen Smith
598 Jones Branch Road
Chapel Hill, NC 27517
919-967-9057

Gentlemen:

My comment is specific to the Fearrington Place Conditional Permit issue, but applies equally well to other issues on the agenda. In my judgment the recent primary election results establish a condition that would make approval by this board inappropriate, if not unethical. There has been a clear statement by voters that greater care needs to be taken on development issues such as this and they have selected candidates who will constitute a majority vote on all issues. While planning and discussion could continue, it should be open to the elected candidates, and final decisions deferred until they take office, unless they, along with the continuing commissioners clearly express their approval of the proposed actions.

Dale M. Smith
104 Fearrington Post
Pittsboro 27312

5/10/06

Sandra Sublett

From: Marilyn Collins [marilyn.collins@ncmail.net]
Sent: Tuesday, May 16, 2006 2:55 PM
To: Sandra Sublett
Subject: FW: Fearington Place Developer Witnesses

-----Original Message-----

From: Nick Robinson [mailto:robinson@bradshawrobinson.com]
Sent: Tuesday, May 16, 2006 2:52 PM
To: Marilyn Collins
Subject: Fearington Place Developer Witnesses

Marilyn:

Here are the addresses of the development team members that spoke at the Fearington Place public hearing:

Mark Ashness
11000 Regency Parkway, Suite 410
Cary, NC 27511

Rynal Stephenson
Ramey Kemp & Associates, Inc.
4928-A Windy Hill Drive
Raleigh, NC 27609

Nick Erpelding
Erpelding & Associates
P.O. Box 1153
Pittsboro, 27330

Don Waltz
Parker & Associates
14500 Beach Boulevard
Jacksonville, FL 32250

Harry Miley
Miley Gallo & Associates, LLC
4875 Forest Drive Suite 204
Columbia, SC 29206

Bill Hicks
Income Properties of Raleigh
1049 Dresser Court
Raleigh, NC 27609-7323

John Gray
JDG Consultants
123 Cub Creek Extension
Chapel Hill, NC 27517

Also, Bill Powell spoke on behalf of the Mt. Pleasant United Methodist Church. His address is:

William T. Powell, Jr.
Institute for Defense & Business
336 Meadowmont Village Circle
Chapel Hill, NC 27517

Thanks.

Nick

IRS CIRCULAR 230 NOTICE: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this communication (or in any attachment).

Nicolas P. Robinson
Bradshaw & Robinson, LLP
P.O. Box 607
128 Hillsboro Street
Pittsboro, NC 27312
919.542.2400
(f) 919.542.1319