

## **Chatham County Planning Board Minority Report**

Request of *Lee Moore Capital Company* for a four-lot subdivision preliminary plat approval of *County Line Site*, consisting of three commercial subdivision lots and one exempt 55.59a tract. Located on the east side of US 15/501 immediately to the south of the Smith Level Road T intersection in Williams Township, the proposed development abuts the Orange County line.

**Chatham County Planning Board action in a 5-4 vote at its regular meeting of December 2, 2008, recommended approval of the commercial subdivision. We the undersigned Planning Board members voting in the minority respectfully request the Chatham County Board of Commissioners to turn down the preliminary plat proposal as submitted for approval by the developers of *County Line Site*.**

**Voting For:** Glick, Copeland, Ernst, Klarmann, Levy

**Voting Against:** Ford, Harrelson, Hinkley, Theye

**Absent:** Turner

Three lots are zoned B-1 Business and the residual tract is zoned R1 Residential (formally RA-40 Residential-Agricultural). Although those of us voting in the minority stand in support of commercial development to provide services for the citizenry and to improve the county tax base, we point up the need to be more proactive in working for sensible design layout and for dealing with excessive stormwater runoff.

### **Concerns of Members in the Minority**

1. The project site has been cleared of vegetation, although the denuded area has recently been planted in grass.
2. There is evidence of massive erosion, exacerbated by the heavy rains of Wednesday and Thursday, December 10 and 11, 2008.
3. Even before these recent storms, several neighbors appearing before the Planning Board reported runoff containing excessive amounts of silt and high turbidity from the perennial stream running onto and through their properties.
4. Although the plat shows 100-foot streamway setbacks, significant vegetation has been removed. Thus, the protective setbacks are non-functional.

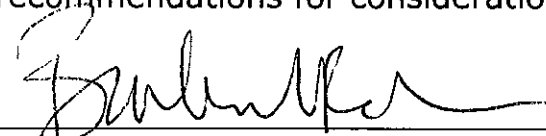
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5. Siltation ponds have been constructed, but BMP (Best Management Practice) procedures are woefully insufficient.
6. Since development is proposed for only the three commercial lots zoned B-1, we question why calculations are included for the 55.59a residual area separately zoned R1 Residential that may be requested for development in the future.
7. Developer's calculations are six percent impervious surface for the entire site that includes both the B-1 and R1 zoned areas.
8. For the three proposed B-1 lots, it is estimated that impervious surface will amount to at least 35-40 percent. Runoff inevitably will get worse as construction already in progress continues. No assurance has been given that runoff will be limited to the three commercial lots.
9. Clearly, impervious surface has already been substantially increased by paving, curbing and guttering construction. This has created greater runoff and added to the already existing runoff problems on the denuded portion of the property zoned R1 and on neighboring residential properties. Stormwater runoff for these commercial lots should be contained exclusively on the three lots zoned B-1.
10. The developers were asked whether they would be willing to take some proactive measures such as constructing bio-retention ponds and swales. Response was that they would "...look at it, but the costs are too much..." to do more stormwater controls than they already have in place on the R1 tract. It is noted again, however, that curb and gutter have already been constructed for the B-1 commercial lots and paving is in progress.
11. It is important that the three B-1 lots not be allowed frontage and access onto US 15-501; only interior access should be allowed.
12. The three commercial lots should front with access on Proctor Lane--the interior curbed and guttered paved access lying within a 60-foot private easement shown on the preliminary plat.
13. Making proposed County Line Village Drive an extension of State right-of-way creates an X (crossroad) intersection extending from Smith Level Road across US 15-501. This extension provides a second access to the site further complicating traffic flow and increasing the already numerous points of collision in the already very busy existing T intersection. This access point should be eliminated.

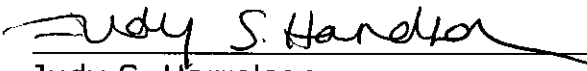
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- 14. In turn, right-in and right-out only access/egress should be allowed at the Hutchens Lane entrance from US 15-501 with acceleration and deceleration lanes.
- 15. No curb cuts or access points should be allowed for the three B-1 lots onto the congested multi-lane section of US 15-501 immediately south of the T intersection with Smith Level Road.
- 16. Forty-foot frontage setbacks are shown for the three commercial through-lots only on their US 15-501 side. Forty-foot setbacks should be shown fronting on interior Proctor Lane also.
- 17. Vegetative buffers should be required along US 15-501 screening development on the three commercial lots.


Planning Board members in the minority, listed and signed below, respectfully provide the above findings and submit respective recommendations for consideration of the Board of Commissioners.

  
 \_\_\_\_\_  
 Barbara Ford

Date: 1/6/09

  
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 Judy S. Harrelson

Date: 1/6/09

  
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 James R. Hinkley

Date: 01/06/2009

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 Peter Theye

Date: \_\_\_\_\_