



Chatham County, NC

Legislation Details (With Text)

File #: 24-5408 **Version:** 1

Type: Resolution **Status:** Approval of Agenda and Consent Agenda

File created: 6/27/2024 **In control:** Planning

On agenda: 7/15/2024 **Final action:**

Title: Vote to adopt a resolution approving a legislative request by Gunjan and Vikas Laad on Parcel 96061, located off Farrington Point Road, being approximately 19.43 acres, to rezone from R-1 Residential to CD-NB Conditional District Neighborhood Business, for an Event Center Limited, Williams Township

Sponsors:

Indexes: Comp Plan Goal 3: Promote a compact growth pattern by developing in and near existing towns, communities, and in designated, well planned, walkable, mixed use centers., Comp Plan Goal 5: Conserve natural resources.

Code sections:

Attachments: 1. More information from the Planning department website

Date	Ver.	Action By	Action	Result
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Vote to adopt a resolution approving a legislative request by Gunjan and Vikas Laad on Parcel 96061, located off Farrington Point Road, being approximately 19.43 acres, to rezone from R-1 Residential to CD-NB Conditional District Neighborhood Business, for an Event Center Limited, Williams Township

Introduction & Background:

A public hearing was held May 20, 2024 and Planning staff presented the request. The applicant’s representative, Scott Radway, and the applicants made a presentation. No one signed up to provide comments during the hearing.

Commissioners inquired about the need for road improvements that may be required by NCDOT. Mr. Radway stated that they were waiting on NCDOT to advise if a turn lane would be needed, especially since a recently approved boat and RV storage facility is directly across from this site. A deceleration lane has already been approved for the storage facility for traffic heading south on Farrington Point Road. He stated NCDOT is still reviewing the new proposed driveway location in proximity to the storage facility approved driveway location.

Commissioners also inquired about the appropriate amount of screening to be installed along the front property line to hide the front yard parking lot area in order to maintain a sense of scenic greenway views that currently exist along this area of roadway. Mr. Radway explained the landscaping plan with three levels of plantings as directed by the Appearance Commission. He also stated that the proposed site layout is a result of the current landscape and topography of the property. The proposed layout is the best option for preserving more open space, protecting surface waters, and limiting built upon area.

The parcel was previously part of the Ray Parker family farm. The property was subdivided into several parcels, one of which has already been rezoned to conditional district neighborhood business (19522) for an enclosed boat & RV storage facility located across Farrington Point Road from this request. The adjacent parcel to north of the storage facility is a solar farm that was approved several years ago.

The parcel is currently zoned R-1 Residential and located within the Rural node of the Land Use Plan and less than ½ mile from a compact residential node.

Discussion & Analysis:

When determining whether a rezoning request should be approved under Section 5 Conditional Zoning Districts, the following findings must be supported.

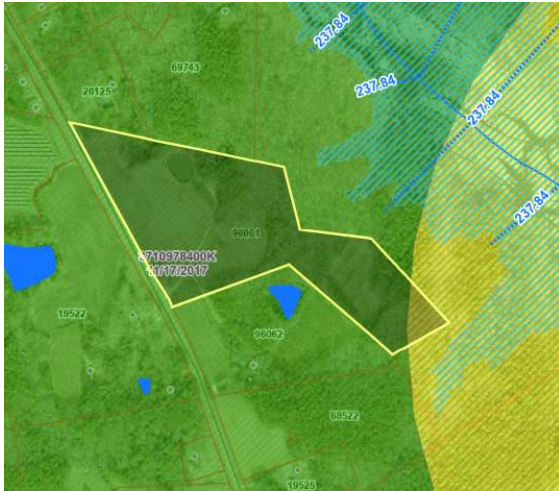
1. The alleged error in the Ordinance, if any, that would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same. No errors are being claimed.
2. The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of public health, safety, and general welfare. The applicant contends that due to continued residential growth in the county, the need for services and non-residential uses also continue to grow. Uses such as event centers and small-scale non-residential uses are encouraged in close proximity to compact residential areas. Jordan Lake also brings tourists to the area and this type of use could benefit that as well. The use of the event center would mostly be utilized on weekends with the occasional use during daytime or early evening, especially in Spring, Summer, and Fall.

Event Centers Limited help in maintaining the rural character of the area they are located in. The building can be no larger than 5,000 square feet which limits parking and built upon area. This proposal has the building set back more than three times the minimum for the neighborhood business district. The majority of the existing tree canopy will remain with additional plantings in various areas as recommended by the CCAC. That meeting was held November 15, 2023.

3. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof. Chapter 2-Issues and Opportunities- of Plan Chatham addresses opportunities and balancing economic growth to serve the growing population. The proposed event center will provide services in demand in Chatham and Orange Counties and keep the tax dollars in Chatham. Due to being a small area of development, environmental protection of surface waters and the re-use of previously cleared farmland supports the land use plan.

Chapter 3-Goals & Objectives- This proposal supports Goal 4, Diversity of the tax base, providing employment opportunities, and reduces the dependency on residential tax base. Goal 5 is supported by not utilizing curb & gutter so the project can have less than 10% impervious surface area.

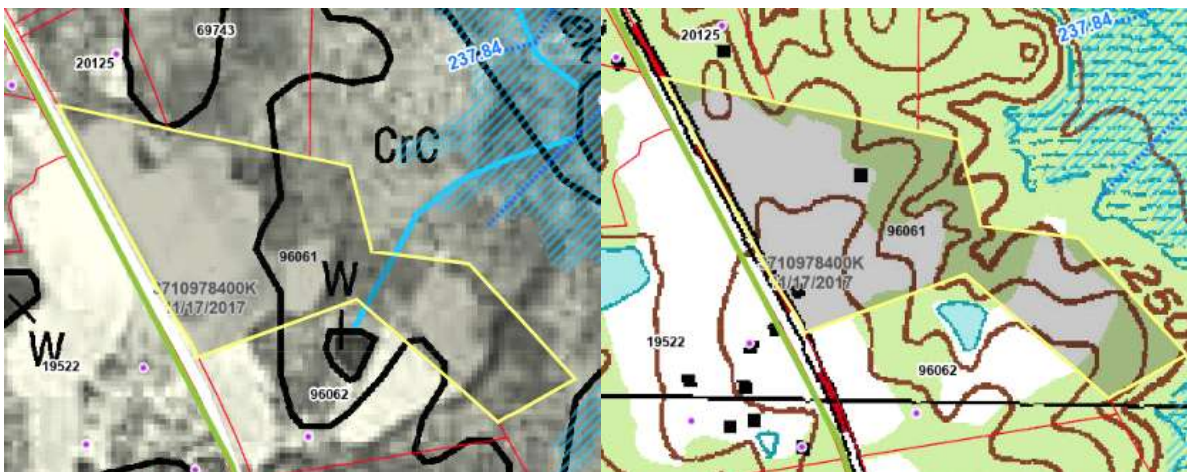
Watershed and FEMA Map 3710978400K, dated 11/17/2017



4. The requested amendment is either essential or desirable for the public convenience or welfare. A community meeting was held January 25, 2024. Discussion/concerns involved noise, lighting, landscaping, and the stormwater measures. The proposed use is expected to generate approximately 250 trips per event. Per NCDOT, the threshold for requiring a TIA would be an increase in 3,000 trips per day.

5. All other circumstances, factors, and reason which the applicant offers in support of the proposed amendment. County water is available across the road for service to the site and wastewater will be an on-site septic system. The site plan shows protection areas for the existing forested land that abuts Cub Creek and the US Army Corp of Engineers protected lands.

NRCS and USGS maps below:



Proposed Site Plan



How does this relate to the Comprehensive Plan:

Chapter 3-Goals & Objectives- This proposal supports Goal 4, Diversity of the tax base, providing employment opportunities, and reduces the dependency on residential tax base. Goal 5 is supported by not utilizing curb & gutter so the project can have less than 10% impervious surface area.

Planning Board review:

The Planning Board reviewed the request during their regular meeting on June 4, 2024. Board comments included the following:

- Making sure there would be no invasive plant species in the proposed landscaping
- Amount of anticipated weekend traffic
- If there was a market study to support the use
- Safety measures for the storm water ponds
- Noise for adjacent landowner
- Non-residential uses increasing on a rural road
- A desire to see the wildflower area from the road

The applicant's comments included that the design was intended to limit grading on-site and preserve the majority of the existing trees on the property; the layout minimized built upon area; they are planning approximately 52 events per year; NCDOT is currently reviewing the site plan in relation to the recently approved boat and RV storage facility recently approved on the opposite side of Fearington Road; and the proposed plannings will not include invasive species and they will be removing existing invasive species around the property.

The board was pleased with the design and layout of the site and the limited built upon area for the use. The Planning Board voted 7-2 to recommend approval of the conditional district rezoning and consistency

statement.

Budgetary Impact: N/A

Recommendation/Motion:

The Planning Board voted 7-2 to recommend adoption of an ordinance to approve a legislative request by Gunjan and Vikas Laad on Parcel 96061, located off Farrington Point Road, being approximately 19.43 acres, to rezone from R-1 Residential to CD-NB Conditional District Neighborhood Business, for an Event Center Limited, Williams Township with the conditions listed below.

The Planning Board voted 7-2 to recommend adoption of a resolution approving the following consistency statement.

- The project supports the land use plan by utilizing minimal area in order to preserve previously utilized farmland, protection of surface waters, and providing a small-scale, rural type business for the surrounding area.

The following conditions and standards shall apply upon approval:

Site Specific Conditions

1. The recommendations from the Chatham County Appearance Commission (CCAC) shall be followed as stated in the minutes and as shown on the site plan. The planning staff and CCAC may conduct routine inspections of the property to ensure compliance with the landscaping requirements.
2. If practicable, the landscaping may be modified to allow view of the wildflower garden from the roadway provided the intent and minimum requirements for landscaping compliance can continue to be met.
3. A building permit shall be applied for and approved for construction within two years from the date of this approval or the use becomes null and void. Should an extension be needed, a timely revision to this approval must be filed with the Planning Department and go through the revision process.
4. Events that provide music, whether live, DJ or otherwise, shall provide notice to the adjacent residential properties prior to the event and comply with the Chatham County Noise Ordinance.
5. Events shall not go past 12 midnight and all non-security lighting shall be turned off.

Standard Site Conditions

6. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes to or variations from any requirements of this permit must be approved through the Planning Department or other approving board before any such changes can take place.
7. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, and Environmental Health Division, etc.) shall be obtained, if required, and copies submitted to the Planning Department as part of the platting process.

Standard Administrative Conditions:

8. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.
9. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
10. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
11. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.