



# Chatham County, NC

## Legislation Details (With Text)

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**Type:** Resolution      **Status:** Passed

**File created:** 2/11/2021      **In control:** Planning

**On agenda:** 1/19/2021      **Final action:** 1/19/2021

**Title:** Vote on a request to approve a legislative request by CRCED Treatment LLC for a rezoning from R-1 Residential to Conditional District Office & Institutional (CD O&I) on parcel 20029 and .03 acres of parcel 93851 to expand services for a residential group home treatment facility, located on approximately 6.38 acres at 7990 NC 751, Williams Township.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. More information from planning website, 2. 01 Carolina House Existing Cond Plan, 3. 02 Carolina House Preliminary Site Plan, 4. 03 Carolina House Preliminary Landscape Plan, 5. 04 Carolina House Preliminary Lighting Plan, 6. 2020.11.16 Carolina House Maps and Exhibits (as Filed), 7. 2020.11.16 Carolina House Written Materials (As Filed)

Date	Ver.	Action By	Action	Result
1/19/2021	2	Board of Commissioners	adopted	Pass
1/19/2021	2	Board of Commissioners	adopted	Pass
11/16/2020	1	Board of Commissioners		

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**Action Requested:**

Vote on a request to approve a legislative request by CRCED Treatment LLC for a rezoning from R-1 Residential to Conditional District Office & Institutional (CD O&I) on parcel 20029 and .03 acres of parcel 93851 to expand services for a residential group home treatment facility, located on approximately 6.38 acres at 7990 NC 751, Williams Township.

**Introduction and Background:**

A legislative public hearing was held November 16, 2020. Planning staff and Attorney Nick Robinson presented the request. No other persons spoke on the matter.

This property adjoins CRCED’s current treatment facility named Carolina House located on Lassiter Homestead Road, which has been in operation since 2006. The properties that are presently used by CRECD were purchased with existing residences on them which were fitted for the residential treatment facility currently in use. There have been no violations or concerns presented to the Planning Department since

CRCED started in 2006.

The Chatham County Appearance Commission (CCAC) reviewed the proposed site plan on September 23, 2020. It was noted that the tree line along the front and other areas as noted on the plan are to be preserved. There was a portion of the required landscape buffer located within the right-of-way of NC 751 and it was agreed that area would be moved so as to be solely on the parcel. The applicant plans to utilize a bio-retention pond instead of a wet pond for stormwater controls since they will be exceeding the 20,000 sq. ft. threshold requiring erosion control and stormwater permits. There will be one new sign at the new entrance for the facility and lighting is being kept at a minimum. The CCAC were supportive of the proposed plan and it was recommended for approval unanimously.

A community meeting was held September 21, 2020 and no adjainers attended. No calls or questions have been received by planning staff.

### **Planning Board discussion is at the end of Discussion and Analysis**

#### **Discussion and Analysis:**

Section 5 of The Chatham County Zoning Ordinance outlines the procedures to apply for a conditional zoning district. Conditional Zoning districts are districts in which the development and use of the property is subject to predetermined ordinance standards and rules, regulations, and conditions imposed as part of a legislative decision creating the district and applying it to the particular property.

Some land uses are of such a nature or scale that they have significant impacts on both the immediate surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. The review process established in this Ordinance provides for accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions, which ensure compatibility of the use with neighboring properties. A conditional zoning district is not intended for securing early zoning for a proposal, except when that proposal is consistent with an approved land use plan or the proposal can demonstrate that public infrastructure needed to serve the development will be made available within a reasonable time period.

Item #1: The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed description of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same. The applicant is claiming no errors in the Ordinance.

#### **It is the planning staff opinion and Planning Board recommendation that this standard has been met.**

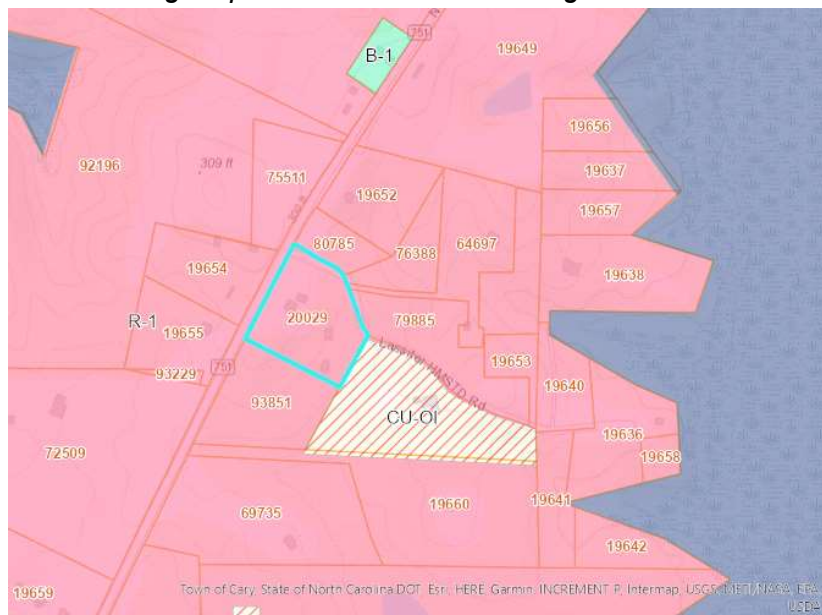
Item #2: The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare. The current facility has been in operation since 2006, and because of its residential setting, has been compatible in the surrounding area and the existing facility stays at a minimum of 90% capacity.

The location in Chatham County provides a setting for family members of residents to remain actively involved in the treatment process. There are no similar treatment facilities similar to this in the county. By allowing the expansion of services to the existing house on the parcel proposed for rezoning, these services

can expand to treat more residents.

The existing\ single family dwelling on the proposed rezoning parcel will be upgraded to serve eight patients and two employees with no changes to the outside except for parking, driveway access, and ADA required improvements.

*The following map shows the current zoning and the areas surrounding the parcel.*



**It is the opinion of the planning staff and Planning Board recommendation, that this standard has been met.**

Item #3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof. This area of the county is noted as being within the Conservation designation of the Comprehensive Land Use Plan. The property will maintain a rural, residential appearance and will keep a large portion of the property in open space.

Chapter 3 Objectives of the Plan encourages fostering a healthy community by assuring access to all types of healthcare for residents as seen on Page 37 of the Plan as a result of the 2014 Community Health Assessment where these services were identified as needed. The property will also allow for patients to engage in health enhancing activities between the two properties.

The property also falls within the Joint Land Use Plan of Chatham County and the Town of Cary. This area is noted as VLDR, very low density residential. One dwelling unit per acre is limited to this designation. The JLUP, Section 3.2, 3-2) does encourage institutional uses that are compatible and complementary to the surrounding neighborhood. These include churches, parks, schools, libraries, daycare centers, etc. The Planning Directors for the Town of Cary and Chatham County have approved an approved interpretation agreeing that a facility that provides in-person treatment for eating disorders located in a residential setting is consistent with the JLUP. A copy of the interpretation can be found on the following website - <https://www.chathamnc.org/government/departments-programs/planning/plans-and-guidelines> (see Joint Plan Interpretation #3).

The following map shows the Joint Chatham County - Town of Cary Plan Map



**It is the planning staff opinion and Planning Board recommendation, this standard has been met.**

Item #4: The requested amendment is either essential or desirable for the public convenience or welfare. Above information stands as additional support of this standard. Based on the provided traffic analysis by Kimley-Horn, this use is considered to be a low generator. The existing driveways will be improved for two-way passing. A commercial driveway permit will be required from NCDOT.

The existing site is heavily vegetated and will be implemented with additional plantings as approved on the submitted landscaping plan. Lighting will be low impact, full cutoff so as to maintain the rural, residential character.

The following map shows the USGS map in the area under consideration for rezoning.



**It is the planning staff opinion and the Planning Board recommendation, that this standard has been met.**

Item #5: All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment include the use of the existing well and improvements to the existing septic system.

The property is located within the WSIV-PA Jordan Lake buffer watershed designation which allows up to 36% impervious surface (BUA) without curb and gutter. This project proposes approximately 20% BUA.

**It is the planning staff opinion and the Planning Board recommendation, this standard has been met.**

**The Planning Board met at their regularly scheduled meeting on December 1, 2020 and noted very little discussion citing that the request was straight forward and they found no issues with allowing the expansion of services. Also stating they have been a good neighbor and of great use to the county and surrounding area.**

**Based on all five standards being met, it is the planning staff opinion and the Planning Board recommendation by vote of 9-0, the request should be approved.**

#### **How does this relate to the Comprehensive Plan:**

Chapter 3 Objectives of the Plan encourages fostering a healthy community by assuring access to all types of healthcare for residents as seen on Page 37 of the Plan as a result of the 2014 Community Health

Assessment where these services were identified as needed. The property will also allow for patients to engage in health enhancing activities between the two properties.

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**Recommendation:**

The Planning Board recommends by vote of 9-0 approval and adoption of resolution approving the following consistency statement:

**The rezoning request is supported by and is consistent with the Comprehensive Land Use Plan by being within the Conservation designation of the Comprehensive Land Use Plan. The property will maintain a rural, residential appearance and will keep a large portion of the property in open space and will continue to provide services that are needed for healthier communities. The property also falls within the Joint Chatham County - Town of Cary Land Use Plan. This area is noted as VLDR, very low density residential. One dwelling unit per acre is limited to this designation. The JLUP, Section 3.2, 3-2) does encourage institutional uses that are compatible and complementary to the surrounding neighborhood. These include churches, parks, schools, libraries, daycare centers, etc.**

The Planning Board recommends by a 9-0 vote approval and adoption of an ordinance approving a legislative request by CRCED Treatment LLC for a rezoning from R-1 Residential to Conditional District Office & Institutional (CD O&I) on parcel 20029 and .03 acres of parcel 93851 to expand services for a residential group home treatment facility, located on approximately 6.38 acres at 7990 NC 751, Williams Township with the following conditions:

Site Specific Conditions:

1. The recommendations from the Chatham County Appearance Commission (CCAC) shall be followed as stated in the minutes. The planning staff and CCAC may conduct routine inspections of the property to ensure compliance with the landscaping requirements.
2. A building permit shall be obtained and remain valid at all times within two years of the date of this approval or the site plan and approved uses becomes null and void.

Standard Site Conditions:

3. 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.
4. 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:

5. 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.

6. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.

7. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.

8. 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.