



Chatham County, NC

Legislation Text

File #: 19-3019, **Version:** 2

Vote on a request to approve a quasi-judicial request by Antoinette L. Van-Riel for a conditional use permit revision on parcel 19430, being approximately 3 acres, located at 781 Mt. Carmel Church Rd, to add the use of office - business, professional, and governmental, Williams Township.

Action Requested:

Vote on a request to approve a quasi-judicial request by Antoinette L. Van-Riel for a conditional use permit revision on parcel 19430, being approximately 3 acres, located at 781 Mt. Carmel Church Rd, to add the use of office - business, professional, and governmental, Williams Township.

Introduction & Background:

A quasi-judicial public hearing was held on the conditional use permit (CUP) revision request April 15 2019. Planning staff presented the application. The owner of the proposed business, Mr. Ronnie Cardwell with Keston Care, introduced himself to the Commissioners and stated they have approximately 5 employees and were seeking a general office use to be added to the current CUP. No one else spoke on the matter.

A conditional use permit (CUP) for a landscape design business and lawn and garden shop was approved on this parcel on December 9, 2002. The CUP was amended April 7, 2003 to add the use of food stores, retail, specifically for retail sales of specialty coffee and baked goods. The CUP was amended again on June 21, 2010 to add the use of personal service shop specifically for exercise instruction, massage and physical therapy, acupuncture, and Bodywork for physical health. There have been no zoning violations on this property

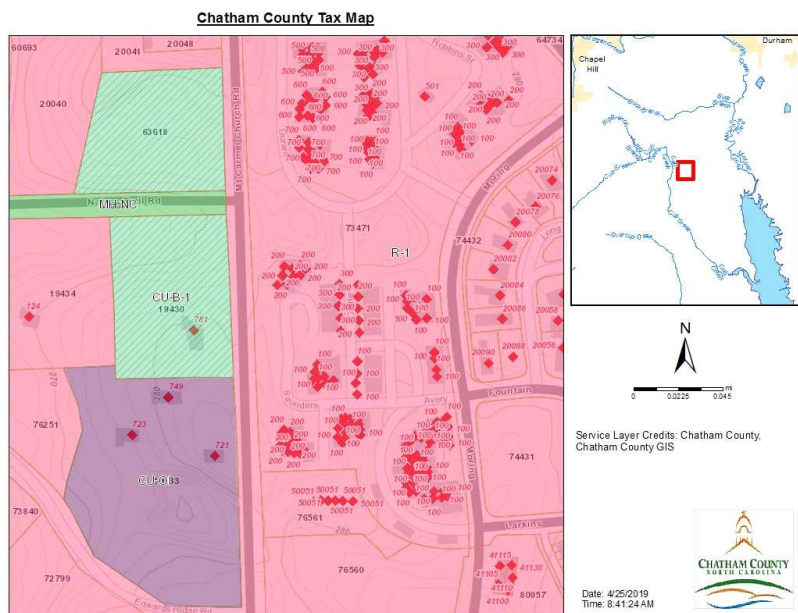
Discussion & Analysis:

In reviewing and considering approval of a revision to a Conditional Use Permit, the Board must find that all of the findings of facts shall be supported. Per the Zoning Ordinance "In considering an application for a conditional use permit or revision to a CUP, the Board of Commissioners shall give due regard that the purpose and intent of this Ordinance shall be served, public safety and welfare secured and substantial justice done. If the Board should find, after public hearing, the proposed conditional use permit or revision thereof should not be granted, such proposed permit shall be denied."

A community meeting was held on February 22, 2019 and notice was provided to the adjoining property owners as required by the Zoning ordinance. No one attended the meeting, but one property owner called inquiring about the proposal and did not have any concerns.

Finding 1 - The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located. The property is currently zoned conditional use Business 1 for a landscape design business, lawn and garden shop, food stores, retail, specifically for retail sales of specialty coffee and baked goods, and personal service shop specifically for exercise instruction, massage and physical therapy, acupuncture, and Bodywork for physical health. The adjoining parcel to the west is zoned R1, Residential. The property to the north is zoned Conditional Use Business 1. The property to the east is the Governors Club Planned Unit Development. The adjoining property to the south is zoned Conditional Use Office & Institutional for general and professional offices. "Office - business, professional, and governmental" is an allowable use in Business I zoned properties. **It is planning staff and Planning Board opinion this finding has been met.**

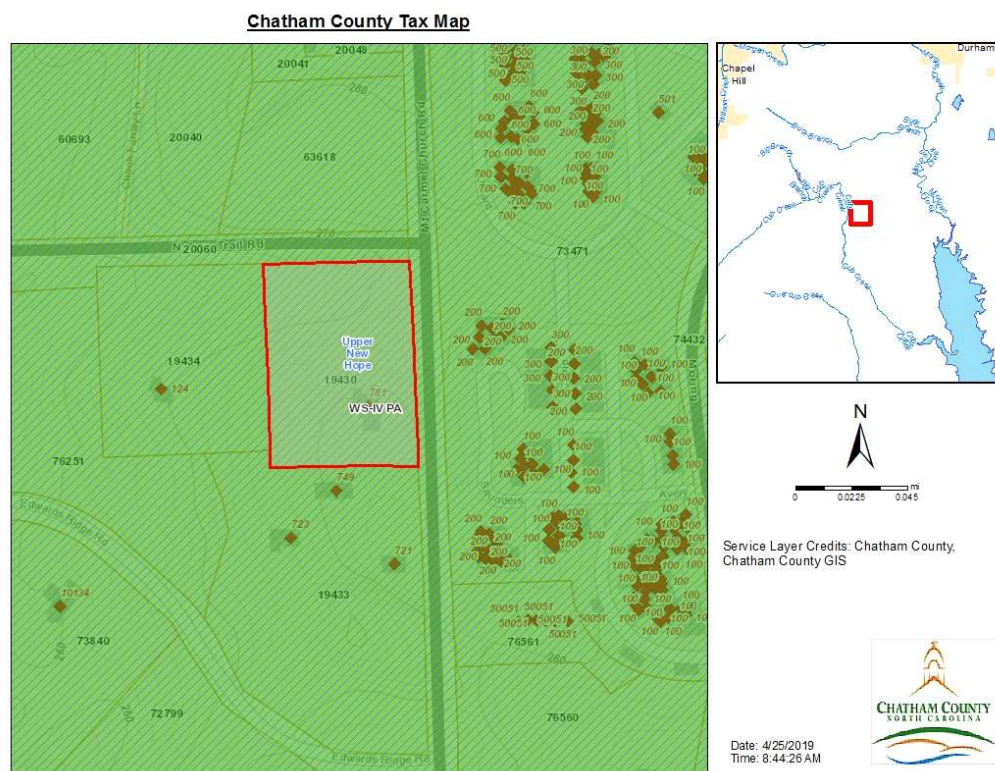
Finding 2 - The requested conditional use permit or revision to the existing permit is either essential or desirable for the public convenience or welfare. Currently, Keston Care operates in office space located in Chatham Crossing. There is limited access for their employees, clients, and the public. The applicant contends that this location will provide better access and be more convenient to their clients, the public, and their employees.



The zoning map above displays the Conditional Use Business (CU-B1) zoning district the property is located in and the surrounding zoning classification. It is planning staff and Planning Board opinion this finding has been met.

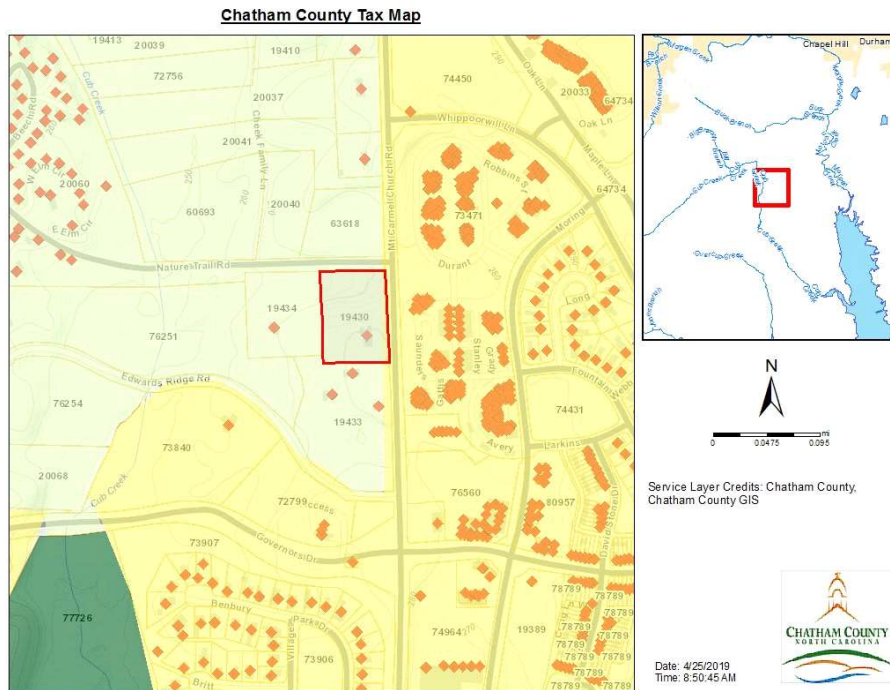
Finding 3 - The requested permit or revision to the existing permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health,

safety or welfare of the community. The applicant proposes to utilize the property solely for office use and they anticipate lower traffic volumes than previously occurred. There are no proposed changes to the landscaping or lighting, and no increased noise levels. The existing sign will be refaced with the name of the business. The property is currently developed below the allowable built upon. Approximately ¼ acre is BUA out of the approximate 1.08 acres that would be permitted without curb and gutter.



The map above shows the Watershed District of WSIV-PA within the Jordan Lake Buffer rule area. Impervious surface is limited to 24% with curb and gutter and 36% without. It is planning staff and Planning Board opinion this finding has been met.

Finding 4 - The requested permit will be or remain consistent with the objectives of the Plan Chatham comprehensive land use plan. The uses currently occurring on the property will discontinue and the property will be solely used for office space. The property is located in a Rural designation and the description includes a “Mix of uses include agriculture, large lot residential, supporting service uses, and home-based & small scale businesses”. Economic Development Policy 1 states, “Provide flexibility for rural businesses that have limited impact on adjacent properties and preserve rural character”. Health policy 7 states, “Facilitate the integration of various types of healthcare facilities into developed and developing areas”.



The map above shows the Future Land Use and Conservation Map and the property is located in an area identified as Rural. The map is a guide showing the intended future land use pattern using various land use areas. Strict adherence to the map in making land use decisions is not recommended but should be used as a guide. It is planning staff and Planning Board opinion this finding has been met.

Finding 5 - Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies, and regulations. No changes are proposed aside from the change in use. All utilities, road access, landscaping and other required site specific details will continue to be in compliance with county regulations. It is planning staff and Planning Board opinion this finding has been met.

Based on all five findings being supported, planning staff and the Planning Board supports the CUP revision request.

The Planning Board discussed this item during their regularly scheduled meeting on May 7, 2019 and voted unanimously 9-0 to recommend approval of the conditional use permit revision as requested. The Planning Board clarified that the request was to add an additional use and leave the other uses in place and whether additional buildings could be constructed in the future. Staff responded that the all of the existing uses would continue to be allowed and the any additional buildings would require an amendment to the conditional use permit.

How does this relate to the Comprehensive Plan:

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Recommendation:

The Planning Board by unanimous vote 9-0 recommends adoption of a resolution approving the conditional use permit revision with the following conditions:

Site Specific Conditions

1. The following use “office - business, professional, and governmental” is added to the list of allowed uses under the conditional use permit.
2. All existing conditions shall remain in effect, except as modified by this conditional use permit amendment.

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 or variations must be approved through the Planning Department or other approving board before any such changes can take place. These include but are not limited to landscaping, lighting, signage, parking, building construction, etc.
4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, Environmental Health Division, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department to the initiation of the operation/business.

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 conditional listed above.
7. Non-Severability - If any of the above conditions is held to be invalid, this approval in it's

entirely 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.