



Chatham County, NC

Legislation Text

File #: 19-3177, **Version:** 2

Vote on a request to approve a Quasi-Judicial request by Andrea Snyder for a conditional use permit revision to add multiple uses permitted in B-1, located on Parcel No. 82736, 587 Old Farrington Rd., Williams Township.

Action Requested:

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Introduction & Background:

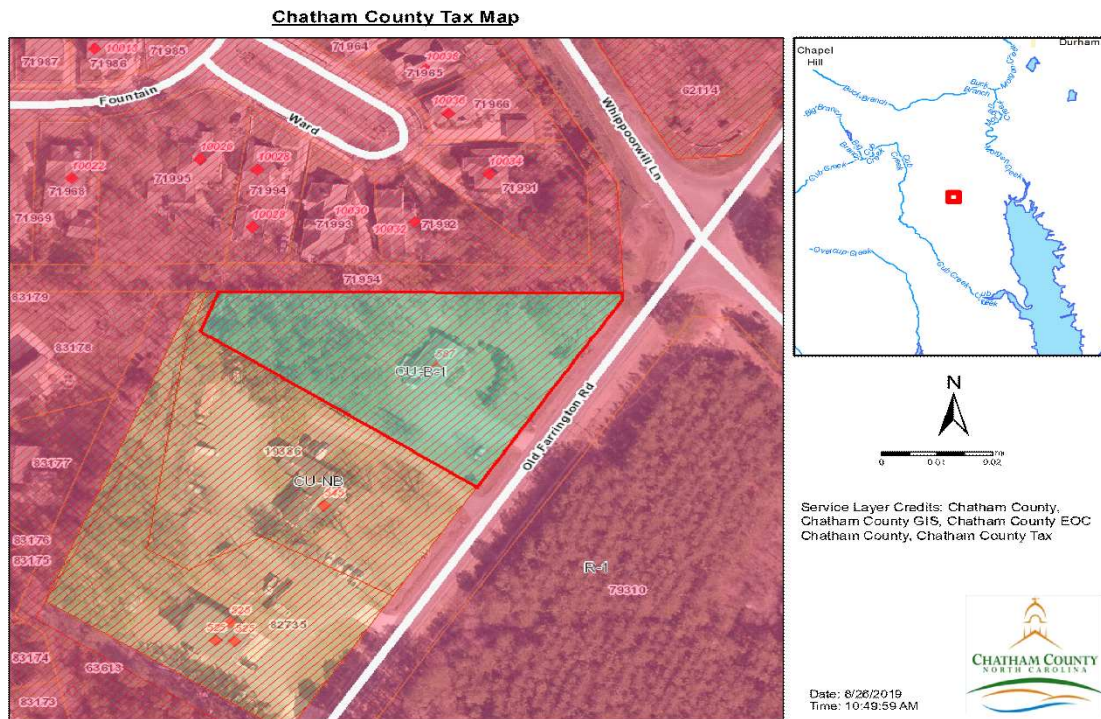
A quasi-judicial public hearing was held on the conditional use permit (CUP) revision request August 19 2019. Planning staff presented the application. The applicant, Ms. Andrea Snyder, introduced herself to the Commissioners seeking multiple uses to be added to the current CUP. Commissioners had questions as to the intensity of some of the requested uses. Jason Sullivan, Planning Director, stated that some may be difficult for this property, but that if any changes to the currently approved site plan were to be done that the applicant/owner at that time may need to have another hearing for a revision to the CUP. No one else spoke on the matter.

A rezoning to Conditional Use Business (CU-B1) with a CUP for a beauty salon was approved on this parcel on August 20th, 2007. There have been no zoning violations on this property.

Discussion & Analysis:

In reviewing and considering approval of the CUP, 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."

The property is currently zoned CU-B1 for a beauty salon. The property to the north is owned by the POA of Governors Village. The property to the south and west is zoned CU-NB for heating, plumbing, electrical, cabinet and similar shops. The property to the east across Old Farrington Rd is zoned R1 residential.



The zoning map above displays the Conditional Use Business (CU-B1) zoning district the property is located in and the surrounding zoning classification.

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. All of the fifteen proposed uses are permitted with the B1, Business, zoning district and are eligible to be added to the conditional use permit. **It is planning staff opinion this finding has been met.**

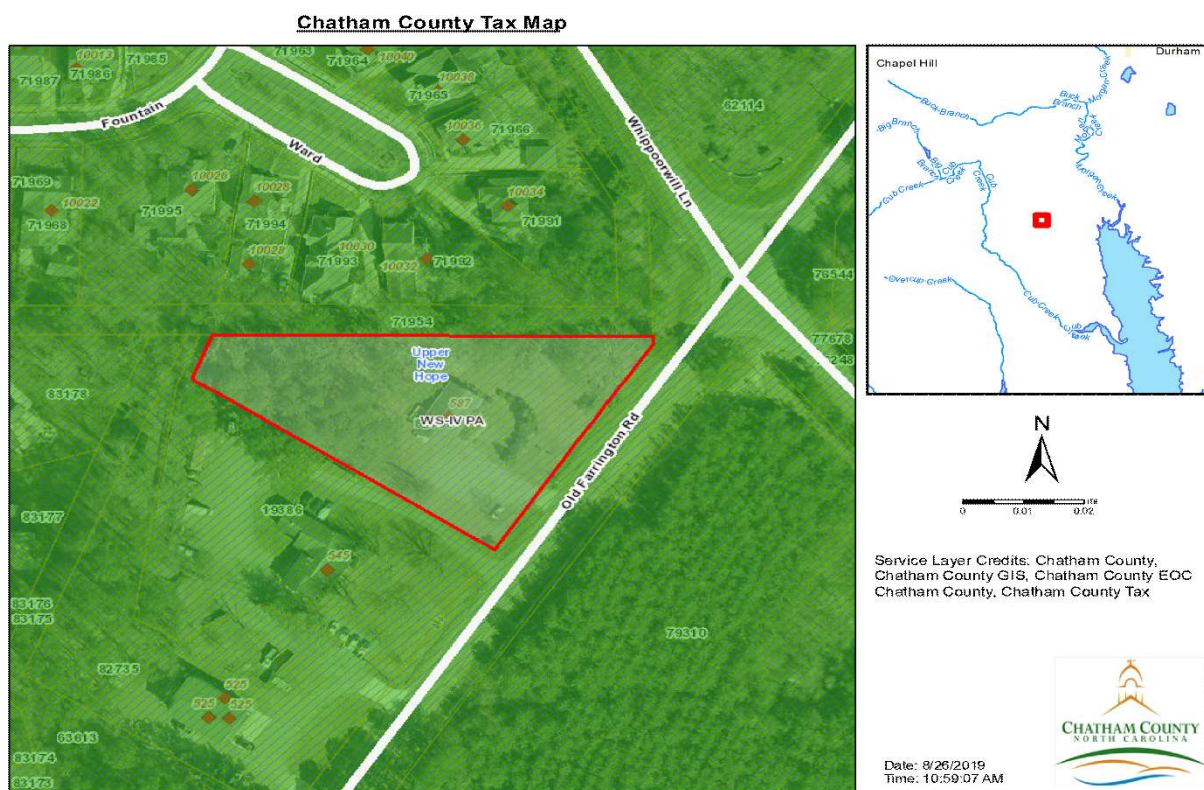
The Planning Board supports this finding.

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, the only permitted use on the property is a beauty salon. The applicant contends that the request of additional permitted uses will provide the community with more choices for service, retail, trade, and health related local small business. Additionally, the applicant is not requesting any modification to the site plan, so any additional use would have to conform to the existing site plan or an additional CUP amendment would be required. **It is planning staff opinion this finding has been met.**

The Planning Board supports this finding.

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 that there will be no change from its current state in any form which is visible to the public, with the exception of signage which will stay within the current permitted guidelines. There are no proposed changes to the landscaping or lighting, and no increased noise levels. The property is currently developed below the allowable built upon area (BUA) limit within the WS-IV Protected Area watershed district. Approximately .14 acres is BUA out of the approximate .41 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.

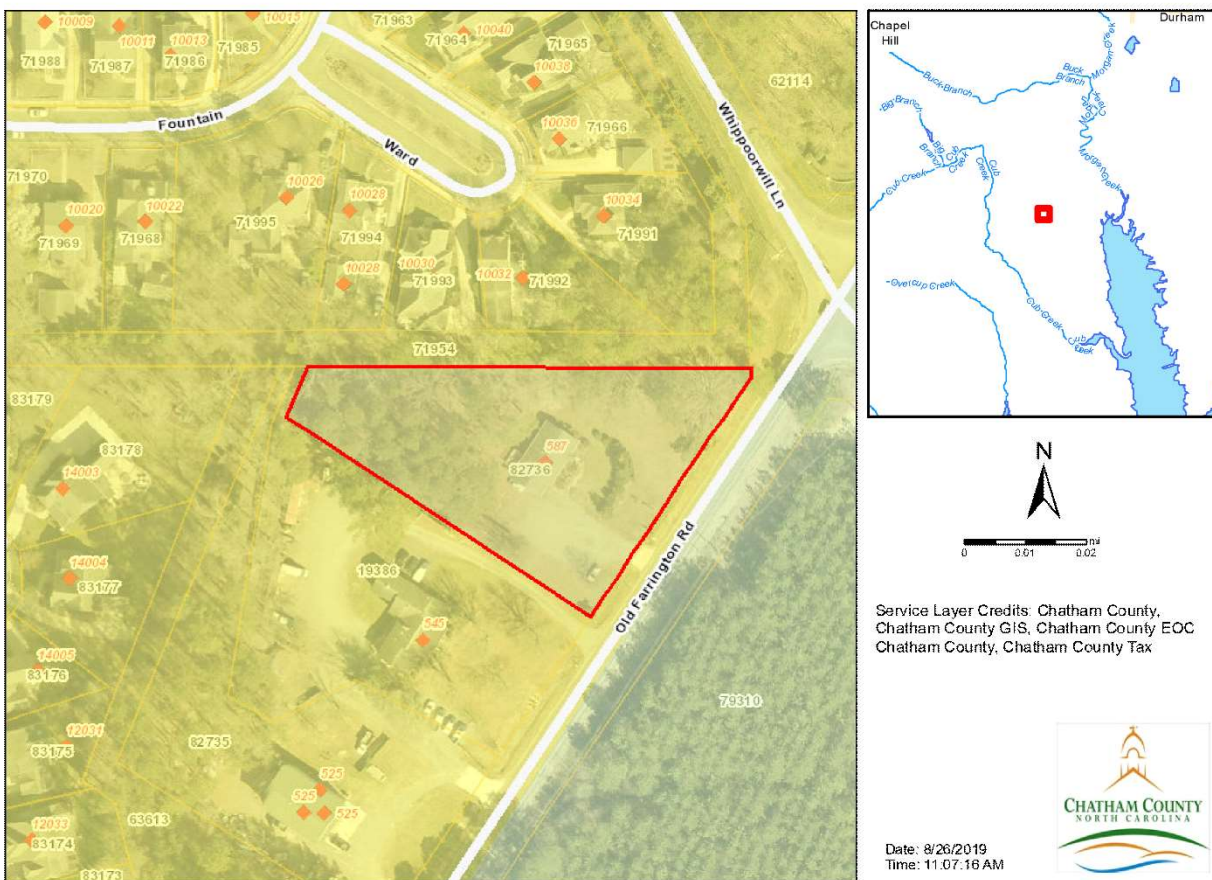
It is planning staff opinion this finding has been met.

The Planning Board supports this finding.

Finding 4 - The requested permit will be or remain consistent with the objectives of the Plan Chatham comprehensive land use plan. The use currently occurring on the property will cease and the property is proposed to be used for an accounting firm office, although other uses could occur if all 15 uses are approved. As stated in the Comprehensive Land Use Plan, the “Governors village area is one of the targeted ‘preference areas’ for town, neighborhood, community, or rural business growth”. This property is situated for retail, professional service, trade, or health related small

business. The property is located within a Compact Residential area on the Future Land Use and Conservation Map that was adopted as part of the comprehensive plan. The description for Compact Residential areas includes a “mix of detached and attached residential units complemented by a variety of open spaces. Mix of uses include single family detached and attached units and some multifamily. Community centers, amenities, recreational uses, schools, and churches may be part of the fabric.” Although the property is not located within an area designated for commercial development the comprehensive plan does provide guidance for properties that have previously been zoned for non-residential use. Strategy 4.4 under the Economic Development Plan Element reads “Permit existing commercial and industrial uses that area appropriately zoned to continue to operate, and allow for reasonable expansion, contingent upon meeting environmental and transportation requirements.”

Chatham County Tax Map



The map above shows the Future Land Use and Conservation Map and the property is located in an area identified as Compact Residential. 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 opinion this finding has been met.

The Planning Board supports this finding.

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 opinion this finding has been met.

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

The Planning Board reviewed the application during their regularly scheduled meeting on September 3, 2019. There was a question about medical uses and what type of wastewater system was currently in place to serve the existing structure. The applicant commented that it was connected to county water and the private wastewater treatment plant serving Governors Club. There was little concern or discussion on the request and the Board voted 10-0 to approve the amendment as noted below. The applicant was present in case there were any clarifying questions from the Board.

How does this relate to the Comprehensive Plan:

The property is located within a Compact Residential area on the Future Land Use and Conservation Map that was adopted as part of the comprehensive plan. The description for Compact Residential areas includes a "mix of detached and attached residential units complemented by a variety of open spaces. Mix of uses include single family detached and attached units and some multifamily. Community centers, amenities, recreational uses, schools, and churches may be part of the fabric." Although the property is not located within an area designated for commercial development the comprehensive plan does provide guidance for properties that have previously been zoned for non-residential use. Strategy 4.4 under the Economic Development Plan Element reads "Permit existing commercial and industrial uses that area appropriately zoned to continue to operate, and allow for reasonable expansion, contingent upon meeting environmental and transportation requirements."

Recommendation:

The Planning Board recommends approval by unanimous vote (10-0) to the Board of Commissioners. The following conditions are provided for consideration if approved:

Site Specific Conditions

1. All existing conditions shall remain in effect, except as modified by this conditional use permit amendment.

Standard Site Conditions

2. 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.
3. 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:

4. 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.
5. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditional listed above.
6. Non-Severability - If any of the above conditions is held to be invalid, this approval in it's entirety shall be void.
7. 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.