



# Chatham County, NC

## Legislation Text

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**File #:** 17-2209, **Version:** 2

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Vote on a request to approve a conditional use permit revision request by CE Groups on behalf of the F-L Legacy Owner LLC for a conditional use permit revision on Parcels 17378, 83655, 89437 to revise the current site/sketch plan to relocate some residential lots, increase open space, reconfigure some road r-o-w, reduce total roadway length, and to eliminate one subdivision road connection to Big Woods Road.

### **Action Requested:**

Request by CE Groups on behalf of the F-L Legacy Owner LLC for a conditional use permit revision on Parcels 17378, 83655, 89437 to revise the current site/sketch plan to relocate some residential lots, increase open space, reconfigure some road r-o-w, reduce total roadway length, and to eliminate one subdivision road connection to Big Woods Road.

### **Introduction & Background:**

A quasi-judicial public hearing was held on the request June 19, 2017. Planning staff presented the request and the applicant's representative, Attorney Patrick Bradshaw, provided the summary for the request.

The Legacy PUD subdivision was originally approved in 2004 and modified the first time in 2005 to relocate the amenity area. In 2014, a second modification was approved to relocate some lots and reconfigure some roadways.

The development is currently approved for 463 lots and there is no increase in the number of lots with this request.

**The Planning Board reviewed the request at their July 11, 2017 meeting. The board appreciated the fact that the lots were being moved further away from a water feature and would allow more open space. The board also discussed that the remaining acreage was permitted for spray irrigation. The board voted unanimously in support of the modifications as requested and conditioned below.**

### **Discussion & Analysis:**

In reviewing and considering approval of a revision to a conditional use permit, the Board shall find that all of the following Findings of Facts shall be supported. Per the Zoning Ordinance "In considering an application for a conditional use permit 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 should not be granted, such proposed permit shall be denied." The findings are as follows:

**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.** A Planned Unit Development is still a valid use within an R-1 zoning district.

**Finding 2 - The requested conditional use permit or revision to the existing permit is either essential or desirable for the public convenience or welfare.** The relocation of lots and changes in the roadway will be beneficial to the development and the environment as a whole. More open space will be created, less impervious surface due to the decrease in linear road footage, and removes activity from creeks and streams located in close proximity to their current location. No additional land is being added and these modifications do not otherwise change the need and desirability for the approved development. No additional public improvements are needed.

**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.** There is no additional property being added to the existing development footprint. The boundary will continue as it is currently approved. The change creates a more compact development by eliminating one subdivision road connection to Big Woods Road which should reduce impacts on surrounding areas.

**Finding 4 - The requested permit will be or remain consistent with the objectives of the Land conservation and Development Plan.** The form and function of rural character is unchanged. There will be less impervious surface with the elimination of a road on the currently approved plan and more open space provided with the shifting of the lots. The revision should improve water protection by moving the 26 lots further away from the creek/streams located within the currently approved area.

**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.** Wastewater capacity and approvals remain valid and will continue to serve all lots in the development. The development will continue to be served by the county water system

**Planning staff recommends approval of the CUP revision.**

**Recommendation:**

The Planning Board by unanimous vote (11-0) and Planning staff recommends granting approval of the conditional use permit amendment with the following conditions.

**Site Specific Conditions**

1. The Master Plan and supporting documentation submitted with this amendment shall be the guide for development of remaining phases of the project. The road system, buffers, water features, and open spaces shall remain as shown on this master plan.
2. All other previously approved conditions shall remain in effect as of the adoption of this approval, except as modified with this 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 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.