



# Chatham County, NC

## Legislation Text

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**File #:** 22-4211, **Version:** 2

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Vote on a quasi-judicial request to approve a Special Use Permit requested by Chatham County Facilities and Construction for a new EMS station to be located on Parcel No. 62221 (2.3 acres) and 94711 (.69 acres), 9251 US 15-501 N, Baldwin Township.

### **Action Requested:**

Vote on a quasi-judicial request to approve a Special Use Permit requested by Chatham County Facilities and Construction for a new EMS station to be located on Parcel No. 62221 (2.3 acres) and 94711 (.69 acres), 9251 US 15-501 N, Baldwin Township.

### **Introduction & Background:**

A quasi-judicial public hearing was held on March 21, 2022. Planning staff presented the request, and no-one provided public comment.

Planning staff reviewed the history of the property on how the county purchased it in 1982 and was subsequently approved for a conditional use permit for a water tank that was constructed but is no longer in service.

A community meeting was held October 18, 2021, and no one from the public attended.

The site plans were reviewed by the Appearance Commission June 24, 2020 and minutes approved with some minor changes to plant material and design which have been incorporated into the proposed site plans.

### **Discussion & Analysis:**

In reviewing a request for Special Use Permit, the Board of Commissioners must find in favor of all five findings with provided support and may request specific conditions outside of standard conditions to further support the findings. The five findings and the supporting information is all follows:

1. The use requested is among those listed as an eligible special use in the district in which the subject property is located or is to be located. Emergency medical service facilities is listed as allowed by SUP in the R-1 zoning district. **Planning review confirms support has been provided for this finding.**
2. The requested special use permit is either essential or desirable for the public convenience or welfare.
  - There will be minimal traffic associated with this use. Traffic generally limited to

answering emergency calls and employees. Access will be via a right in/right out only drive on the southbound side of US 15-501.

- Existing tree vegetation on the rear and sides will remain with a 30-foot landscape buffer along the front. The building will also have a front setback of an additional 30 feet due to Duke Energy and county water line easements. Due to this, a retaining wall will be needed in the rear.
- Lighting will comply with the Chatham County Zoning Ordinance regulations.
- Any noise associated with the operation of the facility which includes sirens is exempt from the Chatham County Noise Ordinance chapter 92.05(c).
- Signage will comply with the Chatham County Zoning Ordinance regulations.

**Planning review confirms support has been provided for this finding**

3. The requested 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 are not any similar uses in close proximity to this parcel and the need for increased emergency medical services with all of the residential and commercial development in the immediate area continues to grow. There will be no hazardous materials or waste associated with the facility. Buffers, setbacks, and landscaping have been reviewed to facilitate views from the roadway and adjoining parcels. **Planning review confirms support has been provided for this finding.**
4. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof (i.e. Comprehensive Land Use Plan) are:
  - Goal 7 of the Comp Plan supports providing infrastructure to support development and economic and environmental objectives
  - Goal 8 of the Comp Plan supports becoming more resilient by mitigating, responding, and adapting to emerging threats. With the increase in development in this immediate area, this will provide faster response times for emergency medical calls.
  - Strategy 1.2 Utilities and Public Services Plan Element supports developing utilities, policies, systems, and services that facilitate compact development and support economic development in defined areas. The second bullet point is to locate new public services and facilities in growth areas identified on the Comp Plan map or where existing services are needed.

**Panning review confirms support has been provided for this 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.
- The site will be served by an eight-inch county water line at an anticipated usage of 50gpd per person per shift.
  - The site will connect to the Briar Chapel Wastewater Treatment facility. A waiver was provided and approved in June 2021 to remove trees in the required undisturbed perimeter buffer of Briar Chapel in order to obtain the easement to connect the service.
  - A commercial driveway permit will be issued by NCDOT and will be limited to right in/right out only access. The county is to receive the old roadway of 15/501, (parcel 94711) from NCDOT and recombine with the larger tract.
  - A storm water control measure is to be located on the southwestern corner of the parcel and will comply with all regulations county and state.

**Planning review confirms support has been or will be provided for this finding.**

**The Planning Board reviewed the request during their regular meeting on April 5, 2022. There was minimal discussion, and only one concern was raised about the wash area noted on the site plan and where it would drain.**

**Planning staff contacted the county facilities department who advised there would not be any underground containment and the wash area would drain to the stormwater pond to be located on the property. Watershed Protection staff contacted the on-call consultant that reviews stormwater plans for their office and they responded this is acceptable practice.**

Based on all five findings being supported, it recommended the request be approved. See below for conditions, if applicable.

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

The use is supported by Goals 7 and 8 as well as Strategy 1.2 of the Plan as stated above under Finding No. 4.

**Recommendation:**

The Planning Board, by 8-0 unanimous vote, recommends approval of a resolution for a Special Use Permit requested by Chatham County Facilities and Construction for a new EMS station to be located on Parcel No. 62221 (2.3 acres) and 94711 (.69 acres), 9251 US 15-501 N, Baldwin Township with the following conditions and Attachment A, Site Plan:

### **Site Specific Conditions**

1. Signage shall follow the regulations under Section 15.6 Signs Permitted in the O & I, Office & Institutional Districts.
2. The landscaping plans as reviewed by the CCAC with suggested replacement of Burford Holly with Hypericum “sunburst” shall be followed. Any deviations from the plan will require re-review by the CCAC and planning staff. Periodic inspections of the landscaping shall be made to ensure survival and meeting landscape buffer requirements.
3. A building permit shall be obtained and remain valid at all times within two (2) years of the date of this approval or the SUP becomes null and void.
4. The old 15-501 right-of-way shall be abandoned and combined with the county property prior to issuance of a building permit.
5. All land disturbing activity shall be reviewed and approved by the Watershed Protection Department prior to disturbance to ensure no water features, streams, storm drainage ditches, etc. are present or for any associated riparian buffers are impacted.

### **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 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.
7. 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:**

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