



# Chatham County, NC

## Legislation Text

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**File #:** 18-2764, **Version:** 2

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Vote on a Quasi-Judicial request by Carolina Meadows Inc. for a Conditional Use Permit revision to construct 40 residence units in four buildings, 3 stories each. In Area C, replace the existing Skilled Nursing Facility with a new four story facility and replace existing one story villas with 3 story unit. Also, replace the existing Independent Living apartments with four story Independent Living apartments. This will complete the total number of 750 residential units allowed per the CUP. Parcels 62114, 64734, 20033, and 74450, Williams Township.

### **Action Requested:**

Vote on a Quasi-Judicial request by Carolina Meadows Inc. for a Conditional Use Permit revision to construct 40 residence units in four buildings, 3 stories each. In Area C, replace the existing Skilled Nursing Facility with a new four story facility and replace existing one story villas with 3 story unit. Also, replace the existing Independent Living apartments with four story Independent Living apartments. This will complete the total number of 750 residential units allowed per the CUP. Parcels 62114, 64734, 20033, and 74450, Williams Township.

### **Introduction & Background:**

A quasi-judicial hearing was held October 15, 2018. Planning staff, the applicant's attorney, Nick Robinson, and civil engineer Mark Ashness presented the request.

Planning staff reviewed all the requested changes as listed in the application materials that were not included in the legal notification. The request includes 40 residential units being located in Area B, which is currently approved for a new health care facility, and the health care facility is proposed to be relocated within Area C. Area C will also include the demolition of the existing villas that will be replaced with three-story units and replacing the existing independent living apartments with four-story units. The maximum buildout for residential units will not exceed the approved 750 units. Carolina Meadows was originally approved on February 7, 1983 and there have been several modifications over the years, all of which have been approved with latest approval occurring in 2014. Due to increasing demands this amendment incorporates more housing options for residents and the demolition and reconstruction of the skilled nursing facility, as noted in the statement of purpose.

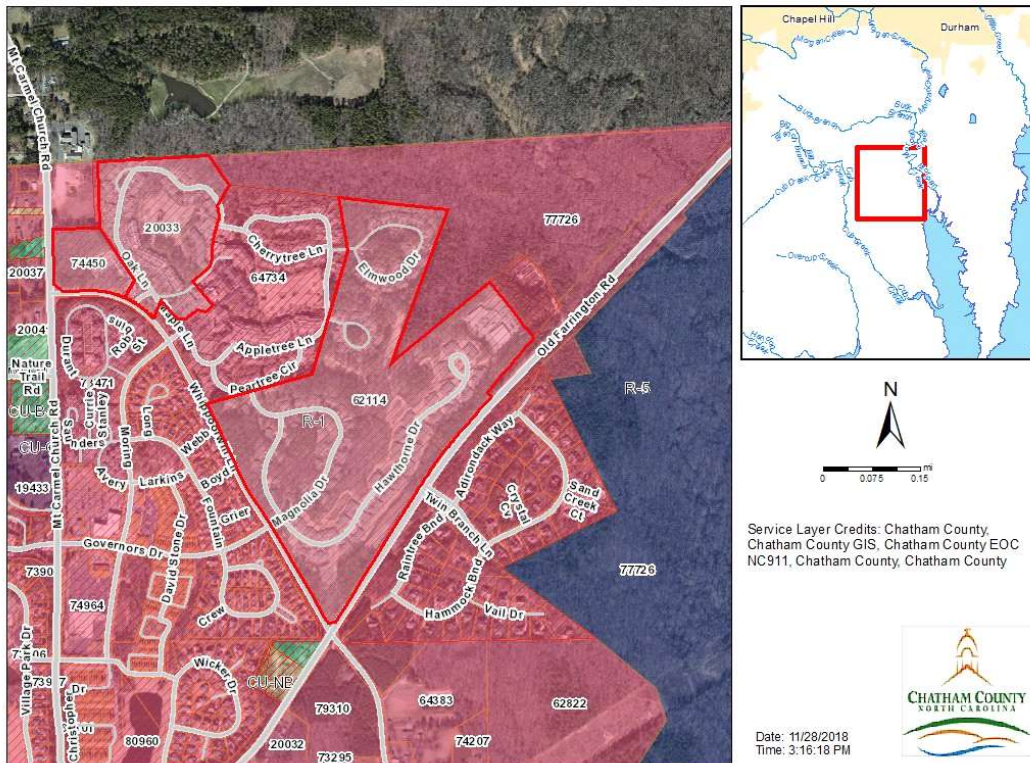
**The Planning Board reviewed the application and all supporting information during their regular meeting on November 13, 2016 and their comments are noted in BOLD below each finding, if applicable.**

### **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 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.”

This property is currently zoned R-1 Residential with a Conditional Use Permit for a planned unit development and has remained a valid use to date. The adjoining properties are zoned R-1, R-1 with a conditional use permit for a planned unit development (i.e. Governors Club), and R-5 (Corps property associated with Jordan Lake (see map below). The northern property boundary adjoins Orange County. The property is located within the WSIV-Protected Area district and the Jordan Lake buffer rule area (see map below).

Chatham County Tax Map



## Zoning Map





**constructed. The applicant responded that none of the current residents would be displaced outside of the community and they will work with them to relocate to other units within the development. It was also noted that the proposed plan will not be constructed at one time, but will take place over several decades and that the care of their residents were their main priority. Comments also included that they type of housing and care that is provided has become more competitive as the overall population is aging and they have to be prepared to respond to the changing market conditions.**

**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.** No additional property is being added to the project, but the applicant may request a watershed density transfer to areas B and C. A density transfer is authorized under the general statutes and local governments must allow them if the application meets the statutory requirements. A density transfer request would have to be submitted to the Watershed Review Board for review and approval. The project is located within the WSIV-Protected Area watershed and the Jordan Lake buffer rules apply.

The Appearance Commission (CCAC) reviewed the proposed site plans July 25, 2018 and unanimously recommended approval for all phases as submitted. The intended vegetative buffers will be installed and protected and the impervious coverage is not being increased. Should the impervious surface need to be increased due to design of the sites, specifically Area B, an offsite allocation (density transfer) will be necessary to compensate for the increase. With no change in the overall density, nor any revision of the vegetative buffers, the proposed revision should have no negative impacts to adjoining properties.

**It is planning staff's opinion this finding is met. The Planning Board discussed whether emergency service responders could respond effectively with the proposed height of some of the buildings. The issue has been conditioned, but planning staff has received confirmation from the North Chatham Fire Department that they are aware of the proposed heights and have no concerns. The buildings will also have fire suppression systems installed.**

**There was a question by a Planning Board member to confirm that no additional disturbance was proposed near the US Army Corps of Engineers property and the applicant's attorney confirmed there would not.**

**Finding 4 - The requested permit will be or remain consistent with the objectives of the comprehensive use plan.** One of Plan Chatham's objectives is to foster a healthy community (pg. 43) and Carolina Meadows offers health care, a health center facility, and other opportunities for residents to engage in healthy living. Carolina Meadows is located in a Compact Residential designation as shown on the Future Land Use Map that was adopted as part of the plan. The description of compact residential areas includes single family detached and attached units and some multi-family; community centers, amenities, and recreational uses, buildings that are 1-3 stories; wastewater service, which is approved for this facility; and in close proximity to Employment

Centers. Carolina Meadows is also a large employer for the county, as well as supportive of the nearby businesses in Governor's Village and the surrounding area.

**It is planning staff's opinion this finding is met. Planning Board discussion included that Carolina Meadows is a major employer and that they and the residents have been supportive of several county and community initiatives.**

**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 project is currently served by the Chatham County Water System and by Aqua NC for sanitary sewer. There will no significant increase in water or sanitary sewer demand beyond what would be needed for the number of currently approved residential units and health center. The proposed changes are neutral on built upon, unless as otherwise stated in Finding 3 where a density transfer may be needed. If a density transfer is needed in areas B or C, the application notes that water quality features will be added that will meet current county stormwater requirements.

**It is planning staff opinion this finding is met. The Planning Board had questions regarding the sufficiency of the existing stormwater measures citing the increase in the number of buildings, relocation of buildings. There was also discussion if opening the conditional use permit would require that the entire project should meet all current county standards, with emphasis placed on stormwater controls. Mr. Ashness stated that stormwater measures had been installed in the project prior to the 2008 adoption of county stormwater regulations. He also stated they have voluntarily provided measures in Area A and there have been no issues.**

A question was raised concerning the possible built upon increase. Mr. Ashness stated the goal is to finish with a neutral change. Area B will be slightly over 36% but the removal of existing built upon area in portions of the development will offset some of the new increase. However, they may still need a watershed density transfer in order to construct the site plan as proposed. That property has not been selected at this time but will be forthcoming, if needed. The density transfer option is permitted by state statute and has been exercised with other county approved projects over the last two years. The applicant emphasized that they will treat each area with water quality features when the final construction plans are prepared, but it would was not feasible to retrofit the entire project.

**The Planning Board by a vote of 8-1 recommends approval of the conditional use permit amendment with a minor correction to condition #2, which has been included in the recommendation.**

During the public hearing there were no comments received other than those provided by staff and the applicant's representatives. There were questions from Commissioners regarding building heights, on-site amenities, design elements for new structures, and stormwater controls. Representatives for the applicants addressed those questions and noted that the build-out would likely occur over several decades and they were providing the long-range vision for the future.

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

On page 43, one of Plan Chatham's objectives is to foster a healthy community. Carolina Meadows offers health care, a health center facility, and other opportunities for its residents to engage in healthy living.

Carolina Meadows is located in a Compact Residential designation as shown on the Future Land Use Map that was adopted as part of Plan Chatham.

**Recommendation:**

The Planning Board by a vote of 8-1 recommends approval of the Conditional Use Permit revision to the Board of Commissioners. The following conditions are provided if approved:

**Site Specific Conditions**

1. The recommendations from the Chatham County Appearance Commission (CCAC) shall be followed as stated in the minutes and as shown on the submitted site plan that reflects the adopted design guidelines. 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 within five (5) years of the date of this approval and remain valid at all times or the conditional use permit becomes null and void.
3. Before the 60 foot height restriction can be exceeded, the Planning Department must have written authorization from the Chatham County Fire Marshal and the responding Fire Department.
4. All existing conditions shall remain in effect, except as modified by this conditional use permit amendment.

**Standard Site Conditions**

5. 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.
6. 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:**

7. 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.

8. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditional listed above.
9. Non-Severability - If any of the above conditions is held to be invalid, this approval in it's entirety shall be void.
10. 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.