



CHATHAM COUNTY BOARD OF COMMISSIONERS AGENDA ABSTRACT

ITEM NUMBER:
MEETING DATE:
3-21-05

PART A

Subject:

Request by **David Webster** for a revision to an existing B-1 Conditional Use District with Conditional Use Permit for day care and other various uses (see application section 1-A for existing uses), to retain the existing uses and add Veterinary Clinics and Hospitals, on 2 acres, located off SR-1712, East Cotton Road, Baldwin Township.

Action Requested: See Recommendations.

Attachments: Listed – next page

Submitted By:

Keith Megginson, Planning Director

Date

County Manager Review:

Charlie Horne, County Manager

Date

This abstract requires review by:

☒ **County Attorney**

Date Reviewed

☒ **Finance Officer**

Date Reviewed

☐ **Budget Officer**

Date Reviewed

Re: David Webster

ATTACHMENTS:

1. Application for Zoning Districts, Conditional Use Districts, Conditional Use Permits- booklet provided prior to the January 18, 2005 Public Hearing.
2. Letter from David Webster concerning uses.
3. Amendment to the Application for Conditional Use Permit filed by David Webster
4. Letter to The Planning Board of Chatham County from Carroll E. Burnette, Mamie E. Burnette and Wilbert T. Burnette
- 4.a. Letter dated Jan. 17, 2005 to Chatham County Planning Department from James R. Jones, Power of Attorney for Louise Fikes Baldwin
5. Zoning approval letter dated June 17, 2003 to Mike Hubbard for a catering operation and other uses.
6. Zoning approval letter dated August 19, 2003 to Mike Hubbard to retain existing approved uses and add Child Day Care.
7. Appearance Commission report
8. Information from David Webster concerning attempts to meet with neighbors.
9. Site plan prepared by John C. Williams, AIA, PA Architect

PART B

Re: David Webster

Introduction & Background: The subject property has an existing Conditional Use B-1 Business District with a Conditional Use Permit for various uses including catering and daycare. Attachment #'s 5 and 6 state all the uses currently permitted on the subject property. The subject property was first used as a nursing home in 1968 but was vacant for many years until Mike Hubbard purchased the property, renovated it, and obtained a conditional use permit for the various uses stated. The property has most recently been utilized for a child day care center. The day care is currently closed. A public hearing was held on this request on January 18th. Mr. Alford Perry spoke on behalf of some of the adjoining property owners. See attachment # 4. Concerns expressed included potential noise, odor, safety of neighbors, residential area not an appropriate location for a veterinary clinic, additional uses proposed, and stated that in their opinion the veterinary clinic would have a negative impact on their property values. David Webster addressed the Board concerning his application and stated that if this application for a revision was approved, that he planned to purchase the property from Mr. Hubbard, that the only use he planned to make of the property was for a veterinary clinic, that there will be no outside dog runs, that all animals will be exercised only within an area enclosed by an eight (8) foot high privacy fence and that all animals being exercised will be on a leash and supervised by a technician.

Discussion & Analysis: After consideration of comments made at the public hearing, the applicant has revised his request to retain the existing uses currently approved for the property and *add only Veterinary clinics and hospitals not to include dog runs or equivalent facilities*. See attachment # 2. Existing approved uses include day care, catering operation, office (business, professional, governmental), office (engineering supply and similar sales and service including blueprinting, Photostatting and similar services), landscape design, gift shops, jewelry sales and service, interior design shop, churches, public or private school, training, conference center, camera shop, retail stores and personal service shops similar to those services listed dealing in direct consumer and personal services.

The residentially zoned districts in the county, RA-40, RA-90, and RA-5 currently allow by right "Breeding kennels with a minimum lot area of three acres and provided that all buildings, structures and high intensity activity areas shall be set back a minimum of two times the minimum yard requirement for the district in which it is located". Boarding kennels within a residential district are required to obtain a conditional use permit.

The Zoning Ordinance lists five findings that the Board must make. They are listed as follows:

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.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare.

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.
4. The requested permit will be consistent with the objectives of the Land Development Plan.
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 applicant has addressed the five findings in his application and as previously stated, addressed concerns raised at the public hearing about the findings. See attachments 2, 3, and 7. The Board previously made the five findings in 2003 when the current owner, Mike Hubbard, was granted two conditional use permits for the use of the property.

The B-1 Business District allows Veterinary clinics and hospitals with dog runs or equivalent facilities. The property currently is zoned as a B-1 Conditional Use District with Conditional Use Permits. The requested use, *Veterinary clinics and hospitals, not to include dog runs or equivalent facilities*, may be allowed as a conditional use if approved by the Board of County Commissioners.

The applicant has addressed in his application why this location is desirable for the public convenience with the increased growth expected in the northern portion of the county, convenient location of the property between Pittsboro and Chapel Hill, and the desire of pet owners to have more options for medical care for their pets.

Based on comments received at the public hearing, Mr. Webster has submitted additional information concerning noise abatement and odor control. The applicant has stated that he will use sound absorbing ceiling tiles along with R30 insulation substance that helps to reduce the noise level outside of the facility. Per attachment # 3, the tiles proposed to be used have a Noise Reduction Coefficient (NRC) value of 0.9, which are considered the highest absorption performance. A NRC value of 0.9 equates to about 98% noise reduction inside a room. He has also stated that dogs will be leashed-walked within an enclosed exercise area 2-3 times per day and will not be outside for extended periods of time.

Odor control is addressed in the applicant's text and in his amendment, attachment # 3. A private hauler will be employed to dispose of all waste on a regular basis.

The daycare use generated approximately 70 total vehicle trips per day (equating to 35 trips in the morning and 35 in the late afternoon). The applicant does not anticipate as much traffic on a daily basis (approximately 40 vehicles); although the trips will be spread through out the day.

Safety of adjacent property owner's was an issue raised at the public hearing. Attachment # 3 addresses this issue more thoroughly. The animals will be leash-

walked by a technician within a fenced exercise area. This area currently is enclosed with chain link fencing. The applicant plans to surround the chain link fence with an 8 ft high privacy fence. No animals will be allowed outside this enclosed area.

The issue of impact on surrounding property values was raised at the public hearing. The applicant has met with the Chatham County Appearance Commission concerning the existing and proposed landscaping/buffering from adjoining properties. The Appearance Commission recommends the following:

1. There will be no exterior animal runs.
2. There will be no animal boarding except for sick animals under treatment.
3. An area screened with material consistent with the wooden fencing will be constructed for screening waste containers. Even though a dumpsters will not be needed at the outset, the screened area will be large enough to accommodate one later.
4. The area on the west side of the building will be landscaped as follows:
 - a. English Ivy will be planted along the existing fence in one-quart pots spaced two feet on center. The ivy will be allowed to fill the gaps in the fencing to provide an opaque screen.
 - b. The yard on the southwest side of the building will be reseeded.
 - c. A variety of evergreens will be planted on the west side of the existing fence spaced 30-40 feet on the center.

All recommendations made by the Appearance Commission are incorporated into the revised site plan, attachment # 9. No change is proposed to the front of the structure other than signage. The only outside change to the existing structure is to enclose the existing fenced area in the rear (previous playground area) with an 8 foot tall privacy fence. No additional lighting is proposed. Proposed signage is shown on the site plan.

As stated above, the Board has made the five findings during previous reviews for the catering, daycare, office, landscape design, public or private school, and various other uses in regard to the property location and uses proposed at the time. The Board found that the previous request(s) were consistent with the objectives of the Land Development Plan. As the applicant has stated in his application, this is not a new structure. It appears the structure was built in approximately 1968 and was used as a nursing home/rest home from that time until the early 1990's. The property was vacant until Mr. Hubbard purchased and renovated the property in 2003. The applicant addressed the various portions of the Land Development Plan that support his application in his text under Finding # 1, item 2 and Finding # 4.

County water is available to the property and will be utilized. The applicant has worked with the Environmental Health Division of the Chatham County Health Department for review of the existing septic system and repair area and his proposed use. The applicant addresses this under Finding # 5, item 2. The applicant has received the X-Ray Wash Water Treatment System approval from NCDENR, dated January 3, 2005.

There is to be no change to the existing driveway currently serving the property. The existing access is a 40-foot wide private easement off SR-1712, East Cotton Road that has a 16-foot wide travel way with 4 inches of crush and run stone. The applicant has shown 20 parking spaces on the site plan. Medical, dental and similar offices require a minimum of 7 spaces per doctor or practitioner.

There is no increase to the existing impervious surface area.

The property currently has a storm water retention basin to retain the first ½ inch of storm water on site. This is shown on the site plan.

Staff thinks the five findings can be made.

Budgetary Impact:

Recommendation: The Planning Department and Planning Board recommend granting the request to retain the existing uses (catering operation, daycare, office {business, professional, governmental}, office {engineering, supply and similar sales including blueprinting, Photostatting and similar services}, landscape design, gift shops, jewelry sales and service, interior design shops, churches, public or private school, training and conference center, camera shop, retail stores and personal service shops similar to those services listed in dealing in direct consumer and personal services) and add Veterinary clinics and hospitals not to include dog runs or equivalent facilities with the following conditions:

1. Landscaping, lighting and signage shall be as shown on the site plan dated February 17, 2005 and as stated below:
 - a. An area screened with material consistent with the wooden fencing will be constructed for screening waste containers. Even though dumpsters will not be needed at the outset, the screened area shall be large enough to accommodate one later.
 - b. The area on the west side of the building shall be landscaped as follows:
 1. English Ivy to be planted along the existing fence in one-quart pots spaced two feet on center. The ivy will be allowed to fill the gaps in the fencing to provide an opaque screen.
 2. The yard on the southwest side of the building to be reseeded.
 3. A variety of evergreens to be planted on the west side of the existing fence spaced 30-40 feet on the center.

Any additional required landscaping must be installed prior to issuance of the certificate of occupancy.

2. The use shall not include outside dog runs.

3. The use shall not include the boarding of animals except for sick animals under treatment.
4. If the property is utilized in the future for one of the previously approved uses, all conditions shall remain as stated on approval letters to Mike Hubbard dated June 17, 2003 and August 19, 2003.
5. All required Chatham County Environmental Health permits and Chatham County building permits must be obtained prior to renovation of property.
6. The private easement road must be maintained to an all weather travel surface standard at all times.
7. All lighting must conform to the Draft Lighting Ordinance.
8. All noise abatement measures and odor control measures as outlined in the Amendment to the Application for Conditional Use Permit by David Webster must be utilized.
9. Main entrance/client entrance to be relocated to the rear of the building (South side of structure) with staff parking relocated to the East side of the structure.
10. Customer parking to the rear/South of structure to be fenced with a 4-foot high chain length fence.
11. Privacy fencing around exercising area to be 6-feet in height.
12. Revised site plan to be furnished staff prior to applying to Chatham County for a building permit.
