

PLANNING & ZONING REVIEW NOTES

VI. C.

**SUBJECT:**

Request by North Chatham Investments, Inc for a Conditional Use Permit for a Planned Unit Development and Daycare Facility within the existing RA-40 zoning district and a B-1 Conditional Use Business District with a Conditional Use Permit for various uses, on approximately 98.5 acres, located off U. S. 15-501 N and SR-1721, Lystra Road, Williams Township.

**ATTACHMENTS:**

*The following was distributed at the September 6<sup>th</sup> Planning Board. Please contact the Planning Department if additional copies are needed.*

1. Williams Corner application and supporting text.

*The following is included in this packet:*

2. ArcView map
3. Wastewater Handling for Williams Corner, prepared by M. Travis Blake, developer.
4. Letter dated October 20, 2005 from Michael C. Wicker, P.E., Withers & Ravenel, Inc.
5. Letter dated October 18, 2005 from Eric Lappala, P.E., P.H., Eagle Resources, P.A.
6. Letter from Glenn Wright, UNC Hospitals, dated January 19, 2005.
7. Letter from James E. Kurz, MD, UNC Health Care, Chatham Crossing Medical Center, dated September 19, 2005.
8. E-mail from Sal Maiorano, P. E. dated October 18, 2005 regarding road access on Lystra Road.
9. E-mail from Loyse Hurley, CCEC, dated October 19, 2005.
10. E-mail from Anna Marie Ambrose, Secretary, Polks Landing Homeowners Association Board of Directors regarding road access to Hwy 15-501.
11. E-mail from Jamie Nunnally, Wilder Ridge homeowner, dated October 19, 2005 regarding realignment of road access.
12. E-mail from Dennis McGraw, Wilder Ridge property owner, dated October 19, 2005 regarding realignment of road access.
13. Portion of minutes from September 19, 2005 public hearing.
14. Revised site plan, dated 8/29/05.

**INTROCUCTION / BACKGROUND / PREVIOUS BOARD ACTIONS:**

See Williams Corner application booklet for background information.

A public hearing was held on this issue on September 19, 2005. Comments from the public hearing are included in this packet, see attachment # 13.

**ISSUES FOR FURTHER DISCUSSION AND ANALYSIS:** This request has three parts. The first part is to rezone approximately 55 acres from RA-40 to a Conditional Use B-1 Business District. Approximate location of this district is shown on page 38 in Application Booklet and on revised site plan dated 8/29/05. To address Section 17.3B, Item # 4 of the Chatham County Zoning Ordinance, the applicant's text states that "Williams Corner was initially conceived to accommodate the growing needs of a number of businesses close to the subject property.".... "Because of its proximity to the University of North Carolina at Chapel Hill, Duke University, and Research Triangle Park, and its desirable rural character, northern Chatham County will continue to be developed."

The second part of this request is for a Conditional Use Permit for a Planned Unit Development for 40 townhouse units and a Daycare facility for more than 15 children within the existing RA-40 zoning district on approximately 44 acres. The location of the 44 acres is shown on page 38 of the Application Booklet and is designated on the revised site plan, dated 8/29/05.

If the Board acts favorably on the request to rezone approximately 55 acres from RA-40 to a Conditional Use B-1 Business District, the third part of this request for a Conditional Use Permit for various retail and medical office uses (as listed in the application booklet, beginning on page 32) may continue.

The Chatham County Zoning Ordinance requires the following five findings for approval of a conditional use request:

1. The use requested is among those listed as an eligible 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, drainage, sanitation and/or other necessary facilities have been or are being provided.

**ISSUES FOR FURTHER DISCUSSION AND ANALYSIS** – con't

The applicant has addressed the five findings in his text. Staff postponed the request for one month to give the applicant time to address some issues of concern including entrance locations and more information regarding soils. All uses requested are listed as permitted conditional uses in either a residential district or a B-1 Business district.

As stated in the application booklet, the largest single component of the proposed development is medical office and related medical services. Attachments 6 & 7 address the need of these two facilities to either relocate existing facilities to accommodate growth or to establish a new facility.

The impact of the new project on traffic patterns is a major concern. Concern was expressed by the Polks Landing Homeowners Association about existing traffic conditions at the Polks Landing Road entrance and increased traffic problems if an entrance to Williams Corner is aligned with their existing entrance. If the property, approximately 40 acres, parcel #2407, on the north side of Polks Landing road intersection is requested to be developed in the future, the Polks Landing road could be realigned to the north, further away from the Lystra Road intersection, possibly allowing another stoplight to be installed. The roadway entrances onto Hwy US15-501 and SR-1721, Lystra Road have been revised as shown on sheet C-3 revised site plan dated 8/29/05. This revised plan shows three (3) entrances onto Hwy US15-501, one across from Polks Landing, one further north, and a joint entrance to be shared by Williams Corner and The Bland Tract Subdivision at the northern property boundary. Staff recommends that the entrance across from Polks Landing Road be eliminated and the one to the north be designed as a future full movement access and be positioned far enough away from the Lystra Road intersection (1,000 feet plus) to potentially allow another traffic signal to be installed when and if the Polks Landing Road is realigned.

The applicant has met with the Chatham County Appearance Commission to have the proposed site plan reviewed. Comments from the meeting are on pages 55 & 56 in the applicant's text. The building setback shown on the site plan is 50 feet from the edge of the state road right-of-way, which is the minimum setback required for a B-1 Business District. The Chatham Downs commercial project, located across SR-1721, Lystra Road, was required to have a 100 foot building setback from the edge of the state road right-of-way. The Williams Corner project provides an irregular building placement along US15-501. The property also has a stream that requires a 50 foot water hazard setback from the bank of the stream landward which limits the area available for development along US15-501. Per the minutes from the Appearance Commission, "the project is expected to return to the Appearance Commission once actual site design work is resolved and a landscape plan is completed."

Staff has requested additional information concerning soils on the site. The developer has provided additional information but it appears some specificity is lacking. It appears from the documentation as reviewed by the Planning Department and Environmental Health staff that there has not been on site work performed to verify that the soils listed as existing on the site are there. It is the staff's opinion that this information is necessary to make finding 5 that adequate utilities including sanitation have been or are being provided. Staff is not trying to override the approval authority of the State but thinks such information is critical in determining if the square footage of buildings proposed for the

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site is feasible based on the soils and facilities necessary for waste water disposal. It is the staff recommendation that the waste water disposal plant be relocated farther away from the approved residential development to the north. It is recommended that the storm water pond to the south and the waste water disposal plant locations be switched.

**RECOMMENDATION:** Since the original design was presented at the public hearing the developer has worked to take into consideration the recommendations of adjoining landowners, neighborhood groups and County staff. The original plans have been revised to address concerns raised. It is the Planning staff recommendation that the Planning Board reviews the request concerning the staff recommendations above addressing driveway entrances along US 15-501, relocation of waste water treatment system and soils information and considers if they are reasonable after considering the developer's comments. Following said discussion it is recommended that the Appearance Commission be provided the opportunity to review the plan as the Planning Board thinks is acceptable. It is recommended that the Planning Board make a final recommendation on the request during the December meeting. Planning staff will have a set of draft recommendations addressing various issues such as lighting, storm water and others at the November 1 meeting.