



CHATHAM COUNTY BOARD OF COMMISSIONERS AGENDA ABSTRACT

ITEM NUMBER:
MEETING DATE:
11-21-05

PART A

Subject:

Request by Sandy Pond Enterprises, LLC for a B-1 Conditional Use District with a Conditional Use Permit for Veterinary Clinics and Hospitals with dog runs or equivalent facilities and for a dog boarding facility, on approximately 4 acres, located on the north east corner of US Hwy.15-501 and Vickers Road, S. R. 1719 in Williams Township.

Action Requested:

See Recommendations.

Attachments:

1. Rezoning Application for Dogwood Animal Hospital
Note: Application booklets were distributed prior to public hearing. Please contact the Planning Department if additional copies are needed. The following is included in this packet:
2. ArcView map, parcel #18637
3. Text from Dr. Pat Pagel from 7/18/05 public hearing
4. Text from M. Travis Blake from 7/18/05 public hearing
5. Text from Linda Sands from 7/18/05 public hearing
6. Minutes from 7/18/05 public hearing
7. Letter from Karen K. Prather, with Blanchard, Jenkins, Miller, Lewis & Styers, P. A., dated October 10, 2005 addressing issues of concern raised at the public hearing.
8. Letter from Toni Wynbe, with NCDWQ, dated August 29, 2005, regarding wastewater requirements for Veterinary clinics.
9. Appearance Committee Report
10. Revised site plan, dated October 26, 2005.
11. Letter from Bobbitt Design-Build dated Nov. 2, 2005 regarding Army Corps of Engineers approved wetland delineation with enclosed map.

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

PART B

Re: Request by Sandy Pond Enterprises, LLC

Introduction / Background / Previous Board Actions:

See application booklet for background and request information.

A public hearing was held on July 18, 2005 on this request. Linda Sands, DVM, applicant, addressed the Board regarding the application request. Travis Blake, adjacent property owner and Dr. Pat Pagel, owner of Cole Park Veterinary Hospital spoke regarding concerns they had with the proposal. See attachments 3, 4 & 6.

Issues for Further Discussion and Analysis:

This request has two parts. The first is a request for a zoning change from RA-40 to a B-1 Conditional Use Business District. The applicant cites the increasing number of residential developments in close proximity to this location and the expected need of these residential owners for services to be offered by Dogwood Animal Hospital in addressing item # 4, changed or changing conditions in the area under Section 17.3B of the Chatham County Zoning Ordinance. The application states "This site is positioned in a central location to those developments which supports Chatham County's plan of locating commercial development within close proximity to residential development."

The second part of the application is a request for a conditional use permit for the use requested. 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.

The applicant addressed the five findings in their request for rezoning. The applicant requested the application be postponed in September and October to have time to address the concerns raised at the public hearing.

The proposed use is an eligible use in a B-1 Business District. One issue of concern raised at the public hearing was Phase B of the project that consisted of an increased boarding and training area. The applicant had stated in the application that this phase would not be built until and unless county sewer was available in the future. Based on comments heard at the public hearing and concerns from adjacent property owners, *the*

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applicant has decided to eliminate Phase B from the request. Phase A will allow boarding of no more than 30 animals within the structure. A revised site plan, attachment # 10, is included in this packet removing Phase B and reducing the 'play yard' areas to three and relocating these areas more to the center of the property away from the Travis Blake property to the north. The original application stated that the proposal would cover approximately 15 % impervious surface area. Eliminating Phase B reduces the impervious surface area to 9.5%. Sheet C-2 of the revise site plan details how the first ½ inch of stormwater will be handled on site. The amount of water from adjacent properties currently draining to the existing pond, which is planned to be breached, will still be retained on this site within the proposed stormwater retention pond.

The application has been reviewed by the Chatham County Appearance Commission. See attachment # 9. As stated in Attachment # 7, mature trees along the northern and north eastern boundary lines will be preserved. The applicant plans to provide a 15 foot wide, undisturbed, natural buffer along with additional plantings to create a Type A, Opaque, landscape buffer along these property lines. This buffer is recommended to have a variety of plantings including the mature trees. The proposed natural buffer along with new plantings will be wider than the required 15 feet between a B-1 Business use and a residential use. Per Ms. Prather, the applicant proposes to leave as many of the mature trees on site as possible but will take out those necessary for construction and grading. Two monument signs, with a sign area of 32 square feet each, are proposed, one fronting 15-501 and one fronting SR-1719, Vickers Road along with signage on the building. The site plan shows the sign locations. Lighting will conform to the draft Chatham County Lighting Ordinance. Sheet C-3 shows the lighting plan.

Jessie Knight, with NCDOT, has reviewed the driveway location off SR-1719, Vickers Road, and found it acceptable. A second driveway location off Vickers Road may be acceptable if the minimum 100 foot distance requirement is met. There will be no access from U. S. Hwy 15-501. A cross over is constructed at the intersection of U. S. 15-501 and Vickers Road and a traffic signal is planned in the future with the construction of Briar Chapel. Per the application "This project does not draw additional traffic, but rather uses the existing traffic flow from which to draw its customers and clients." Staff recommended a 60 foot wide private dedication of right of way be designated on the site plan to the common boundary of the Bobby Arrington property, parcel 18908. The Arrington property is approximately .95 acre and is zoned B-1 Business. If and when the Arrington property is developed access is recommended to be allowed. At the Planning Board meeting, the applicant requested that the private dedication of right-of-way to the Arrington property, parcel #18909, be 25 foot wide with a 10 foot wide temporary construction easement on either side or temporary construction easement(s) as necessary to construct connection; that the access only be required if the parcel, #18909, had no other access; and that it be noted that all costs involved in the future construction of the access be the responsibility of the adjacent property owner. The Planning Board discussed the requested revisions and agreed with the width reduction but did not agree with requiring the access only in the event that the parcel did not have other access.

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Mr. Travis Blake, adjacent property owner, parcel # 18909, addressed the Board with concerns he had with the placement of a parking area and dumpster location next to his property. Mr. Blake stated that he lives on the adjoining property, that the area next to his property is a low lying area, that he thinks there may be additional wetlands in that area, and that he was requesting that the parking area next to his property be moved to provide additional natural buffer. John Davis, Soil Scientist, addressed the Board, and stated that he had investigated the wetland area and was satisfied that there was not additional areas of wetlands. The Board discussed this issue.

This location is near existing commercial uses including Mitchell Self Storage/CUD-CUP, Fearrington Self Storage/CUP, Countryside Antiques/CUP, Kitchens by Bonnie/CUD-CUP, Bobby Arrington/B-1 Business and is nearby to the compact community corridor.

The Chatham County Fire Marshall, Tom Bender, has reviewed the application and spoken to North Chatham Fire Department Chief, Mark Riggsbee about the project. Mr. Riggsbee stated that the proposed use will "have no known impact on the response services possibly required by the North Chatham Fire Department."

Per attachment # 7, the soil scientist has analyzed the property and performed a wetlands and stream study. See sheet C-1 of the revised site plan for the location of the wetlands. Per Ms. Prather, the report shows there is no creek or stream that would require a water hazard buffer and only a small area of wetlands, approximately one-twentieth (1/20) of an acre is present which will not prevent development of the property. The applicant provided a wetlands and stream study from the Corps of Engineers at the Planning Board meeting.

Attachment # 8, dated August 29, 2005 is a letter from Toni Wyche, Environmental Engineer, with the Division of Water Quality. This letter indicates that the type septic system proposed for the project will meet the NCDWQ guidelines. The dam of the man-made pond shown on the property will have to be breached in order to provide enough space for the system. The pond is approximately four (4) feet deep. As stated above there is no stream located on the property which requires a water hazard setback. The septic permit will be obtained prior to obtaining a building permit. County water is available and will be utilized.

Staff thinks the five findings can be made.

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Recommendation: The Planning Department and Planning Board recommends granting approval of the request to rezone the property from RA-40 to B-1 Conditional Use District and approval of a Conditional Use Permit for Sandy Pond Enterprises, LLC for Veterinary Clinics and Hospitals with dog runs or equivalent facilities, including a boarding facility within the main structure for no more than 30 animals: The Planning Board and Department recommends approval of the nine conditions listed below and the Planning Board recommends approval of condition number 10 as shown below.

1. A building permit shall be obtained within 18 months of the date of approval by the Board of County Commissioners and remain valid at all times or the conditional use permit becomes null and void.
2. Mature trees along the northern and north eastern boundary line shall remain and shall be supplemented with an additional variety of vegetation to create a 15 foot wide or wider Type A, Opaque landscape buffer. All other landscaping shall be as shown on the revised site plan, dated October 26, 2005 and shall also be a variety of plantings. Mature, existing trees shall remain on the property where practical. All required landscaping shall be installed prior to issuance of the certificate of occupancy for the structure. All landscaping shall be maintained properly and replaced if found dead or diseased.
3. Signage shall be as shown on the revised site plan. If illuminated, lighting shall conform to the draft Chatham County Lighting Ordinance.
4. Lighting shall conform to the draft Chatham County Lighting Ordinance.
5. A 25 foot wide permanent cross access with a 10 foot wide temporary construction easement on either side or temporary construction easement(s) as necessary to construct the connection to the common boundary line of the Bobby Arrington property, parcel #18908 shall be designated on a revised site plan prior to issuance of a building permit for the structure. Legal instruments shall be recorded so that if and when parcel #18908 is developed, access shall be allowed. All cost associated with said connection shall be the responsibility of the adjacent property owner.
6. All required local and state permits, i.e. NCDOT commercial driveway permit(s), NCDENR erosion control permit, NCDWQ septic permit, etc., must be obtained and a copy furnished to staff prior to issuance of a building permit for the structure.
7. Phase A will allow the boarding of no more than 30 animals. No animals shall be housed outside overnight. All animals shall be supervised at all times when outside the structure.
8. All noise abatement measures and odor control measures as outlined in the application booklet, dated 6/10/05 must be utilized.

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9. Any dumpster/ waste areas must be screened from all adjacent properties.
10. It is requested that the applicant and Travis Blake, adjoining property owner, discuss the issues regarding relocation of the parking area along the northern boundary line and if an agreement is reached, that it shall be shown on the revised site plan to be furnished to staff prior to issuance of a building permit.
