



CHATHAM COUNTY BOARD OF COMMISSIONERS AGENDA ABSTRACT

ITEM NUMBER:
MEETING DATE:
4-18-05

PART A

Subject:

Request by Christopher M. Fortunes on behalf of Royce and Faye Webster for a B-1 Conditional Use District with a Conditional Use Permit for Landscape Business, Lawn and Garden Shop, and Florist Shop on approximately 3.8 acres, located off Hwy 64, New Hope Township.

Action Requested:

See Recommendations.

Attachments:

The following was distributed in the March 21, 2005 public hearing packets:

1. Request for zoning change and Conditional Use Permit including maps.

Included in this packet are the following:

2. ArcView map, parcel # 71030
3. Appearance Commission report
4. Letter from Colin MacNair, dated March 31, 2005

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: Christopher M. Fortunes

Introduction & Background:

The subject property is located off US 64 E, west of John Horton Road, SR-1745. The property is located in two different watershed districts, a WSIV-Critical Area and a WSIV-Protected Area. A WSIV-CA watershed district does not allow the type of non-residential uses requested in this application. The WSIV-PA district does allow non-residential uses. The proposed structure and parking area, septic and repair area are located in the WSIV-PA area with the stormwater pond and a portion of the plant inventory area being in the WSIV-CA watershed.. The property is not within a portion of the 100 year flood plain. County water is available to the property.

A public hearing was held on the request on March 21, 2005. One adjacent property owner, Mr. Bennett, spoke in opposition to the request stating that the surrounding properties are residential. The Bennett property to the north is zoned RA-40 and operates as a horse boarding facility with riding lessons. No other public comments were received.

Attachment # 4 was received by the Planning Department after the public hearing.

Discussion & 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 has stated in his text that the changing conditions in the area are due to US 64 becoming a 4-laned highway with an approximate 16,000 vehicle traffic count per day, and the narrowness of the property (216 feet at the widest) which would place a residential structure within 100 feet of the right-of-way. Based on these reasons, the applicant thinks the property is better suited for commercial use.

The second part of the application is a request for a conditional use permit for the uses previously listed. The Chatham County Zoning Ordinance requires the following five findings be made:

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 has addressed the five findings in his text.

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The uses requested are permitted uses on the list of permitted uses in a B-1 Business District. Per the applicant, the recent increase in high-end residential subdivision approvals increases the need for a high-end retail landscaping/retail gardening center to provide services to this type of residential use. The applicant met with the Appearance Commission to review the landscaping, signage and lighting. The landscape plan shows an opaque buffer along the northern portion of the property behind the equipment storage area and truck parking area. The applicant has stated that although the application states the sign is to be located at the driveway entrance and is to be 6' x 4' in size, after meeting with the Appearance Commission the sign is to be a 4' X 8' sign with low wattage lighting and is to be located in front of the structure. Per the application, lighting is to be installed around the building with one security light located at the employee parking area. The security light will be shielded and installed at a height of 18 feet above grade. Lighting around the building is to be landscape lighting (15 watts) to highlight hardscapes and plant materials. All lighting will comply with the Draft Lighting Ordinance. Other commercial properties along US 64 (Builders First Source – formally Goldston-Apex property) have been required to turn their lighting off ½ hour after normal business hours and not turn them back on until ½ hour before normal business hours.

Per the applicant, the total impervious surface area to be covered is 18% which is within the required limits. A septic improvement permit has been issued for a non-residential use for up to six (6) on-site employees. The applicant has stated that he currently has eight (8) employees. Only one (1) office employee will be on the property throughout the day, with the other employees there early in the morning and then in the late afternoon. Thomas Boyce, Chatham County Environmental Health Specialist, stated that the number of employees (8) is acceptable due to the limited amount of time the majority is to be on the property. County water is available to the property and will be utilized for the office use. A well may be utilized for irrigation of the plant materials.

Staff thinks the five findings may be made.

Budgetary Impact:

Recommendation: The Planning Department and Planning Board recommend granting approval of the request for a B-1 Conditional Use District with a Conditional Use Permit for Landscape Business, Lawn and Garden Shop, and Florist Shop on approximately 3.8 acres, located off Hwy 64, New Hope Township with the following conditions:

1. Landscaping shall be as shown on the site map entitled "Evergreen Companies, Inc" and as required by the Chatham County Appearance Commission. All required landscaping shall be installed prior to the certificate of occupancy being issued for the structure.

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2. There shall be one security pole light, height of pole not to exceed eighteen feet, shielded to prevent direct skyward glare or spillage onto adjacent properties, located at the rear of the building in the employee parking/equipment storage area. Low voltage landscape lighting (15 watts) may be installed around the building to highlight landscapes and plant materials. Lighting, except for security lighting and low voltage (15 watts), shall be timed to go off ½ hour after normal business hours and go on no more than 1/2 hour before normal business hours. All lighting must conform to the draft Chatham County Lighting Ordinance.
3. A 4 foot x 8 foot monument style sign with low-voltage (15 watts) shall be located in front of the structure.
4. A building permit shall be obtained within 12 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.
5. The amount of impervious surface area coverage shall be verified by a licensed engineer prior to issuance of the certificate of occupancy.
6. Traffic generated to and from this property is that which is generally associated with retail business and employee parking and use for the purposes of job-site preparations. There will also be weekend traffic to satisfy the needs of the area and the growth of the business.
7. County water shall be utilized as per the Chatham County Water Connection Policy.
8. Fencing shall be installed on the west side of the structure to enclose the area shown on the site plan labeled as, "trees, plant inventory and display area". All required fencing shall be installed prior to the certificate of occupancy being issued for the structure.
9. An as-built calculation of impervious surface area must be furnished to staff prior to a certificate of occupancy issued for the final structure.

[illegible]