

Application for Amendment to Existing Conditional Use Permit

D.D.W., INC. d/b/a/ DAVID DANIEL CONSTRUCTION COMPANY
APPLICANT

April 18, 2005
Original Application Date April 23, 2001

DEVELOPMENT TEAM

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STATEMENT OF PURPOSE

David Daniel Construction Company (“Applicant”), is applying to Chatham County for approval of an Amendment to the Conditional Use permit for use of the subject property as general or professional offices.

In 2001, Applicant applied for establishment of an Office and Institutional conditional use district for an approximately 5.7 acre parcel located on State Road 1008 (Mt. Carmel Church Rd.). The Office and Institutional conditional use district was approved by the County. Applicant also applied for and received at that time a conditional use permit for general and professional offices.

Since that time, Applicant renovated the exiting structure and has used it as an office for its residential construction company. Applicant now seeks to amend the site plan for the premises to allow it to build an additional office structure toward the rear of the property. Applicant’s business has been successful. Since it relocated to this property, applicant has constructed approximately \$19,000,000 of residential structures, approximately 90% of which has been physically located in Chatham County. Thus, applicant has added over \$4,000,000 of value per year to the tax rolls of Chatham County. The amendment request is made pursuant to Section 15.4 of the Chatham County Zoning Ordinance. Except where inconsistent with this Application, the proposed amended site plan and landscaping plan, all other aspects of the prior application are incorporated herein by reference. As is set forth in detail in this application, the proposal is consistent with the provisions of the zoning ordinance and the county land use plan.

Applicant proposes to add an office building, consistent in design and appearance with the existing office, of approximately 4,000 square feet. In addition, a gravel parking lot (perhaps to be paved in the future along with the existing parking lot) will be added to site. The parking area will be sufficient in size and configuration to meet applicable parking regulations. The requested use, if approved, will make a positive contribution to the community by allowing for the provision of needed services while remaining consistent with the attractive current architectural appearance of the site.

INSERT APPLICATION

LEGAL DESCRIPTION OF PROPERTY

All that 5.681 acre tract of land as shown on the plat entitled, "Survey For David Daniel Construction Co." prepared by Holland Land Surveying dated April 8, 2005.

**SCHEDULE OF ADJACENT PROPERTY OWNERS
DAVID DANIEL CONSTRUCTION COMPANY**

Summit Properties Partnership, LP.
309 E. Morehead Street #200
Charlotte, NC 28202

Duke-Weeks Realty LTD
Attn: Senior Property Manager
1800 Perimeter Park Drive
Morrisville, NC 27560

Duke Construction LTD
Attn: Senior Property Manager
1800 Perimeter Park Drive, Suite 200
Morrisville, NC 27560

John Russell
Route 6, Box 461
Chapel Hill, NC 27514

Governors Club Limited Partnership
Post Office Box 3923
Sanford, NC 27331

Richard T. Greene
Claire Broyhill
10100 Governors Drive
Chapel Hill, NC 27517

Governors Club Property Owners Association, Inc.
Post Office Box 99149
Raleigh, NC 27624

ERRTH Holdings, LLC
10100 Governors Drive
Chapel Hill, Nc 27517

L & E Holdings, LLC
781 Mt. Carmel Church Road
Chapel Hill, NC 27517

DESCRIPTION OF THE PROJECT

Applicant is a residential construction company that has built or improved over 150 homes in Governors Club and has been building homes in Chatham County for fifteen years. Applicant desires to add more office space to allow for the natural growth of its business. The additional office space will generally be used by approximately four employees. It will not be used as a staging area for equipment nor for contractors. Future occupants, if any, will use the premises for uses consistent with the general/professional office category.

Location:

(1) Public Highways. The property adjoins State Road 1008 (Mount Carmel Church Road).

(2) Private Roads. There is a private driveway serving the site.

(3) Current Zoning. The current zoning of the site is O/I CUD with a conditional use permit for general and professional offices.

(4) Watershed Classification. The watershed classification is WS-IV-PA. Because this project does not have a curb and gutter street system, up to thirty-six percent (36%) impervious surface or “built-upon area” is allowed. The actual projected impervious surface, after the addition, is approximately 11.54%.

(5) Major Wildlife Areas. This site is not in or adjacent to any area designated as a natural area according to the “Inventory of the Natural Areas and Wildlife Habitats of Chatham County, North Carolina.”

(6) Size in Acres of Site. The size of the site is approximately 5.681 acres.

(7) Utility or Other Easements. A right of way for State Road 1008 serves the site. Duke Power and Bell South provide power and telephone, respectively, to the site. Other easements include but may not be limited to a farm road easement granted to the Russell tract.

(8) Current Use. The site is currently used as an office for Applicant.

(9) Current Contents of Site. See Appendix A.

(10) Other Conditional Use Permits Granted for the Site. The Applicant is aware of no other conditional use permits having been granted for the site.

Description of Use:

The proposed use of the property continues to be as grounds and facilities for an office for D.D.W., Inc. d/b/a/ David Daniel Construction Company. No materials or other construction equipment will be stored on site. Future or additional occupants, if any, will be limited to uses allowed under the general/professional offices category.

Site Plan and Drawing:

The boundary survey and preliminary site plan attached as Appendix A describe the plans for the site in detail.

- (1) Existing Buildings. See Appendix A.
- (2) New Buildings. See Appendix A. The new building will be approximately 4,000 square feet in size and will include an adequately sized and configured parking area.
- (3) Landscape Plan. See Appendix B. No trees will be removed. The existing natural landscape buffers are sufficient to meet the landscaping requirements. Additional landscaping around the new building will be as indicated on Appendix B.
- (4) Screening/Buffering Plan, Setbacks. The landscaping will be as set forth on Exhibit B.
- (5) Natural Preserved Areas. The vast majority of the total acreage will be preserved in its existing condition.
- (6) Site Boundaries with Adjacent Properties. The boundaries between the site and adjacent properties are shown on the site plan. The names and addresses of adjoining land owners are provided with this application.
- (7) Parking. The proposed parking areas for office employees and customers are shown on the draft site plan. Applicant proposes a parking area sufficient to park twenty-two (22) vehicles, which exceeds the amount required by Section 12 of the zoning ordinance (at least 1 space per 200 square feet of net rentable area). Using the zoning ordinance formula, the minimum number of required spaces is 16 (calculated according to section 12C).
- (8) Sign Location, Type and Size. The size of existing signage will not be modified. Any additional signs (directional or informational) will comply with the zoning ordinance.

(9) Areas Reserved for Future Development or Improvements. See Exhibit A.

(10) Lighting Plan. Hours of operation are anticipated to be from 7 o'clock a.m. to 6 o'clock p.m., Monday through Friday. From time to time, the office may be used during other hours. In-ground lighting will be used to highlight landscaping. It is anticipated that no above-ground lighting (beyond the existing above-ground lighting) will be added.

(11) Percentage of Impervious Surface. The plan, including the parking, driveway, building and other existing structures, contains a proposed impervious surface of less than twelve percent (12%) — substantially below the 36% impervious surface ratio allowed under the watershed ordinance.

(12) Topographical Description of Site. A topographical map is provided as part of the site plan attached as Appendix A.

(13) County Road Map. A county road map identifying the location of the property is provided within Appendix A.

(14) County Tax Map. A copy of the county tax map of this site is provided as Appendix C.

Start and Completion Projections:

The projected start date for construction of the improvements is within 60 days of issuance of the amended conditional use permit for the property. Depending on the start date, the projected completion date is estimated to be within four months, weather permitting.

Adjoining Property Owners:

The names and addresses of the adjoining property owners are on the attached schedule.

Reference to Existing County Plans:

This site is located within the Planning Area identified as Area 1 in the Chatham County Land Development Plan Eastern Chatham County (the “Land Use Plan”). Area 1 is the area around Jordan Lake, including Williams Township. This area has seen significant development since the Land Use Plan was adopted, including the Governors Club and Governors Village uses which are comprised of both residential and commercial uses. This project will be easily integrated into the array of existing commercial uses nearby. In addition, the project fulfills other general planning objectives for the County and the goals of the proposed Chatham County Land Conservation & Development Plan.

(1) The project meets all of the objectives for Planning Area 1. According to the Land Use Plan, “the objective for Area 1, the area around Jordan Lake, is to encourage a moderate level of development while protecting the water quality of the lake and other important resources in the area.” Further, the Land Use Plan acknowledges the likelihood of “fairly intense development pressure” in the northern area and states that the County should “accommodate” this pressure while simultaneously achieving the other goals for the area. *Land Use Plan, page 29.*

The proposed use will be within a short distance of a bank, an office building, the Food Lion grocery store and the other retail establishments alongside the grocery store. Clustering the commercial uses fulfills the Land Use Plan objective of “reasonable commercial development.”

The Land Use Plan also refers to a “consensus that highway strip commercial is normally ugly.” The fact that the office will be located in a former residential dwelling allows the County to approve reasonable commercial development without radically changing the visual landscape of the area. Simultaneously, this use will fulfill the Land Use Plan objective of “clustering” commercial uses. The project meets the objective of “reducing the visual impact of commercial development along the highway.” *Land Use Plan, p. 47.*

(2) The project protects and insulates the quality of nearby streams, lakes and ground waters (*Land Use Plan, Section III (A)(2)*). It is not anticipated that the storm water runoff will be different in any significant way from the current usage and construction of the additional driveway and parking will be done in such a way so as to accommodate any storm water runoff concerns.

(3) The project will provide economic opportunity for residents (*Land Use Plan, Section III (A)(8)*). At capacity, the office will employ approximately six people in full-time positions for the foreseeable future.

(4) The project will provide for private services (*Land Use Plan, Section III(A)(9)*). The Land Use Plan states that “provisions should be made for private merchandising and services” in order to “encourage locally owned and operated businesses and to benefit from the domino effect of locally spent money.” The Applicant construction company is owned and operated by David Daniel, a Chatham County resident, and will likely employ other citizens of the County. The project will also provide convenient local access to construction services that might otherwise be sought outside the County.

The project is consistent with and promotes the county-wide and Planning Area 1 land use goals.

FINDINGS REQUIRED BY ZONING ORDINANCE

The Chatham County Zoning Ordinance provides, in Section 15.1, that: “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.” This application is consistent with all of the purposes of the Ordinance set forth in its preamble, and it especially promotes the interests of improving public health and welfare, orderly growth, preventing the overcrowding of land and avoiding undue concentration of population.

The Ordinance requires that the Board of Commissioners make five affirmative findings in establishing a conditional use district and in granting a conditional use permit. All five findings are supported by this application.

Finding #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.*

(1) Validation of Use in Zoning Ordinance: The subject property is located in an O/I conditional use district. General office is a permitted use as provided within the Office and Institutional zoning district, as set forth in Zoning Ordinance Section 10.4(A).

(2) Land Development Plan Reference: This application is consistent with the Land Use Plan. Please see the discussion under "Reference to Existing County Plans," above.

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

(1) Need and Desirability: This site is located within a few miles of several new and existing residential subdivisions. This site will immediately offer needed residential construction services at a convenient, desirable location without creating a strip shopping center. Also, in the future, the site may provide a location for general/professional offices. Additional benefits to the County include increased ad valorem real and personal property tax revenue and additional jobs available to County residents.

(2) Survey of Similar Uses: The applicant is not aware of any other construction offices located on Mount Carmel Church Road.

(3) Public Provided Improvements: No additional public improvements will be needed for this project.

(4) Tax Considerations: Although it is difficult to predict with precision the tax revenue benefit to Chatham County, it is expected that this project will result in an increase in assessed value of the subject property. This use will not increase the County school population, will not require infrastructure improvements from the County and will have no significant impact on County fire, law enforcement or rescue services. Importantly, however, the requested amendment will allow applicant to increase the volume of construction projects, thereby increasing the tax base for the County.

(5) Employment: After the office is complete and operational, it is expected that there will be up to four additional persons in full time positions. Compensation of all employees is expected to be competitive in the local market.

Finding #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.*

(1) Emergency Services: The office is expected to make very limited demands on fire and police protection and emergency services. This is certainly true as compared to other possible uses of the subject property.

(2) Traffic: The site will have a very minimal impact on area traffic. It is estimated that the site will generate approximately forty-six (46) additional round trips per day on average. The Department of Transportation previously issued a Commercial Driveway Permit for the entrance onto State Road 1008.

(3) Visual Impact and Screening: This project will have a minimal impact on neighbors and passers-by. The combined offices will take up a very small percentage of the total acreage of the parcel and, with the exception of the existing and proposed signage, the property will continue to have a residential appearance, much as it has over the years.

(4) Lighting: No significant nighttime activities are planned for the property. Exterior lighting will be the existing minimal lighting with ground lighting for the parking area.

(5) Noise: The proposed use will produce very little noise.

(6) Chemicals, Biological and Radioactive Agents: The office use will generate no chemical, biological or radioactive agents.

(7) Signs: See above.

Finding #4: *The requested permit will be consistent with the objectives of the Land Development Plan.*

(1) Nodal Development Considerations: This site is not at a highway intersection.

(2) Land Development Plan Reference: This application is consistent with the Land Use Plan. Please see the discussion under "Reference to Existing County Plans," above.

(3) Watershed Considerations: The watershed classification is WS-IV-PA. Because this project does not have a curb and gutter street system, up to thirty-six percent (36%) impervious surface or "built-upon area" is allowed. The actual projected impervious surface is less than 12%— well below the allowed limit.

Finding #5: *Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.*

(1) Water Source and Requirements: The current office is served by County water and the office will continue to use the County water system.

(2) Wastewater Management: Wastewater will be disposed of by conventional septic methods. The County has issued a new septic approval permit for the property in connection with the proposed office use (See Permit attached as Appendix D). The usage rate for the additional building is expected to be equal to or less than that of a typical residence.

(3) Access Roads: The subject property directly adjoins Mount Carmel Church Road.

(4) Storm water Runoff: It is not anticipated that the storm water runoff will be different in any significant way from the current usage and construction of the additional driveway and parking will be done in such a way so as to accommodate and correct for any storm water runoff concerns.

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1. Water Source and Requirements

2. Wastewater Management

3. Access Roads

4. Storm water Runoff

VI. Appendices

A. Preliminary Site Plan (Sheet 1)